



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3372

DATE FILMED 1/16/72 CAMERA NO. 4

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**REPORTS ANALYSIS REFERRAL**

**TO**

**OFFICE OF GENERAL COUNSEL**

**DATE:** 16 May 1991

**ANALYST:** R. TODD GERLOUGH

**I. COMMITTEE:** Bill Thomas Campaign Committee  
(C00100537)  
John Cummings, Treasurer  
P.O. Box 395  
Bakersfield, CA 93302

**II. RELEVANT STATUTE:** 2 U.S.C. §441b(a)  
2 U.S.C. §441a(f)

**III. BACKGROUND:**

**Receipt of Excessive and Prohibited Contributions**

The Bill Thomas Campaign Committee ("the Committee") has accepted, during 1990, apparent excessive and prohibited contributions totalling \$7,600. These contributions were made by eight (8) corporations and one (1) qualified multicandidate political committee. The apparent excessive contribution is a contribution designated for the Primary Election, but received after that election. Further, it appears to be in excess of the Committee's net debts outstanding for that election. The Committee has refunded \$2,300 of the apparent excessive and prohibited amounts.

Presented below is a summary of the apparent excessive and prohibited contributions received, the notices sent and the responses received. For specific details, please refer to the attached chart and its' supporting documents. The chart is an alphabetical listing of all apparent excessive and prohibited contributions received.

Schedule A of the Committee's 1990 12 Day Pre-Primary and Amended 12 Day Pre-Primary Reports disclose the receipt of apparent prohibited contributions totaling \$3,750. These prohibited contributions were made by six (6) corporations.

Schedule A of the Committee's 1990 October Quarterly Report discloses the receipt of an apparent prohibited contribution for \$250 from one (1) corporation.

9 2 0 4 0 8 8 5 2 3 2

Schedule A of the Committee's 1990 12 Day Pre-General Report discloses the receipt of an apparent excessive contribution for \$3,000 from one (1) qualified multicandidate political committee.

On December 11, 1990, Requests for Additional Information ("RFAIs") were mailed to the Committee referencing the 1990 12 Day Pre-Primary, Amended 12 Day Pre-Primary, October Quarterly and 12 Day Pre-General Reports (Attachments 2, 3 and 4). The RFAI for the 1990 October Quarterly Report notes the receipt of the prohibited contribution on an informational basis. The RFAIs note the receipt of the apparent excessive and prohibited contributions and requests that the Committee refund or seek redesignation of the apparent excessive amount and refund all prohibited amounts. In addition, the RFAIs note the possibility of further Commission action concerning the acceptance of excessive and prohibited contributions.

On January 3, 1991, a Second Notice referencing all reports was sent to the Committee for failure to respond (Attachment 5).

Schedule A of the Committee's 1990 30 Day Post-General Report discloses the receipt of apparent prohibited contributions totaling \$600. These contributions were made by two (2) corporations.

On December 24, 1990, an RFAI was sent to the Committee (Attachment 6). The RFAI notes on an informational basis the receipt of the prohibited contributions and requests that the Committee refund the prohibited amounts. In addition, the RFAI notes the possibility of further Commission action concerning the acceptance of prohibited contributions.

On January 29, 1991, the Committee responded (Attachment 7). The response included a letter detailing the response to each report and several amended Schedules A. In the letter the treasurer responds to the 1990 12 Day Pre-Primary, October Quarterly and 30 Day Post-General Reports stating that "our committee has unknowingly received corporate contributions. Enclosed you will find copies of refund checks from our committee to the donors. This action will be reported on a Schedule B supporting Line 20(a) of the 1990 [Y]ear [E]nd report."

The Committee provided copies of four (4) checks totalling \$2,300 to four (4) corporations. The response did not address the remaining apparent prohibited contributions. The Committee's 1990 Year End Report fails to disclose the refunds. Since the checks are dated January 14, 1991, it is possible the refunds will be disclosed in the Committee's 1991 Mid Year Report.

9 2 0 4 0 8 8 5 2 3 3

Finally, in response to the 1990 12 Day Pre-General Report, the treasurer states that "the contribution was designated in error for the general and should be redesignated for the primary." "Therefore, the International Council of Shopping Centers has contributed \$5,000 to our committee per each election and should not be in excess of contributions to a candidate."

However, the contribution was received after the June 5, 1990 Primary Election, the Committee discloses no debts outstanding and reports \$206,383.73 cash-on-hand at the beginning of the reporting period.

**IV. OTHER PENDING MATTERS INITIATED BY RAD:**

None.

9 2 0 4 0 3 8 5 2 3 4



FINANCIAL DISCLOSURE

Information copied from each Report and Statement may not be sold or used by any person for the purpose of influencing the election of any candidate for office or for the purpose of influencing the exercise of the vote at any election, or for the purpose of influencing the exercise of the vote at any election, or for the purpose of influencing the exercise of the vote at any election.

NAME OF COMMITTEE: *Bill Snow Campaign Committee*

1013901301

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date Invented (M, Y)	Amount of Cash Received (M, Y)
<i>Valge Dick 1234 Main St Dallas, TX 75201</i>	<i>Valge Dick</i>	<i>5/90</i>	<i>100.-</i>
Reason For: <input type="checkbox"/> Other Inquiries			
<i>J. Williams 1234 Main St Dallas, TX 75201</i>	<i>J. Williams</i>	<i>5/90</i>	<i>25.-</i>
Reason For: <input type="checkbox"/> Other Inquiries	Aggregate Year-to-Date > \$ 20.-		
<i>R.E. Smith 1234 Main St Dallas, TX 75201</i>	<i>Smith</i>	<i>5/90</i>	<i>75.-</i>
Reason For: <input type="checkbox"/> Other Inquiries	Aggregate Year-to-Date > \$ 70.-		
<i>William J. Taylor 1234 Main St Dallas, TX 75201</i>	<i>William J. Taylor</i>	<i>5/90</i>	<i>20.-</i>
Reason For: <input type="checkbox"/> Other Inquiries	Aggregate Year-to-Date > \$ 70.-		
<i>John Smith 1234 Main St Dallas, TX 75201</i>	<i>John Smith</i>	<i>4/90</i>	<i>25.-</i>
Reason For: <input type="checkbox"/> Other Inquiries	Aggregate Year-to-Date > \$ 20.-		
<i>John Smith 1234 Main St Dallas, TX 75201</i>	<i>retired</i>	<i>5/90</i>	<i>70.-</i>
Reason For: <input type="checkbox"/> Other Inquiries	Aggregate Year-to-Date > \$ 70.-		
<i>Thomas J. Brown 1234 Main St Dallas, TX 75201</i>	<i>Thomas J. Brown</i>	<i>5/90</i>	<i>20.-</i>
Reason For: <input type="checkbox"/> Other Inquiries	Aggregate Year-to-Date > \$ 70.-		

APPROVAL of FINANCIAL DISCLOSURE STATEMENT  
I hereby certify that the above is a true and correct copy of the original statement as filed with the Commission.

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Required Summary Page

FOR LINE NUMBER 754 754

Any information copied from such Page 11 and Statements may not be sold or used by any person for the purpose of collecting contributions or for campaign purposes, other than using the name and address of any political committee "in collect or" structure from such committee.

NAME OF COMMITTEE (in Full)

Bill Thomas Campaign Committee 4/27/91

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (the Period)
734 Castle Cr Box 577 San Jose, CA 95121 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		5/5/90	90.- 128
B. Full Name, Mailing Address and ZIP Code Angela Samsonov 1118 S. Folsom Ave Oak, CA 94609 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		5/2/90	750.-
C. Full Name, Mailing Address and ZIP Code Joe Samsonov 921 Box 44 Oak, CA 94603 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		5/2/90	750.-
D. Full Name, Mailing Address and ZIP Code Ylean Ferguson Box 2588 Oak, CA 94603 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		5/2/90	750.-
E. Full Name, Mailing Address and ZIP Code Mr. O. E. Fuchangie 2744 Folsom Blvd Oak, CA 94603 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Self Retired	5/2/90	29.-
F. Full Name, Mailing Address and ZIP Code Don Snyder 1101 S. Union Avenue Oak, CA 94607 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Furniture Trucking Driver	5/2/90	1000.-
G. Full Name, Mailing Address and ZIP Code Alan Jay Bassett Box 574 Oak, CA 94602 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Real Estate	5/2/90	750.-

SUBTOTAL of Receipts (The Page captioned) ..... 4750.-

TOTAL (The Period (last page this line number only) ..... 4750.-

0 2 0 1 4 3 3 3 5 5 2 4 5 1

SCHEDULE A

ITEMIZED RECEIPTS

For each category of the  
Detailed Summary Page

9 14  
FORM LINE NUMBER  
11(a)

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

NAME OF COMMITTEE (in Full)

Bill Thomas Campaign Committee # 002431

<p>A. Full Name, Mailing Address and ZIP Code Stephen Shaw 3730 Mt. Diablo #220 Fayette, Ca 94549</p> <p>Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer Plakins, Carter &amp; Shaw Occupation CA</p> <p>Date (month, day, year) 7/24/90</p> <p>Aggregate Year-to-Date &gt; \$ 200. -</p>	<p>Amount of Each Receipt This Period 200. -</p>
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<p>B. Full Name, Mailing Address and ZIP Code Jack Fetter 1000 Pocomoia #3000 Houston, TX 77002</p> <p>Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer Occupation Lawyer</p> <p>Date (month, day, year) 7/24/90</p> <p>Aggregate Year-to-Date &gt; \$ 1000. -</p>	<p>Amount of Each Receipt This Period 1000. -</p>
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<p>C. Full Name, Mailing Address and ZIP Code Fidelity National Life Insurance Co 4500 California Avenue San Jose, Ca 95128</p> <p>Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer Occupation</p> <p>Date (month, day, year) 7/24/90</p> <p>Aggregate Year-to-Date &gt; \$ 250. -</p>	<p>Amount of Each Receipt This Period 25. - ATD</p>
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<p>D. Full Name, Mailing Address and ZIP Code William Ryan Jr. 1780 Arbor Road Thousand Oaks, Ca 94025</p> <p>Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer Occupation Management Corporation CA</p> <p>Date (month, day, year) 7/24/90</p> <p>Aggregate Year-to-Date &gt; \$ 800. -</p>	<p>Amount of Each Receipt This Period 800. -</p>
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<p>E. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer Occupation</p> <p>Date (month, day, year)</p> <p>Aggregate Year-to-Date &gt; \$</p>	<p>Amount of Each Receipt This Period</p>
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<p>F. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer Occupation</p> <p>Date (month, day, year)</p> <p>Aggregate Year-to-Date &gt; \$</p>	<p>Amount of Each Receipt This Period</p>
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<p>G. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer Occupation</p> <p>Date (month, day, year)</p> <p>Aggregate Year-to-Date &gt; \$</p>	<p>Amount of Each Receipt This Period</p>
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SUBTOTAL of Receipts This Page (optional) ..... 1250. -

TOTAL This Period (fill page this line number only) ..... 1250. -

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SCHEDULE A

ITEMIZED RECEIPTS

Attachment D1  
1990 12 Day Pre-Primary Report

Detailed Summary Page

FOR LINE NUMBER

107

Any information copied from this Report and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes. Do not check the name and address of any political committee or other contributors from our address.

NAME OF COMMITTEE (in Full)

Bill Thomas Campaign Committee 8082421

<p>A. Full Name, Mailing Address and ZIP Code                  3rd Fl.                  931 Dennis Street                  Oak, Ca 93201</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer                  Self                  Surgeon</p> <p>Occupation                  Surgeon</p> <p>Aggregate Year-to-Date \$ 250.-</p>	<p>Date (month, day, year)                  5/2/90</p>	<p>Amount of Each Receipt this Period                  250.-</p>
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<p>B. Full Name, Mailing Address and ZIP Code                  James Gray                  710 7th St                  Oak, Ca 93202</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer                  J. J. Gray Construction</p> <p>Occupation                  Construction</p> <p>Aggregate Year-to-Date \$ 750.-</p>	<p>Date (month, day, year)                  5/2/90</p>	<p>Amount of Each Receipt this Period                  750.-</p>
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<p>C. Full Name, Mailing Address and ZIP Code                  Arinaway Ferner                  511 2nd St                  Oak, Ca 93202</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer                  Self</p> <p>Occupation                  Nurse</p> <p>Aggregate Year-to-Date \$ 250.-</p>	<p>Date (month, day, year)                  5/2/90</p>	<p>Amount of Each Receipt this Period                  250.-</p>
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<p>D. Full Name, Mailing Address and ZIP Code                  Quinn Construction                  1001 1339                  Oak, Ca 93202</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer                  Self</p> <p>Occupation                  Construction</p> <p>Aggregate Year-to-Date \$ 250.-</p>	<p>Date (month, day, year)                  5/2/90</p>	<p>Amount of Each Receipt this Period                  250.-</p>
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<p>E. Full Name, Mailing Address and ZIP Code                  Clark Gustafson                  427 Quince Orchard                  Oak, Ca 93204</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer                  Self</p> <p>Occupation                  Pharmacist</p> <p>Aggregate Year-to-Date \$ 750.-</p>	<p>Date (month, day, year)                  5/2/90</p>	<p>Amount of Each Receipt this Period                  750.-</p>
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<p>F. Full Name, Mailing Address and ZIP Code                  Elie Haddad                  5912 Magnolia Drive                  Oak, Ca 93204</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer                  Haddad &amp; Co</p> <p>Occupation                  Nurse</p> <p>Aggregate Year-to-Date \$ 750.-</p>	<p>Date (month, day, year)                  5/2/90</p>	<p>Amount of Each Receipt this Period                  750.-</p>
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<p>G. Full Name, Mailing Address and ZIP Code                  Harvey Hall                  1001 3rd Street                  Oak, Ca 93202</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer                  Hall Ambulance</p> <p>Occupation                  Nurse</p> <p>Aggregate Year-to-Date \$ 250.-</p>	<p>Date (month, day, year)                  5/2/90</p>	<p>Amount of Each Receipt this Period                  250.-</p>
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<p>SUBTOTAL of Receipts This Page (optional) .....</p>	<p>3250.-</p>
<p>TOTAL This Period (last page this line number only) .....</p>	<p>3250.-</p>

A.C. 2. 0. 2. 5. 6. 7. 8. 9.

SCHEDULE A

This schedule should be filed with the rest of the required returns for the specified tax year.

6/11/89  
FOR LINE NUMBER 11(c)

Any information received from such Reports and Statements may not be sold or used by any person for the purpose of obtaining 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 OR FUND

Bill Thomas Campaign Committee #62421

A. Full Name, Mailing Address and ZIP Code Health Insurance Pk 1025 Connecticut NW #1200 WDC 20036	Name of Employer N/A	Date (month, day, year) 4/1/89	Amount of Each Receipt this Period 500.-
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 500.-	

B. Full Name, Mailing Address and ZIP Code The Aircraft Co. Detroit Cityship Fund P.O. Box 45066-C129 Ft. Snodgrass, CA 90045	Name of Employer N/A	Date (month, day, year) 6/6/89	Amount of Each Receipt this Period 500.-
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 500.-	

C. Full Name, Mailing Address and ZIP Code International Council of Shopping Centers Inc 1199 N. Fairfax #204 Alexandria, VA 22314	Name of Employer N/A	Date (month, day, year) 6/9/89	Amount of Each Receipt this Period 1000.- ATC
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 1000.-	

D. Full Name, Mailing Address and ZIP Code Life Insurance Pk 1001 Pennsylvania NW WDC 20004	Name of Employer N/A	Date (month, day, year) 6/6/89	Amount of Each Receipt this Period 1000.-
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 1000.-	

E. Full Name, Mailing Address and ZIP Code Liton Employee Political Action Committee 3607 Crescent Drive Beverly Hills, CA 90210	Name of Employer N/A	Date (month, day, year) 6/6/89	Amount of Each Receipt this Period 500.-
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 500.-	

F. Full Name, Mailing Address and ZIP Code MARCO, Inc 1801 P. Baltimore Tulsa, OK 74119	Name of Employer N/A	Date (month, day, year) 6/6/89	Amount of Each Receipt this Period 500.-
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 500.-	

G. Full Name, Mailing Address and ZIP Code Minn - Dak Farms Cooperative Inc Rt. 1, Box 10 Wahpeton, ND 58075	Name of Employer N/A	Date (month, day, year) 3/10/89	Amount of Each Receipt this Period 250.-
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 250.-	

SUBTOTAL of Receipts This Page (optional) ..... 4250.-

TOTAL This Period (last page this line number only) .....



SCHEDULE A

ITEMIZED RECEIPTS

This amount is included in the category of the Qualified Summary Page

FOR LINE NUMBER  
A (c)

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

NAME OF COMMITTEE IN FULL

Bill James Campaign Committee # 0604

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Farmers Rice Cooperator Fund P.O. Box 1532 Morgan, La 70951 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	N/A	7/20/90	100. -
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Ford Motor Company Civic Action Fund The American Red Cross Allenton, Md 21811 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	N/A	9/12/90	500. -
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
General Synagogue of Huntley Pioneer Black Center Huntley, Ill 60145 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	N/A	7/30/90	250. -
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Georgia Power Company P.O. Box 495 Atlanta, Ga 30302 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	N/A	7/30/90	250. -
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Hornell PAC 707 Broadway #1200 San Diego, Cal 92101 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	N/A	7/30/90	500. -
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Univ. Council of Shopping Centers PAC 499 N. Fairfax #204 Alexandria, Va 22314 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	N/A	7/20/90	500. -
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
The Marriott PAC Marriott Travel WDC 20058 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	N/A	8/21/90	1000. -

SUBTOTAL of Receipts This Page (optional) ..... 6,500. -

TOTAL This Period (last page this line number only) .....

2025 RELEASE UNDER E.O. 14176





SCHEDULE A

ITEMIZED RECEIPTS

Use amounts scheduled for each category of the Qualified Secondary Page

PAGE 5 OF 5  
FORM LINE NUMBER  
(110)

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NAME OF COMMITTEE: Bill Howard Campaign Committee #08991

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Cash Received This Period
John Burke Ford P.O. Box 2098 Salem, CA 95673 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	John Burke Ford Owner	11/5/90	200.-
Wynne Carter 1007 6th Salem, CA 95673 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Wynne Carter Real Estate	11/5/90	300.-
Ray Deppeler 14th St. 1st floor Salem, CA 95607 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Ray Deppeler Owner	11/5/90	200.-
S.J. Young 1007 4th Salem, CA 95601 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	S.J. Young Real Estate	11/5/90	300.-
Eliu Kaddah 3913 Broadway Drive Salem, CA 95606 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Eliu Kaddah Owner	11/5/90	200.-
Melvin Berry 208 Damich Way Salem, CA 95609 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Melvin Berry Owner	11/5/90	300.-
William Thorsen 2149 Promenade Rd Salem, CA 95607 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	William Thorsen Owner	11/5/90	300.-

SUBTOTAL of Receipts This Page (optional) ..... 2100.-

TOTAL This Period (Use page 418 line number only) .....

077140312367



SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedules for each category of the General Summary Page

PAGE 5 OF 15 FOR LINE NUMBER 11612

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NAME OF COMMITTEE OR FULL

Bill James Campaign Committee #080431

<p>A. Full Name, Mailing Address and ZIP Code  <i>Johnnie Petroleum Company</i>  <i>PO Box 572</i>  <i>Palmerfield, Ca 93002</i></p> <p>Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer  <i>Johnnie Petroleum Company</i></p> <p>Occupation</p> <p>Aggregate Year-to-Date <math>\\$ 200.-</math></p>	<p>Date (month, day, year)  <i>11/5/90</i></p>	<p>Amount of Each Receipt this Period  <i>200.-</i></p> <p>ATP</p>
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<p>B. Full Name, Mailing Address and ZIP Code  <i>Brian Ferguson</i>  <i>PO Box 2008</i>  <i>Palmerfield, Ca 93002</i></p> <p>Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer  <i>Brian Ferguson</i></p> <p>Occupation</p> <p>Aggregate Year-to-Date <math>\\$ 200.-</math></p>	<p>Date (month, day, year)  <i>11/6/90</i></p>	<p>Amount of Each Receipt this Period  <i>200.-</i></p>
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<p>C. Full Name, Mailing Address and ZIP Code  <i>Greg Byrom</i>  <i>5701 Sunway #190</i>  <i>Palmerfield, Ca 93009</i></p> <p>Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer  <i>Byrom Associates</i></p> <p>Occupation  <i>Owner</i></p> <p>Aggregate Year-to-Date <math>\\$ 200.-</math></p>	<p>Date (month, day, year)  <i>11/5/90</i></p>	<p>Amount of Each Receipt this Period  <i>200.-</i></p>
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<p>D. Full Name, Mailing Address and ZIP Code  <i>Fantasy Power Airport</i>  <i>PO Box 918</i>  <i>Shackleton, Ca 93501</i></p> <p>Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer  <i>Fantasy Power Airport</i></p> <p>Occupation</p> <p>Aggregate Year-to-Date <math>\\$ 200.-</math></p>	<p>Date (month, day, year)  <i>11/5/90</i></p>	<p>Amount of Each Receipt this Period  <i>200.-</i></p>
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<p>E. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date <math>\\$</math></p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
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<p>F. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date <math>\\$</math></p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
--	--	--------------------------------	---

<p>G. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General  <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date <math>\\$</math></p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
--	--	--------------------------------	---

SUBTOTAL of Receipts This Page (optional) ..... *1100.-*

TOTAL This Period (last page this line number only) ..... *10,475.-*

2 of 27410433812585

SCHEDULE A

ITEMIZED RECEIPTS

The amounts scheduled for each category of the Detailed Summary Page

PAGE 17 OF 19  
FOR LINE NUMBER 11 (67)

Any information copied from each Report and Statement 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)

Bill Thomas Campaign Committee H-2-101

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Richard Merkin 4500 Co. Ave Oak, Ca 93209 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Bill Family Medical Center Occupation: <i>Physician</i> Aggregate Year-to-Date > \$ 750.-	5/2/90	750.-
B. Full Name, Mailing Address and ZIP Code R.A. Montgomery 2001 8th St Oak, Ca 93210 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$ 750.-	5/2/90	250.-
C. Full Name, Mailing Address and ZIP Code Walter Montague Brown, Sr. 4711 Alameda Hwy. Oak, Ca 93209 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$ 750.-	5/2/90	750.- APR
D. Full Name, Mailing Address and ZIP Code Rodney Williams 602 N. 1st St. Oakland, Ca 94604 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$ 750.-	4/1/90	750.-
E. Full Name, Mailing Address and ZIP Code York Neigel 874 1st St Oak, Ca 93209 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$ 250.-	5/2/90	250.-
F. Full Name, Mailing Address and ZIP Code Donald and Rose Rt. 2 Box 589 Albino, Ca 93215 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation: <i>Farmer</i> Aggregate Year-to-Date > \$ 1500.-	5/2/90	1500.-
G. Full Name, Mailing Address and ZIP Code Hamilie Pardo 20 Box 5375 Oak, Ca 93209 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$ 250.-	5/2/90	250.-

SUBTOTAL of Receipts This Page (optional) ..... 4000.-

TOTAL This Period (last page this line number only) .....

02201430933802:448

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

Attachment 1  
Page 1 of 2

DATE (MAY91)

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
THOMAS, WILLIAM M	HOUSE 20	REPUBLICAN PARTY					1990 ELECTION	ID# H8CA10020	
1. STATEMENT OF CANDIDATE									
1989 DISAVOWAL NOTICE							14NOV89	1	89FEC/614/4497
STATEMENT OF CANDIDATE							28NOV89	1	89HSE/386/0755
2. PRINCIPAL CAMPAIGN COMMITTEE									
WILL THOMAS CAMPAIGN COMMITTEE								ID #C00100537	HOUSE
1989 MID-YEAR REPORT			59,190		123,353		1JAN89 - 30JUN89	25	89HSE/383/2684
MID-YEAR REPORT - AMENDMENT			-		-		1JAN89 - 30JUN89	7	90HSE/392/2000
MID-YEAR REPORT - AMENDMENT			-		-		1JAN89 - 30JUN89	1	90HSE/397/6907
REQUEST FOR ADDITIONAL INFORMATION							1JAN89 - 30JUN89	6	89FEC/616/2816
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JAN89 - 30JUN89	7	89FEC/618/2034
REQUEST FOR ADDITIONAL INFORMATION							1JAN89 - 30JUN89	1	90FEC/630/3970
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JAN89 - 30JUN89	2	90FEC/638/2741
YEAR-END			63,215		39,093		1JUL89 - 31DEC89	19	90HSE/391/2109
YEAR-END - AMENDMENT			-		-		1JUL89 - 31DEC89	6	90HSE/392/2630
YEAR-END - AMENDMENT			-		-		1JUL89 - 31DEC89	1	90HSE/393/2712
YEAR-END - AMENDMENT			63,215		39,093		1JUL89 - 31DEC89	3	90HSE/397/1008
YEAR-END - AMENDMENT			63,215		39,093		1JUL89 - 31DEC89	6	90HSE/404/0970
REQUEST FOR ADDITIONAL INFORMATION							1JUL89 - 31DEC89	1	90FEC/642/2689
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JUL89 - 31DEC89	2	90FEC/644/2188
1990 48 HOUR CONTRIBUTION NOTICE							23MAY90	1	90HSE/398/2880
48 HOUR CONTRIBUTION NOTICE							24MAY90	1	90HSE/398/4037
48 HOUR CONTRIBUTION NOTICE							1JUN90	1	90HSE/399/2484
MISCELLANEOUS NOTICE FROM SEC							17AUG90	1	90FEC/624/1677
48 HOUR CONTRIBUTION NOTICE							30OCT90	1	90HSE/410/4301
APRIL QUARTERLY			9,298		36,214		1JAN90 - 31MAR90	11	90HSE/392/2180
APRIL QUARTERLY - AMENDMENT			11,298		36,214		1JAN90 - 31MAR90	4	90HSE/400/2527
NOTICE OF FAILURE TO FILE							1JAN90 - 31MAR90	1	90FEC/608/0880
REQUEST FOR ADDITIONAL INFORMATION							1JAN90 - 31MAR90	1	90FEC/642/2056
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JAN90 - 31MAR90	2	90FEC/644/2190
PRE-PRIMARY			103,303		24,179		1APR90 - 15MAY90	31	90HSE/398/1497
PRE-PRIMARY - AMENDMENT			103,303		24,179		1APR90 - 15MAY90	30	90HSE/399/4122
PRE-PRIMARY - AMENDMENT							1APR90 - 15MAY90	1	90HSE/406/1747
PRE-PRIMARY - AMENDMENT			103,303		24,179		1APR90 - 15MAY90	25	91HSE/424/0275
REQUEST FOR ADDITIONAL INFORMATION							1APR90 - 15MAY90	2	90FEC/645/2431
REQUEST FOR ADDITIONAL INFORMATION							1APR90 - 15MAY90	2	90FEC/646/2433
REQUEST FOR ADDITIONAL INFORMATION 2ND							1APR90 - 15MAY90	3	90FEC/651/4571
REQUEST FOR ADDITIONAL INFORMATION 2ND							1APR90 - 15MAY90	3	90FEC/651/4574
REQUEST FOR ADDITIONAL INFORMATION							1APR90 - 15MAY90	13	90FEC/678/2919
REQUEST FOR ADDITIONAL INFORMATION							1APR90 - 15MAY90	13	90FEC/678/2932
REQUEST FOR ADDITIONAL INFORMATION 2ND							1APR90 - 15MAY90	14	91FEC/679/4704
REQUEST FOR ADDITIONAL INFORMATION 2ND							1APR90 - 15MAY90	14	91FEC/679/4718
JULY QUARTERLY			53,627		90,216		17MAY90 - 30JUN90	20	90HSE/404/3719
JULY QUARTERLY - AMENDMENT			53,627		90,216		17MAY90 - 30JUN90	16	91HSE/424/0300
REQUEST FOR ADDITIONAL INFORMATION							17MAY90 - 30JUN90	1	90FEC/678/2946

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

DATE 6MAY91

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
REQUEST FOR ADDITIONAL INFORMATION 2ND							17MAY90 -30JUN90	3	91FEC/679/4732
OCTOBER QUARTERLY				47,340		42,253	1JUL90 -30SEP90	18	90HSE/413/2807
OCTOBER QUARTERLY - AMENDMENT						42,253	1JUL90 -30SEP90	5	91HSE/424/0316
REQUEST FOR ADDITIONAL INFORMATION							1JUL90 -30SEP90	3	90FEC/678/2673
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JUL90 -30SEP90	4	91FEC/679/4735
PRE-GENERAL				35,357		10,449	1OCT90 -17OCT90	11	90HSE/415/4434
PRE-GENERAL - AMENDMENT				35,357		10,449	1OCT90 -17OCT90	4	91HSE/424/0321
REQUEST FOR ADDITIONAL INFORMATION							1OCT90 -17OCT90	4	90FEC/678/2677
REQUEST FOR ADDITIONAL INFORMATION 2ND							1OCT90 -17OCT90	5	91FEC/679/4739
POST-GENERAL				33,286		129,276	18OCT90 -26NOV90	15	90HSE/421/5090
POST-GENERAL - AMENDMENT				33,286		129,276	18OCT90 -26NOV90	5	91HSE/424/0325
REQUEST FOR ADDITIONAL INFORMATION							18OCT90 -26NOV90	5	90FEC/679/1510
REQUEST FOR ADDITIONAL INFORMATION 2ND							18OCT90 -26NOV90	6	91FEC/681/3534
YEAR-END				22,917		1,822	27NOV90 -31DEC90	16	91HSE/426/0001
TOTAL			290,525	129,900	913,045	183,900		404	TOTAL PAGES

92040385250

1. AUTHORIZED COMMITTEES  
2. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

All reports have been reviewed.  
Ending cash on hand as of 12/31/90: \$157,392.00  
Outstanding debts owed by the committee as of 12/31/90: \$0.00



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

DEC 11 1990

John Cummings, Treasurer  
Bill Thomas Campaign Committee  
P.O. Box 395  
Bakersfield, CA 93302

Identification Number: C00100537

Reference: 12 Day Pre-Primary (4/1/90-5/16/90) and Amended 12  
Day Pre-Primary (4/1/90-5/16/90, dated 6/27/90)  
Reports

Dear Mr. Cummings:

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.

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CP

-Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please amend your report to correct the-Column B discrepancies for Line(s) 15, 16, 19, 22, and any subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the year-to-date totals for calendar year 1990.

-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.

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.

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,



R. Todd Gerlough  
Reports Analyst  
Reports Analysis Division

921049947502



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

DEC 11 1990

John Cummings, Treasurer  
Bill Thomas Campaign Committee  
P.O. Box 395  
Bakersfield, CA 93302

Identification Number: C00100537

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

Dear Mr. Cummings:

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.

-Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this

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CP

report. Please amend your report to correct the Column B discrepancies for Line(s) 22 and any subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the year-to-date totals for calendar year 1990.

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,



R. Todd Gerlough  
Reports Analyst  
Reports Analysis Division

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

DEC 11 1990

John Cummings, Treasurer  
Bill Thomas Campaign Committee  
P.O. Box 395  
Bakersfield, CA 93302

Identification Number: C00100537

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

Dear Mr. Cummings:

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

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limit set forth in the Act. A qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$5,000 per election. (2 U.S.C. §441a(a) and (f); 11 CFR §110.2(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(s) you received exceeds the limit, you should refund to the donor the amount in excess of \$5,000 or get the donor to redesignate the contribution in writing. Refunds and redesignations must be made within sixty days of the treasurer's receipt of the contribution. Copies of refund checks and copies of letters redesignating the contributions in question may be used to respond to this letter. Refunds are reported on Line 20 of the Detailed Summary Page and on Schedule B of the report covering the period in which they are made. Redesignations are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation is received. (11 CFR §104.8(d)(2) and (4))

Although the Commission may take further legal steps, prompt action by you to refund or seek redesignation of the excessive amount(s) will be taken into consideration.

92076784240

cp

-A review of your itemized receipts indicates a possible discrepancy in your aggregate year-to-date totals. The reported aggregate totals on your report should include contributions from an individual or committee for the current calendar year (January 1, 1990 - Present). Please review your procedures for compliance with this requirement and amend any report(s) as necessary.

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,



R. Todd Gerlough  
Reports Analyst  
Reports Analysis Division

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-3

January 3, 1991

John Cummings, Treasurer  
Bill Thomas Campaign Committee  
P.O. Box 395  
Bakersfield, CA 93302

Identification Number: C00100537

Reference: 12 Day Pre-Primary (4/1/90-5/16/90), Amended 12 Day  
Pre-Primary 4/1/90-5/16/90, dated 6/27/90), July  
Quarterly (5/17/90-6/30/90), October Quarterly  
(7/1/90-9/30/90) and 12 Day Pre-General (10/1/90-  
10/17/90) Reports

Dear Mr. Cummings:

This letter is to inform you that as of January 2, 1991, the Commission has not received your response to our requests for additional information dated December 11, 1990. Those notices requested information essential to full public disclosure of your federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). Copies of our original requests are enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Todd Gerlough on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

Enclosures

9 1 0 6 7 9 4 7 3 7



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

BQ-2

DEC 22 1991

John Cummings, Treasurer  
Bill Thomas Campaign Committee  
P.O. Box 395  
Bakersfield, CA 93302

Identification Number: C00100537

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

Dear Mr. Cummings:

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.

-A review of your itemized receipts indicates a possible discrepancy in your aggregate year-to-date totals. The reported aggregate totals on your report should include contributions from an individual or committee for the

9 1 0 4 3 8 3 5 3 5

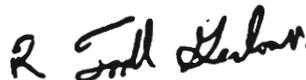
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current calendar year (January 1, 1990 - Present). Please review your procedures for compliance with this requirement and amend any report(s) as necessary. -

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-General report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to make concerning this matter will be taken into consideration. (11 CFR §104.5(f))

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,



R. Todd Gerlough  
Reports Analyst  
Reports Analysis Division

99 21 00 43 06 88 81 53 25 53 96

**REGULAR MAIL**

**JAN 23 1991**

OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES

**JUN 29 AM 7:56**

U.S. HOUSE OF REPRESENTATIVES

**WILLIAM M THOMAS**  
MEMBER OF CONGRESS  
CALIFORNIA  
608 322 2279

January 23, 1991

082431

**TO: CLERK OF THE HOUSE OF REPRESENTATIVES**  
1036 Longworth House Office Building  
Washington, D.C. 20515

**FR: JOHN CUMMINGS, TREASURER**  
**BILL THOMAS CAMPAIGN COMMITTEE**

**RE: C00100537**  
**CA/20**

This letter is in response to the Federal Election Commission's review concerning the Bill Thomas Campaign Committee, C00100537, P. O. Box 395, Bakersfield, CA 93302.

I. In reference to the 12 Day Pre-Primary Report (4/1/90 - 5/16/90)

Enclosed is an amendment correcting the questions raised by the Federal Election Commission's review.

In response to the disclosure of corporate contributions, I have learned that our committee has unknowingly received corporate contributions. Enclosed you will find copies of refund checks from our committee to the donors. This action will be reported on a Schedule B supporting Line 20(a) of the 1990 year end report.

II. In reference to the July Quarterly Report (5/17/90 - 6/30/90)

Enclosed is an amendment correcting the questions raised by the Federal Election Commission's review.

In response to the disclosure of contributions received after the June 5th Primary, the committee has incorrectly reported these contributions and the amendment will show the redesignation.

9171410273

Clerk of the House of Representatives  
January 22, 1991  
page two

III. In reference to the October Quarterly Report  
(7/1/90 - 9/30/90)

Enclosed is an amendment correcting the questions raised by the Federal Election Commission's review.

In response to the disclosure of corporate contributions, I have learned that our committee has unknowingly received a corporate contribution. Enclosed you will find a copy of a refund check from our committee to the donor. This action will be reported on Schedule C supporting Line 20(a) of our 1990 year end report.

IV. In reference to the 12 Day Pre-General Report  
(10/1/90 - 10/17/90)

Enclosed is an amendment correcting the questions raised by the Federal Election Commission's review.

The contribution in question was incorrectly disclosed. The International Council of Shopping Centers, 1199 N. Fairfax Street, Ste. 204, Alexandria, VA 22314, sent a contribution in the amount of \$3,000 to our committee. The contribution was designated in error for the general and should be redesignated for the primary. The amendment will show this correction. Therefore, the International Council of Shopping Centers has contributed \$5000 to our committee per each election and should not be in excess of contributions to a candidate.

V. In reference to the 30 Day Post-General Report  
(10/18/90 - 11/26/90)

Enclosed is an amendment correcting the questions raised by the Federal Election Commission's review.

In response to the disclosure of corporate contributions, I have learned that our committee has unknowingly received a corporate contribution. Enclosed you will find a copy of a refund check from our committee to the donor. This action will be reported on Schedule F supporting Line 20(a) of our 1990 year end report.

I hope that the enclosed amendments and additional information clarifies all questions raised by the Federal Election Commission's review. All procedures for receiving and reporting contributions will be reviewed by our committee.

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**BILL THOMAS**  
CAMPAIN. COMMITTEE  
COMMITTEE ID NO 000001  
P. O. BOX 390  
BAKERSFIELD, CA 93309

1139

January 14, 1981 10-20-1220-1783 (7)

PAY  
TO THE  
ORDER OF

JIM BURKE FORD

\$ 1,050.00

One thousand fifty dollars and 00 cents ..... DOLLARS

BAKERSFIELD CREDIT CENTER  
**WELLS FARGO BANK**  
1200 2ND STREET BAKERSFIELD CA 93301

FOR Refund of contributions

*William M. Thomas*

⑆001139⑆ ⑆122000247⑆0753 101559⑆

92040385202  
011110297

*Refund 5/2/90 \$ 750.-*

**BILL THOMAS**  
CAMPAIGN COMMITTEE  
COMMITTEE ID NO 000001  
P O BOX 206  
BAKERSFIELD, CA 93302

1140

January 14, 1995 10-99-1200-9753 (7)

PAY  
TO THE  
ORDER OF

GUINN CONSTRUCTION

\$ 250.00

Two hundred fifty dollars and 00 cents .....

DOLLARS

BAKERSFIELD DOWNTOWN OFFICE  
**WELLS FARGO BANK**  
120 ... STREET, BAKERSFIELD, CA 93302

*William M. Thomas*

FOR Refund of Contribution

⑈001140⑈ 612200026760922 101559⑈

01214

**BILL THOMAS**  
CAMPAIGN COMMITTEE  
COMMITTEE ID NO 00001  
P. O. BOX 888  
BAKERSFIELD, CA 93302

1141

January 14

12-15-1988 (1)  
91

PAY  
TO THE  
ORDER OF

WALTER MORTENSEN ASSOCIATES INSURANCE

\$ 750.00

Seven hundred fifty dollars and 00 cents .....

DOLLARS

BAKERSFIELD BRANCH OFFICE  
**WELLS FARGO**  
1000 MAIN STREET, BAKERSFIELD, CA 93301

*William M. Thomas*

FOR Refund of Contribution

⑆001141⑆ ⑆122000247⑆0753 101559⑆

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**BILL THOMAS**  
CAMPAIGN COMMITTEE  
COMMITTEE ID NO. 688891  
P. O. BOX 288  
BAKERSFIELD, CA 93302

1142

January 14 1991 18-24-1228-1783 (7)

PAY  
TO THE  
ORDER OF

FIDELITY NATIONAL TITLE

\$ 250.00

Two hundred fifty dollars and 00 cents .....

DOLLARS

WELLS FARGO BANK  
1200 2ND STREET BAKERSFIELD CA 93301

*William M. Thomas*

FOR Refund of Contribution

⑆001142⑆ ⑆222000247⑆0753 101559⑆

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91 AUG -9 PM 11:22

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

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

**RAD Referral: 91L-54**  
**STAFF MEMBER: Xavier K. McDonnell**

**SOURCE OF MUR:** Internally Generated

**RESPONDENTS:** Bill Thomas Campaign Committee  
and John Cummings, as treasurer

**RELEVANT STATUTES:** 2 U.S.C. § 441a(a)  
2 U.S.C. § 441a(f)  
2 U.S.C. § 441b(a)  
11 C.F.R. § 103.3  
11 C.F.R. § 110.1

**INTERNAL REPORTS CHECKED:** Disclosure Reports

**FEDERAL AGENCIES CHECKED:** None

**I. GENERATION OF MATTER**

The Reports Analysis Division ("RAD") referred the Bill Thomas Campaign Committee (the "Committee") and John Cummings, as treasurer, (collectively "Respondents") to the Office of the General Counsel for accepting an excessive contribution totaling \$3,000 and prohibited contributions totaling \$4,600.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Applicable Law**

Under the Federal Election Campaign Act of 1971, as amended (the "Act"), no multicandidate political committee may make contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which,

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in the aggregate, exceed \$5,000. 2 U.S.C. § 441a(a)(2)(A). The Act prohibits candidates and their political committees from knowingly accepting any contributions in excess of the Section 441a(a) limitations. 2 U.S.C. § 441a(f). Pursuant to Section 441b(a) of the Act, corporations, national banks and labor organizations are prohibited from making contributions from their general treasury funds in connection with Federal elections and candidates and their committees are prohibited from accepting such contributions.

Pursuant to 11 C.F.R. § 103.3(b), the treasurer of a political committee shall be responsible for examining all contributions received for evidence of illegality and for ascertaining whether contributions received, when aggregated with other contributions from the same contributor, exceed the limitations of the Act. Contributions that present genuine questions as to whether they were made by corporations or labor organizations may either be deposited into a campaign depository or returned to a contributor. 11 C.F.R. § 103.3(b). If the contribution is deposited, the treasurer shall make his or her best efforts to determine the legality of the contribution, but if the contribution cannot be determined to be legal, then the treasurer shall, within thirty (30) days of receipt, refund the contribution to the contributor. 11 C.F.R. § 103.3(b)(1).

Contributions which on their face exceed the contribution limitations of the Act and contributions which do not exceed the

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limits on their face but which exceed the contribution limits when aggregated with other contributions from the same contributor may either be deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If such contribution is deposited, the treasurer may request redesignation or reattribution. Id. A contribution is considered to be redesignated if the treasurer of the recipient committee requests that the contributor provide a written redesignation of the contribution, and informs the contributor that a refund of the contribution may be requested as an alternative to redesignation, and if the signed redesignation is obtained from the contributor within sixty (60) days. 11 C.F.R. § 110.2(b)(5)(ii). If redesignation or reattribution of the excessive contribution is not obtained, the treasurer shall refund the contribution within sixty (60) days from the date of receipt. 11 C.F.R. §§ 103.3(b)(3) and 110.2(b)(3).

A contribution designated for a particular election, but made after that election shall be made only to the extent that it does not exceed net debts outstanding from such election. 11 C.F.R. § 110.2(b)(3). To the extent that such contribution exceeds net debts outstanding it is considered an excessive contribution. Id.

**B. Analysis**

The Committee's 1990 disclosure reports indicate that it received nine (9) contributions from eight (8) corporations,

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totaling \$4,600. Specifically, the Committee's 1990 12 Day Pre-Primary, October Quarterly, and 30 Day Post General Reports disclose the receipt of the following contributions:

Blackburn Oil Company.....	\$750	5-2-1990
F & Y Cattle Company.....	\$500	5-2-1990
Fidelity National Title Insurance Company.....	\$250	7-30-1990
Guinn Construction.....	\$250	5-2-1990
Jim Burke Ford .....	\$750	5-2-1990
Jim Burke Ford .....	\$300	11-5-1990
Richardson Farms.....	\$750	5-2-1990
Schwebel Petroleum Company .....	\$300	11-5-1990
Walter Mortensen Associates Insurance.....	\$750	5-2-1990

---

Total \$4,600

The Committee has produced copies of checks which evidence that refunds, totaling \$2,300, have been made to four of the corporations: Fidelity National Title Insurance Company, Guinn Construction, Jim Burke Ford and Walter Mortensen Associates Insurance. See Attachment 1 at pages 32-35. However, the corrective action taken here does not appear to have occurred within the thirty day time period specified in 11 C.F.R. § 103.3(b). In fact, the Committee's refund checks to these four corporations are dated January 14, 1991, which in each case is well beyond the 30 day period. Id. Moreover, there is no evidence that the prohibited contributions were ever refunded to Blackburn Oil Company, F & Y Cattle Company, Richardson Farms, or Schwebel Petroleum Company. Accordingly, the Office of the General Counsel recommends that the Commission find reason to

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believe that the Bill Thomas Campaign Committee and John Cummings, as treasurer, violated 2 U.S.C. § 441b(a).

The Committee's reports also disclose that it received a contribution from a qualified multicandidate political committee which exceeds the limitations of the Act by \$3,000. Specifically, the Committee's 1990 12 Day Pre-General Report discloses that on July 30, 1990, the Respondents received a \$3,000 contribution from the International Council of Shopping Centers PAC ("ICSC-PAC"). Attachment 1 at page 12. The Committee's 12 Day Pre-General Report also indicates that it had received a \$5,000 contribution from ICSC-PAC on October 17, 1990. Both of these contributions were designated for the 1990 general election, and thus the total amount accepted by the Respondents with respect to the general election exceeded the limitations of the Act by \$3,000. Attachment 1 at pages 5 and 13.

By letter dated December 11, 1990, RAD notified the Respondents that they appeared to have accepted an excessive contribution. Attachment 1 at page 25. In a response dated January 22, 1991, the Committee asserted that the \$3,000 contribution from ICSC-PAC "was designated in error for the general and should be redesignated for the primary." Id. at page 31. However, the contribution in question, which the Respondents state has been redesignated to the June 5, 1990 primary election, was received on July 30, 1990. As noted above, a contribution designated for a particular election, but made after that election

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shall be made only to the extent that it does not exceed net debts outstanding from such election. 11 C.F.R. § 110.2(b)(3). The Committee's July Quarterly Report, which covered the primary election period, does not disclose any debts outstanding, but rather discloses cash on hand totaling \$201,292.45. See Attachment 2. Therefore, the contribution in question could not properly be made to or redesignated for the 1990 primary election.<sup>1</sup> Accordingly, the Office of the General Counsel recommends that the Commission find reason to believe that the Bill Thomas Campaign Committee and John Cummings, as treasurer, violated 2 U.S.C. § 441a(f).

**III. DISCUSSION OF PREPROBABLE CAUSE CONCILIATION**

1. There are several other reasons why the Respondents' attempted redesignation fails here. First, the Committee's reports disclose that it received a total of \$3,000 from ICSC-PAC for the primary election. This means that, at most, \$2,000 of the excessive amount could be redesignated for the primary election. Attachment 1 at pages 5, 10 and 11. Secondly, there is no evidence that the Committee actually obtained written permission from the contributor to redesignate the excessive amount. 11 C.F.R. § 110.2(b)(5)(ii). Finally, there is no evidence that redesignation was obtained within sixty (60) days of receipt. Id. In fact, the Committee first notified RAD of the purported redesignation in a letter received on January 29, 1991.

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**IV. RECOMMENDATIONS**

1. Open a NUR.
2. Find reason to believe the Bill Thomas Campaign Committee and John Cummings, as treasurer, violated 2 U.S.C. § 441b(a) and 2 U.S.C. § 441a(f).
3. Enter into preprobable cause conciliation with the Bill Thomas Campaign Committee and John Cummings, as treasurer.
4. Approve the attached Conciliation Agreement, Factual and Legal Analysis, and appropriate letter.

Lawrence M. Noble  
General Counsel

Date

5/8/91

BY:



Lois G. Lerner  
Associate General Counsel

**Attachments**

1. RAD Referral Materials
2. Additional Report
3. Factual and Legal Analysis
4. Conciliation Agreement

2. The civil penalty has been rounded off from \$3,220 to \$3,200.

92040885272

BEFORE THE FEDERAL ELECTION COMMISSION

*(MUR)*  
*3372*

In the Matter of )  
 )  
Bill Thomas Campaign Committee ) RAD Referral #91L-54  
and John Cummings, as treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 14, 1991, the Commission decided by a vote of 4-0 to take the following actions in RAD Referral #91L-54:

1. Open a MUR.
2. Find reason to believe the Bill Thomas Campaign Committee and John Cummings, as treasurer, violated 2 U.S.C. § 441b(a) and 2 U.S.C. § 441a(f).
3. Enter into preprobable cause conciliation with the Bill Thomas Campaign Committee and John Cummings, as treasurer.
4. Approve the Conciliation Agreement, Factual and Legal Analysis, and appropriate letter, as recommended in the General Counsel's Report dated August 8, 1991.

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

Attest:

8-14-91  
Date

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

Received in the Secretariat: Fri., August 9, 1991 1:22 p.m.  
Circulated to the Commission: Mon., August 12, 1991 11:00 a.m.  
Deadline for vote: Wed., August 14, 1991 11:00 a.m.

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**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

August 23, 1991

**John Cummings, Treasurer  
Bill Thomas Campaign Committee  
P.O. Box 395  
Bakersfield, CA 93302**

**RE: MUR 3372  
Bill Thomas Campaign Committee  
and John Cummings, as treasurer**

**Dear Mr. Cummings:**

On August 14, 1991, the Federal Election Commission found that there is reason to believe that the Bill Thomas Campaign Committee ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441b(a), provisions 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 findings, 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 probable 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.

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John Cummings, Treasurer  
Page 2

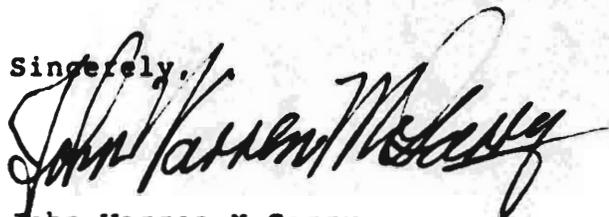
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



John Warren McGarry  
Chairman

Enclosures

Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement

92040885275



1-● # 200100537  
OGC# 2837

9/19/91

TO: FEC  
ATTN: Xavier McConnel  
FR: BILL THOMAS CAMPAIGN  
Cathy Abernathy  
RE: Extension

MUR 3372

91 SEP 19 P11 5:20

The material involved in researching our case with you involves 1989 & 1990 during the Spring and Summer of 1990 we made some changes in people assisting me with the clerical responsibilities of the campaign account. I am in the process of speaking with all parties involved to get all the facts, including the PAC (International Shopping Centers) who have changed employees and were unable to find anyone yet who could discuss with me the HOW of the 2 May 1990 checks. Also I am verifying all records regarding the receipt of checks later determined to be from corporate accounts.

If I have have 7 more days to complete this material I think we will have everything properly identified and presented for your use.

Thank you for your consideration of this request.

CATHERINE ABERNATHY  
PO Box 305  
Rakem Field, CA 93302  
003/322-2225

92040885277

060-124

Bill Thomas Campaign Committee  
PO Box 395  
Bakersfield, CA 93302  
805/322-2225

9/25/91

TO: XAVIER MCDONNELL  
FR: CATHY ABERNATHY  
Bill Thomas Campaign Committee  
RE: MUR 3372

The following pages are being faxed to you. They are, in order:

1. One-page cover letter to FEC
2. One-page memo on PAC contribution excess
3. 2-page letter from ICSC PAC explaining the error they made
4. one-page sheet from ICSC's FEC records
5. 4 pages of copies of ICSC checks to Thomas Campaign
6. 3-page memo on corporate checks problem
7. 4-page FEC conciliation memo with handwritten changes proposed
8. one-page inserts proposed to conciliation memo.

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11127 A9:52

Sept. 25, 1991

Federal Elections Commission  
Washington, D.C. 20463

attn: Xavier McDonnell

RE: MUR 3372

Dear Mr. McDonnell:

Since our receipt of your letter on 8/30/91, we have diligently reviewed your conciliation agreement as well as researched all the particulars in this case.

Attached is an explanation of the activities of the Bill Thomas Campaign Committee in relation to the violations listed in your August letter. We have cooperated in all phases of this matter, including on-time response to requests from the FEC.

From the research and study done, our committee believes that because several of the questioned contributions were NOT in error, some of those listed as corporate contributions in the FEC letter are not corporate, the excess contribution from the International Council of Shopping Centers was one-third of the amount listed in the FEC letter, and furthermore because we have been cooperative and have refunded all improper contributions, that therefore the fine should be reduced substantially. These all were unintentional errors, inadvertently accepted and all refunded by our Committee and reported to the FEC. In all instances, the mistakes were of a bookkeeping nature. The Bill Thomas Campaign Committee has made diligent efforts to screen out improper contributions and refund them all.

Sincerely,



Catherine Abernathy  
Assistant to the Treasurer  
Bill Thomas Campaign Committee

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Thomas Campaign/International Council of Shopping Centers (ICSC)

1. Thomas Campaign reports 6/12/89-\$1000 from ICSC( assigned to Primary)
2. Thomas Campaign reports 5/14/90-\$2000 from ICSC(assigned to Primary)
3. Thomas Campaign reports 7/30/90-\$3000 from ICSC (assigned to General--IN ERROR--check dated 5/1/90 & appears to have been in our hands but lost for 2 months)
4. Thomas Campaign reports 10/17/90 -\$5000 from ICSC (assigned to General)

In December 1990, the FEC informed us that we were over the allowable \$5000 limit from ICSC if we received \$3000 plus \$5000 for the General. We realized our error and amended our report to indicate that the \$3000 contribution was for the Primary. At that time we were still unaware, due to an inaccuracy in our records, that we would be \$1000 OVER the limit for the Primary.

On August 30, 1991 the FEC stated that we are being fined because the money could not be arbitrarily assigned to the Primary. However, our records, as well as the ICSC's records and their FEC report, indicate that the money was indeed received PRIOR to the primary, but one of the checks they gave us was misplaced and deposited late.(Note sequential numbers on the 2 checks. The checks, one for \$2,000 and the other for \$3,000, were prepared and mailed together by the ICSC on approximately 5/1/90. The \$2,000 check was deposited on May 14, 1990; the \$3,000 check was misplaced and not found until late July, but was received for the June 5th Primary and is a primary contribution). Therefore, we were in error for accepting \$1000 MORE than allowable in the Primary, not for accepting \$3000 MORE than allowable in the General. (see attached)

The ICSC has contributed to the Thomas Campaign over the past several campaigns and these donations have been duly reported; the voters certainly had the benefit of knowledge that we were accepting funds from the ICSC: since we did not have a debt in the primary or general, the \$1000 excess money was not critical to the election.

92040385280

Thomas Committee - Corporate checks

On several reports filed in 1990, campaign contributions were listed from a variety of individuals and businesses and PACs.

In December 1990, the Thomas Campaign received a letter from the FEC indicating that we reported contributions that "may be from a corporation". The FEC put a mark by 25 contributions (from 24 different contributors) and asked that we verify those. Upon verification in December by phone, we were able to identify only 5 contributions that were corporate contributions from the 25 questioned by the FEC. We sent refund checks to those contributors and requested a replacement check that complies with FEC regulations. The contributors replaced their corporate contributions with proper contributions.

We informed the FEC in January 1991 of that action, sending them a copy of the refunds as well as amending our 1990 reports.

On August 30, 1991 we received a communication from the FEC stating that we had accepted 9 corporate contributions, the 5 previously refunded plus 4 additional. We called the contacts we had tried in December but had not received a response and we made independent investigation with the Kern County Clerk to determine if indeed we were in error on the 4 additional contributions cited. Two of the 4 of those indicated by the FEC were NOT corporate contributions; the two that were corporate were immediately refunded. (Our notes from 1990 indicated that we attempted to contact those two but they had not returned our calls. Most likely since we did this during the Christmas holidays they were gone and the messages were not returned)

Of the 25 contributions questioned by the FEC, seven were determined to be corporate. The presumption we had made --which is that if a check had any corporate identification on it the check was not acceptable-- was a natural assumption to make as verified by this checking and rechecking of over 1000 contributions we received that year. The presumption that a check NOT from an individual MUST be from a corporation is a false presumption, based on our research and evidence.

The Bill Thomas Campaign has been under FEC jurisdiction since 1978 and the contributors and the fundraisers have learned that corporate

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the prohibited amounts will be taken into consideration". This we did do.

-----  
The following contributions were marked as questionable by the FEC.

The result of verification on each is listed:

1. American Refuse Co. \$250 NOT corp.
2. Blackburn Enterprises \$750 NOT corp.
3. J. Burke Ford \$750 Corp. & refunded
4. F&Y Cattle \$500 Corp. & refunded
5. J. Fanuochi & Sons \$750 NOT corp.
6. Dean Gay Assoc. \$750 NOT corp.
7. Guinn Construction \$250 Corp & refunded
8. Grimmway Farms \$250 NOT corp.
9. Walt Mortensen & asc. \$750 NOT corp.
10. Pandol Bros. \$1000 NOT corp.
11. Richland & Ashland \$750 NOT corp.
12. Richardson Farms \$750 NOT corp.
13. River Island Aoc't. \$250 NOT corp.
14. River Lakes Ranch \$750 Corp & refunded
15. Sandrini Bros. \$250 NOT corp.
16. Sanitation Services \$750 NOT corp.
17. Smith's Bakeries \$250 NOT corp.
18. Stiers RV \$750 NOT corp.
19. Tower Steel & Crane \$250 NOT corp.
20. Wheeler Farms \$750 NOT corp.
21. Fidelity Nat'l Title \$250 Corp. & refunded
22. Jim Burke Ford \$300 Corp & refunded
23. Credit Center \$300 NOT corp.
24. Schwebel Petrol. \$300 Corp & refunded

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5/6

25. Fantasy Haven

\$200 NOT corp.

.....

Again, (1) none of this money was critical to the campaign and the Thomas election since we had a large surplus after the election, and (2) the voters were made aware of all contributors' names and dollar amounts .

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**Insert "A"**

**Respondent contends that these contributions were not identified as corporate contributions when they were received and that the Committee made reasonable although unsuccessful efforts to verify their status at the time of deposit.**

**Insert "B"**

**Respondent contends that this contribution was received by the Committee on 5/14/90 and deposited on 7/30/90. The Committee's FEC forms indicate that it received \$1,000 from the ICSC on 5/25/89, and \$2,000 on 5/1/90. The Committee's FEC reports indicate that all of these contributions were designated for the 1990 Primary election and thus the total amount accepted by the respondents with respect to the Primary election exceeded the limitations of the Act by \$1,000.**

**Insert "C"**

**Respondent contends that these violations were inadvertent and not the result of willful intent on the part of the Committee. Respondent further contends that funds in question were not expended by the Committee nor used to influence a federal election, and that the amounts in question were refunded as soon as the errors in bookkeeping were discovered.**

**Insert "D"**

**Change amount to \$410 (10% of the amounts refunded.)**

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INTERNATIONAL COUNCIL OF SHOPPING CENTERS INC.  
POLITICAL ACTION COMMITTEE  
OPERATING ACCOUNT

1003

May 30

19 89

1-2/210(000)

OF Bill Thomas Campaign Committee

\$ 1,000.00

EXACTLY ONE THOUSAND & 00/100 ONLY

DOLLARS



The Chase Manhattan Bank, N.A.  
600 Madison Avenue  
New York, NY 10022

*Robert Mallin  
Edward J. Kane*

⑆001003⑆ ⑆021000021⑆ 033 1 198859⑆

10204038528



AMOCO PAC  
100 EAST RANDOLPH DRIVE  
MAIL CODE 3705  
CHICAGO, ILLINOIS 60601

3309

May 19,

89

8-75  
710

PAY TO THE ORDER OF

Bill Thomas Campaign Committee

\$ 500.00

Five hundred and 00/100

DOLLARS

*dated deposit  
6/12/89*

FE

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THE  
SER OF

Bill Thomas Campaign Committee

May 1 90 1-a/210(222)

Three Thousand & 00/100 ONLY

\$ 3,000.00

DOLLARS



The Chase Manhattan Bank, N.A.  
600 Madison Avenue  
New York, NY 10017

*Robert M. Mallin*  
*Director of Fund*

⑆001055⑆ ⑆021000021⑆ 033 ⑆ 196654⑆

22040385286

International Council of  
Shopping Centers  
North Fairfax Street  
204  
Arlington, VA 22214  
549-7404  
703/549-8712



Political Action Committee

John M. Cohen  
Arlington, VA

May 10, 1990

1056

**INTERNATIONAL COUNCIL OF SHOPPING CENTERS INC.**  
POLITICAL ACTION COMMITTEE  
OPERATING ACCOUNT

May 1 1990 1-2/210(000)

PAY TO THE ORDER OF

Bill Thomas Campaign Committee

\$ 2,000.00

EXACTLY TWO THOUSAND & 00/100 ONLY

DOLLARS



The Chase Manhattan Bank, N.A.  
600 Madison Avenue  
New York, NY 10022

*Robert Mallin*  
*Edward J. Bush*

⑆001056⑆ ⑆021000021⑆ 033 1 198659⑆

J. Becker, CSM  
Jama, KY

M. Karp  
MA

R. Mialish, CSM  
NY

John W. O'Connor, Jr.  
NY

H. Ogden  
LA

Paquerillo  
PA

I. R. Pratt  
CA

I. Reisinger, Jr., CSM  
CA

J. Rounsheim  
NY

R. Woodbury  
UT

C. Wenger  
Jacobson  
VA

Robert K. Rodde  
Rodde - McNellis  
601 California  
Suite 601  
San Francisco, CA 94108

**ICSC STATE GOVERNMENT AFFAIRS COMMITTEE CHAIRMAN:**

Mr. Tod W. Ridgeway  
Ridgeway Development Company  
1303 Avocado  
Suite 280  
Newport Beach, CA 92660

*Date of Check 5/11/90*  
*Date of deposit 5/14/90*

in shopping centers, ut

ICSC has a Governmen

*Deposited 4/1/90 - 6/11/90*  
*Reimburse*

INTERNATIONAL COUNCIL OF SHOPPING CENTERS INC.  
POLITICAL ACTION COMMITTEE  
OPERATING ACCOUNT

11

9/27 90 1-2/2101

PAY TO THE ORDER OF Bill Thomas For Congress

\$ 5,000.00

EXACTLY FIVE THOUSAND & 00/100 ONLY

DOLLA

The Chase Manhattan Bank, N.A.

FOR

Salary Check 9/27/90  
Salary deposit 10/17/90

out of falling  
in place  
JP

THE F  
POLITI  
P.O. B  
GREEN

Reported 10/11/90 - 10/17/90  
12th day preceding General

Pay to

F1  
JP

- General Contribution

Memo

+1021000238: 000 03 8650 0258

✓  
JP



**ICSC PAC**  
International Council of  
Shopping Centers  
1199 North Fairfax Street  
Suite 204  
Alexandria, VA 22314  
703/540-7404  
FAX: 703/540-8712



September 17, 1991

**Political Action Committee**

**Chairman**  
Sylvan M. Cohen  
Philadelphia, PA

Albert J. Auer  
Newport Beach, CA

W. Edward Brandon, CSM  
Cortez, FL

Richard D. Brown  
Hartford, CT

Matthew Bushbaum  
Troy, IA

Leonard L. Farber, CSM  
Fl. Jacksonville, FL

Arthur M. Fleber  
New York, NY

Kenner Freeman, Jr.  
Bellevue, WA

John M. Gilchrist, Jr.  
San Diego, CA

Albert Glickman  
New York, NY

M. G. "Buddy" Herring, Jr.  
Dallas, TX

David Hooper, CSM  
Overland Park, KS

Stephen R. Karp  
Newport, MA

Irvin B. Mahalik, CSM  
Kansas City, MO

Ivan J. Nevich  
New Haven, CT

Roger H. Ogden  
New Orleans, LA

Frank Pasquerella  
Jenkintown, PA

Russell R. Pratt  
San Francisco, CA

John H. Rainings, Jr., CSM  
San Francisco, CA

Bernard J. Rosenblat  
New Rochelle, NY

Wallace B. Woodbery  
Salt Lake City, UT

**ICSC PAC Manager**  
Nancy Jacobson  
Alexandria, VA

Mr. Dave Wideman  
Reports Analyst  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Dear Mr. Wideman,

I recently became aware of the fact that the International Council of Shopping Centers (ICSC) PAC, FEC ID.#C00217616, made a contribution error in the 1989/1990 election cycle to Congressman Bill Thomas. I would like to explain how this mistake came about. Congressman Thomas' campaign has informed us that they are having a refund check made out to our PAC. When that check is received, we will make the necessary changes on our monthly FEC report.

**BACKGROUND**

The ICSC PAC was formed in the fall of 1987 and the record keeping/FEC filing was done out of the home office in New York City. In April of 1989, ICSC opened a Government Relations office in Alexandria, Virginia. In November of 1989, ICSC hired a staff person to act as manager of the ICSC PAC in the Alexandria office and the record keeping was then moved to that office.

**HOW ERROR OCCURRED**

On 5/25/89 (while record keeping was still being done in New York) the ICSC PAC made a contribution to Congressman Bill Thomas in the amount of \$1000.00 for a fundraiser held on May 31, 1989.

On May 1, 1990, ICSC PAC made a contribution to Congressman Thomas in the amount of \$5000.00 for the primary which was made out in two separate checks. One check for \$2000.00, the other for \$3000.00. Thus, it appears that the PAC manager at that time, made an error in not checking the 1989 records and did not realize a \$1000.00 contribution had been made.

Since this matter was brought to our attention, and after my telephone conversation with you on September 16, I wanted to put this information down in writing in the best interest of all concerned.

Please feel free to call me at (703)549-7404 if you have any questions on this matter. I have been in charge of the PAC record keeping and PAC filings since June 1, 1991.

Sincerely,

*Teresa McManimon*

Teresa J. McManimon  
Assistant PAC Director

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R-  
K y1

YOU HAVE SELECTED 3 COMMITTEE RECORDS

FEDERAL ELECTION COMMISSION  
QUARTERLY SUMMARY DATABASE 1989-90  
THROUGH 12/31/90

09/11/1991

COMMITTEE CONTRIBUTION AND EXPENDITURES FOR CANDIDATES

THOMAS, WILLIAM M	HSE CA 20 REP I		
INTERNATIONAL COUNCIL OF SHOPPING CENTERS INC POLI		05/25/1989	1,000
		05/01/1990	3,000
		05/01/1990	2,000
		10/01/1990	5,000

SUBTOTAL CANDIDATE: THOMAS, WILLIAM M  
 CONTRIBUTIONS: 11,000  
 FOR: 0  
 AGAINST: 0

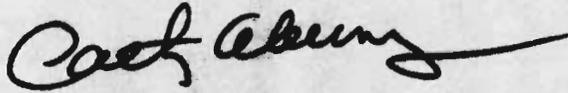
IF YOU WISH TO EXIT THIS PROGRAM ENTER <RETURN> OR ENTER 'C' TO CONTINUE.:  
 -----TEMP-----FEC Direct Access-----2400 BPS  
 Receive File: Press F1 To Complete, Press F4 To Suspend  
 10:59 am Wednesday September 11, 1991

9  
2  
2  
0  
4  
0  
3  
8  
5  
2

10/3/91

TO: XAVIER MCDONNELL

FR: Cathy Abernatny  
Bill Thomas Campaign Committee



RE: MUR 3372

Since our conversation a few minutes ago, I have discussed your comments with my committee.

Again, we emphasize that there is no evidence of any willful activity by our campaign that resulted in these errors. Again, we emphasize that all errors were of a clerical nature, in that the participating party sent a personal check in place. Again, we emphasize that the ICSC PAC overage of \$1000 in the primary was a recordkeeping error by the PAC as well as our campaign and the monies have been refunded.

The issue involving the 'holding' of the \$3000 check remains uncertain as to HOW that occurred, yet, again, the evidence clearly indicates that there was NO willful intent. It appears to have been lost or misplaced and then found during normal filing procedures.

Finally,  
other than the \$1,000 overage from the PAC (which has been returned), there has been no change in our campaign contributors because the PERSONS, not corporations, making the contributions to our campaign corrected their clerical error and replaced with personal check.

92040385292

RECEIVED  
F.E.C.  
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

91 OCT 15 PM 12:00

In the Matter of  
Bill Thomas Campaign Committee  
and John Cummings, as treasurer

)  
) MUR 3372  
)  
)

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

I. BACKGROUND

On August 14, 1991, the Commission found reason to believe that the Bill Thomas Campaign Committee (the "Committee") and John Cummings, as treasurer, (collectively "Respondents") violated 2 U.S.C. §§ 441a(f) and 441b(a). By same date, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement prior to a finding of probable cause to believe and approved a conciliation agreement. Attached for the Commission's consideration is a revised conciliation agreement which more accurately reflects the events and violations that occurred in this matter. See Attachment 2. For the reasons stated below, the Office of the General Counsel recommends that the Commission approve the attached agreement.

II. ANALYSIS

Excessive Contribution

In the First General Counsel's Report, we noted that the Committee's 12 Day Pre-General Report disclosed the receipt of a \$3,000 contribution from the International Council of Shopping Centers Political Action Committee ("ICSC-PAC") on July 30, 1990, and a \$5,000 contribution from the same

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committee on October 17, 1990. Both contributions were designated for the General election. See First General Counsel's Report, dated August 8, 1991. In a response to inquiries from the Reports Analysis Division ("RAD"), the Committee stated that the excessive amount, \$3,000, should have been designated for the 1990 Primary election. Id. at Attachment 1, pages 30-31. However, since the contribution was reportedly received on July 30, 1990, which was after the Primary election was held, under the Commission's regulations, it could only be designated for the Primary election to the extent that the Committee had debts outstanding from that election. 11 C.F.R. § 110.2(b)(3). The Committee's reports indicated that it had cash on hand totaling \$201,292.45 following the Primary election, and therefore we concluded that the \$3,000 could not be re-designated to the Primary election.

In its response to the Commission's findings, the Committee has explained the circumstances surrounding the receipt of the excessive contribution from ICSC-PAC. It appears that the \$3,000 contribution check from the ICSC-PAC was issued on May 1, 1990, which was prior to the 1990 Primary election. See Attachment 1 at page 9. According to the responses, the \$3,000 contribution check from the ICSC-PAC was received by the Committee in early May but was misplaced and

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was not found until late in July of 1990. Id. at page 3.<sup>1</sup>

Thus it appears that the \$3,000 contribution was actually made with respect to the 1990 Primary election. However, as the Committee has acknowledged, it received a \$1,000 contribution from the ICSC-PAC on May 30, 1989, and a \$2,000 contribution from the ICSC-PAC in early May of 1990. Both of these contributions were made with respect to the 1990 Primary election. Therefore, the Committee received a total of \$6,000 in contributions from the ICSC-PAC with respect to the Primary election and thereby accepted contributions which exceeded the limitations of Section 441a(a)(2)(A) by \$1,000. The Respondents refunded the excessive amount on September 13, 1991. See Attachment 1 at page 15.

As noted above, the Committee actually received the \$3,000 check in early May of 1990 but misplaced it until late in July of 1990. Thus it appears that the Committee's report which disclosed the date of receipt as July 30, 1990 was inaccurate. Furthermore, it appears that the Committee failed to deposit the \$3,000 contribution within ten days of receipt, as required by the Commission's regulation. See 11 C.F.R. § 103.3.

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1. The Respondents have provided a copy of the \$3,000 contribution check, which is dated May 1, 1990. In addition, the Committee has enclosed a copy of the \$2,000 contribution from the ICSC-PAC, which is also dated May 1, 1990. The Respondents assert that both of these contributions were mailed together by the ICSC-PAC. They also note that the two checks from the ICSC-PAC to the Committee were within the same numerical sequence: the \$3,000 check is number 1055 and the \$2,000 check is number 1056. Only the \$3,000 check was misplaced. The \$2,000 check from the ICSC-PAC was deposited on May 14, 1990. See Attachment 1 at pages 3, 9 and 10.

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Accordingly, the Office of General Counsel recommends that the Commission find reason to believe that the Respondents violated 2 U.S.C. § 434(b)(3)(B) and 11 C.F.R. § 103.3. A Factual and Legal Analysis for the additional violations is attached. See Attachment 3.<sup>2</sup>

Corporate Contributions

The agreement previously approved by the Commission provided that the Respondents accepted a total of nine contributions, totaling \$4,600 from eight corporations. See First General Counsel's Report, dated August 8, 1991, Attachment 4. After reviewing the Committee's responses, it appears that the Respondents actually accepted seven contributions, totaling \$3,100, from six corporations.<sup>3</sup>

The Respondents assert that they were informed by RAD in December of 1990 that they may have received corporate contributions. Attachment 1 at page 5. At that time, RAD provided the Respondents with a list of twenty-five contributions received by the Committee which presented genuine questions as to whether they were made from corporations. Respondents verified that five of the twenty five contributions were from corporations, and refunded those contributions on

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2. The Respondents have been apprised of the General Counsel's recommendations and have indicated a desire to include any additional reason to believe findings in the conciliation agreement.

3. Respondents assert that two of the entities, Blackburn Oil Company and Richardson Farms, are not corporations. The Office of the General Counsel has verified that these two entities are not corporations. Therefore those contributions have been removed from the proposed conciliation agreement.

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January 14, 1991. See Attachment 1 at page 5. On September 6, 1991, after receiving notification regarding this matter, the Respondents refunded the additional two corporate contributions. See Attachment 1 at page 16. Although the Respondents have refunded all seven corporate contributions, the refunds were not made within 30 days of receipt, as required by 11 C.F.R. § 103.3(b)(1). Therefore, it appears that the Respondents violated 2 U.S.C. § 441b(a).

**III. DISCUSSION OF PRE-PROBABLE CAUSE CONCILIATION**

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**IV. RECOMMENDATIONS**

1. Find reason to believe that the Bill Thomas Campaign Committee and John Cummings, as treasurer, violated 2 U.S.C. § 434(b)(3)(B) and 11 C.F.R. § 103.3.
2. Approve the attached conciliation agreement with the Bill Thomas Campaign Committee and John Cummings, as treasurer.
3. Approve the attached Factual and Legal Analysis and the appropriate letter.

Lawrence M. Noble  
General Counsel

10/11/91  
Date

BY: [Signature]  
Lois G. Lerner  
Associate General Counsel

**Attachments**

1. Committee's Responses
2. Proposed Conciliation Agreement
3. Factual and Legal Analysis

**Staff Assigned: Xavier K. McDonnell**

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OAC

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 3372  
Bill Thomas Campaign Committee and )  
John Cummings, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 22, 1991, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3372:

1. Find reason to believe that the Bill Thomas Campaign Committee and John Cummings, as treasurer, violated 2 U.S.C. § 434(b)(3)(B) and 11 C.F.R. § 103.3.
2. Approve the conciliation agreement with the Bill Thomas Campaign Committee and John Cummings, as treasurer, as recommended in the General Counsel's report dated October 11, 1991, and amended by the General Counsel's memorandum dated October 16, 1991.
3. Approve the Factual and Legal Analysis and the appropriate letter as recommended in the General Counsel's report dated October 11, 1991.

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

Attest:

10-23-91  
Date

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

92040885299



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

October 29, 1991

Cathy Abernathy,  
Assistant to the Treasurer  
Bill Thomas Campaign Committee  
P.O. Box 395  
Bakersfield, CA 93302

RE: MUR 3372  
Bill Thomas Campaign Committee  
and John Cummings, as treasurer

Dear Ms. Abernathy:

Attached is a preprobable cause conciliation agreement and factual and legal analysis in the above-captioned matter which the Commission approved on October 22, 1991. The attached agreement incorporates the changes you discussed with Xavier K. McDonnell during telephone conversations on October 3 and 7, 1991. If you agree with the terms of the enclosed agreement, please sign it and return it to the Office of the General Counsel. Given that the 30 day period for preprobable cause conciliation has elapsed, you should respond to this agreement as soon as possible.

If you have any questions, please call Mr. McDonnell, at (202) 219-3400. Thank you for your cooperation.

Sincerely,

  
Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement  
Factual and Legal Analysis

92040385300

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

MUR: 3372

RESPONDENTS: Bill Thomas Campaign Committee,  
and John Cummings, as treasurer

I. GENERATION OF MATTER

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

II. ANALYSIS

Under the Federal Election Campaign Act of 1971, as amended (the "Act"), disclosure reports filed with the Commission shall disclose the identification of each political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution. 2 U.S.C. § 434(b)(3)(B). Pursuant to 11 C.F.R. § 103.3, the treasurer of a political committee shall deposit all contributions received by such political committee within 10 days of receipt.

The 1990 October Quarterly Report filed on behalf of the Bill Thomas Campaign Committee (the "Committee") indicated that it received a \$3,000 contribution from the International Council of Shopping Centers PAC ("ICSC-PAC") on July 30, 1990. It appears that the \$3,000 contribution check from the ICSC-PAC, which is dated May 1, 1990, was actually received by the Committee in early

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May of 1990, but that the check was misplaced and was not deposited until late in July of 1990. Therefore, it appears that the Committee inaccurately reported the date of receipt of the \$3,000 contribution from the ICSC-PAC, and failed to deposit the contribution within 10 days of receipt. Accordingly, there is reason to believe that the Bill Thomas Campaign Committee and John Cummings, as treasurer, violated 2 U.S.C. § 434(b)(3)(B) and 11 C.F.R. § 103.3.

22040385302

Donald R. Anderson  
Clerk

OBC 3349  
Patricia A. Bias, Director  
Office of Records and Registration

Office of the Clerk  
U.S. House of Representatives  
Washington, DC 20515-6601

November 6, 1991

TO: Lawrence M. Noble, General Counsel  
Federal Election Commission

FROM: Patricia A. Bias, Director *pb*  
Records and Registration

RE: MUR 3372

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE GENERAL COUNSEL  
91 NOV -6 PM 3:26

Enclosed please find a letter from the Bill Thomas Campaign Committee which was received by this office.

Since this document concerns a response to a matter under review by the Commission, I am forwarding it to your office to handle in a manner consistent with Commission procedures. The document was inadvertently microfilmed and included in our computer index; however, it has since been deleted from the public record.

If I can be of further assistance, please do not hesitate to contact me.

cc: Doug Patton  
Steve Ross

*AJS*

92040385303

REGULAR MAIL

OCT 08 1991

RECEIVED  
OFFICE OF RECORDS & REGISTRATION

1991 OCT 16 AM 9:26

OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES

WILLIAM M. THOMAS  
MEMBER OF CONGRESS  
CALIFORNIA  
805-322-2225

October 3, 1991

TO: FEDERAL ELECTION COMMISSION

FR: BILL THOMAS CAMPAIGN COMMITTEE  
C00100537 CA/20  
MUR 3372

This letter and supporting documents are to advise you that the Bill Thomas Campaign Committee, P. O. Box 395, Bakersfield, CA 93302 has complied with your request and taken appropriate action to return both an excessive contribution and two corporate contributions received and reported during the 1990 year.

A check in the amount of \$1000 dated September 13, 1991 was returned to the International Council of Shopping Centers, 1199 North Fairfax Street, Ste. 204, Alexandria, CA 22314 (copy attached).

A check in the amount of \$300 dated September 13, 1991 was returned to Schwebel Petroleum, P. O. Box 512, Bakersfield, CA 93302 (copy attached).

A check in the amount of \$500 dated September 13, 1991 was returned to F & Y Cattle Company, P. O. Box 68, Edison, CA 93220 (copy attached).

The committee will include this information in our January 31, 1992 Year End Report.

991 2001 4403 34 81 57 39074

1049

**BILL THOMAS CAMPAIGN COMMITTEE**  
P.O. BOX 395  
BAKERSFIELD, CA 93302

September 6, 19 91

90-3804/1222

PAY TO THE ORDER OF F & Y CATTLE COMPANY \$ 500.00

Five hundred dollars and 00 cents \*\*\*\*\* DOLLARS



**San Joaquin Bank**

1201 17TH STREET  
BAKERSFIELD, CALIFORNIA 93301

TWO SIGNATURES REQUIRED

*[Handwritten signatures]*

FOR Refund of Corporate Contribution

⑈001048⑈ ⑆122238048⑆

⑆22020293⑆

1048

**BILL THOMAS CAMPAIGN COMMITTEE**  
P.O. BOX 395  
BAKERSFIELD, CA 93302

September 6, 19 91

90-3804/1222

PAY TO THE ORDER OF SCHWEBEL PETROLEUM \$ 300.00

Three hundred dollars and 00 cents \*\*\*\*\* DOLLARS



**San Joaquin Bank**

1201 17TH STREET  
BAKERSFIELD, CALIFORNIA 93301

TWO SIGNATURES REQUIRED

*[Handwritten signatures]*

FOR Refund of Corporate Contribution

⑈001048⑈ ⑆122238048⑆

⑆22020293⑆

1052

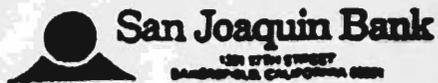
**BILL THOMAS CAMPAIGN COMMITTEE**  
P.O. BOX 396  
BAKERSFIELD, CA 93302

September 13, 91

GC-2004/1222

PAY TO THE ORDER OF INTERNATIONAL COUNCIL OF SHOPPING CENTERS \$ 1,000.00

One thousand dollars and 00 cents ..... DOLLARS



**San Joaquin Bank**

121 17th Street  
Bakersfield, California 93301

FOR Refund of Excess Contribution

TWO SIGNATURES REQUIRED

*[Handwritten Signature 1]*  
*[Handwritten Signature 2]*

⑈001052⑈ ⑆122238048⑆

⑆22020293⑆

92040385200

RECEIVED  
F.E.C.  
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

DEC 10 PM 12:57

In the Matter of  
Bill Thomas Campaign Committee  
and John Cummings, as treasurer

)  
) MUR 3372  
)  
)

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

Attached is a signed copy of the previously approved, pre-probable cause conciliation agreement with the Bill Thomas Campaign Committee (the "Committee") and John Cummings, as treasurer, (collectively "Respondents"). The agreement contains an admission that the Respondents violated 2 U.S.C. §§ 441a(f) and 441b(a), 434(b)(3)(B) and 11 C.F.R. § 103.3, and provides for a civil penalty of \$1,250. The Office of the General Counsel recommends that the Commission accept the attached agreement. A check for the civil penalty has not been received.

**II. RECOMMENDATIONS**

1. Accept the attached conciliation agreement with the Bill Thomas Campaign Committee and John Cummings, as treasurer.
2. Approve the appropriate letter.
3. Close the file.

Lawrence M. Noble  
General Counsel

12/9/91  
Date

BY: [Signature]  
Lois G. Lerner  
Associate General Counsel

Attachment  
Conciliation Agreement

Staff Assigned: Xavier K. McDonnell

92040385307

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Bill Thomas Campaign Committee ) MUR 3372  
and John Cummings, as treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 12, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3372:

1. Accept the conciliation agreement with the Bill Thomas Campaign Committee and John Cummings, as treasurer, as recommended in the General Counsel's Report dated December 9, 1991.
2. Approve the appropriate letter, as recommended in the General Counsel's Report dated December 9, 1991.
3. Close the file.

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

Attest:

12-12-91  
Date

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

Received in the Secretariat: Tues., Dec. 10, 1991 12:57 p.m.  
Circulated to the Commission: Tues., Dec. 10, 1991 4:00 p.m.  
Deadline for vote: Thurs., Dec. 12, 1991 4:00 p.m.

dr

92040385308



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CLOSED**

December 20, 1991

John Cummings, Treasurer  
Cathy Abernathy,  
Assistant to the Treasurer  
Bill Thomas Campaign Committee  
P.O. Box 395  
Bakersfield, CA 93302

RE: MUR 3372  
Bill Thomas Campaign Committee  
and John Cummings, as treasurer

Dear Mr. Cummings and Ms. Abernathy:

On December 12, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of the Bill Thomas Campaign Committee, and John Cummings, as Treasurer ("Respondents") in settlement of violations of 2 U.S.C. §§ 441a(f), 441b(a), 434(b)(3)(B) and 11 C.F.R. § 103.3, provisions of the Federal Election Campaign Act of 1971, as amended, and Commission regulations. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the Respondents 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. I remind you that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please call me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell  
Staff Attorney

Enclosure  
Conciliation Agreement

92040385309

3490

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

91 NOV 21 AM 9:55

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 ) MUR 3372  
Bill Thomas Campaign Committee, )  
and John Cummings, as treasurer )

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
91 NOV 21 PM 1:06

**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 Bill Thomas Campaign Committee and John Cummings, as treasurer ("Respondents"), violated 2 U.S.C. § 441a(f), 2 U.S.C. § 441b(a), 2 U.S.C. § 434(b)(3)(B) and 11 C.F.R. § 103.3.

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. The Bill Thomas Campaign Committee is the principal campaign committee of Bill Thomas and is a political committee within the meaning of 2 U.S.C. § 431(4).

2. John Cummings is the treasurer of the Bill Thomas Campaign Committee.

3. Under the Federal Election Campaign Act of 1971, as amended (the "Act"), no multicandidate political committee may make contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$5,000. 2 U.S.C. § 441a(a)(2)(A). The Act prohibits candidates and their political committees from knowingly accepting any contributions in excess of the Section 441a(a) limitations. 2 U.S.C. § 441a(f).

4. Pursuant to Section 441b(a) of the Act, corporations, national banks and labor organizations are prohibited from making contributions from their general treasury funds in connection with Federal elections and candidates and their committees are prohibited from accepting such contributions.

5. Pursuant to Section 434(b)(3)(B), reports filed with the Commission shall disclose the identification of each political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution.

92040385311

6. Pursuant to 11 C.F.R. § 103.3, the treasurer of a political committee shall deposit all contributions received by such political committee within 10 days of receipt.

7. The Committee's 1990 12 Day Pre-Primary, October Quarterly, and 30 Day Post General Reports disclose that it received the following seven (7) contributions from six (6) corporations:

F & Y Cattle Company.....	\$500	5-2-1990
Fidelity National Title Insurance Company.....	\$250	7-30-1990
Guinn Construction.....	\$250	5-2-1990
Jim Burke Ford .....	\$750	5-2-1990
Jim Burke Ford .....	\$300	11-5-1990
Schwebel Petroleum Company .....	\$300	11-5-1990
Walter Mortensen Associates Insurance.....	\$750	5-2-1990
<hr/>		
Total	\$3,100	

8. The Committee's 1989 Mid-Year Report discloses that on June 9, 1989, the Respondents received a \$1,000 contribution from the International Council of Shopping Centers PAC ("ICSC-PAC"). The Committee's 1990 12 Day Pre-Primary Report discloses that in early May of 1990, the Respondents received a \$2,000 contribution from the ICSC-PAC. The Committee's Reports indicated that both of the contributions were for the 1990 primary election.

The Committee's 1990 October Quarterly Report discloses that on July 30, 1990, the Respondents received a \$3,000 contribution from the ICSC-PAC, and the Committee's 1990 Pre-General report

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indicates that on October 17, 1990, the Respondents received a \$5,000 contribution from the ICSC-PAC. Both of these latter contributions were reported as contributions for the 1990 General election.

9. Respondents contend that the \$3,000 contribution check from the ICSC-PAC was actually received by the Committee in early May of 1990, on the same day as the \$2,000 contribution check from the ICSC-PAC. Respondents also contend that the \$3,000 contribution check was misplaced and was not deposited until late in July of 1990. Respondents further contend that the \$3,000 contribution check was actually for the Primary election, but that because it was misplaced until after the June 5, 1990 Primary election it was mistakenly reported as a contribution for the 1990 General election.

V. Respondents accepted contributions from the ICSC-PAC with respect to the 1990 Primary election which exceeded the limitations of the Act by \$1,000, and thereby violated 2 U.S.C. § 441a(f).

VI. Respondents accepted contributions from corporations, totaling \$3,100, and thereby violated 2 U.S.C. § 441b(a).

VII. Respondents inaccurately reported the date of receipt of the \$3,000 contribution from the ICSC-PAC, and failed to deposit the contribution within 10 days of receipt, and thereby violated 2 U.S.C. § 434(b)(3)(B) and 11 C.F.R. § 103.3.

VIII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of twelve hundred and fifty

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dollars (\$1,250), pursuant to 2 U.S.C. § 437g(a)(5)(A).

IX. Respondents contend that the violations were not knowing and willful.

X. Respondents have refunded the excessive and prohibited contributions. Respondents shall amend their reports so that they reflect that corrective action has been taken with respect to each of the violative transactions.

XI. 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.

XII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XIII. 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.

XIV. 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,

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made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

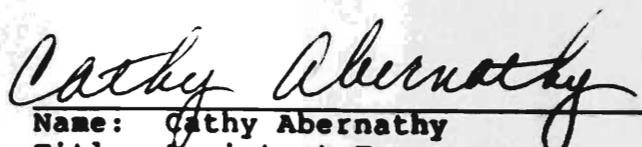
FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

BY:   
Lois G. Lerner  
Associate General Counsel

12-7-91  
Date

FOR THE RESPONDENTS:

  
Name: Cathy Abernathy  
Title: Assistant Treasurer  
Bill Thomas Campaign

11/12/91  
Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3372

DATE FILMED 1/16/98 CAMERA NO. 1

CAMERAMAN JA

22040385316



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 9372.

4/30/92

2040903051



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20461

Jan 14, 1992

TWO WAY MEMORANDUM

**TO:** Fabrae Brunson  
OGC, Docket

**FROM:** Philomena Brooks *PB*  
Accounting Technician

**SUBJECT:** Account Determination for Funds Received

92 JAN 14 PM 4:23  
RECEIVED  
FEDERAL ELECTION COMMISSION

2040903052

We recently received a check from Bill Thomas  
Campaign Cntr, check number 1111, dated  
Jan 10, 1992, and in the amount of \$ 1,250.00.  
Attached is a copy of the check and any correspondence that  
was forwarded. Please indicate below the account into which  
it should be deposited, and the MUR number and name.

-----

**TO:** Philomena Brooks  
Accounting Technician

**FROM:** Fabrae Brunson *YOB*  
OGC, Docket

In reference to the above check in the amount of  
\$ 1,250, the MUR number is 3372 and in the name of  
Bill Thomas Campaign Cntr. The account into  
which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: \_\_\_\_\_

Fabrae Brunson  
Signature

Jan 15, 1992  
Date

2040903053

1111

**BILL THOMAS CAMPAIGN COMMITTEE**

P.O. BOX 395  
BAKERSFIELD, CA 93302

January 10, 1992

90-3804/1222

PAY  
TO THE  
ORDER OF

FEDERAL ELECTION COMMISSION

\$ 1,250.00

One thousand two hundred fifty dollars and 00 cents \*\*\*\*\* DOLLARS



**San Joaquin Bank**

1301 17TH STREET  
BAKERSFIELD, CALIFORNIA 93301

TWO SIGNATURES REQUIRED

*[Handwritten signatures]*

FOR \_\_\_\_\_

⑈001111⑈ ⑆122238048⑆

022020293⑆