FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3200

DATE FILMED 5/10/91 CAMERA NO. 4

CAMERAMAN AS

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: November 21, 1990

ANALYST: R. Todd Gerlough

I. COMMITTEE: Dan Marriott for Congress Committee
(C00240937)
Brian C. McGavin, Treasurer
139 East South Temple, Suite 1015
Salt Lake City, UT 84111

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(6)
11 CFR §104.5(f)

III. BACKGROUND:

Failure to File Forty-Eight Hour Notifications

The Dan Marriott for Congress Committee ("the Committee") has failed to file the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for four (4) contributions/loans totaling $17,000 received prior to the 1990 Convention Election.

The candidate was involved in the 1990 Convention Election held on June 16, 1990. Prior Notice was sent to the Committee on May 11, 1990 (Attachment 2). The Notice includes a section titled "Last Minute Contributions". This section reads "Committees must also file special notices on contributions of $1,000 or more, received during the May 28, 1990 through June 13, 1990 reporting period. The notice must reach the appropriate federal and state offices within 48 hours of the committee's receipt."

Schedules A and C of the 1990 July Quarterly Report indicate that the Committee failed to file four (4) 48-Hour Notices for contributions/loans received during the aforementioned reporting period (Attachment 3). The following is a list of the contributions for which no 48-Hour Notices were filed:

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Contributor Name	Date	Amount
Janeal B. Cannon	6/01/90	$ 1,000
Joseph A. Cannon	6/01/90	$ 1,000
Kenneth M. Woolley	5/30/90	$ 1,000
Dan Marriott (loan)	5/31/90	$14,000

On August 14, 1990, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI noted on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of $1,000 or more. The notice requested the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice stated that although the Commission may take legal steps, any response would be taken into consideration.

In an October 25, 1990 telephone conversation with an analyst, Kent Reynolds, an employee of the Committee, stated that their failure to file the 48 Hour Notices was an unintentional mistake.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

9104084209

FEDERAL ELECTION COMMISSION
1989-1990
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 5NOV90

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
							TYPE OF FILER		
MARRIOTT, DAVID D (DAN)	HOUSE 02	REPUBLICAN PARTY				UTAH	1990 ELECTION	ID# H5UT02077	
1. STATEMENT OF CANDIDATE									
1990 STATEMENT OF CANDIDATE							19JAN90	1	90HSE/387/2213
2. PRINCIPAL CAMPAIGN COMMITTEE									
DAN MARRIOTT FOR CONGRESS COMMITTEE							ID #C00240937 HOUSE		
1990 STATEMENT OF ORGANIZATION							19JAN90	1	90HSE/387/2212
48 HOUR CONTRIBUTION NOTICE							29AUG90	1	90HSE/406/3818
48 HOUR CONTRIBUTION NOTICE							29AUG90	2	90HSE/406/3490
48 HOUR CONTRIBUTION NOTICE							31AUG90	2	90HSE/407/0550
48 HOUR CONTRIBUTION NOTICE							5SEP90	2	90HSE/407/2061
48 HOUR CONTRIBUTION NOTICE							7SEP90	1	90HSE/407/2716
48 HOUR CONTRIBUTION NOTICE							7SEP90	1	90HSE/407/3029
48 HOUR CONTRIBUTION NOTICE							8SEP90	1	90HSE/407/2161
48 HOUR CONTRIBUTION NOTICE							13SEP90	1	90HSE/407/4220
APRIL QUARTERLY				34,463		31,814	4JAN90 -31MAR90	15	90HSE/396/0644
APRIL QUARTERLY		- AMENDMENT		34,463		31,814	4JAN90 -31MAR90	15	90HSE/404/2878
REQUEST FOR ADDITIONAL INFORMATION							4JAN90 -31MAR90	1	90FEC/644/2932
PRE-PRIMARY			28,594		38,657		1APR90 -27MAY90	15	90HSE/399/1323
PRE-PRIMARY		- AMENDMENT	28,594		38,657		1APR90 -27MAY90	15	90HSE/407/1693
NOTICE OF FAILURE TO FILE							1APR90 -27MAY90	1	90FEC/642/0007
REQUEST FOR ADDITIONAL INFORMATION							1APR90 -27MAY90	2	90FEC/644/2934
REQUEST FOR ADDITIONAL INFORMATION 2ND							1APR90 -27MAY90	3	90FEC/651/0142
JULY QUARTERLY			38,873		39,458		28MAY90 -30JUN90	16	90HSE/402/3464
JULY QUARTERLY		- AMENDMENT	38,771		39,356		28MAY90 -30JUN90	18	90HSE/407/0853
REQUEST FOR ADDITIONAL INFORMATION							28MAY90 -30JUN90	2	90FEC/652/1385
REQUEST FOR ADDITIONAL INFORMATION 2ND							28MAY90 -30JUN90	3	90FEC/654/4352
PRE-PRIMARY			37,823		22,717		1JUL90 -22AUG90	20	90HSE/406/4389
REQUEST FOR ADDITIONAL INFORMATION							1JUL90 -22AUG90	5	90FEC/657/4531
OCTOBER QUARTERLY			19,628		33,690		23AUG90 -30SEP90	18	90HSE/412/2586
TOTAL			124,808	34,463	126,420	31,814		161	TOTAL PAGES
3. AUTHORIZED COMMITTEES									
MARRIOTT FOR CONGRESS COMMITTEE (AKA CITIZENS FOR MARRIOTT)							ID #C00082560 HOUSE		
								0	TOTAL PAGES
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

All reports except for the 1990 October Quarterly Report have been reviewed.

Debts owed to the Committee as of 9/30/90	$0
Debts owed by the Committee as of 9/30/90	$66,000
Cash on hand as of 9/30/90	$236

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REPORT NOTICE

FEDERAL ELECTION COMMISSION

UTAH
1st, 2nd, and 3rd Districts
Republican

May 11, 1990

FOR COMMITTEES ONLY INVOLVED IN THE CONVENTION (06/16/90):

REPORT	REPORTING PERIOD1/	REG./CERT. MAILING DATE2/	FILING DATE
PRE-CONVENTION	04/01/90- 05/27/90	06/01/90	06/04/90
JULY QUARTERLY	05/28/90- 06/30/90	07/15/90	07/15/90

FOR COMMITTEES INVOLVED IN BOTH THE CONVENTION (06/16) AND PRIMARY (09/11), IF HELD:

REPORT	REPORTING PERIOD1/	REG./CERT. MAILING DATE2/	FILING DATE
PRE-CONVENTION	04/01/90- 05/27/90	06/01/90	06/04/90
JULY QUARTERLY	05/28/90- 06/30/90	07/15/90	07/15/90
PRE-PRIMARY	07/01/90- 08/22/90	08/27/90	08/30/90

WHO MUST FILE
PRINCIPAL CAMPAIGN COMMITTEES OF CONGRESSIONAL "CANDIDATES" who seek nomination in the June 16, 1990, Utah Republican Convention and, if held, the September 11, 1990, Primary.

WHAT MUST BE REPORTED
All financial activity that occurred during the reporting period (or before, if not previously reported).

REPORTING FORMS
Candidate committees use Form 3 (enclosed). If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

WHERE TO FILE
Consult the instructions on the back of the Form 3 Summary Page. Note state filing requirements also.

1/The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.
2/Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

FOR INFORMATION. Call: 202/376-3120 or 800/424-9530

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UTAH
Republican

LABEL
Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

AC

LAST-MINUTE CONTRIBUTIONS
Committees must also file special notices on contributions of $1,000 or more, received during the following periods:

- For candidates involved in the Convention: 05/28/90 through 06/13/90
- For candidates involved in the Primary: 08/23/90 through 09/08/90

The notice must reach the appropriate federal and state offices within 48 hours of the committee's receipt.

COMPLIANCE
TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

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1990 July Quarterly Report

SCHEDULE A **ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 11(a)(i)

Contributions From Individuals / Persons

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

DAN MARRIOTT FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. ARCH L. MADSEN 1510 CANTERBURY DRIVE SALT LAKE CITY, UT 84108 Receipt For: ☐ Primary ☐ General ☑ Other (specify): CONVENTION	Employer: RETIRED Occupation: RETIRED Aggregate Year-to-Date > $ 450.00	6/18/90	250.00
B. BRUCE R. HOUGH 1080 RIVERCREST CIRCLE SOUTH JORDAN, UT 84095 Receipt For: ☐ Primary ☐ General ☑ Other (specify): CONVENTION	Employer: Occupation: MANAGER Aggregate Year-to-Date > $ 500.00	6/6/90	500.00
C. DEE F. ANDERSON 2050 LAIRD DRIVE SALT LAKE CITY, UT 84108 Receipt For: ☐ Primary ☐ General ☑ Other (specify): CONVENTION	Employer: RETIRED Occupation: RETIRED Aggregate Year-to-Date > $ 300.00	5/30/90	300.00
D. JAMES L. SORENSON 2511 SOUTH WEST TEMPLE SALT LAKE CITY, UT 84115 Receipt For: ☐ Primary ☐ General ☑ Other (specify): CONVENTION	Employer: SORENSEN RESEARCH Occupation: PRESIDENT Aggregate Year-to-Date > $ 300.00	6/6/90	300.00
E. JONEAL G. CANNON 3919 NO. RIVERWOOD DRIVE PROVO, UT 84604 Receipt For: ☐ Primary ☐ General ☑ Other (specify): CONVENTION	Employer: HOMEMAKER Occupation: HOMEMAKER Aggregate Year-to-Date > $ 1,000.00	6/1/90	1,000.00
F. JEFFREY P. SMITH 1544 SOUTH REDWOOD RD. SALT LAKE CITY, UT 84104 Receipt For: ☐ Primary ☐ General ☑ Other (specify): CONVENTION	Employer: SMITHS, INC. Occupation: PRESIDENT Aggregate Year-to-Date > $ 500.00	6/1/90	500.0
G. JOSEPH A. CANNON 3919 N. RIVERWOOD DRIVE PROVO, UT 84604 Receipt For: ☐ Primary ☐ General ☑ Other (specify): Convention	Employer: GENEVA STEEL Occupation: PRESIDENT Aggregate Year-to-Date > $ 1000.00	6/1/90	1,000.0

SUBTOTAL of Receipts This Page (optional) ..... > 3,850

TOTAL This Period (last page this line number only) ..... >

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1990 July Quarterly Report

SCHEDULE A — ITEMIZED RECEIPTS

Contributions from Individuals/Persons

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 2 OF 5

FOR LINE NUMBER 11(a)(i)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit such contributions from such committee.

NAME OF COMMITTEE (in Full): Dan Marriott for Congress Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Kenneth M. Woolley, 2485 Haven Lane, Salt Lake City, UT 84117 — Receipt For: Primary / General / Other (specify): Convention	Employer: Extra Space Development; Occupation: Extra Space Development; Aggregate Year-to-Date $ 1,000.00	6/20/90	1,000.00
B. O. Jay Call, P.O. Box 678, Brigham City, Utah 84302 — Receipt For: Primary / General / Other (specify): Convention	Employer: Friends "J"; Occupation: President; Aggregate Year-to-Date $ 500.00	6/6/90	500.00
C. Robert C. Tanner, 3501 South 2700 East, Salt Lake City, UT 84109 — Receipt For: Primary / General / Other (specify): Convention	Employer: O.C. Tanner Co.; Occupation: Chairman; Aggregate Year-to-Date $ 250.00	5/30/90	250.00
D. Peggy N. Henrie, 906 South 200 West, Salt Lake City, UT 84101 — Receipt For: Primary / General / Other (specify): Convention	Employer: Henrie's Dry Cleaning; Occupation: Manager; Aggregate Year-to-Date $ 300.00	6/20/90	300.00
E. Peter O. Freed, P.O. Box N, Farmington, UT 84025 — Receipt For: Primary / General / Other (specify): Convention	Employer: Lagoon Corp.; Occupation: President; Aggregate Year-to-Date $ 500.00	5/30/90	500.00
F. S. F. Eccles, 4078 Oakview Drive, Salt Lake City, UT 84124 — Receipt For: Primary / General / Other (specify): Convention	Employer: First Security Bank; Occupation: President; Aggregate Year-to-Date $ 500.00	6/6/90	500.00
G. Sterling J. Jardine, 1117 North 400 East, North Salt Lake, UT 84054 — Receipt For: Primary / General / Other (specify): Convention	Employer: Jardine Petroleum Co.; Occupation: President; Aggregate Year-to-Date $ 500.00	5/30/90	500.00
SUBTOTAL of Receipts This Page (optional)			3,550.00
TOTAL This Period (last page this line number only)			

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1990 July Quarterly Report

SCHEDULE A **ITEMIZED RECEIPTS**

Loans Made or Guaranteed By the Candidate

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER: 13(a)

Any information copied from such reports and statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

Dan Marriott For Congress Committee

	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
A. Dan Marriott 139 East South Temple Ste 1015 Salt Lake City, UT 84111 Receipt For: Primary / General / ✓ Other (specify): Convention	Marriott & Co. Occupation: Insurance Executive Aggregate Year-to-Date > $	5/8/90 6/27/90	14,000.00 5,000.00
B. Zions First National Bank P.O. Box 30709 Salt Lake City, UT 84130-0709 Receipt For: Primary / General / ✓ Other (specify): Convention	Occupation Aggregate Year-to-Date > $	6/30/90	7961.27
C. Full Name, Mailing Address and ZIP Code Receipt For: Primary / General / Other (specify):	Occupation Aggregate Year-to-Date > $		
D. Full Name, Mailing Address and ZIP Code Receipt For: Primary / General / Other (specify):	Occupation Aggregate Year-to-Date > $		
E. Full Name, Mailing Address and ZIP Code Receipt For: Primary / General / Other (specify):	Occupation Aggregate Year-to-Date > $		
F. Full Name, Mailing Address and ZIP Code Receipt For: Primary / General / Other (specify):	Occupation Aggregate Year-to-Date > $		
G. Full Name, Mailing Address and ZIP Code Receipt For: Primary / General / Other (specify):	Occupation Aggregate Year-to-Date > $		

SUBTOTAL of Receipts This Page (optional) >

TOTAL This Period (last page this line number only) 26,961.27

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SCHEDULE C
Revised 5/85

1990 July Quarterly Report
LOANS

Name of Committee (in Full)
DAN MARRIOTT FOR CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payments To Date	Balance Outstanding Close of This Period
DAN MARRIOTT 134 EAST SOUTH TEMPLE STE 1010 SALT LAKE CITY, UT 84111	$4,000.00	0	$4,000.00

Election: ☐ Primary ☐ General ☐ Other (specify) COMMITTEE

Terms: Date Incurred 8/15/90 Date Due NONE Interest Rate 0 % ☐ Secured ☐ Unsecured

List All Endorsers or Guarantors (if any) to Item A

1. Full Name, Mailing Address and ZIP Code "PERSONAL FUNDS"	Name of Employer Occupation Amount Guaranteed Outstanding $	
2. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Amount Guaranteed Outstanding $	
3. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Amount Guaranteed Outstanding $	

B. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payments To Date	Balance Outstanding Close of This Period
DAN MARRIOTT 134 EAST SOUTH TEMPLE STE 1010 SALT LAKE CITY, UT 84111	$5,000.00	0	$5,000.00

Election: ☐ Primary ☐ General ☐ Other (specify)

Terms: Date Incurred 8/29/90 Date Due NONE Interest Rate 0 % ☐ Secured ☐ Unsecured

List All Endorsers or Guarantors (if any) to Item B

1. Full Name, Mailing Address and ZIP Code PERSONAL FUNDS	Name of Employer Occupation Amount Guaranteed Outstanding $	
2. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Amount Guaranteed Outstanding $	
3. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Amount Guaranteed Outstanding $	

SUBTOTALS This Period This Page (optional) .....

TOTALS This Period (last page in this list only) $8,961.97

Carry over outstanding balances only to Line 3, Schedule D, for this item. If no Schedule D, carry forward to appropriate line of Summary.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

AUG 14 1990

Brian C. McGavin, Treasurer
Dan Marriott for Congress Committee
139 East South Temple Suite 1015
Salt Lake City, UT 84111

Identification Number: C00240937

Reference: July Quarterly Report (5/28/90-6/30/90)

Dear Mr. McGavin:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please amend your report to correct the Column B discrepancies for Line(s) 16 and 22 and any subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the year-to-date totals for calendar year 1990.

AC-

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the Pre Convention report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of $1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of $1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to make concerning this matter will be taken into consideration. (11 CFR §104.5(f))

-When a committee reports receiving a loan from the candidate, it is necessary to clarify whether or not the candidate used his/her personal funds or borrowed the

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money from a lending institution or any other source. If the candidate borrowed funds from a lending institution, or any other source, please provide the name of the lending institution and the complete terms of the loan. If the loan(s) was from personal funds, please acknowledge that fact in an amendment to this report. It is important to note that "personal funds" is strictly defined by Commission Regulations and may be found in 11 CFR §110.10. (11 CFR §§100.7(a)(1) and 104.3(d))

-When several loans are owed to the same person or bank, you must report each loan separately, including the original date, the amount, the outstanding balance and all other terms. These loans should not be combined into a single figure. Please amend your report to clarify this matter.

-Your report was not signed. Please amend this report to include the original signature of the treasurer or the designated assistant treasurer. (2 U.S.C. §434(a))

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

R. Todd Gerlough

R. Todd Gerlough
Reports Analyst
Reports Analysis Division

90036521380

DATE 10/25/90

MEMORANDUM TO FILES

TELECON X
VISIT ____

NAME OF COMMITTEE: Dan Marriott for Congress Committee

SUBJECT: Failure to file 48 hour notices

FEC REP: Todd Gerlough

COMMITTEE REP: Kent Reynolds

Mr. Reynolds explained that the mistake was unintentional.

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90 DEC 11 AM 9:31

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral #90L-58
Staff Member: Dodie C. Kent

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Dan Marriott for Congress Committee and Brian C. McGavin, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(6)

INTERNAL REPORTS CHECKED: Referral Material
Disclosure Reports

FEDERAL AGENCIES CHECKED: None

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I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division on November 23, 1990. Attachment 1. The basis of the attached referral is the failure of the Dan Marriott for Congress Committee and Brian C. McGavin, as treasurer (the "Committee"), to timely file required forty-eight (48) hour notifications ("48 Hour Notices") for three (3) contributions and one (1) loan totaling $17,000.

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, see Attachment 2.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

9104034122 1

III. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that the Dan Marriott for Congress Committee and Brian C. McGavin, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the appropriate letter, Factual and Legal Analysis, and the proposed conciliation agreement.

Lawrence M. Noble
General Counsel

12/10/90
Date

BY: [signature]
Lois Lerner
Associate General Counsel

Attachments:
1. Referral Materials
2. Factual and Legal Analysis
3. Proposed Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	RAD Referral 90L-58
Dan Marriott for Congress Committee	)	(MUR 3200)
and Brian C. McGavin, as treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 13, 1990, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 90L-58:

1. Open a MUR.

2. Find reason to believe that the Dan Marriott for Congress Committee and Brian C. McGavin, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the appropriate letter, Factual and Legal Analysis, and the proposed conciliation agreement, as recommended in the General Counsel's Report dated December 10, 1990.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

12-13-90
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tues., December 11, 1990 9:31 a.m.
Circulated to the Commission: Tues., December 11, 1990 11:00 a.m.
Deadline for vote: Thurs., December 13, 1990 11:00 a.m.

dh

91040841222

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 1990

Brian C. McGavin, Treasurer
Dan Marriott For Congress Committee
139 East South Temple, Suite 1015
Salt Lake City, UT 84111

RE: MUR 3200
Dan Marriott For Congress Committee and Brian C. McGavin, as treasurer

9104084122 3

Dear Mr. McGavin:

On December 13, 1990, the Federal Election Commission found that there is reason to believe the Dan Marriott For Congress Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Dodie C. Kent, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

9104034122 4

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: The Dan Marriott For Congress Committee and Brian C. McGavin, as treasurer MUR: 3200

The Federal Election Campaign Act of 1971, as amended (the "Act"), requires a federal candidate's principal committee to notify either the Clerk of the House, Secretary of the Senate or the Commission (as appropriate) and the Secretary of State, in writing, of each contribution totaling $1,000 or more received by any authorized committee of the candidate after the 20th day but not more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires this notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate, identification of the contributor, and the date of receipt and the amount of the contribution. Id. Timely disclosure of these contributions is in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(b).

Under the Act, the term "election" includes a convention or caucus of a political party which has authority to nominate a candidate. 2 U.S.C. § 431(1)(B). See also Advisory Opinions

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1976-58 and 1982-49.[1] For purposes of 2 U.S.C. § 434 (a)(6)(A), a "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A)(i).

Mr. David Marriott (a.k.a. Dan Marriott) was a candidate for the U.S. House of Representatives from Utah's Second District at the June 16, 1990 Republican Party Convention.[2] According to the Statement of Organization filed with the Commission on January 19, 1990, Dan Marriott For Congress is the authorized principal campaign committee of Dan Marriott, and Brian C. McGavin is its treasurer.

Pursuant to 2 U.S.C. § 434(a)(6)(A), the Committee was required to notify the Commission, in writing, of all contributions of $1,000 or more received from May 28, 1990 until

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1. In Advisory Opinion 1976-58, the Commission discussed the possibility of a challenger to the party endorsed candidate failing to gain the necessary threshold of support to mandate a primary election. The Commission noted that "in such a case, the convention endorsement is tantamount to a nomination of the candidate and would fall within the ... definition of 'election' as a convention with the 'authority to nominate a candidate.'" The Commission determined that the possibility this might occur is sufficient to fit a convention within the definition of election.

2. Utah's nomination process includes a party nominating convention. In a contested convention, only the top two (2) vote-getters go on to the primary. However, if a candidate receives 70% or more of the convention vote, he or she is automatically nominated and goes directly to the general election. In cases where a candidate is the only one to declare candidacy for that office for his/her party, he/she is considered nominated and goes directly to the general election. Nevertheless, unopposed candidates must file a pre-convention report and adhere to a contribution limit.

June 13, 1990 within 48 hours of receipt. On May 11, 1990, the Committee was reminded by the Commission, in writing, that contributions of $1,000 or more received during the period May 28, 1990 through June 13, 1990 must be reported to the appropriate federal and state offices within 48 hours of the Committee's receipt.

The Committee received three (3) contributions and one (1) loan from the candidate during the aforementioned time period that required 48-Hour Notices. The contributions were received by the committee as follows:

Contributor Name	Date Received	Amount
Kenneth M. Woolley	5/30/90	$ 1,000
Dan Marriott	5/31/90	$14,000
Janeal B. Cannon	6/1/90	$ 1,000
Joseph A. Cannon	6/1/90	$ 1,000

The Committee did not file a 48 Hour Notice for any of the above contributions, and the Commission was not informed of these last minute contributions until July 13, 1990, when the Committee filed its July 1990 quarterly report. Therefore, there is reason to believe that both the Dan Marriott For Congress Committee and Brian C. McGavin, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

91 APR 30 PM 3:59

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3200
Dan Marriott For Congress and	)	
Brian C. McGavin, as treasurer	)	

GENERAL COUNSEL'S REPORT

I. **BACKGROUND**

Attached is a conciliation agreement which has been signed by Brian C. McGavin, the treasurer of Dan Marriott For Congress.

The attached agreement contains no changes from the agreement approved by the Commission on March 26, 1991. The civil penalty check has not been received.

Therefore, this Office recommends that the Commission accept the attached conciliation agreement with Dan Marriott For Congress and Brian C. McGavin, as treasurer, and close the file.

II. **RECOMMENDATIONS**

1. Accept the attached conciliation agreement with Dan Marriott For Congress and Brian C. McGavin, as treasurer.

2. Close the file in this matter.

3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 4/29/91

BY: [signature]
Lois G. Lerner
Associate General Counsel

Attachment
1. Conciliation Agreement

Staff Assigned: Dodie C. Kent

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dan Marriott For Congress and	)	MUR 3200
Brian C. McGavin, as treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 3, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3200:

1. Accept the conciliation agreement with Dan Marriott For Congress and Brian C. McGavin, as treasurer, as recommended in the General Counsel's Report dated April 29, 1991.

2. Close the file in this matter.

3. Approve the appropriate letter, as recommended in the General Counsel's Report dated April 29, 1991.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

5/3/91
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tues., April 30, 1991 3:59 p.m.
Circulated to the Commission: Wed., May 1, 1991 11:00 a.m.
Deadline for vote: Fri., May 3, 1991 11:00 a.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

May 7, 1991

Brian C. McGavin, Treasurer
Dan Marriott For Congress Committee
139 East South Temple, Suite 1015
Salt Lake City, UT 84111

RE: MUR 3200

Dear Mr. McGavin:

On May 3, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of the Dan Marriott For Congress Committee and you, as treasurer, in settlement of a violation of 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Dodie C. Kent, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3200

DATE FILMED 5/10/91 CAMERA NO. 4

CAMERAMAN AS

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3200.

6/17/91

91040845399

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 13, 1991

CLOSED

Brian C. McGavin, Treasurer
Dan Marriott For Congress Committee
139 East South Temple, Suite 1015
Salt Lake City, UT 84111

RE: MUR 3200
Dan Marriott For Congress Committee and Brian C. McGavin, as treasurer

Dear Mr. McGavin:

This is to confirm and follow up on your conversation with Dodie Kent, an attorney in this Office, on June 6, 1991.

On May 3, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of a violation of 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file was closed in this matter.

Due to an administrative oversight, a conciliation agreement which was never approved by the Commission was signed and attached to our May 7, 1991 correspondence. Pursuant to your conversation with Ms. Kent, the correct conciliation agreement has been executed and is enclosed. This conciliation agreement will be placed on the public record within 30 days and the incorrect agreement will be excised from the record. As you know, the $1,020 civil penalty is due within 30 days from the date the attached conciliation agreement was executed.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Dodie C. Kent, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3200
Dan Marriott For Congress and	)	
Brian C. McGavin, as treasurer	)	

91 APR 22 PM 3:28

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Dan Marriott For Congress Committee and Brian C. McGavin, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6)(A).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Mr. David Marriott (a.k.a. Dan Marriott) was a candidate for the U.S. House of Representatives from Utah's

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Second District at the June 16, 1990 Republican Party Convention. Dan Marriott For Congress is the authorized principal campaign committee for Mr. Marriott's congressional campaign. See 2 U.S.C. § 431(5).

2. Mr. Brian C. McGavin is the treasurer of Dan Marriott For Congress.

3. The Federal Election Campaign Act of 1971, as amended (the "Act"), requires principal campaign committees of candidates for Federal office to notify either the Clerk of the House, Secretary of the Senate or the Commission (as appropriate) and the Secretary of State, in writing, of each contribution totaling $1,000 or more received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires this notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and the office sought by the candidate, identification of the contributor, the date of receipt and the amount of the contribution. Id.

4. Timely disclosure of these contributions, pursuant to 2 U.S.C. § 434(a)(6)(A), is in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

5. Pursuant to 2 U.S.C. § 431(8)(A), a "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A)(i).

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6. Under the Act, the term "election" includes a convention or a caucus of a political party which has the authority to nominate a candidate. 2 U.S.C. 431(1)(B).

7. The Act further defines a "person" to include an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons. 2 U.S.C. § 431(11).

8. Pursuant to 2 U.S.C. § 431(13), "identification" of an individual is the disclosure of the name, mailing address, and occupation of each individual, as well as his/her employer's name; and, in the case of any other "person," the full name and mailing address.

9. Pursuant to 2 U.S.C. § 434(a)(6)(A), respondents were required to notify the Clerk of the House, Secretary of the Senate or the Commission (as appropriate) and the Secretary of State, in writing, of all contributions of $1,000 or more received from May 28, 1990 until June 13, 1990 within 48 hours of receipt.

10. During the period of May 28, 1990 to June 13, 1990, Respondents received four (4) contributions totaling $17,000 which required 48 Hour Notices.

11. On the July 1990 Quarterly Report, respondents disclosed the receipt of one (1) $1,000 contribution on May 30, 1990. Respondents were required to file a 48 Hour Notice for this contribution no later than June 1, 1990.

12. On the July 1990 Quarterly Report, respondents disclosed the receipt of one (1) $14,000 contribution in the

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form of a personal loan from candidate Dan Marriott on May 31, 1990. Respondents were required to file a 48 Hour Notice for this contribution no later than June 2, 1990.

13. On the July 1990 Quarterly Report, respondents disclosed the receipt of two (2) $1,000 contributions on June 1, 1990. Respondents were required to file a 48 Hour Notice for these contributions no later than June 3, 1990.

14. None of the four (4) contributions discussed in sub-paragraphs 10-13 were reported until the Committee filed its July 1990 Quarterly Report, which was not received by the Commission until July 13, 1990.

15. Respondents contend that failure to file these notices was not knowing and willful and was partly due to Respondents' inexperience with campaign reporting. Respondents further contend that their use of professional accounting services is demonstrative of their commitment to compliance.

V. Respondents failed to file 48 Hour Notices for four (4) contributions in violation of 2 U.S.C. § 434(a)(6)(A).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Twenty Dollars ($1020), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for

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the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement(s) contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Date 6-12-91

FOR THE RESPONDENTS:

Brian C. McGavin
Brian C. McGavin
Treasurer

Date 4/16/91

91040845405

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3200.

7/31/91

91040855251

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 11, 1991

TWO WAY MEMORANDUM

TO: Fabrae Brunson
OGC, Docket

FROM: Sharon M Stewart
For Philomena Brooks
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Brian C. McGavin & Associates, check number 8477, dated 7-8-91, and in the amount of $1,020.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: Fabrae Brunson FDB
OGC, Docket

In reference to the above check in the amount of $ 1,020, the MUR number is 3200 and in the name of Dan Mariotti for Congress. The account into which it should be deposited is indicated below:

__ Budget Clearing Account (OGC), 95F3875.16

✓ Civil Penalties Account, 95-1099.160

__ Other: _____

Fabrae D. Brunson
Signature

July 11, 1991
Date

2 1 0 4 0 3 5 5 2 5 2

BRIAN C. McGAVIN & ASSOCIATES
CERTIFIED PUBLIC ACCOUNTANTS
NO. 9 EXCHANGE PLACE, SUITE 309 521-2054
SALT LAKE CITY, UTAH 84111

882

№ 8677

BANK of UTAH
WEST TEMPLE BRANCH
175 SOUTH WEST TEMPLE
SALT LAKE CITY, UTAH 84110
87-18/1248

PAY ONE THOUSAND & TWENTY DOLLARS**********

DATE July 8, 1991

AMOUNT $ 1,020.00

TO THE ORDER OF FEDERAL ELECTION COMMISSION

⑈0008677⑈ ⑆124300107⑆ 0903 6366⑈

SP1000 I C SECURITY PRINTERS, INC.

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING CHECK

BRIAN C. McGAVIN & ASSOCIATES - CPA's - Salt Lake City, Utah 84111

DATE	ACCOUNT OR INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
7-8-91		Settlement on 2 U.S.C. § 438(a) (4) Dan Marriott ForCongress			1,020.00

EMPLOYEE'S NAME

PAY PERIOD ENDING	HOURS	RATE	GROSS EARNINGS	DEDUCTIONS						NET EARNINGS PAID
				F.I.C.A	FED. WITH TAX	STATE WITH. TAX				
	REG. T. O.T.									

EMPLOYEE: THIS IS A STATEMENT OF YOUR EARNINGS AND DEDUCTIONS FOR PERIOD INDICATED. KEEP THIS FOR YOUR PERMANENT RECORD.