



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3440

DATE FILMED 1-8-93 CAMERA NO. 4

CAMERAMAN A.L.B.

93040924558

RECEIVED
FEDERAL ELECTION COMMISSION
MAIN COPY ROOM

WEIDENFELD & ROONEY, P.C.
ATTORNEYS-AT-LAW
1899 L STREET, N.W.
SUITE 500
WASHINGTON, DC 20036

(202) 785-2143
TELEX: 277 566 EXECUR
FACSIMILE: 202/452-8938

91 AUG 13 AM 11:27

Pre-MUR 249

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 9, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
91 AUG 13 PM 4:39
INFORMATIONAL COUNSEL

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Ms. Lerner:

We are writing on behalf of Mr. and Mrs. Joseph A. Cannon. Our client is Mr. Joe Cannon.

Mr. Cannon is a candidate for the U.S. Senate (Utah) election to be held in 1992. It has been brought to Mr. Cannon's attention that he may have inadvertently violated the election campaign contribution laws by contributing more than \$25,000 for the calendar year 1990 to Federal campaigns and National Committees. By this letter, we are asking the Federal Election Commission to determine whether Mr. Cannon is in violation of those laws and, if so, to set forth the remedial actions Mr. Cannon should undertake to ensure compliance.

Our preliminary investigation indicates that Mr. and Mrs. Cannon contributed a total of \$39,500 to Federal election campaigns and committees in the years 1989 and 1990, all of which appears to be attributable to Federal elections held in the calendar year 1990. Of this total, \$34,000 has been attributed to Mr. Cannon individually. Jointly, the Cannons could have made contributions totalling \$50,000.

The source of this possible technical violation stems from the fact that the contributions by Mr. and Mrs. Cannon were not properly designated to reflect their wishes that the contributions be allocated equally between them. Apparently, the various contributions made by Mr. and Mrs. Cannon were allocated solely to whichever one of them actually signed the particular check in question. In all instances, contributions were made by way of a check drawn on Mr. and Mrs. Cannon's joint accounts.

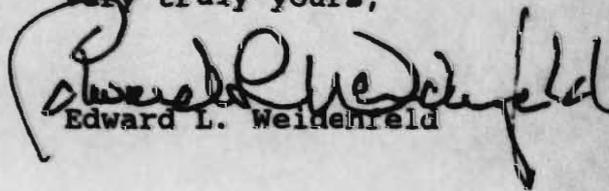
93040924559

Ms. Lois G. Lerner, Esq.
August 9, 1991
Page 2

In an attempt to rectify this problem, Mr. and Mrs. Cannon are in the process of notifying each of the campaign/national committees to which they contributed in the period 1989-90 that their contributions were intended as joint contributions. Mr. Cannon intends to request the Republican National Committee to refund a \$15,000 contribution made to it in January 1990. In the event of a refund, the total of contributions currently attributable to Mr. Cannon for 1990 would be reduced to \$19,000.

We look forward to discussing Mr. Cannon's request with you in the near future, and we would be glad to furnish you with any information you require.

Very truly yours,


Edward L. Weidenfeld

:vmy

A:CANNONI:LERNER:LTR

93040924560

OBC 2209

RECEIVED
FEDERAL ELECTION COMMISSION
MAIN COPY ROOM

91 AUG 15 AM 9:21

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

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WASHINGTON, DC 20036

(202) 785-2143

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EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 12, 1991

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Joseph A. Cannon

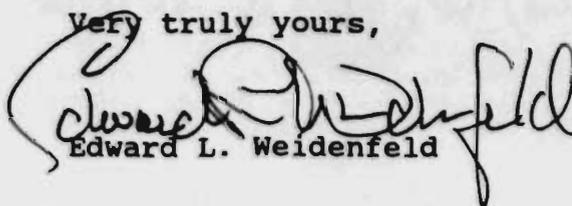
Dear Ms. Lerner:

This letter supplements our letter of August 9, 1991.

The Republican National Committee has agreed to refund to Mr. Cannon the \$15,000 contribution he made on January 18, 1990. The refund will reduce the amount of actual contributions attributed to Mr. Cannon for 1990 to a total of \$19,000.

I believe this action should permit you to close this matter without further action. Please do not hesitate to contact me if I can be of further assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Dorothy Moley
Deputy Director of Finance,
Republican National Committee

A:CANNON1:LERNER2.LTR

RECEIVED
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OFFICE OF GENERAL COUNSEL
91 AUG 15 AM 10:44

93040924561

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WEIDENFELD & ROONEY, P.C.

91 AUG 14 AM 9:48

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1899 L STREET, N.W.
SUITE 500
WASHINGTON, DC 20036

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EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 AUG 14 AM 10:27

Mr. Richard Jackson, Treasurer
Craig for U.S. Senate
P.O. Box 1693
Boise, Idaho 83701

Dear Mr. Jackson:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

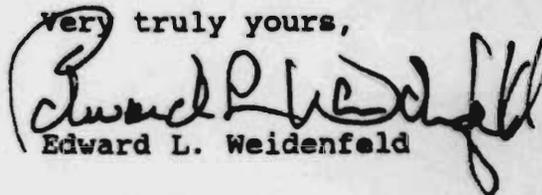
On or about July 14, 1990, Janeal Cannon made a contribution to Craig for U.S. Senate of \$250, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Janeal Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution Mrs. Cannon was a homemaker and Mr. Cannon was employed as an executive at Geneva Steel Corporation.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jbcannon.pri

93040924562

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

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WASHINGTON, DC 20036

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EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Brian McGavin, Treasurer
Dan Marriott for Congress Committee
139 East South Temple, Suite 1015
Salt Lake City, UT 84111

Dear Mr. McGavin:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

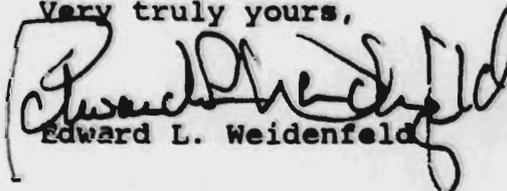
On or about June 1, 1990, Janeal Cannon made a contribution to Dan Marriott for Congress Committee of \$1,000, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Janeal Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution Mrs. Cannon was a homemaker and Mr. Cannon was employed as an executive at Geneva Steel Corporation.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jbcannon.pri

93040924563

WEIDENFELD & ROONEY, P.C.

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EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Clay Newton, Treasurer
Wayne Owens for Congress Committee
P.O. Box 959, Suite 300
Salt Lake City, UT 84110

Dear Mr. Newton:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

Janeal Cannon made contributions to Wayne Owens for Congress Committee on or about the following dates, in the amounts indicated, by way of checks drawn on their joint account.

September 21, 1990	\$1,000
September 26, 1989	\$500

The contributions were mistakenly attributed to Janeal Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contributions as joint contributions.

Mr. and Mrs. Cannon reside at the same address. At the time of the contributions Mrs. Cannon was a homemaker and Mr. Cannon was employed as an executive at Geneva Steel Corporation.

I would appreciate if you could amend your records to reflect the joint nature of the above contributions and notify the Federal Election Commission of your actions.

93040924564

Mr. Clay Newton
August 13, 1991
Page 2

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jbcannon.pri

93040924565

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

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EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Mark B. Woodruff, Treasurer
Snow for Congress Committee
1847 Oak Lane
Provo, UT 84604

Dear Mr. Woodruff:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

Janeal Cannon made contributions to Snow for Congress Committee on or about the following dates, in the amounts indicated, by way of checks drawn on their joint account.

May 20, 1990	\$1,000
September 7, 1990	\$1,000
October 30, 1990	\$1,000

The contributions were mistakenly attributed to Janeal Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contributions as joint contributions.

Mr. and Mrs. Cannon reside at the same address. At the time of the contributions Mrs. Cannon was a homemaker and Mr. Cannon was employed as an executive at Geneva Steel Corporation.

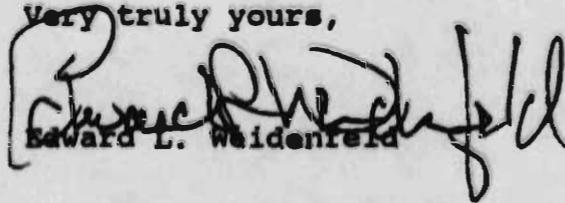
I would appreciate if you could amend your records to reflect the joint nature of the above contributions and notify the Federal Election Commission of your actions.

93040924566

Mr. Mark B. Woodruff
August 13, 1991
Page 2

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jbcannon.pri

93040924567

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

SUITE 500

WASHINGTON, DC 20036

(202) 785-2143

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EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. W. Lamonte Robison, Treasurer
Elect Genevieve Atwood Committee
P.O. Box 58687
Salt Lake City, UT 84158

Dear Mr. Robison:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

Joseph Cannon made contributions to Elect Genevieve Atwood Committee on or about the following dates, in the amounts indicated, by way of checks drawn on their joint account.

August 31, 1990	\$1,000
September 27, 1990	\$2,000

The contributions were mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contributions as joint contributions.

Mr. and Mrs. Cannon reside at the same address. At the time of the contributions, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

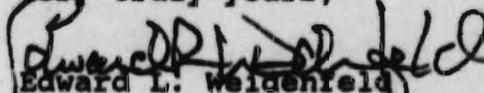
I would appreciate if you could amend your records to reflect the joint nature of the above contributions and notify the Federal Election Commission of your actions.

93040924568

Mr. W. Lamonte Robison
August 13, 1991
Page 2

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924569

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

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WASHINGTON, DC 20036

(202) 785-2143

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FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Kenneth Shank, Treasurer
Bill Bradley for U.S. Senate '90
P.O. Box 1990
Woodbridge, NJ 07095

Dear Mr. Shank:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

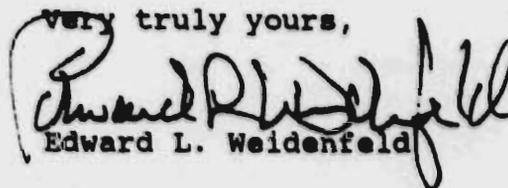
On or about April 12, 1989, Joseph Cannon made a contribution to Bill Bradley for U.S. Senate '90 of \$1,000, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924570

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

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WASHINGTON, DC 20036

(202) 785-2143

TELEX: 277 566 EXECUR

FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Richard Jackson, Treasurer
Craig for U.S. Senate
P.O. Box 1693
Boise, Idaho 83701

Dear Mr. Jackson:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

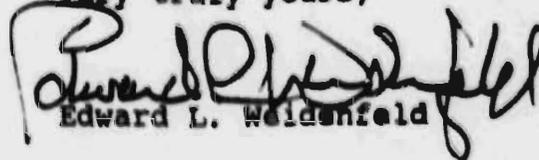
On or about July 14, 1990, Joseph Cannon made a contribution to Craig for U.S. Senate of \$250, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924571

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

SUITE 500

WASHINGTON, DC 20036

(202) 785-2143

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FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Ronald King, Treasurer
Steve Densley for Congress Committee
1522 North 1550 East
Provo, UT 84604

Dear Mr. King:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

On or about June 17, 1990, Joseph Cannon made a contribution to Steve Densley for Congress Committee of \$1,000, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924572

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

SUITE 500

WASHINGTON, DC 20036

(202) 785-2143

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EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Irvin Diamond, Treasurer
People for Pete Domenici (1990)
P.O. Box 25707
Albuquerque, NM 87125

Dear Mr. Diamond:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

Joseph Cannon made contributions to People for Pete Domenici (1990) on or about the following dates, in the amounts indicated, by way of checks drawn on their joint account.

March 6, 1990	\$1,000
March 6, 1990	\$1,000

The contributions were mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contributions as joint contributions.

Mr. and Mrs. Cannon reside at the same address. At the time of the contributions, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

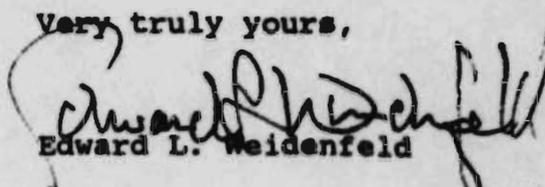
I would appreciate if you could amend your records to reflect the joint nature of the above contributions and notify the Federal Election Commission of your actions.

93040924573

Mr. Irvin Diamond
August 13, 1991
Page 2

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924574

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 I. STREET, N.W.

SUITE 500

WASHINGTON, DC 20036

(202) 785-2143

TELEX: 277 566 EXECUR

FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Ms. June Fisher, Treasurer
Jim Hansen Committee
P.O. Box 654
Farmington, Utah 84058

Dear Ms. Fisher:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

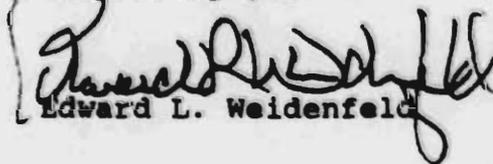
On or about September 12, 1990, Joseph Cannon made a contribution to Jim Hansen Committee of \$1,000, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924575

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

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WASHINGTON, DC 20036

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FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Richard Haskell, Treasurer
Citizens for Harmer for Congress
560 South State, Suite E-1
Orem, Utah 84058

Dear Mr. Haskell:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

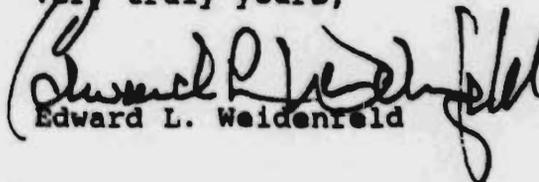
On or about August 13, 1990, Joseph Cannon made a contribution to Citizens for Harmer for Congress of \$1,000, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924576

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

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EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Stanley R. DeWaal, Treasurer
Hatch Election Committee
257 East 200 South, Suite 950
Salt Lake City, UT 84111

Dear Mr. DeWaal:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

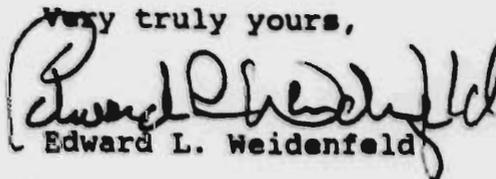
On or about December 6, 1990, Joseph Cannon made a contribution to Hatch Election Committee of \$1,000, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924577

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

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EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Brian McGavin, Treasurer
Dan Marriott for Congress Committee
139 East South Temple, Suite 1015
Salt Lake City, UT 84111

Dear Mr. McGavin:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

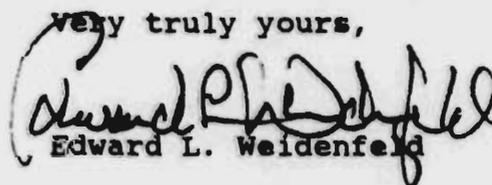
On or about June 1, 1990, Joseph Cannon made a contribution to Dan Marriott for Congress Committee of \$1,000, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924578

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

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EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Daniel Nicholas, Treasurer
Lynn Martin for Senate Committee
9575 West Higgins Road
Rosemont, IL 60018

Dear Mr. Nicholas:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

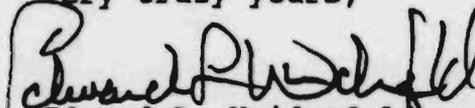
On or about September 30, 1990, Joseph Cannon made a contribution to Lynn Martin for Senate Committee of \$1,000, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924579

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

SUITE 500

WASHINGTON, DC 20036

(202) 785-2143

TELEX: 277 566 EXECUR

FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Robert Ondick, Treasurer
Murtha for Re-election Committee
430 Fisher Building
Johnstown, PA 15901

Dear Mr. Ondick:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

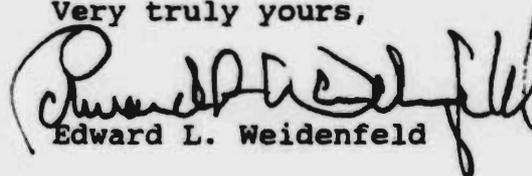
On or about June 15, 1989, Joseph Cannon made a contribution to Murtha for Re-election Committee of \$1,000, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924580

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

SUITE 500

WASHINGTON, DC 20036

(202) 785-2143

TELEX: 277 566 EXECUR

FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Clay Newton
Wayne Owens for Congress Committee
P.O. Box 959, Suite 300
Salt Lake City, UT 84110

Dear Mr. Newton:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

Joseph Cannon made contributions to Wayne Owens for Congress Committee on or about the following dates, in the amounts indicated, by way of checks drawn on their joint account:

September 26, 1989	\$500
September 21, 1990	\$1,000

The contributions were mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contributions as joint contributions.

Mr. and Mrs. Cannon reside at the same address. At the time of the contributions, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

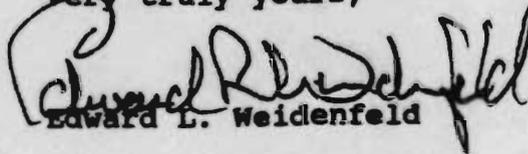
I would appreciate if you could amend your records to reflect the joint nature of the above contributions and notify the Federal Election Commission of your actions.

93040924581

Mr. Clay Newton
August 13, 1991
Page 2

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924582

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

SUITE 500

WASHINGTON, DC 20036

(202) 785-2143

TELEX: 277 566 EXECUR

FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Austin Kelly, Treasurer
Russo for Congress Committee
849 Riverview Drive
South Holland, IL 60473

Dear Mr. Kelly:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

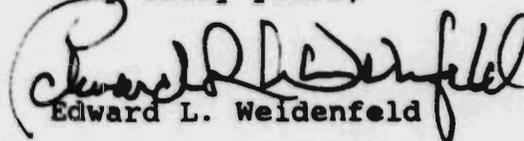
On or about March 19, 1990, Joseph Cannon made a contribution to Russo for Congress Committee of \$1,000, by way of a check drawn on their joint account. The contribution was mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contribution as a joint contribution.

Mr. and Mrs. Cannon reside at the same address. At the time of the contribution, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

I would appreciate if you could amend your records to reflect the joint nature of the above contribution and notify the Federal Election Commission of your actions.

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924583

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

SUITE 500

WASHINGTON, DC 20036

(202) 783-2143

TELEX: 277 566 EXECUR

FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 13, 1991

Mr. Mark B. Woodruff, Treasurer
Snow for Congress Committee
1847 Oak Lane
Provo, UT 84604

Dear Mr. Woodruff:

We are writing on behalf of Joseph A. Cannon and Janeal Cannon.

Joseph Cannon made contributions to Snow for Congress Committee on or about the following dates, in the amounts indicated, by way of checks drawn on their joint account.

May 20, 1990	\$1,000
August 31, 1990	\$1,000
October 30, 1990	\$1,000

The contributions were mistakenly attributed to Joseph Cannon solely. The Cannons now wish to rectify that error and hereby request that you redesignate the above contributions as joint contributions.

Mr. and Mrs. Cannon reside at the same address. At the time of the contributions, Mr. Cannon was employed as an executive at Geneva Steel Corporation and Mrs. Cannon was a homemaker.

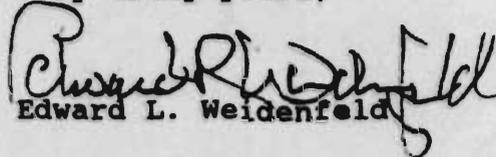
I would appreciate if you could amend your records to reflect the joint nature of the above contributions and notify the Federal Election Commission of your actions.

93040924584

Mr. Mark B. Woodruff
August 13, 1991
Page 2

Please contact me if I can be of any assistance.

Very truly yours,


Edward L. Weidenfeld

:vr

cc: Mr. and Mrs. Joseph A. Cannon
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission

a:jacannon.pri

93040924585

OGC 2293

RECEIVED
FEDERAL ELECTION COMMISSION
MAIN COPY ROOM

WEIDENFELD & ROONEY, P.C.
ATTORNEYS-AT-LAW
1899 L STREET, N.W.
SUITE 500
WASHINGTON, DC 20036
(202) 785-2143
TELEX: 277 566 EXECUR
FACSIMILE: 202/452-8938

91 AUG 23 AM 10:36

Pre-MUR249

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

August 19, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF FEDERAL COUNSEL
91 AUG 23 PM 3:01

Mr. Joseph A. Cannon
3305 North University Avenue
Provo, UT 84604

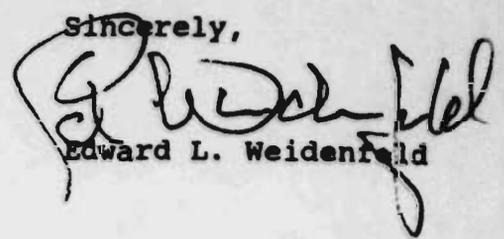
Re: Mr. Joseph A. Cannon -- Refund of 1990 Contribution
to the Republican National Committee

Dear Joe:

Enclosed please find a check from the Republican National
Finance Committee in the amount of \$15,000. This check represents
a refund of your January 18, 1990, contribution.

I hope all is well.

Sincerely,

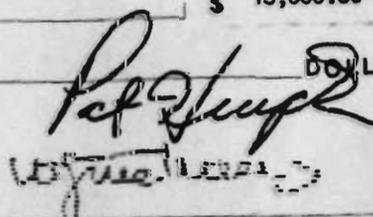


Edward L. Weidenfeld

Enclosure

cc: Lois G. Lerner, Esq. ✓
Associate General Counsel
Federal Election Commission

93040924586

REPUBLICAN NATIONAL FINANCE COMMITTEE		2570
310 FIRST STREET, SE. WASHINGTON, D.C. 20003		
AUGUST 15 19 91		87-408-476
PAY TO THE ORDER OF MR. JOSEPH A. CANNON		\$ 15,000.00***
FIFTEEN THOUSAND AND 00/100		DOLLARS
 Bank of Virginia <small>1750 South Jefferson Davis Highway Arlington, Virginia 22202</small>		
FOR: REFUND		
⑆00002570⑆ ⑆056004089⑆ 651⑆7220643⑆		



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 19, 1991

Edward L. Weidenfeld, Esq.
Weidenfeld & Rooney, P.C.
1899 L Street, N.W.
Suite 500
Washington, D.C. 20036

RE: Pre-MUR 249

Dear Mr. Weidenfeld:

This is to acknowledge receipt of your letter dated August 9, 1991, pertaining to Mr. Joseph A. Cannon. You will be notified as soon as the Federal Election Commission takes action on your submission.

If you have any questions, please call Jeffrey Long, the staff person assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling matters such as this.

Sincerely,

Lawrence M. Noble
General Counsel

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

Enclosure
Procedures

93040924587

RECEIVED
F.E.C.
SECRETARIAT

FEDERAL ELECTION COMMISSION 91 OCT 11 PM 12:21
999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

PRE-MUR 249
STAFF MEMBER:
Lawrence D. Parrish

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

RESPONDENT: Joseph A. Cannon

RELEVANT STATUTES: 2 U.S.C. § 441a
2 U.S.C. § 441a(a)(3)
11 C.F.R. § 104.8(c)
11 C.F.R. § 110.5(b)
11 C.F.R. § 110.5(c)(2)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter came before the Commission as a result of a sua sponte submission by Counsel for Joseph A. Cannon on August 13, 1991.¹ (Attachment 1). Counsel for Mr. Cannon brought this matter to the attention of the Commission upon discovering that Mr. Cannon may have inadvertently violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing more than \$25,000 in contributions to federal campaigns and the Republican National Committee for the 1990 campaign year. Counsel for Mr. Cannon asserts that these contributions were not properly designated between Mr. and

1. Mr. Cannon is a candidate for the Republican nomination for the 1992 U.S. Senate seat in Utah.

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Mrs. Cannon. On August 12, 1991, this Office received a letter from Mr. Cannon's counsel stating that the Republican National Committee has agreed to refund Mr. Cannon's \$15,000 contribution, therefore, reducing the contributions attributed to Mr. Cannon. (Attachment 2). In addition, on August 14, 1991, this Office received copies of letters sent by Counsel for Mr. Cannon to the committees that received contributions, requesting that a proper designation be made. (Attachment 3). On August 19, 1991, this Office received a copy of a \$15,000 refund check to Mr. Cannon from the Republican National Finance Committee. (Attachment 4).

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441a, an individual is limited in the amount he or she may contribute to candidates and other political committees. Under 2 U.S.C. § 441a(a)(3) and 11 C.F.R. § 110.5(b), an individual is prohibited from making contributions aggregating more than \$25,000 in a calendar year. Furthermore, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held. 11 C.F.R. § 110.5(c)(2).

According to 11 C.F.R. § 104.8(c), absent evidence to the contrary, contributions which are made by check, money order, or other written instrument shall be reported as a contribution by the last person signing the instrument prior to delivery to the candidate or committee.

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As noted above, counsel for Mr. Cannon asserts that Mr. Cannon "may have inadvertently violated the election campaign contribution laws" by making contributions which total more than \$25,000 to federal campaigns and national committees in the 1990 calendar year. Mr. Cannon's counsel asserts that based upon his preliminary investigation, Mr. and Mrs. Cannon contributed a total of \$39,500 to federal election campaigns and committees in 1989 and 1990.² Mr. Cannon's counsel further asserts that out of the \$39,500 in contributions, \$34,000 was attributed to Mr. Cannon individually and the remainder attributed (\$5,500) to Mrs. Cannon. Counsel for Mr. Cannon states that the source of this "technical violation" stems from improper designation of the Cannon's contributions, and that the contributions should have been designated equally between them.

As noted above, on August 12, 1991, this Office received a letter from Mr. Cannon's counsel stating that the Republican National Committee has agreed to refund the \$15,000 contribution made by Mr. Cannon. This letter further stated "that the refund will reduce the amount of actual contributions attributed to Mr. Cannon for 1990 to a total of \$19,000." On August 14, 1991,

2. This Office's review of of the Commission's contributor database printout indicates that Mr. and Mrs. Cannon contributed a total of \$41,000, \$35,250 attributed to Mr. Cannon and \$5,750 attributed to Mrs. Cannon. The \$1,500 difference between this Office's total and the total amount of \$39,500 that the Cannon's counsel stated, appears to be accredited to the failure to include a September 6, 1990 contribution of \$1,000 to Dan Marriott for Congress Committee and a October 5, 1989 \$500 contribution to Oklahomans for Boren. A copy of the database printout listing Mr. Cannon's contributions is attached to this report. (Attachment 6).

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this Office received copies of letters sent by Mr. Cannon's counsel to each committee Mr. and Mrs. Cannon contributed to during the 1989-90 election year, notifying them that their contributions were intended as joint contributions. These letters also requested that the committees' records be amended to reflect the joint nature of the contribution. On August 19, 1991, this office received a copy of a \$15,000 refund check to Mr. Cannon from the Republican National Finance Committee.³

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It should also be noted that on August 12, 1991, a news article dealing with Mr. Cannon's violation of the Act was published in a Salt Lake, Utah newspaper. (Attachment 5). This Office received Mr. Cannon's notification of a possible violation of the Act on August 13, 1991. Even though Mr. Cannon voluntarily notified the Commission, took corrective measures by requesting redesignation of his contributions, and received a refund of \$15,000 from the Republican National Finance Committee, these corrective measures did not take place until 13 months after he exceeded the \$25,000 limitations of the Act.⁴ Mr. Cannon's contributions totaled \$35,250 for the 1990 election

3. This refund brings the total amount of contributions attributed to Mr. Cannon to \$20,250, based on the total amount of contributions (\$35,250) shown on the Commission's contributor database printout.

4. Mr. Cannon exceeded the \$25,000 limitations of the Act on August 13, 1990, when he contributed \$1,000 to the Citizens for Harmer for Congress Committee. This contribution added with his prior 1990 election year contributions totaled \$25,250.

year.⁵ This amount exceeded the limitations of the Act by a total of \$10,250, in violation of 2 U.S.C. § 441a(a)(3).

Based upon the aboved-mentioned information, it appears that Mr. Cannon has violated 2 U.S.C. § 441a(a)(3) by making contributions for the 1990 election year which exceeded the \$25,000 limitation.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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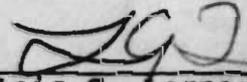
5. It should be noted that out of the \$35,250 in contributions attributed to Mr. Cannon, there were three \$1,000 contributions to three different candidate committees, for the Utah State nominating election totaling \$3,000. Under Utah state law, delegates meet at a state nominating convention and select the party's nominees who will run in the primary election for federal office. In Advisory Opinion 1978-30, the Commission concluded that the Utah nominating convention was a election and, therefore, an individual may contribute \$1,000 to a candidate who took part in the nominating convention pursuant to 2 U.S.C. § 441a. See also Advisory Opinion 1986-21.

III. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Joseph A. Cannon violated 2 U.S.C. § 441a(a)(3) and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached the attached Factual and Legal Analysis, and proposed conciliation agreement and appropriate letter.

Lawrence M. Noble
General Counsel

10/10/91
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

1. August 9, 1991 letter
2. August 12, 1991 letter
3. August 14, 1991 copies of redesignation letters
4. August 19, 1991 letter enclosing copy of refund check
5. August 12, 1991 Salt Lake, Utah news article
6. Disclosure report
7. Factual and Legal Analysis
8. Proposed agreement

93040924593



FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DONNA ROACH *DR*
COMMISSION SECRETARY

DATE: OCTOBER 15, 1991

SUBJECT: Pre-MUR 249 - FIRST GENERAL COUNSEL'S REPORT
DATED OCTOBER 10, 1991.

The above-captioned document was circulated to the
Commission on TUESDAY, OCTOBER 15, 1991 at 11:00 A.M.

Objection(s) have been received from the Commissioner(s)
as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	_____XXX_____
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda
for TUESDAY, OCTOBER 22, 1991.

Please notify us who will represent your Division before the
Commission on this matter.

93040924594

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Joseph A. Cannon

)
)
)

PRE-MUR 249

11-1-91
11-1-91

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 with respect to PRE-MUR 249:

1. Open a MUR.
2. Find reason to believe that Joseph A. Cannon violated 2 U.S.C. § 441a(a)(3) and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis, proposed conciliation agreement, and appropriate letter as recommended in the General Counsel's report dated October 10, 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1991

Edwards L. Weidenfeld
Weidenfeld & Rooney, P.C.
1899 L. Street, N.W.
Suite 500
Washington, DC 20036

RE: MUR 3440
Joseph A. Cannon

Dear Mr. Weidenfeld:

On October 22, 1991 the Federal Election Commission found that there is reason to believe Joseph A. Cannon violated 2 U.S.C. § 441a(a)(3), 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 Mr. Cannon. 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 Joseph A. Cannon, 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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MUR 3440

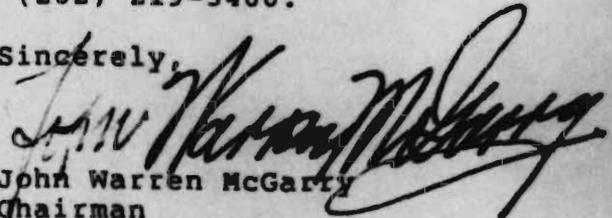
Page 2.

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.

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.

If you have any questions, please contact Lawrence Parrish, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,


John Warren McGarty
Chairman

Enclosures
Factual and Legal Analysis
Conciliation Agreement

93040924597

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Joseph A. Cannon

MUR: 3440

I. GENERATION OF MATTER

This matter came before the Commission as a result of a sua sponte submission by Counsel for Joseph A. Cannon on August 13, 1991. Counsel for Mr. Cannon brought this matter to the attention of the Commission upon discovering that Mr. Cannon may have inadvertently violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing more than \$25,000 in contributions to federal campaigns and the Republican National Committee for the 1990 campaign year. Counsel for Mr. Cannon asserts that these contributions were not properly designated between Mr. and Mrs. Cannon.

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441a, an individual is limited in the amount he or she may contribute to candidates and other political committees. Under 2 U.S.C. § 441a(a)(3) and 11 C.F.R. § 110.5(b), an individual is prohibited from making contributions aggregating more than \$25,000 in a calendar year. Furthermore, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held. 11 C.F.R. § 110.5(c)(2).

According to 11 C.F.R. § 104.8(c), absent evidence to the

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contrary, contributions which are made by check, money order, or other written instrument shall be reported as a contribution by the last person signing the instrument prior to delivery to the candidate or committee.

Counsel for Mr. Cannon asserts that Mr. Cannon "may have inadvertently violated the election campaign contribution laws" by making contributions which total more than \$25,000 to federal campaigns and national committees in the 1990 calendar year. Mr. Cannon's counsel asserts that based upon his preliminary investigation, Mr. and Mrs. Cannon contributed a total of \$39,500 to federal election campaigns and committees in 1989 and 1990. Mr. Cannon's counsel further asserts that out of the \$39,500 in contributions, \$34,000 was attributed to Mr. Cannon individually and the remainder attributed (\$5,500) to Mrs. Cannon. Counsel for Mr. Cannon states that the source of this "technical violation" stems from improper designation of the Cannon's contributions, and that the contributions should have been designated equally between them.

On August 12, 1991, the Office of General Counsel received a letter from Mr. Cannon's counsel stating that the Republican National Committee has agreed to refund the \$15,000 contribution made by Mr. Cannon. This letter further stated "that the refund will reduce the amount of actual contributions attributed to Mr. Cannon for 1990 to a total of \$19,000." On August 14, 1991, the Office of General Counsel received copies of letters sent by Mr. Cannon's counsel to each committee Mr. and Mrs. Cannon contributed to during the 1989-90 election year, notifying them

93040924599

that their contributions were intended as joint contributions. These letters also requested that the committees' records be amended to reflect the joint nature of the contribution. On August 19, 1991, this office received a copy of a \$15,000 refund check to Mr. Cannon from the Republican National Finance Committee.

On August 12, 1991, a news article dealing with Mr. Cannon's violation of the Act was published in a Salt Lake, Utah newspaper. The Office of General Counsel received Mr. Cannon's notification of a possible violation of the Act on August 13, 1991. Even though Mr. Cannon voluntarily notified the Commission, took corrective measures by requesting redesignation of his contributions, and received a refund of \$15,000 from the Republican National Finance Committee, these corrective measures did not take place until 13 months after he exceeded the \$25,000 limitations of the Act. Mr. Cannon's contributions totaled \$35,250 for the 1990 election year. This amount exceeded the limitations of the Act by a total of \$10,250, in violation of 2 U.S.C. § 441a(a)(3).

Therefore, there is reason to believe that Mr. Cannon has violated 2 U.S.C. § 441a(a)(3) by making contributions for the 1990 election year which exceeded the \$25,000 limitation

93040924600

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW
 1800 L STREET, N.W.
 SUITE 700
 WASHINGTON, DC 20036

202-785-3143
 FACSIMILE 202-452-8922

EDWARD L. WEIDENFELD
 KEVIN M. ROONEY

November 12, 1991

VIA FACSIMILE

Mr. Lawrence M. Noble
 General Counsel
 Federal Election Commission
 999 E Street, N.W.
 Washington, DC 20463

Ms. Lois G. Lerner
 Associate General Counsel
 Federal Election Commission
 999 E Street, N.W.
 Washington, DC 20463

Re: MUR 3440. Joseph A. Cannon

Dear Mr. Noble and Ms. Lerner:

This is to request a 30-day extension of the time period in which to file a reply on behalf of Respondent Joseph A. Cannon in the above-referenced matter.

On November 1, 1991, Respondent's counsel received the Federal Election Commission's letter and brief stating that it had found that there is reason to believe that Respondent had violated 2 U.S.C. §441a(a)(c). Pursuant to 2 U.S.C. §437g(a)(3), Respondent is required to file his reply brief by November 16, 1991. Respondent requests that the Commission grant a 30-day extension of the period in which to file his reply brief up to and including December 16, 1991.

The requested extension of time is necessary to afford counsel adequate time in which to research and frame the legal and factual arguments to be made on Respondent's behalf and to gather sworn statements to be submitted with the reply brief. As no continuing violation of the Federal Election Campaign Act has been alleged, a 30-day extension will not prejudice the Commission or any other party.

We thank you for your consideration of our request and look forward to receiving your response.

Sincerely yours,


 Edward L. Weidenfeld

cc: Joseph Cannon

93040924601



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 14, 1991

Edward L. Weidenfeld, Esquire
Weidenfeld & Rooney, P.C.
1899 L. Street, N.W.
Suite 500
Washington, DC 20036

RE: MUR 3440
Joseph A. Cannon

Dear Mr. Weildenfeld:

This is in response to your letter dated November 12, 1991, requesting an extension until December 16, 1991 to respond to the Commission's findings. 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 December 16, 1991.

If you have any questions, please contact Lawrence D. Parrish, the attorney staff member assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in cursive script, appearing to read "George F. Rishel".

BY: George F. Rishel
Assistant General Counsel

93040924602

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
F.E.C.
SECRETARIAT

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In the Matter of
Joseph A. Cannon

)
)
)
)
)

MUR 3440

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 22, 1991, the Commission found reason to believe Joseph A. Cannon violated 2 U.S.C. § 441a(a)(3). On November 12, 1991, the Office of the General Counsel received a letter from Mr. Cannon's counsel, requesting a 30-day extension to respond to the Commission's findings. (Attachment)

In light of the circumstances outlined in the letter from Mr. Cannon's counsel, this Office has granted an extension of time of 30 days in which to respond to the Commission's findings. This Office will further report to the Commission with appropriate recommendations after we receive a response from the Respondent.

Lawrence M. Noble
General Counsel

11-14-91
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachment:
November 12, 1991 letter

93040924603

Doc 3819

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

SUITE 500

WASHINGTON, DC 20036

(202) 785-2143

TELEX: 277 566 EXECUR

FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

December 16, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF FEDERAL COUNSEL
91 DEC 17 AM 9:44

Lawrence D. Parrish, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 3440
Joseph A. Cannon

Dear Mr. Parrish:

Pursuant to 2 U.S.C. §437g(a)(3), enclosed is the Reply Brief of Respondent Joseph A. Cannon in the above-referenced matter.

We would be glad to meet with you or any other representative of the Commission at any point in your consideration of this matter that you deem appropriate. In any event, however, we would appreciate and hereby request the opportunity to meet with you prior to any further action on this matter by the Commission pursuant to 2 U.S.C. §437g(a)(4).

Thank you for your consideration in this matter.

Sincerely yours,


Edward L. Weidenfeld

Enclosure

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FEDERAL ELECTION COMMISSION

MUR 3440

REPLY BRIEF OF RESPONDENT JOSEPH A. CANNON

Respondent Joseph A. Cannon, through counsel, submits this brief in reply to the Federal Election Commission's (hereinafter the "Commission") October 31, 1991 letter stating that the Commission has found reason to believe that Respondent has violated 2 U.S.C. §441a(a)(3) and the Factual and Legal Analysis in support thereof. Respondent submits that no violation of Section 441a(a)(3) has occurred and, in the alternative, if a violation is found, the Commission should not impose any penalty or other sanction because such violation was entirely inadvertent and technical in nature and because it has been voluntarily rectified by Respondent.

I. FACTUAL STATEMENT

Respondent Joseph A. Cannon and his wife, Janeal B. Cannon, are residents of Utah.

During 1989 and 1990, the Cannons made contributions totalling \$39,500 to a number of federal election candidates and to the Republican National Finance Committee (RNFC). These contributions were made by checks drawn on joint accounts of Mr. and Mrs. Cannon. Mr. Cannon signed contribution checks totalling \$33,750; while Mrs. Cannon signed checks for the remaining \$5,750.

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OFFICE OF GENERAL COUNSEL

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At some point in late 1989 or early 1990, the Republican National Committee (RNC) invited Mr. and Mrs. Cannon jointly to join the "Republican Eagles" by making a contribution of \$15,000. At that time, the Cannons did not believe that such a contribution would be subject to any contribution limits imposed on individuals by the Federal Election Campaign Act (FECA). Their belief was based upon the facts that the contribution would be made to the Republican Party, not to an individual political candidate, and that it would be far in excess of the \$1,000 per individual candidate contribution limit imposed by FECA of which they were then aware. See Exhibits 1 and 2.

On January 18, 1990, the Cannons made a \$15,000 contribution to the RNFC from their jointly held funds by way of a check drawn on one of their joint checking accounts and signed solely by Mr. Cannon. Both Mr. and Mrs. Cannon are identified by name on the \$15,000 contribution check, and, at the time of the contribution, they intended and believed it to be a joint contribution in response to a joint contribution request. As a consequence of the \$15,000 RNFC contribution, both Mr. and Mrs. Cannon were entitled to attend all events sponsored by the "Republican Eagles." See Exhibits 1 and 2.

On August 9, 1991, Mr. Cannon was informed that Commission records indicated that he had made individual election campaign contributions in excess of \$25,000 for the 1990 elections. On that same date, counsel for Mr. and Mrs. Cannon informed the Commission of a possible technical violation of Section 441(a)(3) and

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requested the RNFC to refund the \$15,000 contribution the Cannons had made on January 18, 1990.

On August 19, 1991, the RNFC issued a \$15,000 refund check to Mr. Cannon for the January 18 contribution and thus reduced the amount of contributions made under Mr. Cannon's signature to \$18,750. See Exhibit 3.

On October 22, 1991, the Commission found that there was reason to believe Joseph Cannon had violated 2 U.S.C. §441a(a)(3).

II. ARGUMENT

1. Respondent did not violate Section 441a(a)(3).

Section 441a(a)(3) of Title 2 of the United States Code provides as follows:

"No individual shall make contributions aggregating more than \$25,000 in any calendar year. For the purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held."

The facts surrounding the contributions made by Mr. and Mrs. Cannon establish that any technical violation of Section 441a(a)(3) that may have occurred is subject to the defense of good faith mistake of law. See United States v. Fierros, 692 F.2d 1291 (1982); United States v. Moore, 627 F.2d 830 (7th Cir. 1980). The Cannons did not contribute more money for the election year 1990 than they were legally permitted, and the issue here at stake boils down to nothing more than a husband and wife's internal accounting

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error. In fact, had the Cannons better understood the intricacies of FECA, this entire problem could have been avoided merely by having Mrs. Cannon sign the RNFC check or some of their other contribution checks, instead of Mr. Cannon. The Cannons' mistakenly believed that the \$15,000 RNFC contribution was not subject to FECA's contribution limitations (as are contributions to actual electoral candidates or committees), however, and they knew of no reason why they should have been concerned with respect to who signed the actual check. Their belief was reasonable in light of the fact that the "Republican Eagles" contribution--which was, in effect, annual dues for an exclusive Republican membership club--was unlike any other contribution they had made, both in terms of the recipient and amount of the contribution. Consequently, the Cannons' conduct falls well within the cases approving the defense of mistake of law. Indeed, FECA, which includes numerous regulations not included within the actual statute, is precisely the kind of "complex regulatory scheme" capable of "snaring unwitting violators" that has been held subject to the mistake of law defense. See, United States v. Lezarraga-Lezarraga, 541 F.2d 826 (9th Cir. 1976). The Cannons' good faith belief that they did not have to worry about contribution limits for the RNFC contribution and, additionally, their good faith belief that, in any event, the RNFC contribution had been made jointly, should be sufficient basis to establish that Respondent has not violated Section 441a(a)(3).

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2. The Commission should not impose any penalty against Respondent.

Sections 437g(a)(6)(B), 437g(a)(6)(C), and 437g(d)(1)(A) of Title 2 of the U.S. Code provide the alternative bases for enforcement and the various penalties assessable against a person who has violated Section 441a(a)(3) in a civil action.

Section 437g(6)(B) provides:

In any civil action instituted by the Commission under subparagraph (A), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of \$5,000 or an amount equal to any contribution or expenditure involved in such violation, upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of title 26.

Section 437g(6)(C) provides:

In any civil action for relief instituted by the Commission under subparagraph (A), if the court determines that the Commission has established that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of title 26, the court may impose a civil penalty which does not exceed the greater of \$10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation. (Emphasis added.)

Section 437g(d)(1)(A) provides:

Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution or expenditure aggregating \$2,000 or more during a calendar year shall be fined, or imprisoned for not more than one year, or both. The amount of this fine shall not exceed the greater of \$25,000 or 300 per-

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cent of any contribution or expenditure involved in such violation. (Emphasis added.)

In construing Sections 437g(a)(6)(C) and 437g(d)(1)(A), courts have required "clear and convincing" proof that the violations in question were "knowing and willful" before imposing penalties. "Knowing and willful" has been defined as a "knowing, conscious, and deliberate flaunting" of the Federal Election Campaign Act. See National Right to Work Committee, Inc. v. Federal Election Commission, 716 F.2d 1401 (D.C. Civ. 1983); AFL-CIO v. Federal Election Commission, 628 F.2d 97 (D.C. Cir. 1980); see also Frank Irey, Jr., Inc. v. OSHA, 519 F.2d 1200 (3rd Cir. 1975). Clearly, the facts in this instance do not support a finding of a knowing and willful violation.

Section 437g(a)(6)(B) does not require a "knowing and willful" violation of FECA as a basis for imposing penalties. Nevertheless, courts have refused to impose civil penalties under Section 437g(a)(6)(B) where the surrounding circumstances demonstrated innocent motives and unintentional technical violations of FECA. See Federal Election Commission v. Ted Haley Congressional Committee, 654 F. Supp. 1120 (W.D. Wash. 1987); Federal Election Commission v. National Education Association, 457 F. Supp. 1102 (D.D.C. 1978).

In the Haley case, for example, a number of persons were charged with violating FECA's contribution limitations by extending guarantees in excess of \$1,000 on a loan made for the purpose of retiring campaign debts. The guarantees were voluntarily disclosed to the FEC and the loan was quickly repaid by the candidate without

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recourse to the guarantees. While the court ultimately determined that no violation of FECA had occurred because the defendants did not intend that their loan guarantees would "influence an election," it went on to state that civil penalties would not be justified even in the event a violation had occurred:

"The circumstances of their candid reporting of the loan guarantees, the rapid repayment of the loan by the former candidate from personal funds, and the clear innocence of their motives, leave no justifiable grounds for assessment of penalties."

654 F. Supp. at 1127.

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The facts surrounding Respondent's contributions are similarly unresponsive of the imposition of penalties: the Cannons had a reasonable, good faith belief that the \$15,000 RNFC contribution was not subject to any contribution limits imposed on individuals by FECA; they were invited to join the "Republican Eagles" jointly; they responded to the joint request by submitting a check drawn on their joint checking account; they intended and believed the \$15,000 contribution to be a joint contribution; as a result of the \$15,000 RNFC contribution, they both became entitled to attend "Republican Eagle" events; upon learning of a possible technical violation of FECA, they immediately contacted the FEC; and, they immediately sought and obtained a \$15,000 refund from the RNFC and thus reduced the total of contribution checks signed solely by Mr. Cannon to \$18,750.

The refusal of courts to impose penalties in cases involving technical and unintentional violations of FECA argues forcefully in favor of the position that no further action should be taken on

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this matter or, in the alternative, that no penalty should be included in any eventual conciliation agreement. This case includes all of the mitigating factors courts have looked to in refusing to apply FECA sanctions against innocent, technical violators and, indeed, includes the additional element of a reasonable, good faith belief by Respondent and his wife that they were in compliance with FECA. As in Haley, Respondent's innocent motives, his reasonably good faith belief he was in compliance with FECA, his voluntary reporting of the possible technical violation, and his prompt remedial actions leave no justifiable grounds for the imposition of penalties.

CONCLUSION

Based on the foregoing, the Commission should not find probable cause to believe Respondent has violated Section 441a(a)(3). In the alternative, the Commission should enter into a conciliation agreement with Respondent which does not include the imposition of penalties or other sanctions.

Respectfully submitted,

Weidenfeld & Rooney

By: _____

Edward L. Weidenfeld
 Kevin M. Rooney
 1899 L Street, N.W., Suite 500
 Washington, DC 20036
 202-785-2143

FEDERAL ELECTION COMMISSION

MUR 3440

AFFIDAVIT OF JOSEPH A. CANNON

The undersigned affiant, JOSEPH A. CANNON, being duly sworn, deposes and says:

1. I am a resident of the State of Utah;

2. During the period 1989-1990, my wife, Janeal B. Cannon, and I made contributions to several federal election candidates and to the Republican National Finance Committee, totalling \$39,500;

3. The above contributions were made by checks drawn on joint bank accounts maintained by my wife and I;

4. Of the \$39,500 in contributions made by my wife and I, \$33,750 was contributed by way of checks drawn on our joint accounts and signed only by myself;

5. Of the \$39,500 in contributions made by my wife and I, \$5,750 was contributed by way of checks drawn on our joint accounts and signed only by my wife;

6. At some point in late 1989 or early 1990, the Republican National Committee (RNC) invited my wife and I to join the "Republican Eagles" by making a \$15,000 contribution to the Republican National Finance Committee (RNFC).

7. At the time the RNC's request for a \$15,000 contribution was made, I did not believe that such a contribution would be subject to any contribution limits imposed on individuals under the Federal Election Campaign Act (FECA). This belief was based upon the facts that the contribution would be

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made to the Republican Party, not to an individual political candidate, and that it would be far in excess of the \$1,000 per individual candidate contribution limit imposed by FECA of which I was then aware.

8. On January 18, 1990, my wife and I made a \$15,000 contribution to the RNFC from our jointly held funds by way of a check drawn on one of our joint checking accounts, signed solely by me.

9. Both my wife and I are identified on the \$15,000 joint contribution check as owners of the joint account.

10. At the time the \$15,000 RNFC contribution was made, my wife and I intended and believed it to be a joint contribution made in response to a joint request by the RNC.

11. As a consequence of our \$15,000 RNFC contribution, both my wife and I were entitled to attend events sponsored by the "Republican Eagles."

Joseph A. Cannon
JOSEPH A. CANNON

Subscribed and sworn to before me this 13th day of December, 1991.

Julie
NOTARY PUBLIC

JULIE ANN MYERS
Notary Public
STATE OF UTAH
My Commission Expires
APR 1, 1995
105 Geneva Rd., Vineyard, UT 84088

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FEDERAL ELECTION COMMISSION

MUR 3440

AFFIDAVIT OF JANEAL B. CANNON

The undersigned affiant, JANEAL B. CANNON, being duly sworn, deposes and says:

1. I am a resident of the State of Utah;
2. During the period 1989-1990, my husband, Joseph A. Cannon, and I made contributions to several federal election candidates and to the Republican National Finance Committee, totalling \$39,500;
3. The above contributions were made by checks drawn on joint bank accounts maintained by my husband and I;
4. Of the \$39,500 in contributions made by my husband and I, \$33,750 was contributed by way of checks drawn on our joint accounts and signed only by my husband;
5. Of the \$39,500 in contributions made by my husband and I, \$5,750 was contributed by way of checks drawn on our joint accounts and signed only by my myself;
6. At some point in late 1989 or early 1990, the Republican National Committee (RNC) invited my husband and I to join the "Republican Eagles" by making a \$15,000 contribution to the Republican National Finance Committee (RNFC).
7. At the time the RNC's request for a \$15,000 contribution was made, I did not believe that such a contribution would be subject to any contribution limits imposed on individuals under the Federal Election Campaign Act (FECA). This belief was based upon the facts that the contribution would be

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made to the Republican Party, not to an individual political candidate, and that it would be far in excess of the \$1,000 per individual candidate contribution limit imposed by FECA of which I was then aware.

8. On January 18, 1990, my husband and I made a \$15,000 contribution to the RNFC from our jointly held funds by way of a check drawn on one of our joint checking accounts, signed solely by husband.

9. Both my husband and I are identified on the \$15,000 joint contribution check as owners of the joint account.

10. At the time the \$15,000 RNFC contribution was made, my husband and I intended and believed it to be a joint contribution made in response to a joint request by the RNC.

11. As a consequence of our \$15,000 RNFC contribution, both my husband and I were entitled to attend events sponsored by the "Republican Eagles."

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Janeal B. Cannon
JANEAL B. CANNON

Subscribed and sworn to before me this 13th day of December, 1991.

Julie Ann Myers
NOTARY PUBLIC
JULIE ANN MYERS
Notary Public
STATE OF UTAH
My Commission Expires
April 1, 1995
103 General Lic. Vint. Sec. 11-2-103

REPUBLICAN NATIONAL FINANCE COMMITTEE

310 FIRST STREET, SE
WASHINGTON, D.C. 20003

2570

AUGUST 15 19 91

PAY
TO THE
ORDER OF

MR. JOSEPH A. CANNON

\$ 15,000.00***

FIFTEEN THOUSAND AND 00/100

DOLLARS



Bank of Virginia

1756 South Jefferson Davis Highway
Arlington, Virginia 22202

Pat Lynch
LIBRARY

REFUND

FOR

⑈00002570⑈ ⑆056004089⑆ 651-7220643⑈

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COMMISSION
MAIL ROOM

Oct 18 9 12 AM '92

WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW
1899 L STREET, N.W.
SUITE 500
WASHINGTON, DC 20036

(202) 785-2143

TELEX: 277 566 EXECUR

FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

October 15, 1992

Lawrence D. Parrish, Esq.
Federal Election Commission
999 E Street, N.W., Room 657
Washington, DC 20463

Re: MUR 3440, Joseph A. Cannon

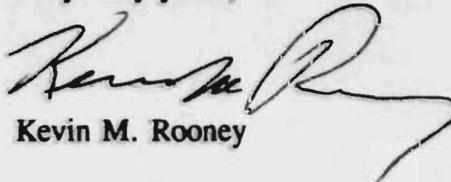
Dear Mr. Parrish:

Enclosed is the Conciliation Agreement we have executed on behalf of Mr. Cannon. Within the next 30 days we will be forwarding to the Commission a check in the amount of \$600 in payment of the civil fine provided for in the Agreement.

Once the Commission has signed the enclosed, we would appreciate if you would provide us with a copy of the fully-executed Agreement.

Thank you for your cooperation in resolving this matter.

Very truly yours,


Kevin M. Rooney

Enclosure

cc: Joseph A. Cannon

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OFFICE
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FEDERAL ELECTION
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WEIDENFELD & ROONEY, P.C.

ATTORNEYS-AT-LAW

1899 L STREET, N.W.

SUITE 500

WASHINGTON, DC 20036

(202) 785-2143

TELEX: 277 566 EXECUR

FACSIMILE: 202/452-8938

EDWARD L. WEIDENFELD
KEVIN M. ROONEY

October 19, 1992

92 OCT 21 AM 11:45

RECEIVED
FEDERAL ELECTION COMMISSION

Lawrence D. Parrish, Esq.
Federal Election Commission
999 E Street, N.W., Room 657
Washington, DC 20463

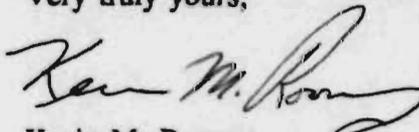
Re: MUR 3440, Joseph A. Cannon

Dear Mr. Parrish:

Enclosed is a check in the amount of \$600 from our client, Joseph A. Cannon, in full payment of the civil fine imposed by the Conciliation Agreement in the above-referenced matter.

We have still not received a fully-executed copy of the Conciliation Agreement. I would appreciate if you would ensure that a copy be forwarded to us as soon as possible.

Very truly yours,



Kevin M. Rooney

Enclosure

cc: Joseph A. Cannon

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Joseph A. Cannon

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SENSITIVE

MUR 3440

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by the Respondent's counsel. See Attachment 1.

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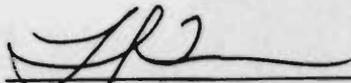
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II. RECOMMENDATIONS

- 1. Accept the attached conciliation agreement with Joseph Cannon.
- 2. Close the file.
- 3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 10/31/92

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

- 1. Conciliation Agreement
- 2. Copy of civil penalty check

Staff Assigned: Lawrence D. Parrish

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Joseph A. Cannon.)

MUR 3440

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 6, 1992, the Commission decided by a vote of 5-0 to take the following actions in MUR 3440:

1. Accept the conciliation agreement with Joseph Cannon, as recommended in the General Counsel's Report dated October 31, 1992.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated October 31, 1992.

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

Attest:

11-6-92
Date

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

Received in the Secretariat: Mon., Nov. 2, 1992 5:15 p.m.
Circulated to the Commission: Tues., Nov. 3, 1992 11:00 a.m.
Deadline for vote: Fri., Nov. 6, 1992 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 19, 1992

CLOSED

Edward L. Weidenfeld, Esquire
Weidenfeld & Rooney, P.C.
1899 L. Street, N.W.
Suite 500
Washington, DC 20036

RE: MUR 3440
Joseph A. Cannon

Dear Mr. Weidenfeld:

On November 6, 1992, 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. § 441a(a)(3), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Lawrence D. Parrish
Lawrence D. Parrish
Attorney

Enclosure
Conciliation Agreement

93040924624

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Joseph A. Cannon) MUR 3440
)
)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information supplied to the Commission by Joseph A. Cannon ("Respondent"). The Commission found reason to believe Respondent violated 2 U.S.C. § 441a(a)(3).

NOW, THEREFORE, the Commission and the Respondent, 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 Respondent 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. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

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

1. Respondent is an individual contributor to federal candidate committees and the Republican National Finance Committee (the "RNFC") for the 1990 elections.

2. Pursuant to 2 U.S.C. § 441a, an individual is limited in the amount he or she may contribute to candidates and other political committees. Under 2 U.S.C. § 441a(a)(3) and 11 C.F.R. § 110.5(b), an individual is prohibited from making contributions aggregating more than \$25,000 in a calendar year. Furthermore, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held. 11 C.F.R. § 110.5(c)(2).

3. During the 1990 election year, Respondent made contributions totaling \$35,250, an amount exceeding the annual limitation by a total of \$10,250.

4. Respondent's 1990 contributions included a \$15,000 contribution to the RNFC made by means of a check drawn on his and his wife's joint checking account and signed solely by Respondent. The Respondent contends that he and his wife intended and believed this contribution to be a joint contribution. Respondent and wife failed to properly request that the \$15,000 contribution be attributed to both of them equally.

5. On August 9, 1991, Respondent's counsel requested from the RNFC a refund of Respondent's \$15,000 contribution.

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6. On August 9, 1991, the Respondent, through counsel, wrote to the Commission, brought these facts to its attention and asked the Commission to determine whether the Respondent was in violation of the Act and, if so, to set forth the remedial action the Respondent should undertake to ensure compliance.

7. On August 15, 1991, Respondent received a \$15,000 refund check from RNFC, which reduced the total of Respondent's 1990 contributions to \$20,250.

V. Respondent made contributions in excess of the annual contribution limit for 1990 in violation of 2 U.S.C. § 441a(a)(3). Respondent contends that this violation was not knowing and willful.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of six hundred dollars (\$600.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

11-18-92
Date

FOR THE RESPONDENT:


(Name) Kevin M. Rooney
(Position) Attorney for Joseph A. Cannon

October 15, 1992
Date

93040924628



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 3440
DATE FILMED 1/8/93 CAMERA NO. 4
CAMERAMAN Seis.

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