



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3423

DATE FILMED 1/14/92 CAMERA NO. 1

CAMERAMAN J.A.D.

92J40890002

**REPORTS ANALYSIS REFERRAL**

**TO**

**OFFICE OF GENERAL COUNSEL**

**DATE: 23 August 1991**

**ANALYST: PAT SHEPPARD**

**I. COMMITTEE:** Committee to Elect John Rauh  
(C00237545)  
James Monahan, Treasurer  
28 Dunklee Street  
Concord, NH 03301

**II. RELEVANT STATUTE:** 2 U.S.C. §434(a)(6)  
11 CFR §104.5(f)

**III. BACKGROUND:**

**Failure to File Forty-Eight Hour Notifications**

The Committee to Elect John Rauh ("the Committee") has failed to file the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for seven (7) contributions/loans totaling \$248,000 received prior to the 1990 Primary Election.

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

Schedules A and C of the Amended 1990 October Quarterly Report indicate that the Committee failed to file seven (7) 48-Hour Notices for contributions/loans received during the aforementioned period (Attachment 3). The following is a list of the contributions/loans for which no 48-Hour Notices were filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
John Rauh (Contributions)	08/23/1990	\$85,000
	08/24/1990	\$15,000

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COMMITTEE TO ELECT JOHN RAUH  
REPORTS ANALYSIS OGC REFERRAL  
PAGE 2

John Rauh (Personal Loans)	08/24/1990	\$28,000
	08/30/1990	\$59,000
	08/31/1990	\$17,000
	09/04/1990	\$36,000
	09/07/1990	\$ 8,000

On July, 9, 1991, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI notes on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice requests the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice states that although the Commission may take legal steps, any response would be taken into consideration.

On August 12, 1991, Mr. James Monahan (the treasurer) returned a call to a Reports Analysis Division analyst (Attachment 5). The analyst explained to the treasurer the urgency of responding to outstanding letters. He stated that he would look into the matter and respond as soon as possible.

On August 15, 1991, the Committee responded by letter (Attachment 6). In the letter, the treasurer stated that "My understanding of the regulations was unclear as to whether [sic] the "last minute" reporting requirements applied to the candidate, as other reporting requirement [sic] draw distinct between candidate contributions and non candidate contributions."

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

22040890004

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

DATE 19AUG91

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	PRIMARY GENERAL			
RAUH, JOHN	SENATE	DEMOCRATIC PARTY			NEW HAMPSHIRE	1990 ELECTION	ID# 50NH00169
1. STATEMENT OF CANDIDATE							
1989 STATEMENT OF CANDIDATE					17JUL89		1 89SEN/004/1811
2. PRINCIPAL CAMPAIGN COMMITTEE							
COMMITTEE TO ELECT JOHN RAUH							ID #C00237545 SENATE
1989 STATEMENT OF ORGANIZATION					17JUL89		3 89SEN/004/1813
YEAR-END		104.186		94.001	1JUL89 -31DEC89		32 90SEN/003/1501
YEAR-END - AMENDMENT		104.436		94.001	31JUL89 -31DEC89		6 90SEN/006/3421
1ST LETTER INFORMATIONAL NOTICE					31JUL89 -31DEC89		1 90FEC/630/5373
1990 48 HOUR CONTRIBUTION NOTICE					7SEP90		3 90SEN/015/1598
48 HOUR CONTRIBUTION NOTICE					17SEP90		3 90SEN/015/2811
MISCELLANEOUS REPORT TO FEC					17SEP90		3 90SEN/015/2853
48 HOUR CONTRIBUTION NOTICE					18SEP90		3 90SEN/015/2824
APRIL QUARTERLY		105.741		99.389	1JAN90 -31MAR90		47 90SEN/008/2087
APRIL QUARTERLY - AMENDMENT		105.631		99.612	1JAN90 -31MAR90		6 90SEN/015/1590
REQUEST FOR ADDITIONAL INFORMATION					1JAN90 -31MAR90		4 90FEC/653/2935
JULY QUARTERLY		133.854		140.475	1APR90 -30JUN90		82 90SEN/011/1913
JULY QUARTERLY - AMENDMENT		133.854		140.475	1APR90 -30JUN90		4 90SEN/015/1585
JULY QUARTERLY - AMENDMENT					1APR90 -30JUN90		3 90SEN/022/0125
REQUEST FOR ADDITIONAL INFORMATION					1APR90 -30JUN90		2 90FEC/653/2940
REQUEST FOR ADDITIONAL INFORMATION					1APR90 -30JUN90		1 90FEC/655/4900
REQUEST FOR ADDITIONAL INFORMATION 2ND					1APR90 -30JUN90		2 90FEC/659/2642
PRE-PRIMARY		288.067		293.717	1JUL90 -22AUG90		55 90SEN/015/0963
PRE-PRIMARY - AMENDMENT		288.067		293.717	1JUL90 -22AUG90		7 90SEN/015/1577
REQUEST FOR ADDITIONAL INFORMATION					1JUL90 -22AUG90		1 90FEC/657/4629
REQUEST FOR ADDITIONAL INFORMATION 2ND					1JUL90 -22AUG90		2 90FEC/669/2597
OCTOBER QUARTERLY		290.339		290.251	22AUG90 -30SEP90		36 90SEN/017/3264
OCTOBER QUARTERLY - AMENDMENT		290.339		290.251	22AUG90 -30SEP90		40 91SEN/009/0700
REQUEST FOR ADDITIONAL INFORMATION					22AUG90 -30SEP90		2 91FEC/700/2854
REQUEST FOR ADDITIONAL INFORMATION 2ND					22AUG90 -30SEP90		3 91FEC/708/3869
YEAR-END		38.331		37.474	30SEP90 -31DEC90		17 91SEN/003/0017
YEAR-END - AMENDMENT		38.331		37.474	30SEP90 -31DEC90		18 91SEN/009/0741
REQUEST FOR ADDITIONAL INFORMATION					30SEP90 -31DEC90		1 91FEC/700/2852
REQUEST FOR ADDITIONAL INFORMATION 2ND					30SEP90 -31DEC90		2 91FEC/708/3872
TOTAL		960,856	0	955,530			399 TOTAL PAGES
AUTHORIZED COMMITTEES							
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN							

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All reports have been reviewed.  
Cash On hand as of 12/31/90: \$5,549.00  
Debts owed by as of 12/31/90: 148,000.00\*

\*as reported by the Committee on Line 10 of the Summary Page.

FEDERAL ELECTION COMMISSION  
1991-1992  
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 19AUG91

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
RAUH, JOHN	SENATE	DEMOCRATIC PARTY					1990 ELECTION	ID# SONH00169	
1. STATEMENT OF CANDIDATE									
2. PRINCIPAL CAMPAIGN COMMITTEE									
COMMITTEE TO ELECT JOHN RAUH								ID #C00237545 SENATE	
1991 APRIL QUARTERLY			-	-	-	-	1JAN91 -15APR91	7 91SEN/004/1211	
TOTAL			0	0	0	0		7 TOTAL PAGES	
AUTHORIZED COMMITTEES									
1. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

92040390006

All reports have been reviewed

Cash on hand as of 4/15/91 - \$5,526.91

Debts owed by as of 4/15/91 - \$423,000\*

\* Line 10 of the Summary Page of the Committee's 1991 April Quarterly Report discloses \$143,000 in outstanding debts and obligations. This amount does not include loans from previous calendar year.

# REPORT NOTICE

## FEDERAL ELECTION COMMISSION

NEW HAMPSHIRE

August 6, 1990

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

### WHO MUST FILE

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

### WHAT MUST BE REPORTED

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

### REPORTING FORMS

Candidate committees use Form 3 (enclosed). If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 32.

### WHERE TO FILE

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

### LABEL

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

### LAST-MINUTE CONTRIBUTIONS

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

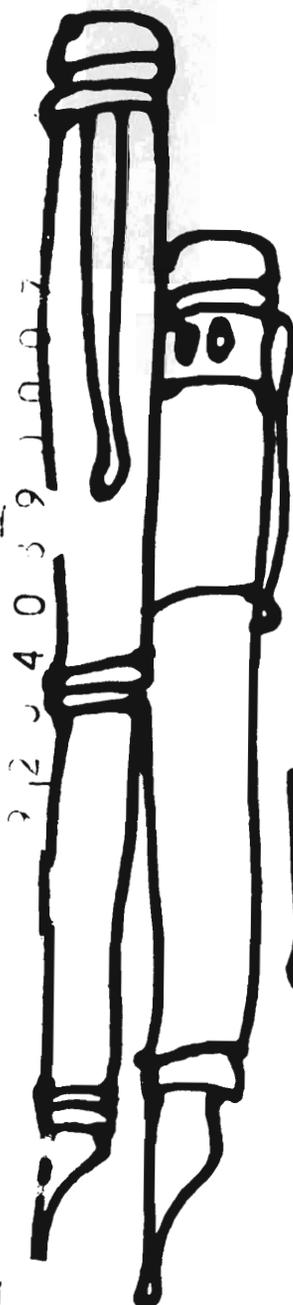
### COMPLIANCE

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

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

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

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



SCHEDULE A

ITEMIZED RECEIPTS

Amended 1990 October

Quarterly Report

Attachment # 3

Page 1 of 5

Candidate Contribution

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

NAME OF COMMITTEE (in Full)  
Committee to Elect John Rauh 1990

92 10 14 00 03 09 00 70 18 7

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
John Rauh P.O. Box 729 Sunapee, NH 03782 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	8/23/90	\$85,000 (personal funds)
John Rauh P.O. Box 729 Sunapee, NH 03782 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$		
John Rauh P.O. Box 729 Sunapee, NH 03782 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$		
John Rauh P.O. Box 729 Sunapee, NH 03782 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$		
John Rauh P.O. Box 729 Sunapee, NH 03782 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$		
John Rauh P.O. Box 729 Sunapee, NH 03782 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$		

SUBTOTAL of Receipts This Page (optional) .....	\$105,000
TOTAL This Period (last page this line number only) .....	



Name of Committee (in Full)

Committee TO Elect John Rauh 1990

A. Full Name, Mailing Address and ZIP Code of Loan Source

John Rauh  
PO Box 729  
Smyrna, OH 03752 (Personal Funds)

Original Amount of Loan

\$28,000

Cumulative Payments To Date

Close of This Period

\$28,000

Election:  Primary  General  Other (specify):

Terms: Date Incurred 8/24/90 Date Due none Interest Rate \_\_\_\_\_ % (apr)  Secured

List All Endorsers or Guarantors (if any) to Item A

1. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:

\$

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:

\$

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:

\$

B. Full Name, Mailing Address and ZIP Code of Loan Source

John Rauh  
PO 729  
Smyrna OH 03752 (Personal Funds)

Original Amount of Loan

\$59,000

Cumulative Payment To Date

Balance Outstanding at Close of This Period

\$59,000

Election:  Primary  General  Other (specify):

Terms: Date Incurred 7/30/90 Date Due none Interest Rate \_\_\_\_\_ % (apr)  Secured

List All Endorsers or Guarantors (if any) to Item B

1. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:

\$

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:

\$

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:

\$

SUBTOTALS This Period This Page (optional)

TOTALS This Period (last page in this line only)

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

20000000737

Name of Committee (in Full)

Committee to Elect John Rush 1990

A. Full Name, Mailing Address and ZIP Code of Loan Source

John Rush  
PO Box 724  
Singee NH 03782 (Personal Funds)

Original Amount of Loan

\$117,000

Cumulative Pay To Date

Close of This Period

\$117,000

Election:  Primary  General  Other (specify):

Terms: Date Incurred 5/31/90 Date Due NOV Interest Rate \_\_\_\_\_ % (apr)

Secured

List All Endorsers or Guarantors (if any) to Item A

1. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

\$

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

\$

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

\$

B. Full Name, Mailing Address and ZIP Code of Loan Source

John Rush  
PO Box 724  
Singee NH 03782 (Personal Funds)

Original Amount of Loan

\$136,000

Cumulative Payment To Date

Balance Outstanding Close of This Period

\$136,000

Election:  Primary  General  Other (specify):

Terms: Date Incurred 9/14/90 Date Due NOV Interest Rate \_\_\_\_\_ % (apr)

Secured

List All Endorsers or Guarantors (if any) to Item B

1. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

\$

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

\$

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

\$

SUBTOTALS This Period This Page (optional) . . . . .

TOTALS This Period (last page in this line only) . . . . .

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

JUL 9 1991

James Monahan, Treasurer  
Committee to Elect John Rauh  
28 Dunklee Street  
Concord, NH 03301

Identification Number: C00237545

Reference: October Quarterly Report (8/22/90-9/30/90)

Dear Mr. Monahan:

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:

-Line 10 of the Summary Page of your report discloses \$148,000 in outstanding obligations. Reports on file with the Commission indicates this amount should be \$423,500. Please explain the difference and amend your report. (11 CFR §104.3(d))

-Line 17, Column A, of the Detailed Summary Page discloses \$288,624 in operating expenditures. The total on the last page of Schedule B supporting this Line equals \$288,628.48; however, the sum of all entries itemized equals \$287,628.40. Please explain this discrepancy and amend your report(s).

-Commission Regulations require the continuous reporting of all outstanding loans. This report omits the loan(s) itemized on your previous report(s). Please amend your report(s) to indicate the current status of the following loan(s): John Rauh -- \$275,500. (11 CFR §§104.3(d) and 104.11)

-Please provide a Schedule C to support the amount reported on Line 13(a) of the Detailed Summary Page. Each person who makes a loan to your committee or to the candidate acting as an agent of the committee must be reported on Schedule A and Schedule C. The itemization on Schedule A must include the person's full name, mailing address and zip code, along with the name of his/her employer, the date of the contribution/loan and the aggregate year-to-date amount of contributions made by the person. Schedule C must include any endorser or guarantor of the loan, the date the loan was made and all other terms of the loan. If the loan is from the candidate, you must indicate if it is from his/her personal funds. (11 CFR §104.3(a)(4)(iv))

9 2 0 4 0 3 9 0 1 3

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

-Line 13(a), Column A, of the Detailed Summary Page discloses \$148,000 in candidate loans. Schedule A supporting Line 13(a) itemizes \$128,000 in loans. Please explain the discrepancy and amend your report(s). (11 CFR §104.3(a))

A written response or an amendment to your original report(s) concerning the above problem(s) should be filed with the Secretary of the Senate, 212 Hart Senate Office Building, Washington, DC 20510 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, 800-424-9830. My local number is (202) 376-2480.

Sincerely,

Pat Sheppard  
Senior Reports Analyst  
Reports Analysis Division

92040390014

MEMORANDUM TO FILES:  
XX Telecon  
Visit

DATE: August 12, 1991

NAME OF THE COMMITTEE: Committee to Elect John Rauh (Senate - NH)

SUBJECT: Failure to File 48 Hour Notices

FEC REP: Pat Sheppard

COMMITTEE REP: James Monahan, Treasurer (603) 224-9509

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Mr. Monahan returned my call from Thursday, August 8, 1991. I explained to him that the Commission has yet to receive a response from the Committee in reference to several letters that had been sent to the Committee. I told him that it was urgent that I receive a response in a couple of days. I explained to him that the Committee had failed to file the required notifications for candidate contributions and loans received. Mr. Monahan stated that he was not aware that a notice was needed for candidate activity. I told him to send in a statement and he said that he would.

22040390015



6. Line 13 a, column A, of the Detailed Summary page correct in its disclosure of \$148,000 in candidate loans. Schedule A supporting Line 13 (a) is in error. A loan made on 8/30/90 of \$59,000 was typed as \$39,000. An amendment to the report is attached.

Year End Report:

1. Line 22, Column B, of the Detailed Summary Page should disclose \$861,309.00. This error was due to incorrect addition of lines 17, 18, 19 (c), 20 (c) and 21. Amendment is attached.
2. A Schedule C disclosing the status of loans made to the Committee by John Rauh in the amount of \$423,500 is attached.
3. An amendment to Schedule A, indicating aggregate year-to-date totals is attached.

Copies of these amendments as well as the written responses have been sent to the Secretary of State of the State of New Hampshire. If you have any questions, please feel free to contact me.

Sincerely,

  
James P. Monahan  
Treasurer

Enclosure

cc: NH Secretary of State

2021040630909719

RECEIVED  
F.E.C.  
SECRETARIAT

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

SEP 12 AM 11:09

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

RAD Referral #91L-78  
Staff Member: Richard Denholm

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Committee to Elect John Rauh and  
James Monahan, as treasurer

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

INTERNAL REPORTS  
CHECKED: Referral Materials  
Committee Reports

FEDERAL AGENCIES  
CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Committee to Elect John Rauh (the "Committee") and James Monahan, as treasurer, to the Office of the General Counsel on August 23, 1991, for failure to file a forty-eight hour notification ("48 Hour Notices") for seven contributions/loans totaling \$248,000. Attachment 1. John Rauh was a candidate in the 1990 primary election for the U.S. Senate from New Hampshire.

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, see Attachment 2.

92040390018

**III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

92040890019

**IV. RECOMMENDATIONS**

1. Open a MUR.
2. Find reason to believe the Committee to Elect John Rauh and James Monahan, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) and enter into conciliation prior to a finding of probable cause to believe.

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

Lawrence M. Noble  
General Counsel

9/11/91  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

**Attachments**

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

Staff Member: Richard Denholm

92040890020

BEFORE THE FEDERAL ELECTION COMMISSION

(MUR 3423)

In the Matter of )  
 )  
Committee to Elect John Rauh and ) RAD REFERRAL #91L-78  
James Monahan, as treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 16, 1991, the Commission decided by a vote of 5-0 to take the following actions in RAD REFERRAL #91L-78:

1. Open a MUR.
2. Find reason to believe the Committee to Elect John Rauh and James Monahan, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis and proposed conciliation agreement, as recommended in the General Counsel's Report dated September 11, 1991.
4. Approve the appropriate letter, as recommended in the General Counsel's Report dated September 11, 1991.

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

Attest:

9-16-91  
Date

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

Received in the Secretariat: Thurs., Sept. 12, 1991 11:09 a.m.  
Circulated to the Commission: Thurs., Sept. 12, 1991 4:00 p.m.  
Deadline for vote: Mon., Sept. 16, 1991 4:00 p.m.

92040390021



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

September 23, 1991

**James Monahan, Treasurer**  
**Committee to Elect John Rauh**  
**28 Dunklee Street**  
**Concord, NH 03301**

**RE: MUR 3423**  
**Committee to Elect John Rauh**  
**and James Monahan, as**  
**treasurer**

Dear Mr. Monahan:

On September 16, 1991, the Federal Election Commission found that there is reason to believe the Committee to Elect John Rauh and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

92040890022

James Monahan, Treasurer  
Page 2

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

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

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

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Richard Denholm, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

  
John Warren McGarry  
Chairman

Enclosures  
Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement

9204039023

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Committee to Elect John Rauh  
and James Monahan, as treasurer

**NUR:** 3423

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The Federal Election Campaign Act of 1971, as amended (the "Act"), requires principal campaign committees of candidates for federal office to notify the Clerk of the House of Representatives, the Secretary of the Senate, or the Federal Election Commission (as appropriate) and the Secretary of State, in writing, of each contribution totaling \$1,000 or more received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires the notification to be made within 48 hours after receipt of the contribution and to include the name of the candidate and the office sought by the candidate, the identification of the contributor, the date of receipt and the amount of the contribution. Id. Notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B). Further, the Act defines contribution as including any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A)(i).

The Committee to Elect John Rauh is the authorized principal campaign committee of John Rauh, a candidate for the U.S. Senate from the state of New Hampshire in the 1990 primary election. James Monahan is the treasurer of the Committee.

Prior to the 1990 primary election, a notice dated August 6, 1990, was sent to Respondents informing them of upcoming committee report filing deadlines. This notice stated that the Committee must file special notices for contributions of \$1,000 or more received during the period of August 23, 1990 through September 8, 1990, within 48 hours of the Committee's receipt of such contributions.

The Committee received seven (7) contributions from the candidate during the time period that required 48 Hour Notices. The contributions were received by the Committee as follows:

<u>Contributor</u>	<u>Date Received</u>	<u>Amount</u>
John Rauh (contributions)	08/23/90	\$ 85,000
" "	08/24/90	\$ 15,000
John Rauh (loans)	08/24/90	\$ 28,000
" "	08/30/90	\$ 59,000
" "	08/31/90	\$ 17,000
" "	09/04/90	\$ 36,000
" "	09/07/90	\$ 8,000
		<b>Total \$248,000</b>

The Committee did not file a 48 Hour Notice for any of the above contributions and the Commission was not informed of these last minute contributions until October 15, 1990, when the Committee filed its Amended October 1990 Quarterly Report.

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Therefore, there is reason to believe that the Committee to Elect John Rauh and James Monahan, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

22040390026

WC 3068

**DEVINE, MILLIMET & BRANCH**  
PROFESSIONAL ASSOCIATION

Attorneys at Law  
Victory Park  
111 Amherst Street  
Box 719  
Manchester, NH 03105  
Tel: 603 669-1000  
Fax: 603 669-8547

October 4, 1991

**VIA FEDERAL EXPRESS**

Richard Denholm  
Federal Election Commission  
Washington, DC 20463

**RE: MUR-3423 Committee to Elect John Rauh and  
James Monahan, as Treasurer**

**RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF FEDERAL COUNSEL  
91 OCT -8 PM 3:28**

Dear Mr. Denholm:

Enclosed please find two statements of designation of counsel both executed by James Monahan, one as Treasurer and one on behalf of the Committee to Elect John Rauh.

These designations of counsel are made pursuant to the letter of the Federal Election Commission, dated September 23, 1991 and received by Mr. Monahan on September 27, 1991 regarding the Commission's finding that "there is reason to believe the Committee to Elect John Rauh and you, as Treasurer violated 2 U.S.C. § 434(a)(6)(A), ." Mr. Monahan and Mr. Rauh presented this information to me on Monday and asked that I take whatever steps are necessary to represent them with regard to this matter.

Pursuant to your notice, the Committee to Elect John Rauh and James Monahan, as Treasurer, have 15 days from the date they received the letter to submit any factual legal materials with regard to your letter. I request that the Commission grant an extension of 20 days, for good cause shown, to extend the response from October 10, 1991 through and including October 30, 1991. I met with Mr. Rauh and Mr. Monahan on Monday, September 30, 1991 to commence my initial review of this matter. To the extent that additional factual or legal issues are required to be presented to you, this additional time is needed to adequately prepare that information.

22040890027



**DEVINE, MILLIMET & BRANCH**  
PROFESSIONAL ASSOCIATION

Attorneys at Law

Victory Park  
111 Amherst Street  
Box 719  
Manchester, NH 03105

Tel: 603 669-1000  
Fax: 603 669-8547

In addition, we would like to resolve this matter expeditiously and I am in the process of preparing a response with regard to your Conciliation Agreement. If we can reach agreement with regard to the Conciliation Agreement, I believe further proceedings can be obviated.

Based upon the foregoing, I believe good cause is shown to warrant an extension of twenty (20) days.

Thank you very much for your attention and assistance in this matter. I look forward to dealing with you in resolving this matter expeditiously.

Very truly yours,

  
Daniel J. Callaghan

DJC/gl

92040390028

**STATEMENT OF DESIGNATION OF COUNSEL**

**MUR** 3423

**NAME OF COUNSEL:** Daniel J. Callaghan

**ADDRESS:** Devine, Millimet & Branch, P.A.  
111 Amherst St., Box 719  
Manchester, NH 03105

**TELEPHONE:** 603 - 669-1000

The above-named individual is hereby designated as my  
counsel and is authorized to receive any notifications and other  
communications from the Commission and to act on my behalf before  
the Commission.

9/30/91  
Date

  
Signature  
James Monahan on behalf of  
Committee to Elect John Rauh

**RESPONDENT'S NAME:** James Monahan on behalf of

**ADDRESS:** Committee to Elect John Rauh  
28 Dunklee Street  
Concord, NH 03301

**HOME PHONE:** \_\_\_\_\_

**BUSINESS PHONE:** 603 - 224-9509

92040390029

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3423

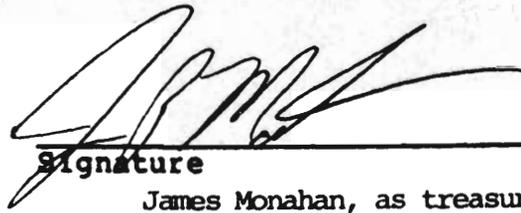
NAME OF COUNSEL: Daniel J. Callahan

ADDRESS: Devine, Millimet & Branch, P.A.  
111 Amherst Street, Box 719  
Manchester, NH 03105

TELEPHONE: 603-669-1000

The above-named individual is hereby designated as my  
counsel and is authorized to receive any notifications and other  
communications from the Commission and to act on my behalf before  
the Commission.

9/30/91  
Date

  
Signature  
James Monahan, as treasurer

RESPONDENT'S NAME: James Monahan, as treasurer

ADDRESS: 28 Dunklee Street  
Concord, NH 03301

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: 603 - 224-9509

92040890030



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 11, 1991

Mr. Daniel J. Callaghan  
Devine, Millimet, & Branch, P.A.  
111 Amherst St., Box 719  
Manchester, NH 03105

RE: MUR 3423  
Committee to Elect  
John Rauh and James  
Monahan, as Treasurer

Dear Mr. Callaghan:

This is in response to your letter dated October 4, 1991, which we received on October 8, 1991, requesting an extension of 20 days until October 30, 1991 to respond to the Commission's finding of reason to believe in the above referenced MUR. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on October 30, 1991.

If you have any questions, please contact Richard M. Denholm II, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in cursive script, appearing to read "Robert W. Bonham, III".

BY: Robert W. Bonham, III  
Assistant General Counsel

9204089031

**DEVINE, MILLIMET & BRANCH**  
PROFESSIONAL ASSOCIATION

RECEIVED  
OCT 29 1991

06-63288

Attorneys at Law

Victory Park  
111 Amherst Street  
Box 719  
Manchester, NH 03105

Tel. 603 669-1000  
Fax 603 669-8547

October 29, 1991

Mr. Richard Denholm  
Federal Election Commission  
Washington, DC 20463

RE: MUR-3423 Committee to Elect John Rauh and  
James Monahan, as Treasurer

91 OCT 30 AM 10:38  
FEDERAL ELECTION COMMISSION

Dear Mr. Denholm:

On October 11, 1991, the Federal Election Commission (the "Commission") advised me that my clients, the Committee to Elect John Rauh and James Monahan, as treasurer, received an extension until October 30, 1991 to provide the Commission with information regarding the finding of reason to believe by the Commission in the above-referenced matter. Please accept this letter as my clients' response.

I have reviewed this matter with my clients in detail. My clients complied with 2 U.S.C. §434(a)(6)(A) regarding contributions from persons other than the Candidate. Upon review of the filing made immediately prior to the 1990 primary in New Hampshire, my clients disclosed the contributions from Mr. Rauh. My clients' intent was clearly directed to comply with the law. My clients were confused as to whether contribution from a candidate fall within the parameters of §434(a)(6)(A) with regard to the 48 hour notice provision. Moreover, the public was not misled by this late filing. In fact, generally, the public anticipates that candidates will support their campaigns. Specifically, the public was aware that Mr. Rauh significantly contributed to his campaign efforts.

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**DEVINE, MILLIMET & BRANCH**  
PROFESSIONAL ASSOCIATION

Attorneys at Law

Victory Park  
111 Amherst Street  
Box 719  
Manchester, NH 03105

Tel: 603 669-1000  
Fax: 603 669-8547

While we view this issue in technical terms, I must emphasize that my clients recognize the importance of disclosure. Although confusion created this problem, my clients desire to resolve this matter expeditiously. The facts of this matter unequivocally establish that the failure to fully comply with 2 U.S.C. §434(a)(6)(A) was inadvertent and unintentional.

I thank you for your courtesies and look forward to hearing from you upon a decision by the Commission.

Very truly yours,



Daniel J. Callaghan

DJC/gl

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F.E.C.  
SECRETARIAT

91 DEC 16 PM 3:33

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Committee to Elect John Rauh )  
and James Monahan, as treasurer )  
)  
)

MUR 3423

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a revised conciliation agreement, signed by Daniel J. Callaghan, counsel for the Committee to Elect John Rauh and James Monahan, as treasurer ("Respondents").

Attachment 1. A check for the civil penalty has been received.

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**II. RECOMMENDATIONS**

1. Accept the attached conciliation agreement with the Committee to Elect John Rauh and James Monahan, as treasurer.
2. Approve the appropriate letter.
3. Close the file.

Lawrence M. Noble  
General Counsel

Date

12/15/91

BY:

  
Lois G. Lerner  
Associate General Counsel

**Attachments**

1. Proposed conciliation agreement
2. Letter from Daniel J. Callaghan
3. Photocopy of civil penalty check

Staff Assigned: Richard Denholm

92040390035

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Committee to Elect John Rauh and ) MUR 3423  
James Monahan, as treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 19, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 3423:

1. Accept the conciliation agreement with the Committee to Elect John Rauh and James Monahan, as treasurer, as recommended in the General Counsel's Report dated December 15, 1991.
2. Approve the appropriate letter, as recommended in the General Counsel's Report dated December 15, 1991.
3. Close the file.

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

Attest:

12-19-91  
Date

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

Received in the Secretariat: Mon., Dec. 16, 1991 3:33 p.m.  
Circulated to the Commission: Tues., Dec. 17, 1991 11:00 a.m.  
Deadline for vote: Thurs., Dec. 19, 1991 11:00 a.m.

bjf

9204039036



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 6, 1992

**CLOSED**

Mr. Daniel J. Callaghan  
Devine, Millimet & Branch  
111 Amherst Street  
Box 719  
Manchester, NH 03105

RE: MUR 3423  
Committee to Elect  
John Rauh and  
James Monahan, as  
treasurer

Dear Mr. Callaghan:

On December 19, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(6)(A) a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your clients.

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

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Mr. Daniel J. Callaghan  
Page 2

Enclosed you will find a copy of the fully executed  
conciliation agreement for your files. If you have any  
questions, please contact me at (202) 219-3690.

Sincerely,

Lawrence M. Noble  
General Counsel



BY: Richard M. Denholm II  
Attorney

Enclosure  
Conciliation Agreement

92040890038

OGC 3423

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
Committee to Elect John Rauh	)	MUR 3423
and James Monahan, as treasurer	)	

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Committee to Elect John Rauh and James Monahan, as treasurer ("Respondents"), violated 2 U.S.C. §434(a)(6)(A).

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

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

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

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

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

91 NOV 20 AM 11:15

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FEDERAL ELECTION COMMISSION  
OFFICE OF LEGAL COUNSEL

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1. Mr. John Rauh, was a candidate for the U.S. Senate from New Hampshire in the 1990 primary election. The Committee to Elect John Rauh is the authorized principal campaign committee for Mr. Rauh's campaign. See 2 U.S.C. §431(5).

2. Mr. James Monahan is the treasurer of the Committee to Elect John Rauh.

3. The Federal Election Campaign Act of 1971, as amended (the "Act"), requires principal campaign committees of candidates for Federal office to notify either the Clerk of the House, Secretary of the Senate or the Commission (as appropriate) and the Secretary of State, in writing, of each contribution totaling \$1,000 or more received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. §434(a)(6)(A). The Act further requires this notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and the office sought by the candidate, identification of the contributor, the date of receipt and the amount of the contribution. Id

4. Timely disclosure of these contributions, pursuant to 2 U.S.C. §434(A)(6)(A), is in addition to all other reporting requirements. 2 U.S.C. §434(a)(6)(B).

5. Pursuant to 2 U.S.C. § 431(8)(A), a "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431 (8)(A)(i).

6. The Act further defines a "person" to include an individual, partnership, committee, associates, corporation, labor organization, or any other organization or group of persons. 2 U.S.C. § 431(11).

7. Pursuant to 2 U.S.C. § 434(a)(6)(A), Respondents were required to notify the Clerk of the House, Secretary of the Senate or the Commission (as appropriate) and the Secretary of State, in writing, of all contributions of \$1,000 or more received from August 23, 1990 until September 8, 1990 within 48 hours of receipt.

8. During the period of August 23, 1990 to September 8, 1990, Respondents received seven (7) contributions totaling \$248,000 which required 48 Hour Notices.

9. On the Amended October 1990 Quarterly Report, Respondents disclosed the receipt of one (1) \$85,000 contribution from John Rauh on August 23, 1990. Respondents were required to file a 48 Hour Notice for this contribution no later than August 25, 1990.

10. On the Amended October 1990 Quarterly Report, Respondents disclosed the receipt of one (1) \$15,000 contribution from John Rauh on August 24, 1990. Respondents were required to file a 48 Hour Notice for this contribution no later than August 26, 1990.

11. On the Amendment October 1990 Quarterly Report, Respondents disclosed the receipt of one (1) \$28,000 personal loan from John Rauh on August 24, 1990. Respondents were

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required to file a 48 Hour Notice for this contribution on later than August 26, 1990.

12. On the Amended October 1990 Quarterly Report, Respondents disclosed the receipt of one (1) \$59,000 personal loan from John Rauh on August 30, 1990. Respondents were required to file a 48 Hour Notice for this contribution no later than September 1, 1990.

13. On the Amended October 1990 Quarterly Report, Respondents disclosed the receipt of one (1) \$17,000 personal loan from John Rauh on August 31, 1990. Respondents were required to file a 48 Hour Notice for this contribution no later than September 2, 1990.

14. None of the contributions discussed in subparagraphs 9-13 were reported until the Committee filed its Amended October 1990 Quarterly Report, which was not received by the Commission until October 15, 1990.

V. Respondents failed to file 48 Hour Notices for seven (7) contributions in violation of 2 U.S.C. § 434(a)(6)(A).

VI. Respondents contend that any failure to file 48 hour notices regarding contributions for loans from the candidate was inadvertent.

VII. Respondents agree to pay a civil penalty to the Commission in the amount of Five Thousand Dollars (\$5,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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VIII. 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.

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

X. 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.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

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FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

By: *[Signature]*  
Lois G. Lerner  
Associate General Counsel

1-3-91  
Date

FOR THE RESPONDENTS:

By Their Counsel  
Devine, Millimet & Branch  
Professional Association

By: *[Signature]*  
Name Daniel J. Callaghan  
111 Amherst Street  
Manchester, NH 03105

November 13, 1991  
Date

djc/temp/dxs

92040390044



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3423

DATE FILMED 1/16/92 CAMERA NO. 1  
CAMERAMAN J.A.Q.

92040390045



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

THE FOLLOWING DOCUMENTATION IS ADDED TO  
THE PUBLIC RECORD IN CLOSED MUR 3423.

1/16/92

92040392109

DEVINE, MILLIMET & BRANCH  
PROFESSIONAL ASSOCIATION

RECEIVED  
FEDERAL ELECTION COMMISSION

92 JAN 15 AM 10:01

*Denholm*

Attorney at Law  
Village Park  
111 Andrew Street  
Box 119  
Manchester, NH 03105  
Tel: 603-669-1333  
Fax: 603-669-5547

January 13, 1992

Mr. Richard Denholm  
Federal Election Commission  
999 E Street  
Room 657  
Northwest Washington, DC 20463

RE: **Committee to Elect John Rauh and  
James Monahan, as Treasurer - MUR 3423**

Dear Mr. Denholm:

Enclosed please find our statement which we request be made part of the public record together with the Conciliation Agreement approved by the FEC. I note that the date on which Ms. Lerner executed the Agreement should, presumably, be January 3, 1992 rather than January 3, 1991.

Thank you for your assistance in reaching this conclusion in a timely and efficient manner.

I wish for you a happy and prosperous new year.

Very truly yours,

*Daniel J. Callaghan*  
Daniel J. Callaghan

DJC/gl

cc. John Rauh (with enclosure)

djc/temp/dr6

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92 JAN 15 PM 3:46

FEDERAL ELECTION COMMISSION

**STATEMENT ON BEHALF OF  
COMMITTEE TO ELECT JOHN RAUH  
REGARDING MATTER BEFORE THE  
FEDERAL ELECTION COMMISSION**

On November 13, 1991, the Committee to Elect John Rauh and James Monahan, as Treasurer of the Committee (collectively, the "Campaign Committee") entered into a Conciliation Agreement with the Federal Election Commission (the "Commission"), regarding a technical violation of the federal law regarding federal campaigns. The specific violation involved the failure of the Campaign Committee to timely report contributions received by the Campaign Committee from John Rauh within the last 20 days prior to the primary. Pursuant to the statute and the regulations, the Campaign Committee is required to provide the Secretary of the Senate and the Secretary of State for the State of New Hampshire of a notice of receipt of these contributions within 48 hours after their receipt. The Campaign Committee reported all contributions received from persons other than John Rauh within this 20 day time period. Subsequent to the 48 hour requirement, the Campaign Committee reported the loans made by John Rauh to the Campaign Committee within the last 20 days prior to the primary election in 1990. While it may be argued that the statute and regulations may be confusing with regard to contributions or loans made by a candidate on behalf of his campaign during the last 20 days as falling within the parameters of this notice requirement, the campaign recognized the technical violation and reported the information on the next quarterly report due to the Commission. As a result of this report, the Commission became aware of this technical violation.

The Campaign Committee entered into the Conciliation Agreement in which a fine was paid in order to resolve the matter. While the violation was technical in nature and due to the result of inadvertence and confusion on the part of the Campaign Committee, a violation, nevertheless, occurred. The Campaign Committee recognizes the importance of the federal statute with regard to campaign spending and reporting requirements. It is important for the public to know how a campaign is being financed. The Campaign Committee supports the purpose and objectives of the federal election laws. More importantly, the Campaign Committee always worked to comply with the statute and the Commission did not make any finding regarding the intent of the Campaign Committee to violate the law. As noted in the Conciliation Agreement, the Commission acknowledges the position of the Campaign Committee that the violation was a result of inadvertence. This position is substantiated by the fact that the Campaign Committee reported contributions from parties other than John Rauh in a timely manner.

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The Campaign Committee also maintains that the purposes of this 48 hour notice requirement were, in fact, met even though the technical disclosure requirements were untimely. As most people in New Hampshire know, John Rauh supported his campaign financially. Voters were fully aware of this matter and we believe the failure to timely report these loans did not violate the spirit or intent of the federal law.

Dated this 14<sup>th</sup> day of January, 1992.

THE COMMITTEE TO ELECT  
JOHN RAUH, JAMES MONAHAN, TRUSTEE

By their attorneys,

DEVINE, MILLIMET & BRANCH  
PROFESSIONAL ASSOCIATION

By: Daniel J. Callaghan  
Daniel J. Callaghan  
111 Amherst Street  
P. O. Box 111  
Manchester, NH 03105  
(603) 669-1000

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