



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3362

DATE FILMED 12/17/91 CAMERA NO. 2

CAMERAMAN AS

91040881999

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 23 April 1991

ANALYST: KAREN WHITE

I. COMMITTEE: Al Smith for Congress
(C00247288)
Ellen Camhi, Treasurer
P.O. Box 1001
Darien, CT 06820

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 Al Smith for Congress Committee ("the Committee") has failed to file the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for two (2) contributions/loans totaling \$17,500 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 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 C of the Amended 1990 30 Day Post-General Report indicates that the Committee failed to file two (2) 48-Hour Notices for contributions/loans received during the aforementioned period (Attachment 3). The following is a list of the contributions/loans for which no 48-Hour Notices were filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Alfred J. Smith, Jr. (personal funds)	10/26/90	\$10,000

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<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Alfred J. Smith, Jr. ¹ (personal funds)	10/29/90	\$7,500

On February 27, 1990, 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 by letter (Attachment 5). The Committee stated that contributions that came to the campaign in the final days before the Election were apparently received on November 6, 1990. The Committee reported those contributions on the next report and assumed that no 48-hour notice was required.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

¹The Committee originally disclosed this \$7,500 loan as from the Candidate's wife, Carol P. Smith, received on October 29, 1990.

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

DATE 22APR91

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
SMITH, ALFRED J JR		HOUSE 04 DEMOCRATIC PARTY							
1. STATEMENT OF CANDIDATE									
1990 STATEMENT OF CANDIDATE						26JUL90		1	90HSE/405/0518
2. PRINCIPAL CAMPAIGN COMMITTEE									
AL SMITH FOR CONGRESS							ID #C00247288		HOUSE
1990 STATEMENT OF ORGANIZATION						26JUL90		1	90HSE/405/0519
OCTOBER QUARTERLY			33.650		15.006	1JUL90 -30SEP90		15	90HSE/413/0073
OCTOBER QUARTERLY - AMENDMENT			33.650		15.006	1JUL90 -30SEP90		5	91HSE/427/0021
REQUEST FOR ADDITIONAL INFORMATION						1JUL90 -30SEP90		3	91FEC/689/1365
PRE-GENERAL			26.180		33.426	1OCT90 -17OCT90		9	90HSE/415/0001
PRE-GENERAL - AMENDMENT			2.430		9.712	1OCT90 -17OCT90		12	91HSE/427/0026
REQUEST FOR ADDITIONAL INFORMATION						1OCT90 -17OCT90		3	91FEC/689/1357
POST-GENERAL			30.875		33.426	18OCT90 -26NOV90		12	90HSE/419/2930
POST-GENERAL - AMENDMENT			30.875		33.031	18OCT90 -26NOV90		7	91HSE/427/0038
POST-GENERAL - AMENDMENT						-18OCT90 -26NOV90		5	91HSE/427/2202
REQUEST FOR ADDITIONAL INFORMATION						18OCT90 -26NOV90		3	91FEC/689/1361
REQUEST FOR ADDITIONAL INFORMATION 2ND						18OCT90 -26NOV90		2	91FEC/691/0481
YEAR-END			75		8.776	27NOV90 -31DEC90		4	91HSE/425/1455
YEAR-END - AMENDMENT			75		8.776	27NOV90 -31DEC90		7	91HSE/427/0045
TOTAL			0	67.030	0	66.525		88	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: \$47,500
 Cash-on-Hand as of 12/31/90: \$504.06

21040882002

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 32.

WHERE TO FILE

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

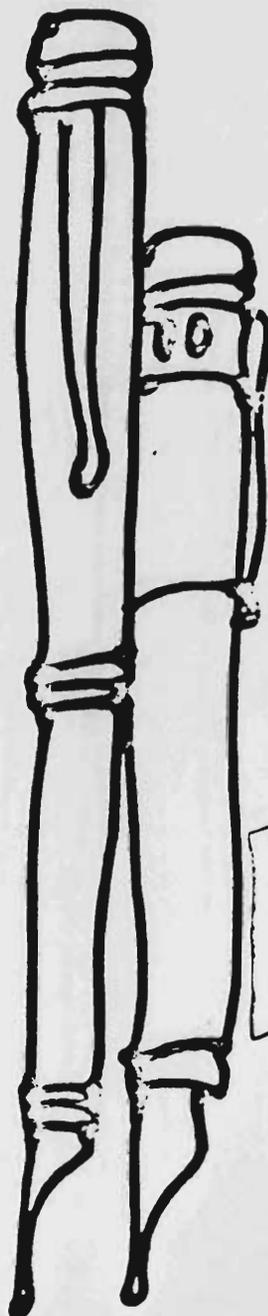
LAST-MINUTE CONTRIBUTIONS

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

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

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

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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 G
(Revised 3/88)

1990 Amended 30 Day Post General
LOANS report

Page 2 of 3
Use proper schedule
for each numbered line

Name of Contributor (in Full) Dr. SMITH FED. CREDIT			
A. Full Name, Mailing Address and ZIP Code of Loan Source ARTHUR J. SMITH, JR. 2 CARRY CURE RD DORSET CT 06182		Original Amount of Loan \$ 7,500	Balance Outstanding at Close of This Period \$ 7,500
Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Terms: Date Incurred 10/29/82 Date Due ON DEMAND Interest Rate 8.50%	<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	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		
B. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount of Loan	Balance Outstanding at Close of This Period
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Terms: Date Incurred _____ Date Due _____ Interest Rate _____	<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		
TOTALS This Period (This page optional)			
TOTALS This Period (first page to this line only)			
Carry outstanding balance only to line 2, Schedule D, for this line if no Schedule D, carry forward to appropriate line of Schedule			

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SCHEDULE
(Revised 2/82)

1990 Amended 30 Day Post General Report

Page 2 of 3
LIFE INSURANCE
and OTHER INFORMATION
on each numbered bond

Name of Committee to Fund			
AL SMITH FOR CONGRESS			
A. Full Name, Mailing Address and ZIP Code of Loan Source ALFRED J. SMITH, JR 2 COUNTRY CLUB RD DARLEW, CT 06820 Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Original Amount of Loan \$10,000	Balance Outstanding at Close of This Period \$10,000
Terms: Date Incurred 10/26/90 Date Due 12/31/90 Interest Rate 8% <input type="checkbox"/> Short <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 ALFRED J. SMITH, JR 2 COUNTRY CLUB RD DARLEW, CT 06820 Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Original Amount of Loan \$10,000	Balance Outstanding at Close of This Period \$10,000
Terms: Date Incurred 11/1/90 Date Due 12/31/90 Interest Rate 8% <input type="checkbox"/> Short <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 (Incl. all)			20,000
TOTALS This Period (All Pages in this Report)			
Carry over/ending balance only to Schedule B, Section D, for 30 Day Post General Report on Schedule B, carry forward to appropriate line of Summary.			

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

FEB 27 1991

Ellen Camhi, Treasurer
Al Smith for Congress
P.O. Box 1001
Darien, CT 06820

Identification Number: C00247288

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

Dear Ms. Camhi:

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, endorse., guarantor)

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AL SMITH FOR CONGRESS
Page 2

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.

-Line 10 of the Summary Page of your report discloses \$47,500 in outstanding obligations. Schedule C of your report discloses \$27,500 in outstanding loans. Please explain the difference and amend your report. (11 CFR §104.3(d))

-For future reports, 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)).

-On the Detailed Summary Page, Line 26 should equal the Column A total for Line 22.

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

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AL SMITH FOR CONGRESS
Page 3

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))

KW

-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)) For future filings, please submit your reports in this order.

-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))

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,

Karen White

Karen W. White
Reports Analyst
Reports Analysis Division

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**AL SMITH
DEMOCRAT
CONGRESS 11TH CONGRESSIONAL DISTRICT**

1340 WASHINGTON BOULEVARD
STAMFORD, CT 06902
(203) 977-7083

4702 MAIN STREET
BRIDGEPORT, CT 06606
(203) 372-2001

P.O. BOX 1001
DARIEN, CT 06820
(203) 329-1723

**CERTIFIED MAIL
MAR 14 1991**

March 12, 1991

137618

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

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

ESR MAR 18 AM 10 31

Re: Response to Request for Additional Information
on Various Campaign Reports

Gentlemen:

In response to requests for additional information by
Karen W. White, Reports Analyst, Reports Analysis Division,
Federal Election Commission, I submit the following
information and amended reports.

October Quarterly Report (7/1/90-9/30/90)

1. A revised FEC Form 3 is submitted to include information on Line 7 (a) of Columns A and B, which was omitted due to an oversight on the original filing.
2. The two loans to the Campaign shown on Schedule C were made by the Candidate from his personal funds and were not borrowed from a lending institution or any other source.

12 Day Pre-General Report (10/1/90-10/17/90)

1. A revised report is submitted which removes the Contribution-in-kind from the DNCC, and well as the matching disbursement. The DNCC informed the Campaign that this amount did not have to be reported by the Campaign since it was going to be reported by the DNCC on their required report. It was reported, in error, in the interest of full disclosure, and is now removed on the revised report.
2. Copies of Schedule C itemizing loans previously reported are also submitted as requested.

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

1. The loan on Schedule C of the report was reporting an unsecured loan to the Campaign by the Candidate's Spouse made from joint assets, held as tenants by the entirety, and were not borrowed from a lending institution or any

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PAGE TWO
Response to FEC Request

other sources.

2. Copies for Schedule C forms previously submitted on previous reports are attached to provide the information on total loans to the Campaign, to date.
3. An amended Detailed Summary Sheet is submitted to correct the mathematical error on the original report.
4. A number of contributions came into the Campaign in the final days before the Election, including two for \$1,000.00 each which were apparently received on November 6, 1990. The Campaign reported those and others on the next scheduled report, as it was assumed they did not require the 48 hour report.
5. The loans shown on Schedule C were made by the Candidate to the Campaign from his personal funds and were not borrowed from a lending institution or any other source. See #1 above for information on loan by Spouse.

KW

January 31 Year End Report

1. Since previous Amended Reports changed information contained in this report, an Amended and Revised Report is submitted.

I hope this information submitted answers any questions, regret the errors in previously submitted reports, and will gladly submit any additional information required.

Very truly yours,



cc: Secretary of State,
State of Connecticut

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91 JUL 17 PM 4:22

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral #91L-46
Staff Member Richard Tisinger

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

RESPONDENTS: Al Smith for Congress and
Ellen Camhi, 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

The Reports Analysis Division ("RAD") referred this matter to the Office of the General Counsel. See Attachment 1. Al Smith for Congress and Ellen Camhi, as treasurer failed to file 48-Hour Notices for two (2) contributions/loan guarantees of \$1,000 or more, totaling \$17,500.00.

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, See Attachment 2.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

21040882012

IV. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that Al Smith for Congress Committee and Ellen Camhi, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

3. Enter into conciliation with Al Smith for Congress Committee and Ellen Camhi, 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

7/17/91

BY:

[Signature]

Lois G. Lerner
Associate General Counsel

Attachments

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

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Al Smith for Congress Committee, and MUR: 3362
Ellen Camhi, as treasurer

Al Smith for Congress Committee ("Committee") is the principal campaign committee for Al Smith, the unsuccessful 1990 General Election candidate in Connecticut's Fourth (4th) 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 Connecticut's Fourth (4th) Congressional district was held on November 6, 1990. In this case, 2 U.S.C. § 434(a)(6)(A) required the Committee 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

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of the 48-hour reporting requirement. Schedules A and C of the 1990 October Quarterly Report indicate that the Committee failed to file 48-Hour Notices for Two (2) contributions/loan guarantees of \$1,000 or more totaling \$17,500.00 received prior to the 1990 General Election, as follows:

Contributor	Date Received	Aggregate Amount
Alfred J. Smith, Jr. (personal funds)	10/26/90	\$10,000.00
Alfred J. Smith, Jr. (personal funds)	10/29/90	\$7,500.00

Therefore, there is reason to believe that Al Smith for Congress Committee and Ellen Camhi, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

21040882015

BEFORE THE FEDERAL ELECTION COMMISSION

(MUR
3362)

In the Matter of)
)
Al Smith for Congress and) RAD Referral #91L-46
Ellen Camhi, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 22, 1991, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral #91L-46:

1. Open a MUR.
2. Find reason to believe that Al Smith for Congress Committee and Ellen Camhi, as treasurer, violated 2 U.S.C. § 434(a)(6) (A).
3. Enter into conciliation with Al Smith for Congress Committee and Ellen Camhi, 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 July 17, 1991.

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

Attest:

July 22, 1991
Date

Delores Harris
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., July 17, 1991 4:22 p.m.
Circulated to the Commission: Thurs., July 18, 1991 11:00 a.m.
Deadline for vote: Mon., July 22, 1991 11:00 a.m.

dr

21040882017



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 31, 1991

Al Smith for Congress Committee
Ellen Camhi, Treasurer
P.O. Box 1001
Darien, Connecticut 06820

RE: MUR 3362
Al Smith for Congress,
Ellen Camhi, as treasurer

Dear Ms. Camhi:

On July 22, 1991, the Federal Election Commission found that there is reason to believe Al Smith for Congress 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

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Ellen Camhi
page 2

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 Jonathan Bernstein, the attorney assigned to this matter, at (202) 376-3050.

Sincerely,


John Warren McGarry
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

21040882019

STATEMENT OF DESIGNATION OF COUNSEL

NR 3362

NAME OF COUNSEL: ALFRED J. SMITH, JR. ESQ.

ADDRESS: 2 Country Club Road
Darien, CT 06820

TELEPHONE: (203) 329-1723

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.

August 26, 1991
Date


Signature

RESPONDENT'S NAME: AL SMITH FOR CONGRESS

ADDRESS: P.O. BOX 1001
Darien, CT 06820

HOME PHONE: (203) 329-1723

BUSINESS PHONE: Same

21040882020

60-6 2562

**AL SMITH
DEMOCRAT
CONGRESS, 4TH CONGRESSIONAL DISTRICT**

PO. BOX 1001

DARIEN, CONNECTICUT 06820

(203) 329-1723

August 26, 1991

Federal Election Commission
Washington, DC 20463

Attn: Jonathan Bernstein, Esq.
Re: MUR 3362, AL SMITH FOR CONGRESS

Dear Attorney Bernstein:

Confirming our telephone conversation of August 16, 1991, I received notice of the Matter Under Review on that date, we discussed the issues involved, and I noted that I would provide you with further information when I returned from a trip I was starting that day.

I take total responsibility for the actions of my Campaign Committee and stand on my record of cooperating with the FEC in providing additional information requested since the November elections. Various staff members will be able to verify telephone conversations and correspondence in that regard.

In the matter in question, the two loans I made to the Campaign, in addition to others totalling \$50,000 as previously reported, were made on the dates noted, out of necessity to pay current bills, but could certainly have been made either prior to, or after the 20 day period. I, and my Committee, tried to strictly adhere to the FEC requirements, and it was an oversight that these loans were not reported. In fact, as we discussed, I was not aware that personal loans from the Candidate were covered by the 48 hour rule.

I certainly want to resolve this matter in a cooperative manner, and want to point out that the \$50,000 in personal loans remain outstanding and unpaid, and any civil penalty would be a financial hardship.

91 SEP -3 PM 3:54

91 SEP -2 AM 11:07

FEDERAL



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Page Two
MUR 3362, AL SMITH FOR CONGRESS

I have filled out the requested form designating me as Counsel for the Committee, and would ask that all notices or communications come to me directly, rather than to the Committee's Post Office Box.

I sincerely appreciate the Commission's consideration of this information, and look forward to a quick resolution of this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Al Smith".

210408822022

06C 3259

Alfred J. Smith, Jr., Esq.
2 Country Club Road
Darien, Connecticut 06820
(203) 329-1723

FEDERAL ELECTION COMMISSION

91 OCT 25 PM 1:09

October 22, 1991

Federal Election Commission
Washington, DC 20463

Attn: Jonathan Bernstein, Esq.
Re: MUR 3362
Al Smith for Congress

91 OCT 28 AM 8:20

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
WASHINGTON, DC 20463

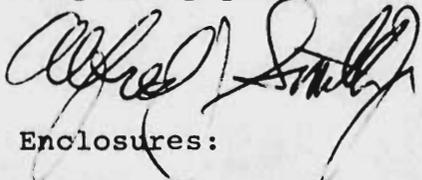
Dear Attorney Bernstein:

Per our conversation this morning, I am enclosing the executed conciliation agreement in the above matter, together with a check from my Campaign Account in the amount of the \$500.00 civil penalty.

As we discussed, I continue to disagree with both the reading of the statute, and the enforcement of this civil penalty, but my Treasurer and my Campaign have entered this agreement to resolve this matter in the least costly manner.

I'll stop in to see you on my next trip to Washington.

Very truly yours,



Enclosures:

- Conciliation Agreement
- Campaign Account Check

2104032023

AL SMITH FOR CONGRESS
P.O. BOX 1001
DARIEN, CT 06820

245

October 22, 19 91

51-44B1
119

PAY TO THE ORDER OF Federal Election Commission \$ 500.00

Five hundred and no/100-----DOLLARS

Connecticut National Bank

MEMO Civil Penalty

⑆011900445⑆ 8829 ⑆496⑆ 0349



RECEIVED
F.E.C.
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

SL 107-6 PM 4: L2

SENSITIVE

In the Matter of)
) MUR 3362
Al Smith for Congress Committee,)
and Ellen Camhi, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Ellen Camhi, treasurer of the Al Smith for Congress Committee. The attached agreement contains no changes from the agreement approved by the Commission on October 11, 1991.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Al Smith for Congress Committee and Ellen Camhi, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 11-6-91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check

Staff Assigned: Jonathan Bernstein

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
AL Smith for Congress Committee,) MUR 3362
and Ellen Camhi, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 12, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3362:

1. Accept the conciliation agreement with Al Smith for Congress Committee and Ellen Camhi, as treasurer, as recommended in the General Counsel's Report dated November 6, 1991.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated November 6, 1991.

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

Attest:

Nov. 12, 1991
Date

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

Received in the Secretariat:	Wed.,	Nov. 6,	1991	4:42 p.m.
Circulated to the Commission:	Thurs.,	Nov. 7,	1991	11:00 a.m.
Deadline for vote:	Tues.,	Nov. 12,	1991	11:00 a.m.

dr

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Al Smith for Congress and) MUR 3362
Ellen Camhi, 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 Al Smith for Congress and Ellen Camhi, as treasurer ("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:

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1. Al Smith for Congress is a political committee within the meaning of 2 U.S.C. § 431(4) and is a principal campaign committee within the meaning of 2 U.S.C. § 431(5).

2. Ellen Camhi is treasurer of Al Smith for Congress.

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, and must file these special notices 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, including loans from the candidate of \$1,000 or more during that period. Respondents failed to file special notices for last-minute personal loans made by the candidate totaling \$17,500.00, received prior to the 1990 General Election in Connecticut's Fourth (4th) Congressional district.

V. Respondents failed to file special notices for \$17,500.00 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 Five Hundred dollars (\$500.00) 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

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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 this agreement and the Commission has approved the entire agreement.

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

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein. 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: *L.G. Lerner*
Lois G. Lerner
Associate General Counsel

11-21-91
Date

FOR THE RESPONDENTS:

Ellen Camhi
Ellen Camhi
Treasurer

10/22/91
Date

21040882029



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 22, 1991

21040882030

Alfred J. Smith, Jr., Esquire
2 Country Club Road
Darien, CT 06820

RE: MUR 3362
Al Smith for Congress Committee

Dear Mr. Smith:

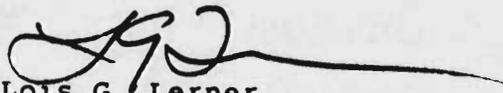
On November 12, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted by you in settlement of a violation of 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to Al Smith for Congress Committee and Ellen Camhi, 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 Jonathan Bernstein, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3962

DATE FILMED 12/17/91 CAMERA NO. A

CAMERAMAN AS

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