



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3350

DATE FILMED 11/22/91 CAMERA NO. 2

CAMERAMAN AS

21040880818

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 12 March 1991

ANALYST: Pat Sheppard

I. COMMITTEE: John Vogt for Congress Committee
(C00244145)
Ronald Bray, Treasurer
P.O. Box 321057
Cocoa Beach, FL 32932

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 John Vogt for Congress Committee ("the Committee") has failed to file the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for sixteen (16) contributions totaling \$24,950 received prior to the 1990 Runoff Election.

The candidate was involved in the 1990 Runoff Election held on October 2, 1990. Prior Notice was sent to the Committee on July 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 following periods: For candidates involved in the Runoff: 09/13/90 through 09/29/90. The notice must reach the appropriate federal and state offices within 48 hours of the committee's receipt."

Schedule A of the 1990 October Quarterly Report indicates that the Committee failed to file sixteen (16) 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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JOHN VOGT FOR CONGRESS COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Bjorg Hermansen	09/17/90	\$1,000
David Simmons	09/14/90	\$1,000
W. Lansing Gleason	09/24/90	\$1,000
Barnett Bank PAC	09/29/90	\$1,000
F. Phil Handy	09/17/90	\$1,000
A. Fred Turner	09/14/90	\$1,000
Bernie Simpkins	09/19/90	\$1,000
Hardy Snow	09/19/90	\$1,000
FLAMPAC (SR)	09/25/90	\$2,000
AICPA	09/19/90	\$5,000
A. Duda & Sons, Inc	09/19/90	\$1,000
NSPE PAC	09/28/90	\$1,000
NRA PVF	09/24/90	\$4,950
Sun Bank Sun Bank PAC	09/13/90	\$1,000
Joe Hilliard	09/27/90	\$1,000
So. Bell So. Bell Fed. PAC	09/26/90	\$1,000

On November 13, 1990, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI noted on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice requested the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice stated that although the Commission may take legal steps, any response would be taken into consideration.

To date, the Committee has failed to respond.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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

DATE 27FEB91

PAGE 1 of 1

CANDIDATE/COMMITTEE DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	OFFICE SOUGHT/ PARTY	PRIMARY	GENERAL	PRIMARY			
VOGT, JOHN W	HOUSE 11 REPUBLICAN PARTY				FLORIDA	1990 ELECTION	ID# H0FL11087
1. STATEMENT OF CANDIDATE							
1990 STATEMENT OF CANDIDATE						27APR90	1 90HSE/397/0581
2. PRINCIPAL CAMPAIGN COMMITTEE							
JOHN VOGT FOR CONGRESS COMMITTEE							ID#C00244145 HOUSE
1990 STATEMENT OF ORGANIZATION						27APR90	1 90HSE/397/0582
48 HOUR CONTRIBUTION NOTICE						5SEP90	1 90HSE/407/0583
48 HOUR CONTRIBUTION NOTICE						6SEP90	1 90HSE/407/0584
JULY QUARTERLY	93,999		49,537			6APR90 -30JUN90	68 90HSE/403/0518
1ST LETTER INFORMATIONAL NOTICE						1APR90 -30JUN90	1 90FEC/654/0629
PRE-PRIMARY	50,031		67,426			1JUL90 -15AUG90	42 90HSE/406/0585
NOTICE OF FAILURE TO FILE						1JUL90 -15AUG90	1 90FEC/654/0691
1ST LETTER INFORMATIONAL NOTICE						1JUL90 -15AUG90	1 90FEC/657/0610
PRE-RUN-OFF	53,161		77,686			16AUG90 -12SEP90	31 90HSE/408/0582
NOTICE OF FAILURE TO FILE						16AUG90 -12SEP90	1 90FEC/657/0612
REQUEST FOR ADDITIONAL INFORMATION						16AUG90 -12SEP90	7 90FEC/657/0588
REQUEST FOR ADDITIONAL INFORMATION 2ND						16AUG90 -12SEP90	6 90FEC/679/0171
OCTOBER QUARTERLY	44,895		44,255			13SEP90 -30SEP90	24 90HSE/413/0597
REQUEST FOR ADDITIONAL INFORMATION						13SEP90 -30SEP90	5 90FEC/670/4881
REQUEST FOR ADDITIONAL INFORMATION 2ND						13SEP90 -30SEP90	6 90FEC/676/3126
YEAR-END	7,812		10,756			1OCT90 -31DEC90	19 90HSE/425/2408
TOTAL	249,898	0	249,660	0			217 TOTAL PAGES
3. AUTHORIZED COMMITTEES							
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN							

10408821

All reports have been reviewed.
Ending cash on hand as of 12/31/90: 1,051.00
Outstanding debts owed by the committee as of 12/31/90: 0.00

REPORT NOTICE

FEDERAL ELECTION COMMISSION

FLORIDA

July 30, 1990

FOR COMMITTEES ONLY INVOLVED IN THE PRIMARY (09/04/90):

REPORT	REPORTING PERIOD1/	REG./CERT. MAILING DATE2/	FILING DATE
PRE-PRIMARY	07/01/90- 08/15/90	08/20/90	08/23/90
OCTOBER QUARTERLY	08/16/90- 09/30/90	10/15/90	10/15/90

**FOR COMMITTEES INVOLVED IN BOTH THE PRIMARY (09/04) AND
 RUNOFF (10/02):**

REPORT	REPORTING PERIOD1/	REG./CERT. MAILING DATE2/	FILING DATE
PRE-PRIMARY	07/01/90- 08/15/90	08/20/90	08/23/90
PRE-RUNOFF	08/16/90- 09/12/90	09/17/90	09/20/90
OCTOBER QUARTERLY	09/13/90- 09/30/90	10/15/90	10/15/90

WHO MUST FILE

PRINCIPAL CAMPAIGN COMMITTEES OF CONGRESSIONAL "CANDIDATES" who seek nomination in the September 4, 1990, Florida Primary and, if held, the October 2, 1990 Runoff.

WHAT MUST BE REPORTED

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

REPORTING FORMS

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

WHERE TO FILE

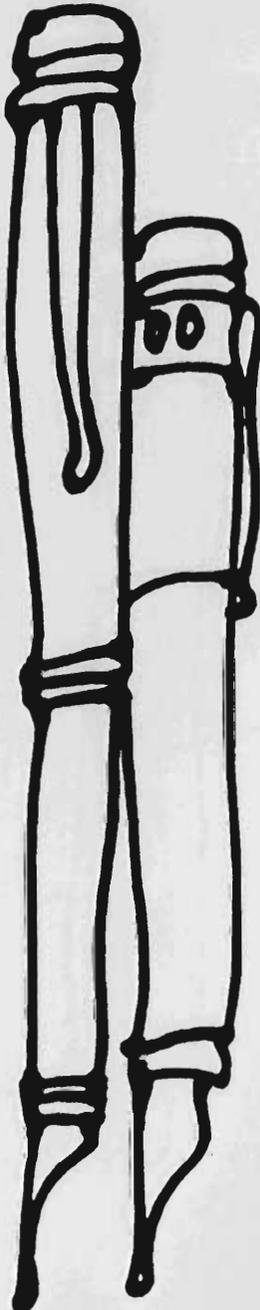
Consult the instructions on the back of the Form 3 Summary Page. Note state filing requirements also.

1/The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

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

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

21040880322



FLORIDA

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 following periods:

- PS
- o For candidates involved in the Primary: 08/16/90 through 09/01/90
 - o For candidates involved in the Runoff: 09/13/90 through 09/29/90

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

COMPLIANCE

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

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John Vogt for Congress
P.O. Box 36, Melbourne, FL 32903

ITEMIZED RECEIPTS

PAGE 3 OF 24
FOR LINE 6

PERIOD 09/13/90 TO 09/30/90

NAME AND ADDRESS	EMPLOYER AND OCCUPATION	DATE	AMOUNT	ELECTION
D. F. and Jane Thompson 117 Cat Cay Lane Ind. Mbr. Bch. FL 32917		09/24/90	\$100.00	Primary-RO
YEAR TO DATE	\$125.00			
Ernie Bergmann 205 Hacienda Drive Merritt Island FL 32952	Self Shipping	09/17/90	\$1000.00	Primary-RO
YEAR TO DATE	\$2000.00			
David Simmons P.O. Box 87 Orlando FL 32802	Self Attorney	09/14/90	\$1000.00	Primary-RO
YEAR TO DATE	\$2000.00			
William & Margaret Broussard 3660 N. Riverside Drive Indialantic FL 32903		09/25/90	\$250.00	Primary-RO
YEAR TO DATE	\$500.00			
Antonio & Concepcion Catasus 186 St. Croix Cocoa Beach FL 32931	Self Doctor	09/17/90	\$100.00	Primary-RO
YEAR TO DATE	\$450.00			
Charles and Yvonne Hoyman 3165 Hilliard Court Melbourne FL 32935	Hoyman & Associates CPA	09/29/90	\$50.00	Primary-RO
YEAR TO DATE	\$400.00			
Archie Gann 65 Carrigan Blvd. Merritt Island FL 32952		09/19/90	\$50.00	Primary-RO
YEAR TO DATE	\$75.00			
William and Tina Knappenberger 64 Hilltop Lane Rockledge FL 32955		09/24/90	\$25.00	Primary-RO
YEAR TO DATE	\$75.00			
William & Sue Munsey 2570 Sykes Creek Drive Merritt Island FL 32952	NASA Engineer	09/19/90	\$100.00	Primary-RO
YEAR TO DATE	\$650.00			
Merrill Grant 225 Jackson Avenue Satellite Bch. FL 32917	Self Dentist	09/19/90	\$500.00	Primary-RO
YEAR TO DATE	\$800.00			

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John Year for Congress
 1000 50th St, Melbourne, FL 32902

STANDARD RECEIPTS

PERIOD 09/13/90 TO 09/30/90

NAME AND ADDRESS	EMPLOYER AND OCCUPATION	DATE	AMOUNT	RELECTION
George Gross 1230 39th Ave Vero Beach FL 32960 YEAR TO DATE \$125.00		09/26/90	\$40.00	Primary-RO
Fred Spogen 448 Carmine Dr. Cocoa Beach FL YEAR TO DATE \$75.00	pharmacist	09/19/90	\$75.00	Primary-RO
Clifton & Kathleen McClelland 5315 Crane Road West Melbourne FL 32904 YEAR TO DATE \$750.00	Potter, McClelland Attorney/homemaker	09/26/90	\$240.00	Primary-RO
C.E. Brooks P.O. Box 576927 Orlando FL 32853 YEAR TO DATE \$1500.00	Self Developer	09/17/90	\$500.00	Primary-RO
Onofre Carrillo 2800 Hutchinson Place Titusville FL 32780 YEAR TO DATE \$110.00	Doctor	09/28/90	\$100.00	Primary-RO
W. Lansing Gleason P.O. Box 895 Melbourne FL 32936 YEAR TO DATE \$2000.00	Self Attorney	09/24/90	\$1000.00	Primary-RO
Arnold Stallman 561 Capri Road Cocoa Beach FL 32931 YEAR TO DATE \$60.00		09/24/90	\$25.00	Primary-RO
Scott and Linda Searles 1312 Whaling Ave. S.E. Palm Bay FL 32909 YEAR TO DATE \$75.00		09/13/90	\$25.00	Primary-RO
Barnett Bank P.O. Box 5257 Tallahassee FL 32314 YEAR TO DATE \$1000.00	PAC	09/29/90	\$1000.00	Primary-RO
Frank Regas P.O. Box 372276 Satellite Beach FL 32937 YEAR TO DATE \$1100.00	Retired	09/24/90	\$100.00	Primary-RO

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John Vogt for Congress
P.O. Box 56, Melbourne, FL 32902

ITEMIZED RECEIPTS

PAGE 3 OF 3
FOR LINE 6

PERIOD 09/13/90 TO 09/30/90

NAME AND ADDRESS	EMPLOYER AND OCCUPATION	DATE	AMOUNT	ELECTION
Robert and Mary Riddle 1303 Chichester Street Orlando FL 32803 YEAR TO DATE \$1500.00		09/24/90	\$500.00	Primary-RO
Theodore E. Gordon 2406 Ocean Drive Vero Beach FL 32963 YEAR TO DATE \$500.00	Consultant	09/29/90	\$250.00	Primary-RO
E. Phil Handy P.O. Box 3090 Winter Park FL 32790 YEAR TO DATE \$1000.00		09/17/90	\$1000.00	Primary-RO
Herman Packard 1414 Gleneagles Way Rockledge FL 32955 YEAR TO DATE \$100.00		09/13/90	\$100.00	Primary-RO
A. Fred Turner 149 St. Croix Cocoa Beach FL 32931 YEAR TO DATE \$2000.00	Self Doctor	09/14/90	\$1000.00	Primary-RO
Bernie Simpkins 400 High Point Dr. Cocoa FL 32926 YEAR TO DATE \$2000.00	SAS Toyota Owner	09/19/90	\$1000.00	Primary-RO
Margret Ann Zabinski 1500 Pine St. Melb Beach FL 32951 YEAR TO DATE \$250.00	Homemaker	09/25/90	\$50.00	Primary-RO
Ann Downey 525 Andros Lane I.H.B. FL 32937 YEAR TO DATE \$600.00	Homemaker	09/28/90	\$100.00	Primary-RO
Lynn Weaver 417 Oriole Lane Indialantic FL 32903 YEAR TO DATE \$250.00	FL. Ins. of Tech. President	09/19/90	\$50.00	Primary-RO
Bardy Snow 1142 Harbor Island Rd. Orlando FL 32809 YEAR TO DATE \$2000.00	Self Attorney	09/19/90	\$1000.00	Primary-RO

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John Vant for Congress
P.O. Box 56, Melbourne, FL 32902

ITEMIZED RECEIPTS

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FOR LINE 6

PERIOD 09/13/90 TO 09/30/90

NAME AND ADDRESS	EMPLOYER AND OCCUPATION	DATE	AMOUNT	ELECTION
Thom Shaw P.O. Box 539 Orlando YEAR TO DATE	FL 32802 \$250.00	09/28/90	\$125.00	Primary-RO
Betty Murksho P.O. Box 320429 Cocoa Beach YEAR TO DATE	Housewife FL 32932 \$75.00	09/24/90	\$25.00	Primary-RO
Leonard Spielvogel 101 S. Courtenay Pkwy Merritt Island FL 32952 YEAR TO DATE	Lawyer \$300.00	09/24/90	\$100.00	Primary-RO
FLAMPAC (SR) P.O. Box 2411 Jacksonville YEAR TO DATE	PAC FL 32203 \$5000.00	09/25/90	\$2000.00	Primary-RO
John Banks 2413 NW 40th Circle Boca Raton YEAR TO DATE	FL 33431 \$50.00	09/19/90	\$50.00	Primary-RO
AICPA 1455 Pennsylvania Avenue Washington DC, 20004 YEAR TO DATE	PAC \$10000.00	09/19/90	\$5000.00	Primary-RO
Douglas Sorensen 3910 Hidden Oaks Lane Melbourne YEAR TO DATE	Self Physician FL 32934 \$600.00	09/19/90	\$100.00	Primary-RO
Lee Chira 200 South Orange Ave. Ste 2110 Orlando YEAR TO DATE	Self Attorney FL 32801 \$250.00	09/14/90	\$250.00	Primary-RO
R Bruce Deardoff 2105 Macfarland Drive Merritt Island, Florida 32952 YEAR TO DATE	\$250.00	09/19/90	\$250.00	Primary-RO
Charles and Betty Vickers 700 Milford Point Dr Merritt Island FL 32952 YEAR TO DATE	Self Tire Co. \$250.00	09/13/90	\$250.00	Primary-RO

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John V... for Congress
P.O. Box 56, Melbourne, FL 32902

STANDARDIZED RECEIPTS

PAGE 6 OF 30
FOR LINE 6

PERIOD 09/13/90 TO 09/30/90

NAME AND ADDRESS	EMPLOYER AND OCCUPATION	DATE	AMOUNT	ELECTION
Georgia Power Co. P.O. Box 4545 Atlanta GA 30302	PAC	09/13/90	\$250.00	Primary-RO
YEAR TO DATE			\$250.00	
Dan Wooten 1360 West King St Cocoa FL 32922		09/13/90	\$100.00	Primary-RO
YEAR TO DATE			\$100.00	
A. Duda & Sons, Inc P.O. Box 257 Oviedo FL 32765	Farmer	09/19/90	\$1000.00	Primary-RO
YEAR TO DATE			\$2000.00	
NSPE PAC 1420 King St Alexandria VA 22314	NSPE PAC	09/20/90	\$1000.00	Primary-RO
YEAR TO DATE			\$2000.00	
NRA PVF 1600 Rhode Island Ave Washington DC 20036	Political Victory Fu	09/24/90	\$4950.00	Primary-RO
YEAR TO DATE			\$7950.00	
Joe Caruso 1085 Carol Court Herritt Island FL 32952	Self Lawyer	09/19/90	\$100.00	Primary-RO
YEAR TO DATE			\$100.00	
Joseph Conneen 441 N. Harbour City Blvd Melbourne FL 32935		09/19/90	\$50.00	Primary-RO
YEAR TO DATE			\$50.00	
Fl. Citrus Mutual P.O. Box 89 Lakeland FL 33802	PAC	09/17/90	\$300.00	Primary-RO
YEAR TO DATE			\$300.00	
James W. Wells 2275 N. Courtenay Pkwy Suite 5 Herritt Island FL 32953		09/17/90	\$100.00	Primary-RO
YEAR TO DATE			\$100.00	
Daniel Adovasio P.O. Box 541023 Herritt Island FL 32954	Self State Farm Ins.	09/17/90	\$100.00	Primary-RO
YEAR TO DATE			\$100.00	

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John Van... for Congress
P.O. Box 36, Melbourne, FL 32903

UNLIMITEZED CONTRIBUTION

PAGE 15
FOR LINE 8

PERIOD 09/13/90 TO 09/30/90

NAME AND ADDRESS

EMPLOYER AND OCCUPATION

DATE

AMOUNT

ELECTION

Mark Clifton P.O. Drawer 3805 Cocoa YEAR TO DATE	FL 32924	Clifton Const. Const.	09/28/90	\$50.00	Primary-RO
YEAR TO DATE				\$50.00	

Sun Bank Sun Bank PAC 150 S. Monroe St. #200 Tallahassee YEAR TO DATE	FL 32301	PAC	09/13/90	\$1000.00	Primary-RO
YEAR TO DATE				\$1000.00	

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Joe Hilliard Route 2, Box 175 Clewiston YEAR TO DATE	FL 33440		09/27/90	\$1000.00	Primary-RO
YEAR TO DATE				\$1000.00	

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Doug Cochran 8555 Astronaut Blvd. Cape Canaveral YEAR TO DATE	FL 32920	Ocean Carpets Owner	09/27/90	\$100.00	Primary-RO
YEAR TO DATE				\$100.00	

PAC New Majority PAC P.O. Box 54 New Ulm YEAR TO DATE	MN 56073	PAC	09/27/90	\$500.00	Primary-RO
YEAR TO DATE				\$500.00	

Martin Parrish P.O. Drawer L Titusville YEAR TO DATE	FL 32701	Self Grave Owner	09/27/90	\$250.00	Primary-RO
YEAR TO DATE				\$250.00	

W. R. Amidon P.O. Box 1009 Windermere YEAR TO DATE	FL 34706		09/27/90	\$100.00	Primary-RO
YEAR TO DATE				\$100.00	

Seymour Israel 3532 Maggle Blvd. Orlando YEAR TO DATE	FL 32811		09/26/90	\$300.00	Primary-RO
YEAR TO DATE				\$300.00	

So. Bell So. Bell Fed. PAC 675 W. Peachtree St. Atlanta YEAR TO DATE	GA 30373	PAC	09/26/90	\$1000.00	Primary-RO
YEAR TO DATE				\$1000.00	

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20541

RO-2

NOV 13 1990

Ronald Bray, Treasurer
John Vogt for Congress Committee
P.O. Box 321057
Cocoa Beach, FL 32932

Identification Number: C00244145

Reference: October Quarterly Report (9/13/90-9/30/90)

Dear Mr. Bray:

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:

-Your report discloses contribution(s) that may be from a corporation (pertinent portion attached). A contribution from a corporation is prohibited by the Act, unless it is made from a separate segregated fund established by the corporation. (2 U.S.C. §441b(a) and 11 CFR §103.3(b))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution you received is from a corporation, you should refund the full amount to the donor and notify the Commission of such action. The refund must be made within thirty days of the treasurer becoming aware of the impermissibility of the contribution. (11 CFR §103.3(b)(2)) Copies of refund checks for the contribution(s) in question may be used to respond to this letter. The refund should be reported on a Schedule B supporting Line 20(a) of the report covering the period in which the refund is made. (11 CFR §104.8(d)(4))

Although the Commission may take further legal steps, prompt action by you to refund the prohibited amount will be taken into consideration.

-You must provide the occupation and name of employer for each contributor required to be itemized on Schedule A. Please amend your report by supplying the omitted information.

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JOHN VOGT FOR CONGRESS COMMITTEE
PAGE 2

With respect to the occupation and name of employer of the contributor, your committee may demonstrate "best efforts" to obtain the required information. This demonstration must describe your committee's procedures for requesting the information. You may also supply a copy of the solicitation. Under 11 CFR §104.7(b), the solicitation shall consist of a clear request for the required information (i.e., name, mailing address, occupation, and name of employer). The request should also inform the contributor that the reporting of such information is required by law. See 11 CFR §104.3(a)(4)(i) and 11 CFR §104.7.

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-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-Runoff 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))

-2 U.S.C. §434(b)(3) requires itemization of contributions from individuals and persons other than political committees, where the aggregate total from the contributor exceeds \$200 in a calendar year. In addition, 11 CFR §104.3(a)(2)(i)(B) requires a committee to report the total amount of unitemized contributions (see Line 11(a)(ii) of the Detailed Summary Page). If a committee wishes to disclose contributions regardless of the amount contributed, the committee must separate (on separate receipt schedules) those contributors requiring itemization from those who are not required to be itemized. (11 CFR §104.3(a)(4)(i)) Please submit your reports in this order.

-Please be advised that contributions from individuals and political committees should be itemized on separate Schedules A. Additionally, the total amount of these contributions should be reported on the appropriate line of the Detailed Summary Page (11(a), 11(b) and 11(c)).

JOHN VOGT FOR CONGRESS COMMITTEE
PAGE 3

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,

Linda Tangney

Linda Tangney
Reports Analyst
Reports Analysis Division

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91 JUN 24 PM 1:28

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral: 91L-27
Staff Member: Deborah Curry

SOURCE: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS: John Vogt for Congress Committee and
Ronald Bray, as treasurer

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

INTERNAL REPORTS CHECKED: Disclosure Reports of John Vogt for
Congress Committee

FEDERAL AGENCIES CHECKED: NONE

I. GENERATION OF THE MATTER

On March 12, 1991, the Reports Analysis Division ("RAD") referred the John Vogt for Congress Committee ("the Committee") and Ronald Bray, as treasurer, to this Office for failing to report within 48 hours of receipt sixteen (16) contributions totaling \$24,950, which were received after the 20th day, but more than 48 hours before the October 2, 1990 Run-off Election. (Attachment 1).

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, see Attachment 2.^{1/}

^{1/} The Office of General Counsel notes that the John Vogt for Congress Committee received an apparent corporate contribution of \$1,000 from A. Duda & Sons, Inc. See Factual and Legal Analysis. According to reports on file at the Commission, RAD sent two Requests For Additional Information ("RFAs") to the John Vogt for Congress Committee regarding this contribution.

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III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe John Vogt for Congress Committee and Ronald Bray, as treasurer, violated 2 U.S.C. § 436(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.

(Footnote 1 continued from previous page)

Additionally, a review of the reports of John Vogt for Congress Committee indicates that two other contributions of \$500 each were received by the Committee from A. Duda & Sons, Inc. The two Five Hundred Dollar contributions were made during the 12 Day Pre-Run-off period. With respect to these contributions, RAD sent two RFAIs to the John Vogt for Congress Committee. At this time, the John Vogt for Congress Committee has not responded to any of the RFAIs.

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

Lawrence M. Noble
General Counsel

June 24, 1991

BY:

Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Attachments

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

Staff Assigned: Deborah Curry

21040880835

BEFORE THE FEDERAL ELECTION COMMISSION

(MUR)
3350)

In the Matter of)
John Vogt for Congress Committee and) RAD Referral 91L-27
Ronald Bray, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 26, 1991, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 91L-27:

1. Open a MUR.
2. Find reason to believe John Vogt for Congress Committee and Ronald Bray, as treasurer, violated 2 U.S.C. § 436(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.

(continued)

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Federal Election Commission
Certification for
RAD Referral 91L-27
June 26, 1991

Page 2

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

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

Attest:

June 27, 1991
Date

Jan *Delores Harris*
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Monday, June 24, 1991 1:23 p.m.
Circulated to the Commission: Monday, June 24, 1991 4:00 p.m.
Deadline for vote: Wednesday, June 26, 1991 4:00 p.m.

dh

21040880837



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

July 9, 1991

Ronald Bray, Treasurer
John Vogt for Congress Committee
P.O. Box 321057
Cocoa Beach, FL 32932

RE: MUR 3350
John Vogt for Congress
Committee and Ronald Bray,
as treasurer

Dear Mr. Bray:

On June 26, 1991, the Federal Election Commission found that there is reason to believe John Vogt for Congress Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 436(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.

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Ronald Bray, Treasurer
Page Two

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.

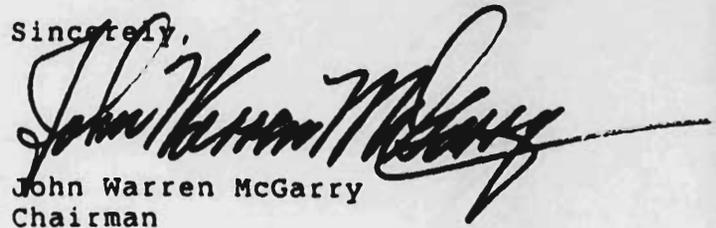
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

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: John Vogt for Congress Committee
and Ronald Bray, as treasurer

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The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that the principal campaign committee of a candidate for federal office shall notify the Clerk, the Secretary, or the Commission, and the Secretary of State, as appropriate, in writing of any contribution of \$1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. 2 U.S.C. § 434(a)(6)(A).

John W. Vogt was a candidate for the U.S. House of Representatives from Florida's Eleventh Congressional District, and was involved in the 1990 Run-off Election held on October 2, 1990. According to the Statement of Candidacy and Statement of Organization filed with the Commission on April 27, 1990, John Vogt for Congress Committee ("the Committee") is the authorized principal campaign committee of John W. Vogt and Ronald Bray is its treasurer.

Pursuant to 2 U.S.C. § 434(a)(6)(A), the Committee was required to notify the Clerk of the House of Representatives in

writing, of all contributions of \$1,000 or more received from September 13, 1990 through September 29, 1990, within 48 hours of receipt. On July 30, 1990, the Committee was reminded by the Commission, in writing, that contributions of \$1,000 or more received during the period September 13, 1990 through September 29, 1990, must be reported to the appropriate federal and state offices within 48 hours of receipt.

The Committee received sixteen contributions during the period of September 13, 1990 through September 29, 1990, that required the Committee to file 48-Hour notices. The following is a list of the contributions for which the Committee failed to file the required 48-Hour notices:

	<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
1.	Sun Bank Sun Bank PAC	9/13/90	\$1,000
2.	David Simmons	9/14/90	\$1,000
3.	A. Fred Turner	9/14/90	\$1,000
4.	Bjorg Hermansen	9/17/90	\$1,000
5.	F. Phil Handy	9/17/90	\$1,000
6.	Bernie Simpkins	9/19/90	\$1,000
7.	Hardy Snow	9/19/90	\$1,000
8.	AICPA	9/19/90	\$5,000
9.	A. Duda & Sons, Inc.	9/19/90	\$1,000
10.	W. Lansing Gleason	9/24/90	\$1,000
11.	NRA PVF	9/24/90	\$4,950
12.	FLAMPAC (SR)	9/25/90	\$2,000
13.	So. Bell So. Bell Fed. PAC	9/26/90	\$1,000
14.	Joe Hilliard	9/27/90	\$1,000
15.	NSPE PAC	9/28/90	\$1,000
16.	Burnett Bank PAC	9/29/90	\$1,000
		Total	\$24,950

These contributions were reported by the Committee on the 1990 October Quarterly Report.

As stated earlier, 2 U.S.C. § 434(a)(6)(A) requires Committees to file 48-Hour notices for contributions of \$1,000 or

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more received after the 20th day, but no more than 48 hours before, any election. The Committee failed to file 48-Hour notices for sixteen contributions totaling \$24,950 received within this time period. Therefore, there is reason to believe John Vogt for Congress Committee and Ronald Bray, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

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BB-2068

John Vogt for Congress Committee
P.O. Box 321057
Cocoa Beach, FL 32932
July 30, 1991

Federal Election Commission
999 East Street NW
Washington, D.C. 20463

Attention: John Warren McGarry, Chairman

Re: MUR 3350
John Vogt for Congress Committee
and Ronald Bray as Treasurer

91110-5
A110:52

Dear Mr. McGarry:

We have received and reviewed the commission's complaint against the referenced committee, and wish to make the following response.

We clearly received the contributions as indicated, since they were reported on the 1990 October Quarterly Report. With respect to the 48-hour reporting requirement, it was always our intent to follow the law, and this was apparently accomplished in the first primary.

Griffin Merkle, who was the campaign manager, contends that he reported the disputed contributions by telephone fax within the prescribed period. A letter from him attesting to this is enclosed. Mr. Merkle is a former staffer of the National Republican congressional committee, and he has run other congressional campaigns, so the requirement was not something new and unusual for him.

Mr. Merkle was a salaried campaign manager, whereas Mr. Bray was a volunteer campaign treasurer. Mr. Bray has been the volunteer campaign treasurer for several of my previous political campaigns when I was in the Florida Senate, and in one state-wide campaign. Since Mr. Merkle was both salaried and experienced in federal campaigns, we looked to him to keep us in accord with federal election law.

Since Mr. Merkle is now in Arizona as the executive director of the Arizona Republican Party, and I cannot in good conscience expect a volunteer campaign treasurer to pay any fines, I am entering into the conciliation agreement

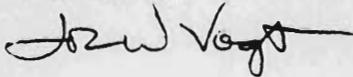
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Mistakes are made in every campaign. I have never seen a campaign that did not have mistakes of some type in the financial reporting. Honest mistakes, but they happen. However, I have never had to pay a fine before. It is especially unpleasant to pay a fine when there was no dishonest intent, the alleged lack of reporting within 48 hours qualifies as an oversight in the hectic days before an election, and no one was harmed in the process. The fine would make more sense had the contribution total been huge, and had it made a difference in the outcome. Such was clearly not the case here. And I lost the election.

Like any average American, I feel powerless against the federal government. I am not an attorney, and in this case it is not cost-effective to hire one. I resent having to pay even one dollar under the circumstances. I am not sure if the more appropriate analysis would be "adding insult to injury", or "adding injury to insult". It hurts, no matter what you call it, and the impression will be a lasting one.

Any fine in this circumstance is unwarranted. I suspect that these fines support the commission's activities, since there is no other logical reason to prosecute the fine, given the situation.

Sincerely,



John W. Vogt
4225 Crooked Mile Road
Merritt Island, FL 32952

21040880844

MEMORANDUM

TO: Federal Election Commission
FROM: Griffin Merkel, Campaign Manager
RE: MUR 3350, John Vogt for Congress, Ron Bray, Treasurer
DATE: July 29, 1991

It has come to my attention that several \$1,000 contributor's names were not reported within the 48 hour notification provision with regard to the John Vogt for Congress Campaign.

To the best of my recollection all names were sent by FAX within the time frame after the first primary, as had been done before the first primary.

Due to a recent move I have been unable to locate my files regarding this matter.

However, I will state unequivocally there was a concerted effort on behalf of the campaign to adhere to each and every provision of the Federal Election Campaign Act and to the best of my recollection we satisfied all our commitments in a timely manner.

Griffin Merkel

Griffin Merkel
Campaign Manager,
John Vogt for Congress
3501 North 24th Street
Phoenix, Arizona 85016

GM/slb

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3350

NAME OF COUNSEL: John W. Voqt (Not an Attorney)

ADDRESS: 4225 Crooked Mile Road

Merritt Island, FL 32952

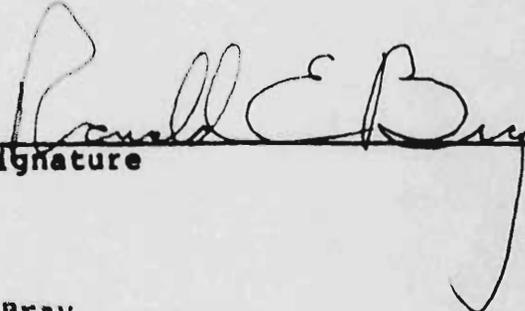
TELEPHONE:

(407)896-0594 Office

(407)459-1163 Home

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.

7-30-91
Date


Signature

RESPONDENT'S NAME: Ronald E. Bray

ADDRESS: P.O. Box 321057

Cocoa Beach, FL 32932-1057

HOME PHONE: (407)783-4814

BUSINESS PHONE: (407)783-7607

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John W. Or Tonie Vogt 12-86
Ph. 459-1163
4225 Crooked Mile Rd.
Merritt Island, FL 32952

2260
63-319631

7/30 91

Pay FEDERAL ELECTION COMMISSION \$ 1,500 ⁰⁰
TO THE ORDER OF
ONE THOUSAND FIVE HUNDRED AND NO/100 Dollars



887-614
438 Brevard Avenue
Cocoa, Florida 32922-7000

For Campaign FINE MUR 3350

[Signature]

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RECEIVED
F.E.C.
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION
OCT 23 PM 4:24

SENSITIVE

In the Matter of)
)
Vogt for Congress Committee and) MUR 3350
Ronald Bray, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 26, 1991, the Commission found reason to believe the John Vogt for Congress Committee ("the Committee") and Ronald Bray, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to report within 48 hours of receipt sixteen (16) contributions totaling \$24,950 which were received prior to the October 2, 1990 Run-off Election in the Eleventh Congressional District of Florida. The Commission approved a conciliation agreement at that time which provided for a civil penalty

The candidate responded by forwarding a signed conciliation agreement and a civil penalty check (Attachment).

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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III. RECOMMENDATIONS

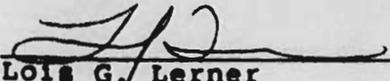
1. Accept the attached conciliation agreement with John Vogt for Congress Committee and Ronald Bray, as treasurer.
2. Close the file.

3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

10-28-91
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachment
Response and Civil Penalty Check

Staff Assigned: Deborah Curry
Jonathan Bernstein

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Vogt for Congress Committee and) MUR 3350
Ronald Bray, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 28, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3350:

1. Accept the conciliation agreement with John Vogt for Congress Committee and Ronald Bray, as treasurer, as recommended in the General Counsel's Report dated October 28, 1991.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated October 23, 1991.

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

Attest:

10-28-91
Date

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

Received in the Secretariat: Wed., Oct. 23, 1991 4:24 p.m.
Circulated to the Commission: Thurs., Oct. 24, 1991 11:00 a.m.
Deadline for vote: Mon., Oct. 28, 1991 11:00 a.m.

dr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CLOSED

November 7, 1991

John W. Vogt
4225 Crooked Mile Road
Merritt Island, FL 32952

RE: MUR 3350
John Vogt for Congress Committee
and Ronald Bray, as treasurer

Dear Mr. Vogt:

The Federal Election Commission has considered the signed conciliation agreement and civil penalty check you submitted on behalf of John Vogt for Congress Committee and Ronald Bray, as treasurer, in settlement of a violation of 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended. After consideration of all the circumstances involved, on October 28, 1991, the Commission decided to accept this agreement and closed the file in this matter.

The Commission does, however, wish to respond to statements in your July 31, 1991 correspondence. You contend that your committee's apparent failure to disclose before the election the receipt of nearly \$25,000 in large last minute contributions "qualifies as an oversight in the hectic days before an election." Federal law requires filing of the 48 Hour Notices, however, precisely so voters will be aware of large PAC and individual contributions that are received by candidates just before the election. For this reason, the Commission strictly enforces the 48 Hour notice requirement through its civil investigations, and does so against election winners and losers alike. Further, the civil penalties negotiated by the Commission do not support the Commission's activities as you suggest. Instead, they are deposited in the U.S. Treasury and by law cannot be included in the agency's budget. Thus, the reason the Commission seeks civil penalties in cases such as this one is to impress on campaigns and candidates the importance of scrupulous attention to the public disclosure requirements of the law.

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

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John W. Vogt
Page 2

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 Deborah Curry, the attorney assigned to this matter, at (202) 219-3400.

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)
)
John Vogt for Congress)
Committee and Ronald Bray,)
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 John Vogt for Congress Committee and Ronald Bray, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6)(A).

NOW, THEREFORE, the Commission and the Respondents, having participated in the 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. John Vogt for Congress Committee, as the principal campaign committee of John W. Vogt, is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Ronald Bray is the treasurer of John Vogt for Congress Committee.

3. 2 U.S.C. § 434(a)(6)(A) provides that the principal campaign committee of a candidate for federal office shall notify the appropriate authority, in writing, of any contribution of \$1,000 or more received after the 20th day, but more than 48 hours before, any election. The notification shall be made within 48 hours after the receipt of such contribution by the committee.

4. Respondents were required to file 48-Hour notices for contributions of \$1,000 or more received from September 13, 1990 through September 29, 1990.

5. Respondents failed to file 48-Hour notices for sixteen contributions of \$1,000 or more which were received by the Committee during the period of September 13, 1990 through September 29, 1990.

V. Respondents failed to file 48-Hour notices for sixteen contributions totaling \$24,950 received between September 13, 1990 and September 29, 1990, 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 Five Hundred dollars (\$1,500), 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

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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.

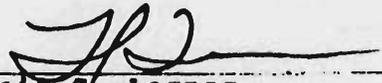
IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

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

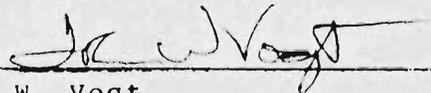
BY:


Lois G. Lerner
Associate General Counsel

Date

11-7-91

FOR THE RESPONDENTS:


John W. Vogt
Candidate

Date

7/30/91

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MJR # 3350

DATE FILMED 11/27/91 CAMERA NO. 2

CAMERAMAN AS

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