



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3246

DATE FILMED 9/5/91 CAMERA NO. 3

CAMERAMAN A.S.

1 5 4 0 5 1 J 2 1

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: \_\_\_\_\_

ANALYST: Jack MacDonald

I. COMMITTEE: Charles Taylor for Congress Committee  
(C00246041)  
James M. Baley Jr., Treasurer  
8 South Market Street  
P.O. Box 2355  
Asheville, NC 28802

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 Charles Taylor 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 \$46,750 received prior to the 1990 General Election.

The candidate was involved in the 1990 General Election held on November 6, 1990. Prior Notice was sent to the Committee on October 1, 1990 (Attachment 2). The Notice includes a section titled "Last-Minute Contributions". This section reads "Committees must also file special notices if contributions of \$1,000 or more are received during the period of October 18 through November 3, 1990. The notices must reach the appropriate Federal and State offices within 48 hours of the committee's receipt of the contributions."

Schedules A and C of the 1990 30 Day Post-General Report indicate that the Committee failed to file four (4) 48-Hour Notices for contributions/loans received during the aforementioned period (Attachment 3). The following is a list of the contributions for which no 48-Hour Notices were filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Charles H. Taylor	10/25/90	\$20,000
(candidate loans)	10/31/90	\$ 5,000
	11/01/90	\$ 4,750
	11/02/90	\$17,000

21040351022

On January 18, 1991, an Informational Notice ("IN") was sent to the Committee (Attachment 4). The IN noted 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.

As of this date, the Committee has not responded.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

21040051J23

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

DATE 31JAN91

PAGE 3

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	GENERAL			
TAYLOR, CHARLES HART	HOUSE 11 REPUBLICAN PARTY		NORTH CAROLINA		1990 ELECTION	ID# H0NC11038	
1. STATEMENT OF CANDIDATE							
1990 STATEMENT OF CANDIDATE					16APR90	1	90HSE/395/0775
STATEMENT OF CANDIDATE - AMENDMENT					6JUN90	1	90HSE/399/1345
2. PRINCIPAL CAMPAIGN COMMITTEE							
CHARLES TAYLOR FOR CONGRESS COMMITTEE '90					ID #C00246041	HOUSE	
1990 STATEMENT OF ORGANIZATION					16APR90	1	90HSE/395/0774
48 HOUR CONTRIBUTION NOTICE					7MAY90	1	90HSE/397/2315
48 HOUR CONTRIBUTION NOTICE					8MAY90	1	90HSE/397/2802
STATEMENT OF ORGANIZATION - AMENDMENT					6JUN90	2	90HSE/399/1346
48 HOUR CONTRIBUTION NOTICE					20OCT90	2	90HSE/414/3342
48 HOUR CONTRIBUTION NOTICE					24OCT90	3	90HSE/416/3482
48 HOUR CONTRIBUTION NOTICE					24OCT90	3	90HSE/421/5232
48 HOUR CONTRIBUTION NOTICE					26OCT90	7	90HSE/416/1527
48 HOUR CONTRIBUTION NOTICE					26OCT90	7	90HSE/421/5221
48 HOUR CONTRIBUTION NOTICE					1NOV90	3	90HSE/417/0328
48 HOUR CONTRIBUTION NOTICE					1NOV90	3	90HSE/421/5235
48 HOUR CONTRIBUTION NOTICE					2NOV90	4	90HSE/417/0859
48 HOUR CONTRIBUTION NOTICE					5NOV90	2	90HSE/417/1348
APRIL QUARTERLY		13,015		520	1JAN90 - 31MAR90	5	90HSE/395/4795
REQUEST FOR ADDITIONAL INFORMATION					1JAN90 - 31MAR90	1	90FED/638/4307
REQUEST FOR ADDITIONAL INFORMATION 2ND					1JAN90 - 31MAR90	2	90FED/641/2260
PRE-PRIMARY		9,690		4,890	1APR90 - 18APR90	5	90HSE/397/0126
PRE-PRIMARY - AMENDMENT		9,690		4,890	1APR90 - 18APR90	5	90HSE/399/1350
REQUEST FOR ADDITIONAL INFORMATION					1APR90 - 18APR90	1	90FED/641/1134
JULY QUARTERLY			30,065	42,635	19APR90 - 30JUN90	14	90HSE/404/1624
JULY QUARTERLY - AMENDMENT			-	-	-19APR90 - 30JUN90	1	90HSE/413/0054
JULY QUARTERLY - AMENDMENT			-	-	-19APR90 - 30JUN90	3	91HSE/423/2911
OCTOBER QUARTERLY		150,556		146,358	1JUL90 - 30SEP90	39	90HSE/413/0692
OCTOBER QUARTERLY - AMENDMENT			-	-	-1JUL90 - 30SEP90	8	90HSE/414/3474
OCTOBER QUARTERLY - AMENDMENT		150,556		146,358	1JUL90 - 30SEP90	10	91HSE/423/3813
1ST LETTER INFORMATIONAL NOTICE					1JUL90 - 30SEP90	4	90FED/676/3091
PRE-GENERAL		135,839		141,395	1OCT90 - 17OCT90	29	90HSE/414/5461
PRE-GENERAL - AMENDMENT		135,839		141,395	1OCT90 - 17OCT90	15	91HSE/423/3823
REQUEST FOR ADDITIONAL INFORMATION					1OCT90 - 17OCT90	2	90FED/678/2610
REQUEST FOR ADDITIONAL INFORMATION 2ND					1OCT90 - 17OCT90	3	91FED/679/4442
POST-GENERAL		146,377		148,134	18OCT90 - 26NOV90	50	90HSE/421/3094
1ST LETTER INFORMATIONAL NOTICE					18OCT90 - 26NOV90	1	91FED/681/4916
TOTAL		22,705	462,837	5,418	478,522	237	TOTAL PAGES
3. AUTHORIZED COMMITTEES							
CHARLES TAYLOR FOR CONGRESS COMMITTEE					ID #C00222653	HOUSE	
1989 MID-YEAR REPORT			17,265	14,161	1JAN89 - 30JUN89	17	89HSE/383/2076
YEAR-END			2,338	4,646	1JUL89 - 31DEC89	16	90HSE/391/1203

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

DATE 31JAN91

PAGE 4

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	GENERAL			
YEAR-END - AMENDMENT		-			1 JUL89 -31DEC89	1	90-GE/393/2468
REQUEST FOR ADDITIONAL INFORMATION					1 JUL89 -31DEC89	1	90-FEC/638/1244
REQUEST FOR ADDITIONAL INFORMATION 2ND					1 JUL89 -31DEC89	2	90-FEC/632/2195
1990 48 HOUR CONTRIBUTION NOTICE					4 MAY90	1	90-GE/399/2391
APRIL QUARTERLY		2,839		1,242	1 JAN90 -31MAR90	14	90-GE/395/4882
JULY QUARTERLY		8		1,628	1 APR90 -30 JUN90	12	90-GE/484/8344
MID-YEAR REPORT		2,839		2,842	1 JAN90 -30 JUN90	14	90-GE/485/1158
						78	TOTAL PAGES
						78	AUTH TOT PAGES

JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

ALL REPORTS HAVE BEEN REVIEWED  
ENDING CASH-ON-HAND AS OF 11/26/90: \$1,601.83  
OUTSTANDING DEBTS AS OF 11/26/90: \$224,093.12

1040310

# GENERAL ELECTION

ATTACHMENT 2

Page 1 of 2

# REPORT NOTICE

## FEDERAL ELECTION COMMISSION

CONGRESSIONAL CANDIDATES

October 1, 1990

Report	Reporting Period	Reg./Cert. Mailing Date*	Filing Date
Pre-General	10/01/90**-10/17/90	10/22/90	10/25/90
Post-General	10/18/90 - 11/26/90	12/06/90	12/06/90

### WHO MUST FILE

All 1990 general election principal campaign committees must file the pre- and post-general election reports.

### WHO NEED NOT FILE

Principal campaign committees of candidates not active in the 1990 elections (i.e., committees active in past or future elections) and 1990 campaign committees not participating in the general election do not file the pre- and post-general reports.

### WHAT MUST BE REPORTED

All financial activity (not previously reported) that occurred during the reporting period.

### 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

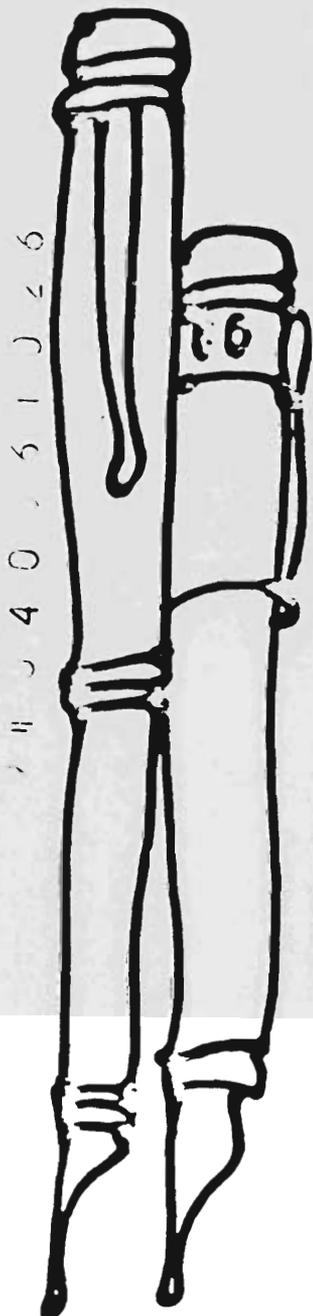
Consult the instructions on the back of the FORM 3 Summary Page. Note State filing requirements also.

### LAST-MINUTE CONTRIBUTIONS

Committees must also file special notices if contributions of \$1,000 or more are received during the period of October 18 through November 3, 1990. The notices must reach the appropriate Federal and State offices within 48 hours of the committee's receipt of the contributions.

\*Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

\*\*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.



**CONGRESSIONAL CANDIDATES**

**GENERAL ELECTION**

**LABEL**

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

**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.

104031021

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: Charles Taylor for Congress Committee

A. Full Name, Address, Zip      Employer/Occupation      Date      Receipts Memo

Charles H. Taylor	self	10/25/90	20000.00
P O Box 66	tree farmer	10/31/90	5000.00
Brevard NC 28712		11/01/90	4750.00

JHM

Receipt for: General      Year-to-Date Total: \$ (Continued)

B. Full Name, Address, Zip      Employer/Occupation      Date      Receipts Memo

Charles H. Taylor	self	11/02/90	17000.00
P O Box 66	tree farmer	11/05/90	12500.00
Brevard NC 28712		11/09/90	5800.00

JHM

Receipt for: General      Year-to-Date Total: \$ (Continued)

C. Full Name, Address, Zip      Employer/Occupation      Date      Receipts Memo

Charles H. Taylor	self	11/09/90	1500.00
P O Box 66	tree farmer	11/13/90	1550.00
Brevard NC 28712		11/14/90	4300.00

Receipt for: General      Year-to-Date Total: \$ (Continued)

D. Full Name, Address, Zip      Employer/Occupation      Date      Receipts Memo

Charles H. Taylor	self	11/06/90	6500.00
P O Box 66	tree farmer	11/07/90	3000.00
Brevard NC 28712		11/08/90	4000.00

Receipt for: General      Year-to-Date Total: \$ 195600.00

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SUBTOTAL of Receipts This Page ..... 85900.00

TOTAL This Period ..... 85900.00

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

1990 30Day Post-General Report  
**LOANS**

See  
Line Number 135  
Use Proper Schedule  
for Each numbered line!

Name of Committee (in Full) <b>Charles Taylor for Congress Committee</b>				
A. Full Name, Mailing Address and ZIP Code of Loan Source <b>Charles H. Taylor (candidate) * P.O. Box 66 Brevard, NC 28712</b> <small>(Section: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</small>		Original Amount of Loan <b>20,000.00</b>	Cumulative Payments To Date <b>-0-</b>	Balance Outstanding at Close of This Period <b>20,000.00</b>
Terms: Date Incurred <u>10/25/90</u> Date Due <u>N/A</u> Interest Rate <u>N/A</u> (Specify)		<input type="checkbox"/> Secured		
List All Endorsers or Guarantors (if any) to Item A				
1. Full Name, Mailing Address and ZIP Code <b>* Loan from personal funds</b>		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 <b>Charles H. Taylor (candidate) * P.O. Box 66 Brevard, NC 28712</b> <small>(Section: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</small>		Original Amount of Loan <b>5,000.00</b>	Cumulative Payments To Date <b>-0-</b>	Balance Outstanding at Close of This Period <b>5,000.00</b>
Terms: Date Incurred <u>10/31/90</u> Date Due <u>N/A</u> Interest Rate <u>N/A</u> (Specify)		<input type="checkbox"/> Secured		
List All Endorsers or Guarantors (if any) to Item B				
1. Full Name, Mailing Address and ZIP Code <b>* Loan from personal funds</b>		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) .....				<b>25,000.00</b>
TOTALS This Period (See page in this line only) .....				
<small>Carry outstanding balance only to LINE 2, Schedule D, for this line. If no balance in D, carry forward to appropriate line of Summary.</small>				

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135M

135M

Name of Committee (in Full) <b>Charles Taylor for Congress Committee</b>			
A. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Comprehensive Payments To Date	Balance Outstanding at Close of This Period
<b>Charles H. Taylor (candidate) *</b> P.O. Box 66 Brevard, NC 28712 Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	4,750.00	-0-	4,750.00 <i>GM</i>
Terms: Date Incurred <u>11/1/90</u> Date Due <u>N/A</u> Interest Rate <u>N/A</u> <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		
* Loan from personal funds	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		
	Occupation		
	Amount Guaranteed Outstanding		
	<b>B. Full Name, Mailing Address and ZIP Code of Loan Source</b>		
<b>Charles H. Taylor (candidate) *</b> P.O. Box 66 Brevard, NC 28712 Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	17,000.00	-0-	17,000.00
Terms: Date Incurred <u>11/2/90</u> Date Due <u>N/A</u> Interest Rate <u>N/A</u> <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		
* Loan from personal funds	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		
	Occupation		
	Amount Guaranteed Outstanding		
	<b>SUBTOTALS This Period This Page (optional) .....</b>		
<b>TOTALS This Period (last page in this line only) .....</b>			
Carry outstanding balances only to LINE 2, Schedule D, for the year. If no Schedule D, carry forward to appropriate line of Summary.			

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FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20541

20-5

JUN 18 1991

James N. Baley Jr.,  
Charles Taylor for Congress  
Committee '90  
8 South Market Street  
P.O. Box 2355  
Asheville, NC 28802

Identification Number: C00246041

Reference: 30 Day Post-General Report (10/18/90-11/26/90)

Dear Mr. Baley:

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-General 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 Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515. 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,

*Jack MacDonald*

Jack MacDonald  
Reports Analyst  
Reports Analysis Division



114031503

**IV. RECOMMENDATIONS**

1. Open a MUR.
2. Find reason to believe that Charles Taylor for Congress Committee and James M. Baley Jr., as treasurer, violated 2 U.S.C. § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble  
General Counsel

Date 3/15/91

BY:   
Lois G. Lerner  
Associate General Counsel

**Attachments**

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



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / DONNA ROACH *DR*  
COMMISSION SECRETARY

DATE: MARCH 20, 1991

SUBJECT: RAD REFERRAL 91L-9 - FIRST GENERAL COUNSEL'S RPT.  
DATED MARCH 15, 1991

The above-captioned document was circulated to the Commission on MONDAY, MARCH 18, 1991 at 11:00 A.M..

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	<u>XXXX</u>
Commissioner Elliott	<u>          </u>
Commissioner Josefiak	<u>XXXX</u>
Commissioner McDonald	<u>XXXX</u>
Commissioner McGarry	<u>          </u>
Commissioner Thomas	<u>XXXX</u>

This matter will be placed on the meeting agenda for Tuesday, March 26, 1991.

Please notify us who will represent your Division before the Commission on this matter.

21540351034

BEFORE THE FEDERAL ELECTION COMMISSION

(MUR 3246)

In the Matter of )  
 ) RAD Referral 91L-9  
Charles Taylor for Congress Committee )  
and James M. Baley Jr., as treasurer. )

AMENDED CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that at the executive session on March 26, 1991, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral 91L-9:

1. Open a MUR.
2. Find reason to believe that Charles Taylor for Congress Committee and James M. Baley Jr., as treasurer, violated 2 U.S.C. § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis and conciliation agreement, and the appropriate letter, as recommended in the General Counsel's report dated March 15, 1991.

Commissioners Aikens, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision; Commissioner Elliott was not present.

Attest:

April 8, 1991  
Date

Delores Harris  
for Marjorie W. Emmons  
Secretary of the Commission

9104031055



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1991

James M. Baley, Jr., Treasurer  
Charles Taylor for Congress  
Committee  
P.O. Box 2355  
8 South Market Street  
Asheville, NC 28802

RE: MUR 3246  
Charles Taylor for Congress  
Committee and James M.  
Baley Jr., as treasurer

Dear Mr. Baley:

On March 26, 1991, the Federal Election Commission found that there is reason to believe that Charles Taylor for Congress 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.

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.

1104051036

James M. Baley, Jr.  
Page 2

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.

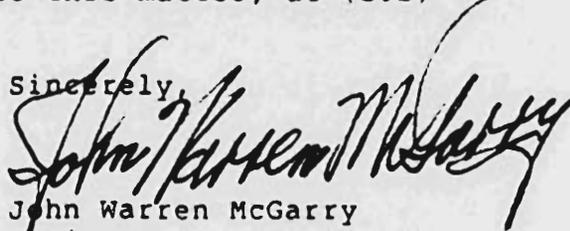
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Tamara Kapper, the staff member 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

104031007

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Charles Taylor for Congress                    MUR: 3246  
Committee and James M. Baley Jr.,  
as treasurer

SUMMARY OF ALLEGATIONS

It is alleged that Charles Taylor of Congress Committee and James M. Baley, as treasurer (the "Committee"), failed to timely file forty-eight hour notifications ("48 Hour Notices") for four (4) contributions in the form of loans totaling \$46,750.

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 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. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B). Pursuant to 2 U.S.C. § 431(8)(A)(i) 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 Federal election.

Mr. Taylor was a candidate for the U.S. House of Representatives from the state of North Carolina in the November 6, 1990 General Election. According to its Statement of Organization filed with the Commission, Charles Taylor for Congress Committee is the authorized principal campaign committee of Charles H. Taylor. James M. Baley Jr., is the treasurer of Charles Taylor for Congress Committee.

The General Election was held on November 6, 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 October 18, 1990 to November 3, 1990 within 48 hours of their receipt.

On October 1, 1990 the Committee was reminded by the Commission, in writing, that the receipt of contributions of \$1,000 or more must be reported within 49 hours if received during the period of October 18, 1990 through November 3, 1990. The notice further stated that these notifications must reach the appropriate federal and state offices within 48 hours of the committee's receipt.

The Committee received four (4) contributions during the period prior to the General Election that required written notification to the Commission. The contributions were received as follows:

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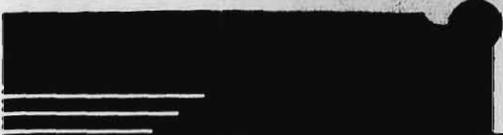
<u>Name of Contributor</u>	<u>Date</u>	<u>Amount</u>
Charles H. Taylor (loan from candidate)	10/25/90	\$20,000
Charles H. Taylor (loan from candidate)	10/31/90	\$ 5,000
Charles H. Taylor (loan from candidate)	11/01/90	\$ 4,750
Charles H. Taylor (loan from candidate)	11/02/90	<u>\$17,000</u>
	Total	\$46,750

None of these contribution were reported to the Commission until the Committee filed its 1990 30 Day Post-General Report, which was not received by the Commission until December 7, 1990.

It thus appears that the Committee may have violated 2 U.S.C. § 434(a)(6) by failing to disclose four (4) contributions of \$1,000 or more before a general election within 48 hours of their receipt. Therefore, there is reason to believe that Charles Taylor for Congress Committee and James M. Baley Jr., as treasurer, violated 2 U.S.C. § 434(a)(6).

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06-C 0970



**THE CHARLES TAYLOR FOR CONGRESS COMMITTEE**

P.O. Box 2355 • Asheville, NC 28802 • (704) 251-1988

April 24, 1991

91 APR 25 AM 9:47

FEDERAL ELECTION COMMISSION

Honorable John Warren McGarry, Chairman  
Federal Election Commission  
Washington, DC 20463

RE: MUR 3246  
Charles Taylor for Congress Committee  
and James M. Baley, Jr. as treasurer

Dear Chairman McGarry:

I have just received your letter of April 10, 1991, and hasten to reply.

Both the Charles Taylor for Congress Committee and I, as treasurer, were completely unaware of what appears to be errors in failing to file 48-hour notices of the receipt of four (4) loan contributions from the candidate before the November 6, 1990, election. The omissions were not deliberate or intentional, and notices were filed properly for other contributions during the same period.

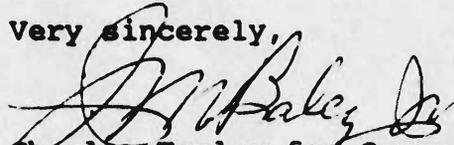
91 APR 25 AM 10:44

My investigation indicates that one of the members of our staff in the heated closing moments of the campaign without any instruction from any superior simply neglected to file these notices. I accept the responsibility as treasurer but assure you that it was an inadvertent error which we all regret. See the attached affidavit.

There was no effort on the part of the campaign committee to conceal any contributions, and no intent to violate any election law or regulation.

7 1 0 4 0 1 5 1 0 4 1

Very sincerely,



Charles Taylor for Congress  
Committee  
James M. Baley, Jr.  
Treasurer

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STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

AFFIDAVIT

Nancy Day, first being duly sworn, deposes and says:

That she was employed in the office of Charles Taylor, Candidate for Congress in the Eleventh District of North Carolina, in the fall election of November 6, 1990;

That among her duties was keeping accounts and preparation of reports to the Federal Election Commission;

That in her preparation of 48-hour reports of contributions of \$1000 or more she inadvertently omitted to report loan contributions from the candidate himself;

That her omission was unintentional and she received no instruction to make any such omission from any of her superiors and did not realize the error until it was called to her attention;

That the failure to make such reports in the November, 1990, election was not deliberate but simply an error which she regrets;

That these contributions were all included in the post-election report.

*Nancy Day*  
Nancy Day

State of North Carolina  
County of Buncombe

Sworn to and subscribed before me this 24 day of April, 1991.

*Rebecca W Taylor*  
Notary Public

My commission expires:

My Commission Expires June 21, 1992

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RECEIVED  
F.E.C.  
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION 91 AUG 27 PM 4:12

In the Matter of )  
 )  
Charles Taylor for Congress )  
Committee and James M. Baley, Jr., )  
as treasurer )

MUR 3246

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

I. BACKGROUND

Attached is a conciliation agreement which has been signed by James M. Baley, Jr., treasurer of the Charles Taylor for Congress Committee.

The attached agreement contains no changes from the agreement approved by the Commission on July 2, 1991. Also attached is a copy of the check in payment of the civil penalty.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Charles Taylor for Congress Committee and James M. Baley, Jr., as treasurer.
2. Close the file in this matter.
3. Approve the appropriate letter.

Lawrence M. Noble  
General Counsel

8/13/91  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

Attachment

Conciliation Agreement and Civil Penalty Check

Staff Assigned: Tamara Kapper

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Charles Taylor for Congress ) MUR 3246  
Committee and James M. Baley, Jr., )  
as treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 19, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3246:

1. Accept the conciliation agreement with the Charles Taylor for Congress Committee and James M. Baley, Jr., as treasurer.
2. Close the file in this matter.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated August 13, 1991.

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

Attest:

8-19-91  
Date

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

Received in the Secretariat: Wed., August 14, 1991 4:12 p.m.  
Circulated to the Commission: Thurs., August 15, 1991 11:00 a.m.  
Deadline for vote: Mon., August 19, 1991 11:00 a.m.

dr

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CLOSED**

August 26, 1991

James M. Baley, Jr., Treasurer  
Charles Taylor for Congress Committee  
P. O. Box 2355  
8 South Market Street  
Ashville, NC 28802

RE: MUR 3246  
Charles Taylor for Congress  
Committee and James M.  
Baley, Jr., as treasurer

Dear Mr. Baley:

On August 19, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of the Charles Taylor for Congress Committee and you, as treasurer, 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 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 Tamara Kapper, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Charles Taylor for Congress ) MUR 3246  
Committee and James M. Baley, Jr., )  
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 Charles Taylor for Congress Committee and James M. Baley, Jr., 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. Charles Taylor was a candidate for the U.S. House

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of Representatives in the November 6, 1990 General Election in the state of North Carolina. Charles Taylor for Congress Committee is the authorized principal campaign committee for Mr. Taylor's 1990 congressional campaign.

2. James M. Baley, Jr., is the treasurer of Charles Taylor for Congress 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 Clerk of the House, the Secretary of the U.S. Senate, or the Commission, as appropriate, and the Secretary of State, in writing, of any 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 the contribution 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. The Act defines a "person" as an individual, partnership, committee, association, corporation, labor

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organization, or any other organization or group of persons.  
2 U.S.C. § 431(11).

6. 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 case of any other person, the full name and mailing address.

7. Respondents received four (4) contributions in the form of loans totaling \$46,750 which were received after the 20th day but more than 48 hours before the general election.

8. On the 1990 30 Day Post-General Report, respondents disclosed the receipt of a \$20,000 contribution in the form of a loan from the candidate, Charles Taylor, on October 25, 1990. Respondents were required to file a 48 Hour Notice no later than October 27, 1990.

9. On the 1990 30 Day Post-General Report, respondents disclosed the receipt of a \$5,000 contribution in the form of a loan from the candidate, Charles Taylor, on October 31, 1990. Respondents were required to file a 48 Hour Notice no later than November 2, 1990.

10. On the 1990 30 Day Post-General Report, respondents disclosed the receipt of a \$4,750 contribution in the form of a loan from the candidate, Charles Taylor, on November 1, 1990. Respondents were required to file a 48 Hour Notice no later than November 3, 1990.

11. On the 1990 30 Day Post-General Report, respondents disclosed the receipt of a \$17,000 contribution in

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the form of a loan from the candidate, Charles Taylor, on November 2, 1990. Respondents were required to file a 48 Hour Notice no later than November 4, 1990.

12. None of the contributions listed in subparagraphs 8-11 above, were disclosed until respondents filed their 1990 30 Day Post-General Report, which was not received by the Commission until December 7, 1990.

V. Respondents failed to file four (4) 48 Hour Notices in violation of 2 U.S.C. § 434(a)(6). Respondents contend that such omission was a clerical error and unintentional.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one thousand two hundred dollars (\$1,200), 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 requirements 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. Lerner  
Lois G. Lerner  
Associate General Counsel

8-22-91  
Date

FOR THE RESPONDENTS:

James M. Baley, Jr.  
(Name)  
(Position)

July 15, 1991  
Date

Treasurer  
Taylor for Congress Committee

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3246

DATE FILMED 9/5/91 CAMERA NO. 3

CAMERAMAN AS

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