



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3357

DATE FILMED 10/23/91 CAMERA NO. 2

CAMERAMAN AS

91040871751

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 17 April 1991

ANALYST: ROBIN KELLY

I. COMMITTEE: Frazer for Congress Committee
(C00236273)
Edward M. Eddleman, Treasurer
P.O. Box 1703
Prince Frederick, MD 20678

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 Frazer for Congress Committee ("the Committee") has failed to file the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for three (3) contributions/loans totaling \$40,000 received prior to the 1990 Primary Election.

The candidate was involved in the 1990 Primary Election held on September 11, 1990. Prior Notice was sent to the Committee on August 6, 1990 (Attachment 2). The Notice includes a section titled "Last-Minute Contributions". This section reads "Committees must also file special notices on contributions of \$1,000 or more received during the period August 23 through September 8, 1990. The notices must reach the appropriate Federal and State offices within 48 hours of the committee's receipt."

Schedules A and C of the October Quarterly Report indicate that the Committee failed to file three (3) 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>
Mark R. Frazer	8/24/90	\$12,000
Mark R. Frazer	8/30/90	\$20,000
Mark R. Frazer	9/5/90	\$8,000

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On March 5, 1991, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI notes 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 requests 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.

On March 18, 1991, the Committee responded in a letter (Attachment 5). In the letter, the Committee stated that "[W]ith respect to our failure to file notices regarding 'Last minute contributions,' we were not aware that Personal loans made from the personal funds of the candidate were considered contributions and, therefore, did not make such reports. We fully expected that these loans would be repaid by contributions from supporters. We will ensure that this oversight does not take place in the the future."

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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

DATE 10MFR91

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
	OFFICE SOLICIT/	PARTY	PRIMARY	GENERAL			
FRAZER, MARK R		HOUSE 01 REPUBLICAN PARTY			MARYLAND	1990 ELECTION	ID# H0MD01034
1. STATEMENT OF CANDIDATE							
1989 STATEMENT OF CANDIDATE						5APR89	1 89HBE/378/1472
2. PRINCIPAL CAMPAIGN COMMITTEE							
FRAZER FOR CONGRESS COMMITTEE							ID #C00236273 HOUSE
1989 STATEMENT OF ORGANIZATION						5APR89	1 89HBE/378/1471
MID-YEAR REPORT			42,015			1JAN89 -30JUN89	19 89HBE/383/5044
MID-YEAR REPORT - AMENDMENT			-			1JAN89 -30JUN89	1 89HBE/385/1852
REQUEST FOR ADDITIONAL INFORMATION						1JAN89 -30JUN89	1 89FEC/610/5084
YEAR-END			62,016			1JUL89 -31DEC89	22 90HBE/391/0401
YEAR-END - AMENDMENT			62,016			1JUL89 -31DEC89	10 90HBE/393/1184
REQUEST FOR ADDITIONAL INFORMATION						1JUL89 -31DEC89	2 90FEC/632/1361
1990 APRIL QUARTERLY			46,468			1JAN90 -31MAR90	22 90HBE/394/0731
APRIL QUARTERLY - AMENDMENT			46,468			1JAN90 -31MAR90	22 90HBE/399/1542
REQUEST FOR ADDITIONAL INFORMATION						1JAN90 -31MAR90	2 90FEC/641/3630
JULY QUARTERLY			52,683			1APR90 -30JUN90	31 90HBE/401/3306
JULY QUARTERLY - AMENDMENT			-			1APR90 -30JUN90	3 90HBE/405/3494
PRE-PRIMARY			57,739			1JUL90 -22AUG90	33 90HBE/406/2521
PRE-PRIMARY - AMENDMENT			-			1JUL90 -22AUG90	2 90HBE/407/4570
PRE-PRIMARY - AMENDMENT			57,301			1JUL90 -22AUG90	3 90HBE/413/0208
1 ST LETTER INFORMATIONAL NOTICE						1JUL90 -22AUG90	1 90FEC/657/2622
OCTOBER QUARTERLY			47,051			23AUG90 -30SEP90	33 90HBE/410/1342
OCTOBER QUARTERLY - AMENDMENT			-			23AUG90 -30SEP90	1 91HBE/427/0142
REQUEST FOR ADDITIONAL INFORMATION						23AUG90 -30SEP90	4 91FEC/689/2740
REQUEST FOR ADDITIONAL INFORMATION 2ND						23AUG90 -30SEP90	2 91FEC/691/2896
YEAR-END			17,443			1OCT90 -31DEC90	35 91HBE/425/1979
YEAR-END - AMENDMENT			-			1OCT90 -31DEC90	1 91FEC/690/2879
YEAR-END - AMENDMENT			-			1OCT90 -31DEC90	1 91HBE/427/0738
REQUEST FOR ADDITIONAL INFORMATION						1OCT90 -31DEC90	2 91FEC/689/2737
TOTAL			324,977	0	325,374	0	254 TOTAL PAGES
3. AUTHORIZED COMMITTEES							
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN							

-All reports have been reviewed.

-Debts owed to the Committee as of 12/31/90: \$0

-Debts owed by the Committee as of 12/31/90: \$236,171.22

-Cash-on-hand as of 12/31/90: (\$397.33)

PRIMARY ELECTION

Attachment 2

REPORT NOTICE

FEDERAL ELECTION COMMISSION

MARYLAND

August 6, 1990

REPORT	REPORTING PERIOD1/	REG./CERT. MAILING DATE2/	FILING DATE
PRE-PRIMARY	07/01/90 - 08/22/90	08/27/90	08/30/90
OCTOBER QUARTERLY	08/23/90 - 09/30/90	10/15/90	10/15/90

WHO MUST FILE

PRINCIPAL CAMPAIGN COMMITTEES OF CONGRESSIONAL "CANDIDATES" who seek nomination in the September 11, 1990, Maryland Primary.

WHAT MUST BE REPORTED

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

REPORTING FORMS

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

WHERE TO FILE

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

LABEL

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

LAST-MINUTE CONTRIBUTIONS

Committees must also file special notices on contributions of \$1,000 or more, received during the period August 23 through September 8, 1990. The notice must reach the appropriate federal and state offices within 48 hours of the committee's receipt.

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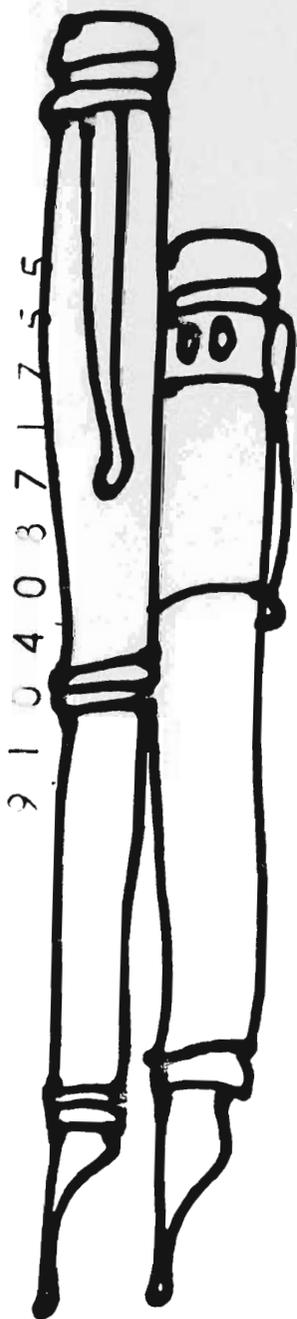
COMPLIANCE

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.

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: 800/424-9530 or 202/376-3120



1990 October Quarterly Report
SCHEDULE A **ITEMIZED RECEIPTS**

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

PAGE 1 OF 1
FOR LINE NUMBER

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

NAME OF COMMITTEE (in Full)

Frazer for Congress Committee

00714103134750

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Mark R. Frazer 4250 Hunting Creek Rd. Huntingtown, MD 20639 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Drs. Frazer, Frazer et al Occupation: dentist Aggregate Year-to-Date: \$ 130,000.00	8/24/90	\$12,000.00 Personal Loan
Mark R. Frazer 4250 Hunting Creek Road Huntingtown, MD 20639 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Drs. Frazer etc Occupation: dentist Aggregate Year-to-Date: \$ 149,600.00	8/30/90	\$20,000.00 Personal Loan
Mark R. Frazer 4250 Hunting Creek Road Huntingtown, MD 20639 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Drs. Frazer etc Occupation: dentist Aggregate Year-to-Date: \$ 57,600.00	9/5/90	\$8,000 Personal Loan
Mark R. Frazer 4250 Hunting Creek Road Huntingtown, MD 20639 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Drs. Frazer etc. Occupation: dentist Aggregate Year-to-Date: \$ 159,800.00	9/10/90	\$2,200.00 Personal Loan
Mark R. Frazer 4250 Hunting Creek Rd. Huntingtown, MD 20639 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Drs. Frazer etc Occupation: dentist Aggregate Year-to-Date: \$ 160,500.00	9/24/90	\$700.00 Personal Loan
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date: \$	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date: \$	

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only) **\$22,000.00**

1990 October Quarterly Report

SCHEDULE C
(Revised 3/89)

LOANS

Page 2 of 2
Last Number
Use separate schedules
for each numbered line

Name of Committee or Fund FRAZER for Congress Committee			
A. Full Name, Mailing Address and ZIP Code of Loan Source Calvert Bank & Trust Co. Prince Frederick, MD 20678		Original Amount of Loan \$12,000.00	Balance Outstanding at Close of This Period \$12,000.00
Election <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Cumulative Payments To Date -0-	
Terms Date Incurred 05/24/90 Date Due 05/24/95 Interest Rate 12 % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code Mark R. Frazer 4250 Hunting Creek Road Huntingtown, MD 20639		Name of Employer Mr. Frazer, et	Amount Guaranteed Outstanding \$12,000.00
		Occupation Dentist	
2. Full Name, Mailing Address and ZIP Code Nicole E. Frazer 4250 Hunting Creek Road Huntingtown, MD 20639		Name of Employer Drs. Frazer, et	Amount Guaranteed Outstanding \$12,000.00
		Occupation Bookkeeper	
3. Full Name, Mailing Address and ZIP Code		Name of Employer	Amount Guaranteed Outstanding \$
		Occupation	
B. Full Name, Mailing Address and ZIP Code of Loan Source Mark R. Frazer 4250 Hunting Creek Road Huntingtown, MD 20639		Original Amount of Loan \$20,000.00	Balance Outstanding at Close of This Period \$20,000.00
Election <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Cumulative Payments To Date -0-	
Terms Date Incurred 08/30/90 Date Due 0 Interest Rate 0 % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code		Name of Employer	Amount Guaranteed Outstanding \$
		Occupation	
2. Full Name, Mailing Address and ZIP Code		Name of Employer	Amount Guaranteed Outstanding \$
		Occupation	
3. Full Name, Mailing Address and ZIP Code		Name of Employer	Amount Guaranteed Outstanding \$
		Occupation	
SUBTOTALS This Period This Page (optional)			
TOTALS This Period (last page in this line only)			
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary			

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SCHEDULE C
(Revised 3/78)

1990 October Quarterly Report

LOANS

Page 2 of 3 for
LINE NUMBER _____
(Use separate schedules
for each numbered line)

Name of Committee (in Full) FRAZER FOR CONGRESS COMMITTEE				
A. Full Name, Mailing Address and ZIP Code of Loan Source Mark R. Frazer 4250 Hunting Creek Road Huntingtown, MD 20736		Original Amount of Loan 8,000	Cumulative Payments To Date -0-	Balance Outstanding at Close of This Period 8,000
Election: <input type="checkbox"/> Ordinary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):				
Terms: Date Incurred <u>9/5/90</u> Date Due _____ Interest Rate _____ % (per) <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			
	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 Mark R. Frazer 4250 Hunting Creek Road Huntingtown, MD 20639		Original Amount of Loan \$2,200.00	Cumulative Payments To Date -0-	Balance Outstanding at Close of This Period \$2,200.00
Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):				
Terms: Date Incurred <u>9/10/90</u> Date Due _____ Interest Rate _____ % (per) <input type="checkbox"/> Secured				
List All Endorsers or Guarantors (if any) to Item B				
1. Full Name, Mailing Address and ZIP Code	Name of Employer			
	Occupation			
	Amount Guaranteed Outstanding \$			
2. Full Name, Mailing Address and ZIP Code	Name of Employer			
	Occupation			
	Amount Guaranteed Outstanding \$			
3. Full Name, Mailing Address and ZIP Code	Name of Employer			
	Occupation			
	Amount Guaranteed Outstanding \$			
SUBTOTALS This Period (This Page optional)				
TOTALS This Period (last page in this line only)				
Carry outstanding balance only to LINE 2, Schedule D, for this line. If on Schedule D, carry forward to appropriate line on Schedule D.				

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20541

BQ-3

NR 5 1991

Edward M. Eddleman, Treasurer
Fraser for Congress Committee
P.O. Box 1703
Prince Frederick, MD 20678

Identification Number: C00236273

Reference: October Quarterly Report (8/23/90-9/30/90)

Dear Mr. Eddleman:

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 C of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual, including a candidate's spouse, may not make contributions to a candidate for federal office in excess of \$1,000 per election. If the contributions or loans in question were secured by property based on joint assets, please clarify your report with the following information:

- the name and address of the lending institution
- the interest rate
- whether or not the loan was secured
- the due date or amortization schedule
- brief description of the collateral or property used as a basis for the loan
- the owners of the collateral or the property used as a basis for the loan
- the type of ownership of such property (e.g., tenants by the entireties, joint tenants, tenants in common, etc.)
- the percentage of such property owned by each owner
- value of such property
- the names of all signatories on both the security instrument and the commercial note
- the capacity in which each signatory signed (e.g., co-maker, endorser, guarantor)

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FRAZER FOR CONGRESS COMMITTEE
Page 2

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If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution(s) you received exceeds the limits, you should either refund to the donor the amount in excess of \$1,000 or get the donor to redesignate and/or reattribute the contribution in writing. All refunds, redesignations, and reattributions must be made within sixty days of the treasurer's receipt of the contribution. Copies of refund checks and copies of letters reattributing or redesignating the contributions in question may be used to respond to this letter. Refunds and repayments are reported on Line 20 or Line 19, respectively, of the Detailed Summary Page and on Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR §§100.7, 100.8, 110.1, and 104.8(d)(2), (3) and (4))

Although the Commission may take further legal steps, prompt action by you to refund or seek redesignation and/or reattribution will be taken into consideration.

-When a committee reports receiving a loan from the candidate, it is necessary to clarify whether or not the candidate used his/her personal funds or borrowed the money from a lending institution or any other source. If the candidate borrowed funds from a lending institution, or any other source, please provide the name of the lending institution and the complete terms of the loan. If the loan(s) was from personal funds, please acknowledge that fact in an amendment to this report. It is important to note that "personal funds" is strictly defined by Commission Regulations and may be found in 11 CFR §110.10. (11 CFR §§100.7(a)(1) and 104.3(d))

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Primary report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions

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FRASER FOR CONGRESS COMMITTEE
Page 3

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)) RK

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,

Robin Kelly

Robin Kelly
Reports Analyst
Reports Analysis Division

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral # 91L-41
Staff Member: Cheryl S. Kornegay

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Frazer for Congress Committee

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

INTERNAL REPORTS CHECKED: Disclosure Reports
Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of General Counsel received a referral from the Reports Analysis Division on April 17, 1991. Attachment A. The basis of the referral was the failure of the Frazer for Congress Committee to file the required 48 hour notifications for three contributions totaling \$40,000 received prior to the 1990 Primary Election. The candidate, Mark R. Frazer, was an unsuccessful candidate for the United States House of Representatives from Maryland's First Congressional District.

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, see Attachment B.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe the Frazer for Congress Committee and Edward Eddleman, 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, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date 7/15/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

- A. Referral Materials
- B. Factual and Legal Analysis
- C. Proposed agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Frazer for Congress Committee.) RAD Referral #91L-41

(MUR
3357)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 15, 1991, the Commission decided by a vote of 4-0 to take the following actions in RAD Referral #91L-41:

1. Open a MUR.
2. Find reason to believe the Frazer for Congress Committee and Edward Eddleman, 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, proposed conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated July 10, 1991.

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

Attest:

7-16-91
Date

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

Received in the Secretariat: Thurs., July 11, 1991 11:48 a.m.
Circulated to the Commission: Thurs., July 11, 1991 4:00 p.m.
Deadline for vote: Mon., July 15, 1991 4:00 p.m.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 19, 1991

Edward M. Eddleman, Treasurer
Frazer for Congress Committee
P.O. Box 1703
Prince Frederick, Maryland 20678

RE: MUR 3357

Dear Mr. Eddleman:

On July 15, 1991, the Federal Election Commission found that there is reason to believe that the Frazer 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. The Commission has numbered this matter MUR 3357. Please refer to this number in all future correspondence to the Commission.

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

Sincerely,



John Warren McGarry
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

MUR: 3357

RESPONDENTS: Frazer for Congress Committee and
Edward Eddleman, as treasurer

SUMMARY OF ALLEGATIONS

It is alleged that the Frazer for Congress Committee and Edward Eddleman, as treasurer (the "Committee"), failed to file timely three (3) forty-eight hour notifications ("48 Hour Notices") for contributions totaling \$40,000.

FACTUAL AND LEGAL ANALYSIS

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

Pursuant to 2 U.S.C. § 431(8)(A)(i) loans to a committee are

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considered contributions under the Act.

Mark R. Frazer was a candidate for the United States House of Representatives from the state of Maryland in the September, 1990, primary election. According to its Statement of Organization filed with the Commission, the Frazer for Congress Committee is the authorized principal campaign committee of Mark Frazer.

The Primary Election in the State of Maryland was held on September 11, 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 August 23, 1990 to September 8, 1990, within 48 hours of their receipt.

The Reports Analysis Division's review of the Committee's reports has identified three contributions totaling \$40,000, all consisting of loans from the candidate, that were received between the 20th day but more than 48 hours before the primary election. The Committee received a \$12,000 contribution from the candidate on August 24, 1990, and a \$20,000 contribution on August 30, 1990. The Committee also received a \$8,000 contribution from Mark R. Frazer on September 5, 1990. The Committee did not submit 48 hour reports for these contributions, but reported them in its 1990 October Quarterly Report.

The Committee filed a response to the Commission's request for additional information regarding the contributions reported on the Committee's 1990 October Quarterly Report. The Committee indicated that it did not file the aforementioned 48 hour reports because it was not aware that personal loans made from the

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personal funds of the candidate were considered to be contributions.

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

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RECEIVED
F.E.C.
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
)
Frazer for Congress Committee, and)
Edward Eddleman, as treasurer)

MUR 3357

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Edward Eddleman, treasurer of the Frazer for Congress Committee.

The attached agreement contains no changes from the agreement approved by the Commission on July 15, 1991. A civil penalty check from the Committee in the amount of \$1,500 was received by the Commission on August 16, 1991.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Frazer for Congress Committee and Edward Eddleman, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

8-29-91
Date

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

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check

Staff Assigned: Cheryl S. Kornegay

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Frazer for Congress Committee, and) MUR 3357
Edward Eddleman, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 11, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 3357:

1. Accept the conciliation agreement with the Frazer for Congress Committee and Edward Eddleman, as treasurer, as recommended in the General Counsel's Report dated August 29, 1991.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated August 29, 1991.

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

Attest:

9-11-91
Date

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

Received in the Secretariat: Thurs., Aug. 29, 1991 4:40 p.m.
Circulated to the Commission: Fri., Aug. 30, 1991 12:00 p.m.
Deadline for vote: Wed., Aug. 11, 1991 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 1991

CLOSED

Edward M. Eddleman, Treasurer
Frazer for Congress Committee
P.O. Box 1703
Prince Frederick, Maryland 20678

RE: MUR 3357

Dear Mr. Eddleman:

On September 11, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of the Frazer 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 as it pertains to the Frazer for Congress Committee and you, as treasurer.

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 Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 219-3690.

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)
Frazer for Congress Committee, and) MUR 3357
Edward Eddleman, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Frazer for Congress Committee and Edward Eddleman, 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. The Frazer for Congress Committee is the principal

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campaign committee of Mark R. Frazer, a candidate for the United States House of Representatives, First Congressional District, Maryland, in the 1990 primary election.

2. Edward Eddleman is the treasurer of the Frazer 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, Secretary of the Senate or the Commission, in writing, of each contribution totaling \$1,000 or more received 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, identification of the contributor, the date of receipt and the amount of the contribution. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

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

5. Respondents received three (3) contributions totaling \$40,000 that were received after the 20th day but more than 48 hours before the primary election held on September 11, 1990. In particular, respondents received a \$12,000 loan from Mark

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Frazer on August 24, 1990. Respondents also received a \$20,000 and an \$8,000 loan from the candidate on August 30, 1990 and September 5, 1990, respectively.

6. The contributions listed in subparagraph six were not disclosed until the Committee filed its 1990 October Quarterly Report with the Commission.

V. Respondents failed to file 48 hour notices for the contributions listed in subparagraph six pursuant to 2 U.S.C. § 434(a)(6).

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 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

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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*
Lois G. Lerner
Associate General Counsel

9/23/91
Date

FOR THE RESPONDENTS:

Edward A. Edelman
Name
Position *Treasurer*

8/15/91
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3357

DATE FILMED 10/23/91 CAMERA NO. 2

CAMERAMAN AS

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