



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3322

DATE FILMED 2/28/91 CAMERA NO. 4

CAMERAMAN AS

91040860071

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: _____

ANALYST: EMILY LEONARD

I. COMMITTEE: Clay Campaign Committee
(C00024620)
Pearlie I. Evans, Treasurer
5011 N. Kingshighway Boulevard
St. Louis, MO 63115

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 Clay Campaign Committee ("the Committee") has failed to file the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for five (5) contributions totaling \$15,500 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 October 18, 1990 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."

Schedule A of the 1990 30 Day Post-General Report indicates that the Committee failed to file five (5) 48-Hour Notices for contributions received during the aforementioned period (Attachment 3). The following is a list of the contributions for which no 48-Hour Notices were filed:

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CLAY CAMPAIGN COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
National Committee to Preserve Social Security and Medicare PAC	10/24/90	\$2,500
Airline Pilots Association PAC	10/24/90	\$2,500
National Education Association PAC	11/02/90	\$5,000
Machinists Non-Partisan Political League	11/02/90	\$3,000
American Federation of State, County, and Municipal Employees AFL-CIO	11/02/90	\$2,500

On December 18, 1990, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI noted on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice requested the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice states that although the Commission may take legal steps, any response would be taken into consideration.

The Committee's response dated January 22, 1991 did not address this matter.

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			
CLAY, WILLIAM LACY	HOUSE	DEMOCRATIC PARTY			MISSOURI	1990 ELECTION	ID# H6ND01622
1. STATEMENT OF CANDIDATE							
1989 DISANDAL NOTICE					11OCT89	1	89FEC/611/1285
STATEMENT OF CANDIDATE					24OCT89	1	89HSE/383/3444
2. PRINCIPAL CAMPAIGN COMMITTEE							
CLAY CAMPAIGN COMMITTEE							ID #C00024620 HOUSE
1989 MID-YEAR REPORT			6,500	28,778	1JAN89 -30JUN89	17	89HSE/382/4737
REQUEST FOR ADDITIONAL INFORMATION					1JAN89 -30JUN89	1	89FEC/614/2761
REQUEST FOR ADDITIONAL INFORMATION 2ND YEAR-END					1JAN89 -30JUN89	2	89FEC/616/2312
YEAR-END			14,795	17,530	1JUL89 -31DEC89	16	90HSE/391/1109
YEAR-END - AMENDMENT			14,795	17,530	1JUL89 -31DEC89	8	90HSE/393/2825
YEAR-END - AMENDMENT			14,795	17,530	1JUL89 -31DEC89	5	90HSE/397/2744
YEAR-END - AMENDMENT			-	-	1JUL89 -31DEC89	3	90HSE/400/2299
REQUEST FOR ADDITIONAL INFORMATION					1JUL89 -31DEC89	1	90FEC/631/2393
1990 48 HOUR CONTRIBUTION NOTICE					31JUL90	1	90HSE/403/1374
48 HOUR CONTRIBUTION NOTICE					6AUG90	1	90HSE/403/2779
48 HOUR CONTRIBUTION NOTICE					10AUG90	1	90HSE/403/3722
48 HOUR CONTRIBUTION NOTICE					15AUG90	1	90HSE/403/4271
APRIL QUARTERLY			2,250	4,936	1JAN90 -31MAR90	10	90HSE/395/1750
JULY QUARTERLY			18,830	13,681	1APR90 -30JUN90	13	90HSE/401/3360
JULY QUARTERLY - AMENDMENT			-	-	1APR90 -30JUN90	6	90HSE/400/2360
REQUEST FOR ADDITIONAL INFORMATION					1APR90 -30JUN90	9	90FEC/653/2811
REQUEST FOR ADDITIONAL INFORMATION 2ND PRE-PRIMARY					1APR90 -30JUN90	13	90FEC/655/1638
PRE-PRIMARY			4,040	822	1JUL90 -18JUL90	9	90HSE/403/1048
PRE-PRIMARY - AMENDMENT			-	-	1JUL90 -18JUL90	2	90HSE/400/2289
NOTICE OF FAILURE TO FILE					1JUL90 -18JUL90	1	90FEC/651/1161
REQUEST FOR ADDITIONAL INFORMATION					1JUL90 -18JUL90	3	90FEC/653/2807
REQUEST FOR ADDITIONAL INFORMATION 2ND OCTOBER QUARTERLY				26,815	1JUL90 -18JUL90	13	90FEC/655/1651
OCTOBER QUARTERLY				26,815	19JUL90 -30SEP90	15	90HSE/409/1963
OCTOBER QUARTERLY - AMENDMENT				26,815	19JUL90 -30SEP90	15	90HSE/422/2246
REQUEST FOR ADDITIONAL INFORMATION					19JUL90 -30SEP90	3	90FEC/673/4047
PRE-GENERAL				1,000	10CT90 -17OCT90	7	90HSE/416/4272
PRE-GENERAL - AMENDMENT				1,000	10CT90 -17OCT90	2	90HSE/422/2261
NOTICE OF FAILURE TO FILE					10CT90 -17OCT90	1	90FEC/670/0747
REQUEST FOR ADDITIONAL INFORMATION					10CT90 -17OCT90	1	90FEC/673/4042
POST-GENERAL				34,375	18OCT90 -26NOV90	14	90HSE/421/2007
POST-GENERAL - AMENDMENT				34,375	18OCT90 -26NOV90	9	91HSE/423/0611
POST-GENERAL - AMENDMENT				34,375	16OCT90 -26NOV90	13	91HSE/424/0255
REQUEST FOR ADDITIONAL INFORMATION					18OCT90 -26NOV90	2	90FEC/678/4746
REQUEST FOR ADDITIONAL INFORMATION 2ND YEAR-END					18OCT90 -26NOV90	3	91FEC/680/2525
YEAR-END			2,265	7,003	27NOV90 -31DEC90	9	91HSE/424/3811
TOTAL			48,680	62,190		230	TOTAL PAGES
3. AUTHORIZED COMMITTEES							
DC FRIENDS OF 'BILL CLAY'							ID #C00060582 HOUSE

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CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOURCE/ PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES TYPE OF FILER	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
1989 MID-YEAR REPORT		29,025		27,961		1JAN89 -30JUN89	14	89HSE/382/4774
MID-YEAR REPORT	- AMENDMENT	29,025		27,961		1JAN89 -30JUN89	13	89HSE/385/4804
MID-YEAR REPORT	- AMENDMENT	29,025		27,961		1JAN89 -30JUN89	13	90HSE/387/0045
MID-YEAR REPORT	- AMENDMENT	29,025		27,961		1JAN89 -30JUN89	12	90HSE/387/0376
MID-YEAR REPORT	- AMENDMENT	-		-		1JAN89 -30JUN89	2	90HSE/387/0388
MID-YEAR REPORT	- AMENDMENT	-		-		1JAN89 -30JUN89	5	90HSE/408/2304
REQUEST FOR ADDITIONAL INFORMATION						1JAN89 -30JUN89	1	89FEC/611/4420
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JAN89 -30JUN89	2	89FEC/614/3222
REQUEST FOR ADDITIONAL INFORMATION						1JAN89 -30JUN89	1	89FEC/616/1897
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JAN89 -30JUN89	2	89FEC/616/4322
YEAR-END		11,975		18,745		1JUL89 -31DEC89	16	90HSE/391/1125
YEAR-END	- AMENDMENT	-		-		1JUL89 -31DEC89	3	90HSE/393/2833
YEAR-END	- AMENDMENT	-		-		1JUL89 -31DEC89	2	90HSE/408/2302
1990 APRIL QUARTERLY		370		12,367		1JAN90 -31MAR90	10	90HSE/395/1760
APRIL QUARTERLY	- AMENDMENT	370		12,367		1JAN90 -31MAR90	9	90HSE/399/2896
REQUEST FOR ADDITIONAL INFORMATION						1JAN90 -31MAR90	1	90FEC/642/0067
JULY QUARTERLY		27,875		11,384		1APR90 -30JUN90	15	90HSE/401/3581
JULY QUARTERLY	- AMENDMENT	-		-		1APR90 -30JUN90	2	90HSE/408/2366
PRE-PRIMARY		2,000		1,715		1JUL90 -18JUL90	5	90HSE/405/1057
PRE-PRIMARY	- AMENDMENT	-		-		1JUL90 -18JUL90	1	90HSE/408/0365
OCTOBER QUARTERLY			30,700		8,101	19JUL90 -30SEP90	10	90HSE/409/1978
PRE-GENERAL			2,000		4,543	1OCT90 -17OCT90	7	90HSE/416/4279
PRE-GENERAL	- AMENDMENT		2,000		4,543	1OCT90 -17OCT90	7	91HSE/423/2523
REQUEST FOR ADDITIONAL INFORMATION						1OCT90 -17OCT90	2	90FEC/673/4039
REQUEST FOR ADDITIONAL INFORMATION 2ND						1OCT90 -17OCT90	3	90FEC/679/2038
POST-GENERAL			650		7,019	18OCT90 -26NOV90	6	90HSE/421/2021
POST-GENERAL	- AMENDMENT		650		7,019	18OCT90 -26NOV90	2	91HSE/424/1472
POST-GENERAL	- AMENDMENT		650		7,019	18OCT90 -26NOV90	2	91HSE/424/2119
REQUEST FOR ADDITIONAL INFORMATION						18OCT90 -26NOV90	1	90FEC/678/4749
REQUEST FOR ADDITIONAL INFORMATION 2ND						18OCT90 -26NOV90	2	91FEC/680/2522
1'ST LETTER INFORMATIONAL NOTICE						18OCT90 -26NOV90	1	91FEC/687/2267
YEAR-END		0		1,421		27NOV90 -31DEC90	3	91HSE/424/3820

175 TOTAL PAGES

175 AUTH TOT PAGES

4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

All reports have been reviewed except for the 1990 Year End
 Ending cash on hand as of 12/31/90: \$35,585.00
 Outstanding debts owed by the committee as of 12/31/90: 0.00
 Outstanding debts owed to the committee as of 12/31/90: \$2500.00

2104036075

GENERAL ELECTION 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.

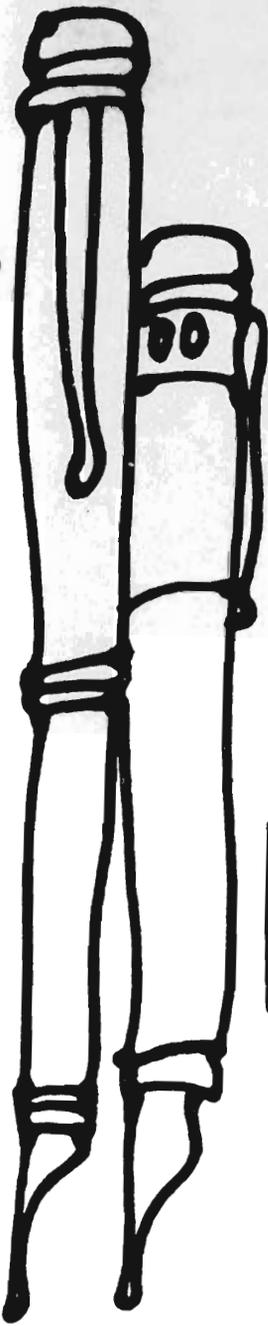
LAST-MINUTE CONTRIBUTIONS

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.] *ESL*

*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.

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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.

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

SCHEDULE A

ITEMIZED RECEIPTS

Use this Schedule for each category of the Detailed Summary Page	PAGE	OF
	1	3
FOR LINE NUMBER		
11-C		

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

NAME OF COMMITTEE (in Full)

Clay Campaign Committee

EOL

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
National Committee to Preserve Social Security and Medicare PAC 2000 K Street, N.W. Suite 800 Washington, D.C. 20006 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	PAC	10/24/90	2500.00
Aggregate Year-to-Date		\$ 4000.00	
B. Full Name, Mailing Address and ZIP Code Air Line Pilots Assn. PAC 1625 Massachusetts, NW Washington, D.C. 20036 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	PAC	10/24/90	2500.00
Aggregate Year-to-Date		\$ 5000.00	
C. Full Name, Mailing Address and ZIP Code General Dynamics Voluntary Political Contribution Plan Pierre Laclède Center St. Louis, Mo. 63105 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	PAC	10/24/90	500.00
Aggregate Year-to-Date		\$ 500.00	
D. Full Name, Mailing Address and ZIP Code National Education Assn. Political Action Committee 1201 16th Street, NW Washington, D.C. 20036 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	PAC	11/2/90	5000.00
Aggregate Year-to-Date		\$ 5500.00	
E. Full Name, Mailing Address and ZIP Code Machinists Non-Partisan Political League 1300 Connecticut Ave, N.W. Washington, D.C. 20036 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	PAC	11/2/90	3000.00
Aggregate Year-to-Date		\$ 3000.00	
F. Full Name, Mailing Address and ZIP Code American Federation of State, County & Municipal Employees AFL-CIO 1625 L Street, NW Washington, D.C. 20036 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	PAC	11/2/90	2500.00
Aggregate Year-to-Date		\$ 2500.00	
G. Full Name, Mailing Address and ZIP Code Commerce Banc PAC P.O. Box 13686 Kansas City, Mo. 64199 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	PAC	11/2/90	500.00
Aggregate Year-to-Date		\$ 500.00	

8
9
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SUBTOTAL of Receipts This Page (optional)	16500.00
TOTAL This Period (last page this line number only)	



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RG-2

DEC 18 1990

Pearlie I. Evans, Treasurer
Clay Campaign Committee
5011 North Kingshighway Boulevard
St. Louis, MO 63115

Identification Number: C00024620

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

Dear Ms. Evans:

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

-Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please amend your report to correct the Column B discrepancies for Line(s) 6(a), 6(c), 7(a), 7(c), 11(c), 11(e), 16, 17, 21, 22 and any subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the year-to-date totals for calendar year 1990.

-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 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))

EBL

-The aggregate year-to-date totals for certain entries on your report indicate there were additional

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contributions that should have been itemized. When contributions from an individual reach \$200 for a calendar year, each subsequent contribution from that individual must be itemized regardless of the amount. Additionally, each contribution from a political committee must be itemized regardless of the amount. Please amend your report to correct the discrepancy for the aggregate totals for: UAW V CAP.

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

Sincerely,



Emily Leonard
Reports Analyst
Reports Analysis Division

91040360080
21135784747

FEDERAL ELECTION COMMISSION
999 B STREET, N.W.
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral #91L-30
Staff Member Todd S. Hageman

SOURCE: INTERNALLY GENERATED

RESPONDENT: Clay Campaign Committee and
Pearlie I. Evans, as treasurer

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

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was referred to the Office of the General Counsel by the Reports Analysis Division ("RAD"). See Attachment 1.

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, see Attachment 2.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that Clay Campaign Committee and Pearlle I. Evans, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

3. Enter into conciliation with Clay Campaign Committee and Pearlle I. Evans, as treasurer, prior to a finding of probable cause to believe.

4. Approve the appropriate letter and the attached Factual and Legal Analysis and proposed conciliation agreement.

Lawrence M. Noble
General Counsel

Date 5/24/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

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

91040860082

BEFORE THE FEDERAL ELECTION COMMISSION

(MUR
3322)

In the Matter of)	
)	
Clay Campaign Committee and)	RAD Referral #91L-30
Pearlie I. Evans, as)	
treasurer.)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 30, 1991, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral #91L-30:

1. Open a MUR.
2. Find reason to believe that Clay Campaign Committee and Pearlie I. Evans, as treasurer, violated 2 U.S.C. § 434(a)((6) (A).
3. Enter into conciliation with Clay Campaign Committee and Pearlie I. Evans, as treasurer, prior to a finding of probable cause to believe.

(Continued)

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4. Approve the appropriate letter and the Factual and Legal Analysis and proposed conciliation agreement, as recommended in the General Counsel's Report dated May 24, 1991.

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

Attest:

5/31/91
Date

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

Received in the Secretariat: Tues., May 28, 1991 9:58 a.m.
Circulated to the Commission: Tues., May 28, 1991 4:00 p.m.
Deadline for vote: Thurs., May 30, 1991 4:00 p.m.

dr

91040360084



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 7, 1991

Clay Campaign Committee
Pearlie I. Evans, Treasurer
5011 N. Kingshighway Boulevard
St. Louis, MO 63115

RE: MUR 3322

Dear Ms. Evans:

On May 30, 1991, the Federal Election Commission found that there is reason to believe Clay Campaign Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

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

91040860085

Ms. Pearlle I. Evans
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 Todd Hageman, 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

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Clay Campaign Committee and
Pearlie I. Evans, as treasurer

MUR: 3322

91040360087

The Clay Campaign Committee ("Committee") is the primary campaign committee for William Lacy Clay, the successful 1990 General Election candidate in Missouri's First Congressional District. The Federal Election Campaign Act, as amended, ("the Act") requires a candidate's principal campaign committee to file special notices of contributions of \$1,000 or more received after the 20th day, but more than 48 hours before, an election in which the candidate is running. The 48-hour Notices must reach the appropriate federal office within 48 hours of the committee's receipt of the contributions. These last-minute contributions must also be itemized on the committee's next scheduled report. 2 U.S.C. § 434(a)(6)(A) and 11 C.F.R. § 104.5(f). The Act defines a "contribution" 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. 2 U.S.C. § 431(8)(A)(i).

The general election for the 1st District Congressional seat in Missouri was held on November 6, 1990. In this case, pursuant to 2 U.S.C. § 434(a)(6)(A), the Committee was required to file notifications of all contributions of \$1,000 or more received after October 17, 1990 but before November 4, 1990. On October 1, 1990, a Prior Notice was sent to the Committee informing them of the 48-hour reporting requirement. The

Committee's 1990 30 Day Post-General Report indicates that the Committee failed to file 48-hour Notices for five (5) contributions of \$1,000 or more totaling \$15,500 received between October 24, 1990 and November 2, 1990, as follows:

Date Received	Contributor	Aggregate Amount
10/24/90	National Committee to Preserve Social Security and Medicare PAC	\$2,500
10/24/90	Airline Pilots Association PAC	2,500
11/02/90	National Education Association PAC	5,000
11/02/90	Machinists Non-Partisan Political League	3,000
11/02/90	American Federation of State, County, and Municipal Employees AFL-CIO	2,500

On December 18, 1990, the Reports Analysis Division ("RAD") sent the Committee a Request for Additional Information ("RFAI") which stated that the Committee may have failed to file one or more of the required 48-hour Notices and that the Commission may decide to take further legal action. To date, no written response to the RFAI addressing the 48-hour Notices issue has been received from the Committee and the 48-hour Notices remain unfiled. Therefore, there is reason to believe that Clay Campaign Committee and Pearlie I. Evans, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

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CLAY CLAY

Congress
1st District

Clay Campaign Committee

Chairperson
Doris Moore — Glenn
5805 Pershing
St. Louis, MO 63112
(314) 727-9571

June 26, 1991

Treasurer
Pearlie I. Evans
5011 N. Kingshighway
St. Louis, MO 63115
(314) 385-9503

Mr. John Warren McGarry
Chairman
Federal Election Commission
Washington, D.C. 20463

Dear Mr. McGarry:

MUR 3322

This letter is in response to your correspondence of June 7, 1991 regarding the possible violation of U.S.C. 434(a)(6)(A) as treasurer of the Clay Campaign Committee.

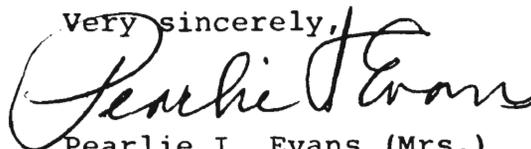
Because I have been out of the city, I regret that my response was not more immediate.

The issue which you raised about the absence of notification in accordance with the last minute contributions of \$1000 and over. I am sorry to say during the time which these checks were received, I was very much personally involved with the serious illness of the father of a close friend. The father later died.

I clearly misinterpreted the last minute contribution regulations and the meaning of the 48 hour notice. It was my understanding that if a contribution were received within 48 hours of an election, notification should be sent to the Clerk of the House. In actuality, a period (Oct. 18 - Nov. 2) was specified which I failed to act upon in the appropriate time.

Please advise if there is additional information needed or advice for remedy which should be undertaken regarding this matter. I appreciate your consideration.

Very sincerely,



Pearlie I. Evans (Mrs.)
Treasurer

cc: Emily Leonard

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OFFICE OF GENERAL COUNSEL
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CLAY CLAY

Congress
1st District

Clay Campaign Committee

Chairperson
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St. Louis, MO 63112
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St. Louis, MO 63115
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July 16, 1991

Mr. John Warren McGarry
Chairman
Federal Election Commission
Washington, D.C. 20463

Dear Mr. McGarry:

This letter is in response to my conversation with Mr. Todd Hageman on July 16, 1991.

I am enclosing the conciliation agreement and a check in the amount of one thousand seven hundred fifty dollars (\$1,750.00) for the possible violation of U.S.C.434(a)(6)(A).

Please advise if there is additional information needed regarding this matter.

Sincerely,



Pearlie I. Evans (Mrs.)
Treasurer

Enclosure

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OFFICE OF LEGAL COUNSEL

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BEFORE THE FEDERAL ELECTION COMMISSION

91 JUL 30 PM 5:03

In the Matter of
Clay Campaign Committee
and Pearlle I. Evans,
as treasurer

MUR 3322

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Pearlle I. Evans, the treasurer of Clay Campaign Committee,¹

The attached agreement contains no changes from the agreement approved by the Commission on May 30, 1991. A check for the civil penalty has not been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Clay Campaign Committee and Pearlle I. Evans, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 7/30/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachment
Conciliation Agreement

Staff Assigned: Todd S. Hageman

¹ The attached agreement is a facsimile copy. The Committee stated in a telephone conversation with a staff member of this Office that the original agreement will be submitted to the Commission imminently via regular mail.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Clay Campaign Committee) MUR 3322
and Pearlie I. Evans,)
as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 2, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3322:

1. Accept the conciliation agreement with Clay Campaign Committee and Pearlie I. Evans, as treasurer, as recommended in the General Counsel's Report dated July 30, 1991.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated July 30, 1991.

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

Attest:

August 2, 1991
Date

Delores Harris
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tues., July 30, 1991 5:03 p.m.
Circulated to the Commission: Wed., July 31, 1991 11:00 a.m.
Deadline for vote: Fri., Aug. 2, 1991 11:00 a.m.

dr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

August 9, 1991

Pearlie I. Evans, Treasurer
Clay Campaign Committee
5011 N. Kingshighway Boulevard
St. Louis, MO 63115

RE: MUR 3322
Clay Campaign Committee

Dear Mrs. Evans:

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

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Jonathan Bernstein, 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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3322
Clay Campaign Committee and)
Pearlie I. Evans, 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 Clay Campaign Committee and Pearlie I. Evans ("Respondents") violated 2 U.S.C. 434(a)(6)(A).

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

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

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

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

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

1. Clay Campaign Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Pearlie I. Evans is the treasurer of Clay Campaign

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Committee.

3. Pursuant to 2 U.S.C. § 434(a)(6)(A), political committees authorized by a candidate must file special notices identifying contributors who make contributions of \$1,000 or more received after the 20th day, but more than 48 hours before, an election in which the candidate is running, within 48 hours of the committee's receipt of such contributions.

4. Respondents were required to file special notices identifying contributors who made contributions of \$1,000 or more received after October 17, 1990 but before November 4, 1990. Respondents failed to file reports for \$15,500 in special notices for last-minute contributions received between October 24, 1990 and November 2, 1990.

V. Respondents failed to file special notices for \$15,500 in last-minute contributions in violation of 2 U.S.C. § 434(a)(6)(A).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Seven Hundred Fifty dollars (\$1,750), 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

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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.

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

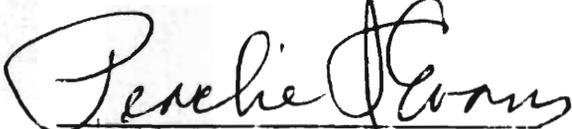
BY:


Lois G. Lerner
Associate General Counsel

Date

8/8/91

FOR THE RESPONDENTS:


Pearlle I. Evans
Treasurer

Date

7-15-91

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3322

DATE FILMED 8/22/91 CAMERA NO. 4

CAMERAMAN AS

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