



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20543

THIS IS THE BEGINNING OF MUR # 3207

DATE FILMED 5/31/91 CAMERA NO. 4

CAMERAMAN AS

91040843127

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 4 October 1990

ANALYST: PAT SHEPPARD

I. COMMITTEE: Kolstad for U.S. Senate  
(C00241745)  
Jeanne Amsberry, Treasurer  
P.O. Box 5864  
Helena, MT 59604

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 Kolstad for U.S. Senate committee ("the Committee") has failed to file the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for two (2) contributions/loans totaling \$31,000 received prior to the 1990 Primary Election.

The candidate was involved in the 1990 Primary Election held on June 5, 1990. Prior Notice was sent to the Committee on April 30, 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 period of May 17 through June 2, 1990. 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 indicates that the Committee failed to file two (2) 48-Hour Notices for contributions/loans received during the aforementioned period (Attachment 3). The following is a list of the contributions/loans for which no 48-Hour Notices were filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Allen C. Kolstad (candidate)	5/18/90	\$25,000
Allen C. Kolstad	5/30/90	6,000

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On September 14, 1990, an Informational Notice was sent to the Committee (Attachment 4). The notice stated 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.

On September 25, 1990, the Committee responded in a letter (Attachment 5). In the letter the Committee stated that the previous treasurer had filed notices for all contributions received within the aforementioned period. The Committee stated that they had failed to file a notice for a contribution that was received the day before the election because they were under the assumption that they did not have to file a notice for the contribution.

On September 27, 1990, a Reports Analysis Division analyst called the treasurer to give further clarification on the notice sent to the Committee (Attachment 6). The analyst explained to an assistant treasurer that the committee had failed to file the required notices for the loans received from the candidate. The analyst told the assistant treasurer that loans were considered contributions. The assistant treasurer stated that neither she nor the previous treasurer were aware of that. The analyst suggested that she might want to put an additional statement on the public record.

On September 28, 1990, the analyst received a faxed copy of the response that the Committee was sending to the Secretary of the Senate. On October 1, 1990 the original was received at the Secretary of the Senate (Attachment 7). In the letter the treasurer stated that neither she nor the previous treasurer were aware of the need to file 48-Hour Notices for loans.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	GENERAL			

KOLSTAD, ALLEN C	SENATE	REPUBLICAN PARTY			MONTANA	1990 ELECTION	ID# S0MT00058
1. STATEMENT OF CANDIDATE							
1990 STATEMENT OF CANDIDATE						15FEB90	1 90SEN/006/0989
STATEMENT OF CANDIDATE - AMENDMENT						5MAR90	3 90SEN/006/2001
STATEMENT OF CANDIDATE - AMENDMENT						6AUG90	2 90SEN/014/3374
2. PRINCIPAL CAMPAIGN COMMITTEE							

KOLSTAD FOR U S SENATE						ID #C00241745	SENATE
1990 STATEMENT OF ORGANIZATION						15FEB90	3 90SEN/006/0991
STATEMENT OF ORGANIZATION - AMENDMENT						5MAR90	2 90SEN/006/1999
STATEMENT OF ORGANIZATION - AMENDMENT						19APR90	3 90SEN/009/0015
48 HOUR CONTRIBUTION NOTICE						17MAY90	3 90SEN/009/3071
48 HOUR CONTRIBUTION NOTICE						18MAY90	3 90SEN/009/2185
48 HOUR CONTRIBUTION NOTICE						22MAY90	3 90SEN/009/3095
48 HOUR CONTRIBUTION NOTICE						5JUN90	3 90SEN/010/0996
STATEMENT OF ORGANIZATION - AMENDMENT						19JUN90	3 90SEN/010/2116
STATEMENT OF ORGANIZATION - AMENDMENT						25JUN90	3 90SEN/010/2261
48 HOUR CONTRIBUTION NOTICE						25JUN90	4 90SEN/010/2134
STATEMENT OF ORGANIZATION - AMENDMENT						6AUG90	3 90SEN/014/3376
APRIL QUARTERLY		70,641		27,243		1JAN90 -31MAR90	22 90SEN/008/2138
APRIL QUARTERLY - AMENDMENT		71,019		27,616		1JAN90 -31MAR90	21 90SEN/012/0291
APRIL QUARTERLY - AMENDMENT		-		-		1JAN90 -31MAR90	3 90SEN/014/3464
REQUEST FOR ADDITIONAL INFORMATION						1JAN90 -31MAR90	1 90FEC/650/5223
PRE-PRIMARY		61,996		100,807		1APR90 -16MAY90	31 90SEN/010/0363
PRE-PRIMARY - AMENDMENT		61,996		100,770		1APR90 -16MAY90	32 90SEN/012/0312
REQUEST FOR ADDITIONAL INFORMATION						1APR90 -16MAY90	2 90FEC/644/2967
JULY QUARTERLY - AMENDMENT		-		-		17MAY90 -30JUN90	3 90SEN/016/0568
JULY QUARTERLY			151,602		112,893	17MAY90 -30JUN90	54 90SEN/012/0345
JULY QUARTERLY - AMENDMENT			-			-17MAY90 -30JUN90	6 90SEN/016/0040
1 <sup>ST</sup> LETTER INFORMATIONAL NOTICE						17MAY90 -30JUN90	1 90FEC/655/2502
TOTAL		133,015	151,602	128,386	112,893		209 TOTAL PAGES

2. AUTHORIZED COMMITTEES  
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

REPUBLICAN SENATORIAL INNER CIRCLE 1990						ID #C00242941	PARTY QUALIFIED
1990 STATEMENT OF ORGANIZATION						21MAR90	6 90SEN/006/2465
FILING FREQUENCY CHANGE NOTICE						9APR90	1 90SEN/006/3322
APRIL MONTHLY						31MAR90	120 90SEN/008/3857
MAY MONTHLY						1APR90 -30APR90	395 90SEN/009/2444
JUNE MONTHLY						1MAY90 -31MAY90	83 90SEN/010/1796
JULY MONTHLY						1JUN90 -30JUN90	41 90SEN/013/1569
REQUEST FOR ADDITIONAL INFORMATION						1JUN90 -30JUN90	1 90FEC/655/1323
AUGUST MONTHLY						1JUL90 -31JUL90	46 90SEN/015/0234
SEPTEMBER MONTHLY						1AUG90 -31AUG90	51 90SEN/015/3020
							744 TOTAL PAGES

REPUBLICAN SENATORIAL INNER CIRCLE 1990-91

ID #C00247767 PARTY NON-QUALIFIED

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

DATE 4OCT90  
 Attachment #1  
 PAGE 2 of 2

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	GENERAL			
1990 STATEMENT OF ORGANIZATION					13AUG90	6	90SEN/014/3860
FILING FREQUENCY CHANGE NOTICE					13AUG90	2	90SEN/014/3887
SEPTEMBER MONTHLY					31AUG90	86	90SEN/015/3071
						94	TOTAL PAGES
4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN							
REPUBLICAN SENATORIAL INNER CIRCLE 1990							
NRSC-EXP NRSC-CONT							
1990 JULY QUARTERLY		43,500			7JUN90		90SEN/012/0363
TOTAL		43,500					

ID# C00242941 PARTY QUALIFIED

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All reports for the Kolstad for U S Senate committee have been reviewed

Cash on hand as of 6/30/90 - \$43,338.58

Debts as of 6/30/90 - \$31,310.55

PRIMARY ELECTION  
**REPORT NOTICE**

Attachment #2

Page 1 of 1

**FEDERAL ELECTION COMMISSION**

**MONTANA**

**April 30, 1990**

REPORT	REPORTING PERIOD <sup>1/</sup>	REG./CERT.	
		MAILING DATE <sup>2/</sup>	FILING DATE
PRE-PRIMARY	04/01/90 - 05/16/90	05/21/90	05/24/90
JULY QUARTERLY	05/17/90 - 06/30/90	07/15/90	07/15/90

**WHO MUST FILE**

**PRINCIPAL CAMPAIGN COMMITTEES OF CONGRESSIONAL "CANDIDATES" who seek nomination in the June 5, 1990, Montana 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 32.

**WHERE TO FILE**

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

**LABEL**

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

**LAST-MINUTE CONTRIBUTIONS**

Committees must also file special notices on contributions of \$1,000 or more, received during the period May 17 through June 2, 1990. The notice must reach the appropriate federal and state offices within 48 hours of the committee's receipt.

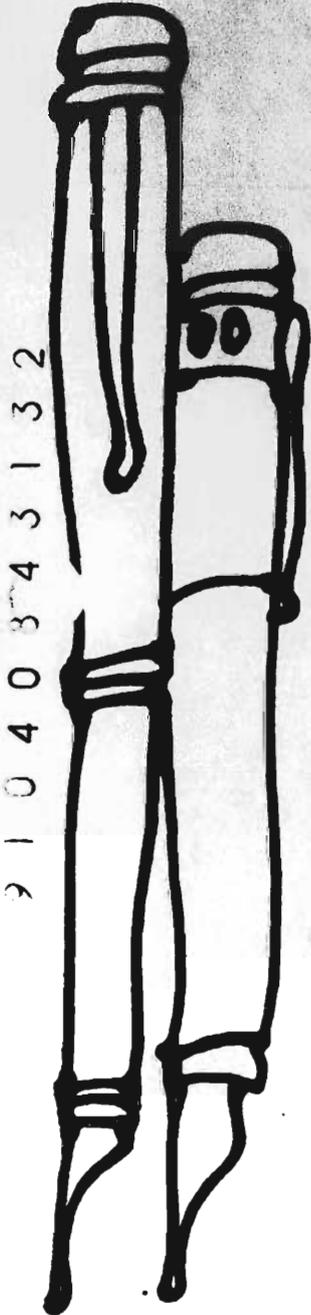
**COMPLIANCE**

**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.**

<sup>1/</sup>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.

<sup>2/</sup>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: 800/424-9530 or 202/376-3120



SCHEDULE A

ITEMIZED RECEIPTS

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from the comm.

Full Name of Committee: KOLSTAD FOR U.S. SENATE

A. Full Name, Address, Zip	Employer/Occupation	Date	Receipts
Allen Kolstad P.O. Box 648 Chester MT 59522	State of Montana Lt. Gov.	05/18/90 05/30/90	25000.00 REM* 6000.00
Receipt for: Primary		Year-to-Date Total: \$ 76000.00	

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9002012036

PK

SUBTOTAL of Receipts This Page ..... 31000.00  
 =====  
 TOTAL This Period ..... 31000.00  
 =====

**SCHEDULE C**  
(Revised 3/80)

**LOANS**

Page \_\_\_\_ of \_\_\_\_ for  
LINE NUMBER \_\_\_\_  
Use separate schedules  
for each numbered line!

Name of Committee (in full)			
<b>KOLSTAD FOR U.S. SENATE</b>			
A. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount of Loan	Balance Outstanding at Close of This Period
Allen C. Kolstad Box 586 1/4 Helena, MT 59604		\$10,000.00	\$10,000.00
Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>05/08/90</u> Date Due <u>on demand</u> Interest Rate <u>0</u> % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code		Name of Employer	
Allen C. Kolstad (See Above)		State of MT	
		Occupation	
		Lt. Governor	
		Amount Guaranteed Outstanding \$10,000.00	
2. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding \$	
		3. Full Name, Mailing Address and ZIP Code	
		Occupation	
		Amount Guaranteed Outstanding \$	
		B. Full Name, Mailing Address and ZIP Code of Loan Source	
Allen C. Kolstad Box 586 1/4 Helena, MT 59604		\$25,000.00	\$25,000.00
Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code		Name of Employer	
Allen C. Kolstad (See Above)		State of MT	
		Occupation	
		Lt. Governor	
		Amount Guaranteed Outstanding \$25,000.00	
2. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding \$	
		3. Full Name, Mailing Address and ZIP Code	
		Occupation	
		Amount Guaranteed Outstanding \$	
		SUBTOTALS This Period This Page (optional) .....	
TOTALS This Period (last page in this line only) .....			
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary			

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**SCHEDULE C**  
 (Revised 3/80)

**LOANS**

Page \_\_\_\_ of \_\_\_\_ for  
 LINE NUMBER \_\_\_\_  
 Use separate schedules  
 for each numbered line)

Name of Committee (in Full) <b>KOLSTAD FOR U.S. SENATE</b>				
A. Full Name, Mailing Address and ZIP Code of Loan Source <b>Allen C. Kolstad Box 5864 Helena, MT 59604</b> <small>Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</small>		Original Amount of Loan <b>\$ 6,000.00</b>	Cumulative Payments To Date <b>-0-</b>	Balance Outstanding at Close of This Period <b>\$ 6,000.00</b>
Terms: Date Incurred <u>05/30/90</u> Date Due <u>on demand</u> Interest Rate <u>0 % (apr)</u> <input type="checkbox"/> Secured				
List All Endorsers or Guarantors (if any) to Item A				
1. Full Name, Mailing Address and ZIP Code <b>Allen C. Kolstad (See Above)</b>		Name of Employer <b>State of MT</b>		
		Occupation <b>Lt. Governor</b>		
		Amount Guaranteed Outstanding <b>\$ 6,000.00</b>		
2. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding <b>\$</b>		
3. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding <b>\$</b>		
B. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount of Loan	Cumulative Payments To Date	Balance Outstanding at Close of This Period
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)				
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ % (apr) <input type="checkbox"/> Secured				
List All Endorsers or Guarantors (if any) to Item B				
1. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding <b>\$</b>		
2. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding <b>\$</b>		
3. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding <b>\$</b>		
SUBTOTALS This Period This Page (optional) .....				<b>\$ 6,000.00</b>
TOTALS This Period (last page in this line only) .....				<b>\$ 11,000.00</b>
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.				

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FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20543

BQ-5

SEP 14 1990

Jeanne Ansberry, Treasurer  
Kolstad for U.S. Senate  
P.O. Box 5864  
Helena, MT 59604

Identification Number: C00241745

Reference: July Quarterly Report (8/17/90-8/30/90)

Dear Ms. Ansberry:

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:

-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 12 Day Pre-Primary 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))

PKS

Any amendment or clarification should be filed with the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510. 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,

Pat Sheppard  
Senior Reports Analyst  
Reports Analysis Division

910346058543636



MEMORANDUM TO FILES:  
XXX Telecon  
Visit

DATE: September 27, 1990

NAME OF THE COMMITTEE: Kolstad for U.S. Senate

SUBJECT: 48-Hour Notices

FEC REP: Pat Sheppard

COMMITTEE REP: Jeanne Amsberry (Treasurer) (406) 444-1989

I called the Committee because they seemed to not understand the notice that was sent to them about failing to file the required 48-Hour Notices. After reaching the treasurer, I was told by her that I needed to speak with one of her assistants. I spoke with an Doreen McClure (406) 442-5890. I explained to Ms. McClure that although they had filed notices for individual contributions, they had not filed notices for the loans from the candidate. I explained to her that loans were considered contributions and a notice should have been filed for them. Ms. McClure stated that the previous treasurer was at the time responsible for filing the notices and that he must not have been aware of the requirements for loans. I told her that she should put something on the public record to that account. She stated that she would fax out a copy and send an original response to the Senate Office Building.

91040843138



RECEIVED  
FEDERAL ELECTION COMMISSION  
SECRETARIAT

90 DEC 18 PM 4:06

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

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

**RAD Referral 90L-48**  
**STAFF MEMBER: Cheryl S. Kornegay**

**SOURCE: INTERNALLY GENERATED**

**RESPONDENTS: Kolstad for United States Senate Committee and  
Jeanne Amsberry, as treasurer**

**RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)  
11 C.F.R. § 104.5(f)**

**INTERNAL REPORTS CHECKED: Disclosure Reports  
Referral Material**

**FEDERAL AGENCIES CHECKED: None**

**I. GENERATION OF MATTER**

The Office of General Counsel received a referral from the Reports Analysis Division on October 4, 1990. Attachment 1. The basis of the attached referral is the failure of the Kolstad for United States Senate Committee and Jeanne Amsberry, as treasurer (the "Committee"), to file timely two forty-eight hour notifications ("48 Hour Notices) for contributions totaling \$31,000. The candidate, Allen Kolstad, ran in the June 5, 1990 Primary Election for the United States from the state of Montana.

**II. FACTUAL AND LEGAL ANALYSIS**

See Attachment 2.

91040843140

**III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

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**IV. RECOMMENDATIONS**

1. Open a MUR.
2. Find reason to believe that the Kolstad for United States Senate Committee and Jeanne Amsberry, as treasurer violated 2 U.S.C. § 434(a)(6).
3. Approve the attached Factual and Legal Analysis and proposed Conciliation Agreement.

4. Approve the appropriate letter.

Lawrence M. Noble  
General Counsel

12/17/90  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

**Attachments:**

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

91040843142

BEFORE THE FEDERAL ELECTION COMMISSION

(MUR)  
3207

In the Matter of	)	
	)	RAD Referral 90L-48
Kolstad for United States Senate	)	
Committee and Jeanne Amsberry,	)	
as treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 21, 1990, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral 90L-48:

1. Open a MUR.
2. Find reason to believe that the Kolstad for United States Senate Committee and Jeanne Amsberry, as treasurer violated 2 U.S.C. § 434(a)(6).
3. Approve the attached Factual and Legal Analysis and proposed Conciliation Agreement, as recommended in the General Counsel's Report dated December 17, 1990.
4. Approve the appropriate letter, as recommended in the General Counsel's Report dated December 17, 1990.

Commissioners Aikens, Elliott, Josefiak, McGarry and Thomas voted affirmatively for the decision; Commissioner McDonald did not cast a vote.

Attest:

12-21-90  
Date

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

Received in the Secretariat:	Tues.,	December 18, 1990	4:06 p.m.
Circulated to the Commission:	Wed.,	December 19, 1990	11:00 a.m.
Deadline for vote:	Fri.,	December 21, 1990	11:00 a.m.

dh

91040843143



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 8, 1991

Jeanne Ansberry, Treasurer  
Kolstad for U.S. Senate  
P.O. Box 5864  
Helena, Montana 59604

RE: MUR 3207

Dear Ms. Ansberry:

On December 21, 1990, the Federal Election Commission found that there is reason to believe the Kolstad for United States Senate Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6), 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. The Commission has numbered this matter MUR 3207. Please refer to this number in all future correspondence.

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 probable 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.

91040843144

Jeanne Amsberry  
Page 2

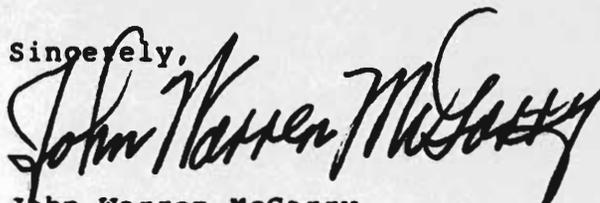
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



John Warren McGarry  
Chairman

Enclosures

Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement

91040843145

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

MUR: 3207

RESPONDENTS: Kolstad for United States Senate and  
Jeanne Ansberry as Treasurer

SUMMARY OF ALLEGATIONS

It is alleged that the Kolstad for United States Senate Committee and Jeanne Ansberry, as treasurer (the "Committee") failed to file timely two (2) forty-eight hour notifications ("48 Hour Notices") for contributions totaling \$31,000.

FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended (the "Act"), requires principal campaign committees of candidates for federal office to notify either the Secretary of the Senate, the Clerk of the U.S. House of Representatives or the Commission, as appropriate, and the Secretary of the 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 notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought by the candidate, identification of the contributor, the date of receipt and the amount of the contribution. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

91040843146

Pursuant to 2 U.S.C. § 431(8)(A)(i) loans to a committee are considered contributions under the Act.

Mr. Kolstad was a candidate for the U.S. Senate from the state of Montana in the June 5, 1990 Primary Election. According to its Statement of Organization filed with the Commission, the Kolstad for United States Senate Committee is the authorized principal campaign committee of Allen Kolstad.

The Primary Election in the State of Montana was held on June 5, 1990. 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 17, 1990 to June 2, 1990, within 48 hours of their receipt.

The Reports Analysis Division's review of the Committee's reports has identified two contributions totaling \$31,000, consisting of loans from the candidate, that were received between the 20th day but more than 48 hours before the primary election. The Committee received a \$25,000 contribution from the candidate on May 18, 1990 and a \$6,000 contribution on May 30, 1990. The Committee did not submit 48-hour reports for these contributions, but reported them in its 1990 July Quarterly Report.

In light of the foregoing, there is reason to believe that the Kolstad for United States Senate Committee and Jeanne Amsberry, as treasurer, violated 2 U.S.C. § 434(a)(6) by failing to report campaign contributions in excess of \$1,000 received after the 20th day, but more than 48 hours before the primary election, within 48 hours of the contribution's receipt.

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66C 9950

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

91 JAN 29 AM 9:23

CHARLES E. ERDMANN II  
CATHERINE M. SWIFT

**ERDMANN LAW OFFICE**

1134 BUTTE AVENUE  
HELENA, MONTANA 59604

(406) 442-8813  
FAX (406) 442-8839

MAILING ADDRESS:  
P. O. BOX 8418  
HELENA, MONTANA 59604

January 28, 1991

VIA FEDERAL EXPRESS

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
Attn: Lois G. Lerner, Associate  
General Counsel  
999 E Street N.W.  
Washington, D.C. 20463

91 JAN 29 AM 10:29

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

Re: MUR3207 - Kolstad for U.S. Senate Committee

Dear Mr. Noble:

On Thursday, January 24, 1991 I was contacted by the Kolstad U.S. Senate Committee (Committee) in regard to MUR3207. On September 20, 1990 the campaign was initially notified by the FEC that the Committee may have violated the provisions of 2 U.S.C. Section 434(a)(6)(A) in regard to the "last minute" contributions provision. The same day the Committee responded although it appears the letter was erroneously sent to the Secretary of the Senate rather than the Federal Election Commission (attached). In addition, the Committee sent a second response letter on September 28, 1990 specifically pointing out the two "loans" from Mr. Kolstad to the Committee, but this letter was also erroneously sent to the Secretary of the Senate (attached). Although neither of the copies I have of these letters are signed, I have been informed they were sent on the dates indicated.

Apparently not receiving any response, the Commission on January 8, 1991 sent a letter to the Committee informing the Committee that the FEC had found reason to believe there was a violation of the Federal Election Campaign Act. The January 8, 1991 correspondence from the chairman of the FEC also enclosed a "conciliation agreement".

Since I have just received this material to review, and since the Committee must respond to the conciliation agreement within 30 days, I am hereby requesting an extension of 20 days in which to respond to this matter on behalf of the Committee. I believe there is an excellent opportunity for

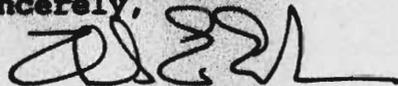
91040843148

Lawrence M. Noble  
January 28, 1991  
Page 2

this matter to be resolved prior to any formal action, but I believe that the 30 day response deadline, under the current circumstances, may not provide sufficient time for the Committee to respond and conduct meaningful conciliation negotiations.

Thank you for your consideration of this request.

Sincerely,



Charles E. Erdmann

/vlm  
Encl.

cc: Alan Kolstad

91040843149

# KOLSTAD



U.S. SENATE

P.O. Box 5864  
1084 Helena Avenue, Helena, MT 59604  
(406) 442-5890

LT. GOVERNOR  
Allen C. Kolstad

HONORARY CHAIRMAN  
William B. Ellis

CAMPAIGN CO-CHAIRMAN  
Louise Rankin Galt  
"Big" Ed Smith

FINANCE CHAIRMAN  
Jim Mockler

CAMPAIGN DIRECTOR  
Leo D. Ellingson

TREASURER  
Jeanne Amsberry

OPERATIONS  
COORDINATOR  
Jean E. Casey

September 20, 1990

Secretary of the Senate  
232 Hart Senate Office Building  
Washington, D.C. 20510

Dear Secretary:

The Federal Election Commission's letter of September 14, 1990 concerning our July Quarterly Report has been received in our campaign headquarters.

In reviewing Schedule A of our July report and the files of our previous treasurer, Irvin Hutchison, I note that we reported to you the \$1,000 contribution received on May 17, 1990 by the National Right to Life PAC, Suite 500, 417 7th St. N. W., Washington, D.C. 20004, the \$4,000 contribution received on May 17, 1990 by the Montana Right to Life PAC, 1900 Last Chance Gulch, Suite 5, Helena, MT 59601, and the \$1,000 contribution received on May 21, 1990 by Richard Cray, 800 W. 47th Street, Suite 711, Kansas City, MO 64112. I have enclosed a copies of the letters reporting these contributions.

However, I do note that the previous treasurer did not report the \$1,000 contribution received on June 4, 1990 by Edgar D. Prince, 1057, S. Shore Drive, Holland, MI 49423 due to the fact that he assumed contributions received the day before the election did not need to be reported. Your letter states, "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," which would lead to the assumption that this contribution wouldn't need to be report.

We are very sorry for any confusion which this may have caused. If there is a need for further response on our part, please notify us.

Sincerely,

Jeanne Amsberry  
Treasurer

Enclosures

91040843150

# KOLSTAD

## U.S. SENATE



P.O. Box 5864  
1084 Helena Avenue, Helena, MT 59604  
(406) 442-5890

LT. GOVERNOR  
Allen C. Kolstad

HONORARY CHAIRMAN  
William B. Ellis

CAMPAIGN CO-CHAIRMAN  
Louise Rankin Galt  
"Big" Ed Smith

FINANCE CHAIRMAN  
Jim Mockler

CAMPAIGN DIRECTOR  
Leo D. Ellingson

TREASURER  
Jeanne Amsberry

OPERATIONS  
COORDINATOR  
Jean E. Casey

September 28, 1990

Secretary of the Senate  
232 Hart Senate Office Building  
Washington, D.C. 20510

Identification Number: C00241745

RE: July Quarterly Report (5/17/90 - 6/30/90)

Dear Secretary:

This letter is prompted by the Federal Election Commission's concern of our "last minute" contribution reporting of loans received by the Kolstad for U.S. Senate Committee.

We reported the contributions as stated previously, however, the previous treasurer and I were unaware that loans were also considered contributions and had to be reported during this period.

During that reporting period, the Kolstad for U.S. Senate Committee received a loan of \$25,000 on May 18, 1990 from Allen Kolstad's personal funds and on May 30, 1990 we received a loan of \$6,000 from Allen Kolstad's personal funds.

We are very sorry for the overview and any inconvenience this may have caused.

Sincerely,

Jeanne Amsberry  
Treasurer

JA/dmm

91040843151

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3207  
NAME OF COUNSEL: Charles E. Erdmann  
ADDRESS: 1134 Butte Avenue  
P.O. Box 5418  
Helena, MT 59604  
TELEPHONE: (406) 442-8813

The above-named individual is hereby designated as my  
counsel and is authorized to receive any notifications and other  
communications from the Commission and to act on my behalf before  
the Commission.

Jan. 28, 1991  
Date

Jeane B. Donoherty  
Signature

RESPONDENT'S NAME: Kolstad for U.S. Senate Committee  
ADDRESS: 1084 Helena Avenue  
P.O. Box 5864  
Helena, Montana 59604  
HOME PHONE: 627-2223  
BUSINESS PHONE: 444-5551

91040843152



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 1, 1991

Charles E. Erdmann, Esq.  
1134 Butte Avenue  
Helena, Montana 59604

Re: MUR 3207  
Kolstad For U.S. Senate Committee

Dear Mr. Erdmann:

This Office has reviewed your correspondence of January 28, 1991 in which you request an extension of time to file a response to the Commission's findings in this matter. I have reviewed your request and based on the circumstances presented, have granted an extension. Accordingly, your response is now due on February 15, 1991.

Please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 376-5690 if you have questions or desire additional information.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lisa E. Klein  
Assistant General Counsel

91040843153

06c 0085

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

**ERDMANN LAW OFFICE**

**91 FEB 14 AM 10:30**

CHARLES E. ERDMANN II  
CATHERINE M. SWIFT

1134 BUTTE AVENUE  
HELENA, MONTANA 59604

MAILING ADDRESS:  
P. O. BOX 5418  
HELENA, MONTANA 59604

(406) 442-8813  
FAX (406) 442-8839

February 13, 1991

VIA FEDERAL EXPRESS

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
Attn: Cheryl Kornegay  
999 E Street N.W.  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
91 FEB 14 PM 2:55

Re: MUR3207 - Kolstad for U.S. Senate Committee

Dear Mr. Noble:

On January 8, 1991, the Federal Election Commission wrote a letter to Jeanne Amsberry, Treasurer of the Kolstad for U.S. Senate Campaign, informing her that the Federal Election Commission had found there was reason to believe the Campaign violated 2 U.S.C. Section 434(a)(6). On January 28, 1991, I wrote to you requesting a 20-day extension in which to formulate the Campaign's response. On February 6, 1991, I received a letter signed by Lisa E. Klein, Assistant General Counsel, granting the Campaign until February 15, 1991 in which to respond. This constitutes the Campaign's response to the allegations and proposed "Conciliation Agreement".

The first document involved is the letter to Jeanne Amsberry from Pat Sheppard (Senior Reports Analyst, Reports Analysis Division) dated September 14, 1990. This letter referenced the Campaign's July Quarterly Report and cited the "last minute" contribution reporting requirement. (Attached as Exhibit "A".) The Campaign responded to this inquiry on the same date the letter was received, September 20, 1990. (Attached as Exhibit "B".) This response letter acknowledges the receipt of the Commission's September 14, 1990 letter and explained what the Campaign believed the situation to be in regard to loans of over \$1,000.00 received between 2 and 20 days before an election. It must be noted that this letter was erroneously sent to the Secretary of the Senate rather than the Federal Election Commission. This was merely a clerical error and certainly not an attempt on the part of the Campaign to withhold information from the FEC or fail to cooperate. All of the Campaign's correspondence to that point

91040343154

Lawrence M. Noble  
February 13, 1991  
Page 2

regarding Campaign finance reporting had been directed to the Secretary of the Senate.

The September 20, 1990 letter also reflects the lack of understanding by the Campaign staff that personal loans were considered contributions for purposes of the "last minute" contribution reporting requirements. The September 20, 1990 letter does not mention the loans received from Mr. Kolstad. This was not in an attempt to conceal these loans, but merely in a good faith belief that the loans were not required to be reported under the "last minute" contribution requirements.

9 1 0 4 0 3 4 3 1 5 5  
Following the mailing of the September 20, 1990 letter, Doreen McClure, an individual employed as the Finance Secretary and Computer Operator by the Campaign received a phone call from someone at the FEC. She does not recall the name of the individual who called her. At that time Ms. McClure was informed that personal loans from a candidate were considered contributions for purposes of the "last minute" contribution reporting requirement. Following this conversation, Ms. McClure prepared and mailed the Campaign's September 28, 1990 response. The letter clearly indicates that the Campaign was unaware that loans were considered contributions and were required to be reported under this requirement. This letter again, however, was erroneously sent to the Secretary of the Senate rather than the FEC. This was not an attempt to mislead or conceal information from the Federal Election Commission and was simply a clerical error. (See Affidavit of Doreen McClure, Exhibit "C".)

Jeanne Amsberry, Treasurer of the Campaign, remembers reviewing these letters and signing them and giving them to Ms. McClure to mail in the normal course of business. (See Affidavit of Jeanne Amsberry, Exhibit "D".) Ms. Amsberry's affidavit also indicates that the Campaign staff was unaware of the reporting requirement concerning personal loans.

I have also enclosed a copy of a letter that I have sent to the Secretary of the Senate requesting copies of the September 20 and September 28 letters with their mail receipt stamp. The purpose of this effort to obtain receipted of these letters is a further attempt to assure the Federal Election Commission that the Campaign intended no concealment of information and in fact reacted in a forthright manner when

initially contacted. The complication involved in this situation, however, is the fact that the responses were sent to the Secretary of the Senate rather than the FEC due to a clerical error.

The Campaign obviously acted without wrongful intent and without any knowledge that the failure to report Ms. Kolstad's personal loans as contributions violated the "last minute" contribution requirements. The Campaign's good faith lack of knowledge of this requirement is indicated by their reporting of the loans in the July Quarterly Report. If there had been intent to withhold information from the FEC, it is unlikely that the loans would have been reported on the July Quarterly Report.

In addition, we believe that the FEC should consider the forthright manner in which the Campaign responded. The unfortunate misaddressing of the Campaign's responses should not mitigate against its prompt response to both the initial FEC inquiry and the later follow-up phone call. The misaddressing of the Campaign's responses was nothing more than a clerical error and was not intended to mislead or conceal information from the FEC.

The Campaign can certainly understand and appreciate the January 8, 1991 response from the FEC. At that time, due to the misaddressing of the Campaign's responses, the FEC had heard nothing from the Campaign since it had sent the initial September 14, 1990 inquiry concerning "last minute" contributions. It obviously appeared to the FEC that the Campaign had taken no steps whatsoever to respond to their inquiries. The Campaign believes that the attached exhibits indicate that while the two loans were not reported as "last minute contributions", this was only because the Campaign staff was unaware of the requirement.

This is certainly not a case where the Campaign is attempting to argue a different legal interpretation of the Act, or attempt to utilize and benefit from inconsistent interpretations of the Act. The Campaign acted at all times in good faith and believes that any monetary penalty would be inappropriate in these circumstances.

91040843156

Lawrence M. Noble  
February 13, 1991  
Page 4

91040843157

/vln  
Encl.

cc: Alan Kolstad

Sincerely,



Charles E. Erdmann



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED

SEP 20 1990

RQ-5 KOLSTAD FOR  
U. S. SENATE

SEP 14 1990

Jeanne Amsberry, Treasurer  
Kolstad for U.S. Senate  
P.O. Box 5864  
Helena, MT 59604

Identification Number: C00241745

Reference: July Quarterly Report (5/17/90-6/30/90)

Dear Ms. Amsberry:

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:

-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 12 Day Pre-Primary 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))

Any amendment or clarification should be filed with the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510. 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,

Pat Sheppard  
Senior Reports Analyst  
Reports Analysis Division

EXHIBIT "A"

91040843158

# KOLSTAD



P.O. Box 5864  
1084 Helena Avenue, Helena, MT 59604  
(406) 442-5890

LT. GOVERNOR  
Allen C. Kolstad

HONORARY CHAIRMAN  
William B. Ellis

CAMPAIGN CO-CHAIRMAN  
Louise Rankin Galt  
"Big" Ed Smith

FINANCE CHAIRMAN  
Jim Mockler

CAMPAIGN DIRECTOR  
Leo D. Ellingson

TREASURER  
Jeanne Amsberry

OPERATIONS  
COORDINATOR  
Jean E. Casey

September 20, 1990

Secretary of the Senate  
232 Hart Senate Office Building  
Washington, D.C. 20510

Dear Secretary:

The Federal Election Commission's letter of September 14, 1990 concerning our July Quarterly Report has been received in our campaign headquarters.

In reviewing Schedule A of our July report and the files of our previous treasurer, Irvin Hutchison, I note that we reported to you the \$1,000 contribution received on May 17, 1990 by the National Right to Life PAC, Suite 500, 417 7th St. N. W., Washington, D.C. 20004, the \$4,000 contribution received on May 17, 1990 by the Montana Right to Life PAC, 1900 Last Chance Gulch, Suite 5, Helena, MT 59601, and the \$1,000 contribution received on May 21, 1990 by Richard Cray, 800 W. 47th Street, Suite 711, Kansas City, MO 64112. I have enclosed a copies of the letters reporting these contributions.

However, I do note that the previous treasurer did not report the \$1,000 contribution received on June 4, 1990 by Edgar D. Prince, 1057, S. Shore Drive, Holland, MI 49423 due to the fact that he assumed contributions received the day before the election did not need to be reported. Your letter states, "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," which would lead to the assumption that this contribution wouldn't need to be report.

We are very sorry for any confusion which this may have caused. If there is a need for further response on our part, please notify us.

Sincerely,

Jeanne Amsberry  
Treasurer

Enclosures

EXHIBIT "B"

91040843159

AFFIDAVIT

STATE OF MONTANA            )  
                                  : ss.  
County of Lewis & Clark)

I, DOREEN McCLURE, of Helena, Montana, being duly sworn upon oath, depose and state:

1. That I was employed by the Kolstad for U.S. Senate Campaign as the Finance Secretary and Computer Operator. In that capacity I recall receiving the correspondence from the Federal Election Commission dated September 14, 1990, signed by Pat Sheppard. After receiving this correspondence I discussed the matter with Leo Ellingson, Campaign Director. I then typed the campaign's initial response, dated September 20, 1990, but the letter was erroneously addressed and sent to the Secretary of the Senate rather than the Federal Election Commission.

2. After typing the September 20, 1990 letter, Jeanne Amsberry, Treasurer of the Campaign, reviewed the letter and I observed her sign the letter.

3. I then followed my normal mailing procedure with the letter. The letter was run through the postage meter and I personally deposited the letter in the U.S. Postal Service mail deposit box routinely utilized by the Campaign.

4. Following the mailing of this letter on September 20, 1990, but prior to September 28, 1990, I received a call from the Federal Election Commission. At that time I was informed

EXHIBIT "C"

91040843160

that loans were also required to be included on the "last minute" contribution reporting. We were unaware of this requirement until informed of it by the FEC in this phone call. Following the phone call I typed the letter dated September 28, 1990, but once again the letter was erroneously addressed and sent to the Secretary of the Senate rather than the Federal Election Commission.

5. Jeanne Amsberry signed the letter. The letter was processed through the postage meter and personally mailed by me by depositing the letter in the U.S. Postal Service mail deposit box routinely utilized by the Campaign.

FURTHER AFFIANT SAYETH NOT.

Doreen McClure  
Doreen McClure

SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of February, 1991.

Thicki L. Morris  
Notary Public for Montana  
Residing at: Helena, MT  
My Commission expires: 1-1-92

(SEAL)

91040843161

AFFIDAVIT

STATE OF MONTANA            )  
                                  : ss.  
County of Lewis & Clark)

I, JEANNE AMSBERRY, of Helena, Montana, being duly sworn upon oath, depose and state:

1. That I was the Treasurer for the Kolstad for U.S. Senate Campaign. As Treasurer I routinely responded to correspondence addressed to the Treasurer of the Campaign.

2. I reviewed the initial correspondence from the Federal Election Commission dated September 14, 1990 and reviewed the Campaign's initial response dated September 20, 1990. I specifically recall signing the September 20, 1990 letter and giving it to Doreen McClure for mailing.

3. I also reviewed and signed the Campaign's letter dated September 28, 1990, specifically reporting the May 18, 1990 loan and the May 30, 1990 loan from Alan Kolstad's personal funds.

4. When these loans were made to the Campaign the staff was unaware that they were required to be included on the "last minute" campaign report. The loans were properly reflected on the July Quarterly Report.

FURTHER AFFIANT SAYETH NOT.

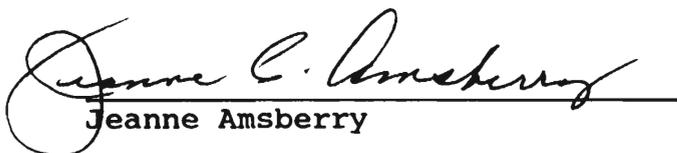
  
\_\_\_\_\_  
Jeanne Amsberry

EXHIBIT "D"

91040843162

SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of  
February, 1991.



Licki L. Morris  
Notary Public for Montana  
Residing at: Helena, MT  
My Commission expires: 1-1-92

91040843163

CHARLES E. ERDMANN II  
CATHERINE M. SWIFT

ERDMANN LAW OFFICE

1134 BUTTE AVENUE  
HELENA, MONTANA 59604

(406) 442-8813  
FAX (406) 442-8839

MAILING ADDRESS:  
P. O. BOX 5418  
HELENA, MONTANA 59604

February 13, 1991

Secretary of the Senate  
232 Hart Senate Office Building  
Washington, D.C. 20510

Dear Secretary:

I represent the Kolstad for U.S. Senate Campaign, a committee organized in Montana in connection with the 1990 U.S. Senatorial contest. In September of 1990 the Federal Election Commission wrote to the Campaign requesting certain information. The Campaign responded on September 20, 1990 and September 28, 1990. Unfortunately, however, the letters were misaddressed to your office and were never received by the Federal Election Commission.

Could you please review your files and return to me copies of the receipted September 20 and September 28, 1990 letters. I have enclosed copies of the letters to assist you. Thank you for your cooperation and assistance.

Sincerely,



Charles E. Erdmann

/vlm  
Encl.

91040843164

OGC 0191

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

CHARLES E. ERDMANN II  
CATHERINE M. SWIFT

**ERDMANN LAW OFFICE**

1134 BUTTE AVENUE  
HELENA, MONTANA 59604

(406) 442-8813  
FAX (406) 442-8839

MAIL ROOM  
MAY 2 AM 10:54  
P. O. BOX 5418  
HELENA, MONTANA 59604

April 29, 1991

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
MAY 2 2 PM 3:34

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
Attn: Cheryl Kornegay  
999 E Street N.W.  
Washington, D.C. 20463

Re: MUR3207 - Kolstad for U.S. Senate Committee

Dear Mr. Noble:

As I communicated to Ms. Kornegay on the telephone last week, the Kolstad for U.S. Senate Committee has agreed to the proposed settlement of this matter contained in your April 16, 1991 letter. The committee has agreed to pay a civil penalty of \$1,130.00, and a check for that amount is enclosed with this letter.

I have signed the enclosed "Conciliation Agreement" and would ask that you return to me a fully executed copy when signed by a representative of the Commission. The Kolstad Committee is entering into the Conciliation Agreement since they have never disputed that they failed to file the 48-hour notices in regard to the two loans received from Alan Kolstad. The failure to file the 48-hour notice, however, was simply an oversight on the part of the campaign staff and there was no intent to withhold information from the Federal Election Commission.

It is my understanding that once the Conciliation Agreement is finally executed this matter will be closed.

Sincerely,



Charles E. Erdmann

/vlm  
Encl.

cc: Allen Kolstad

91040843165

91 MAY -9 AM 9:23

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of  
Kolstad for U.S. Congress, and  
Jeanne Amsberry, as treasurer

MUR 3207

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. BACKGROUND:

Attached is a conciliation agreement which has been signed by Charles E. Erdmann, the attorney of the Kolstad for U.S. Congress Committee.

The attached agreement contains no changes from the agreement approved by the Commission on March 26, 1991. The civil penalty payment of \$1,130.00 has been received.

II. RECOMMENDATIONS:

1. Accept the attached conciliation agreement with Kolstad for U.S. Congress, and Jeanne Amsberry, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble  
General Counsel

Date 5/8/91

BY:   
Lois G. Lerner  
Associate General Counsel

Attachments:  
Conciliation Agreement

Staff assigned: Cheryl S. Kornegay

91040843166

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Kolstad for U.S. Congress, ) MUR 3207  
and Jeanne Amsberry, as )  
treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 13, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3207:

1. Accept the attached conciliation agreement with Kolstad for U.S. Congress, and Jeanne Amsberry, as treasurer.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated May 8, 1991.

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

Attest:

5-13-91  
Date

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

Received in the Secretariat: Thurs., May 9, 1991 9:23 a.m.  
Circulated to the Commission: Thurs., May 9, 1991 11:00 a.m.  
Deadline for vote: Mon., May 13, 1991 11:00 a.m.

dr

91040843167



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 28, 1991

**CLOSED**

Charles E. Erdmann, Esq.  
1134 Butte Avenue  
Helena, Montana 59604

RE: MUR 3207  
Kolstad for U.S. Senate Committee  
Jeanne Ansberry, as treasurer

Dear Mr. Erdmann:

On May 13, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(a)(6), 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 respondents 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 Cheryl E. Kornegay, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement

91040843168

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Kolstad for U.S. Congress, and ) MUR 3207  
Jeanne Amsberry, as treasurer )

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 Kolstad for United States Senate Committee and Jeanne Amsberry, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(6).

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. Allen Kolstad was a candidate for the United States Senate in the June 5, 1990, primary election from the state of Montana. The Kolstad for United States Senate Committee is the authorized principal campaign committee for Mr. Kolstad's 1990 senatorial campaign.

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2. Jeanne Amsberry is the treasurer of the Kolstad for United States Senate Committee.

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 Secretary of the Senate or the Commission, 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. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

4. Pursuant to 2 U.S.C. § 431(8)(a) a "contribution" is defined as 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.

5. Pursuant to 2 U.S.C. § 431(13) the "identification" of an individual includes disclosing the name, mailing address, and occupation of each individual, as well as the name of their employer; and in the case of any other person, the full name and mailing address.

6. Respondents received two (2) contributions totaling \$31,000 that were received after the 20th day but more than 48 hours before the primary election. In particular, respondents

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received a \$25,000 contribution consisting of a loan from Allen Kolstad on May 18, 1990. Respondents also received a \$6,000 contribution consisting of a loan from Allen Kolstad on May 30, 1990.

7. The contributions listed in subparagraph six above were not disclosed until the Committee filed its 1990 July Quarterly Report, which was filed with the Secretary of the Senate on July 16, 1990.

V. Respondents failed to file 48-Hour Notices within 48 hours of receipt in violation of 2 U.S.C. § 434(a)(6).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of \$1,130 dollars, 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 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 contained in this agreement and to so notify the Commission.

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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. Berner  
Associate General Counsel

5/24/91  
Date

FOR THE RESPONDENTS:

  
(Name) Attorney of Committee  
(Position) Charles E. Eroman

April 29, 1991  
Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3207

DATE FILMED 5/31/91 CAMERA NO. 4

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