FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3451

DATE FILMED 4/29/93 CAMERA NO. 2

CAMERAMAN S.E.G

9204090101015

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 2 October 1991

ANALYST: Pat Sheppard

I. COMMITTEE: Marrou for President
(C00249763)
James A. Lewis, Treasurer
4750 E. Sahara
Las Vegas, NV 89104

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

III. BACKGROUND:

Receipt of Excessive Contribution

The Marrou for President committee ("the Committee") has accepted during 1990 two (2) excessive contributions totaling $8,250. These contributions were made by one (1) individual. To date, the Committee has refunded $1,500 of the excessive amount.

Schedules A-P and C-P of the Committee's 1990 Year End Report disclose the receipt of two (2) excessive contributions totaling $8,250 from one (1) individual (Attachment 2). On March 19, 1991, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 3). The RFAI notes the receipt of the excessive contribution(s) and requests that the Committee refund or seek redesignation and reattribution of the excessive amount.

On April 3, 1991, Mr. Michael Emerling called a Reports Analysis Division analyst (Attachment 4). Mr. Emerling stated that he was not aware that a loan was treated as a contribution and had only lent the Committee the money to get the campaign started. Mr. Emerling stated that there were not enough funds available to refund the contribution at this time, and would respond as soon as possible.

On April 9, 1991, the Committee responded in a letter (Attachment 5). Mr. Emerling reiterated in the letter the conversation he had with the analyst on April 3, 1991. Mr. Emerling stated that the Committee has set up a repayment schedule to return the funds. Line 27(b) and Schedule C-P of

92040901010

FEDERAL ELECTION COMMISSION
1990-1991
CANDIDATE INDEX OF ELECTRONIC DOCUMENTS - [illegible]

DATE [illegible]
PAGE 1

CANDIDATE COMMITTEE DOCUMENT	OFFICE	DISTRICT	PARTY	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES / TYPE OF FILER	MICROFILM LOCATION
HARRIS, ANDRE W.	PRESIDENT		LIBERTARIAN					1992 ELECTION	10# PERIODICS	
1. STATEMENT OF CANDIDATE										
1990 STATEMENT OF CANDIDATE								01/01/90	2	[illegible]
2. PRINCIPAL CAMPAIGN COMMITTEE										
HARRIS FOR PRESIDENT								10 [illegible]	PRESIDENTIAL	
1990 STATEMENT OF ORGANIZATION								01/01/90	2	[illegible]
YEAR-END				50,000		51,900		[illegible]	10	[illegible]
YEAR-END - AMENDMENT				-		-		[illegible]	3	[illegible]
REQUEST FOR ADDITIONAL INFORMATION								[illegible]	4	[illegible]
TOTAL				50,000	0	51,900	0		20 TOTAL PAGES	
3. AUTHORIZED COMMITTEE										
HARRIS HARRIS FOR VICE PRESIDENT								10 [illegible]	PRESIDENTIAL	
1990 APRIL QUARTERLY					2,500		4,250	[illegible]	7	[illegible]
JULY QUARTERLY							5,267	[illegible]	10	[illegible]
JULY QUARTERLY - AMENDMENT							5,267	[illegible]	5	[illegible]
REQUEST FOR ADDITIONAL INFORMATION								[illegible]	1	[illegible]
REQUEST FOR ADDITIONAL INFORMATION 2ND								[illegible]	2	[illegible]
OCTOBER QUARTERLY						1,700		[illegible]	11	[illegible]
YEAR-END						225		[illegible]	11	[illegible]
1991 APRIL QUARTERLY						261		[illegible]	4	[illegible]
JULY QUARTERLY						4,436		[illegible]	4	[illegible]
JULY QUARTERLY - AMENDMENT						4,436		[illegible]	6	[illegible]
REQUEST FOR ADDITIONAL INFORMATION								[illegible]	1	[illegible]
REQUEST FOR ADDITIONAL INFORMATION 2ND								[illegible]	2	[illegible]
OCTOBER QUARTERLY						1,289		[illegible]	7	[illegible]
OCTOBER QUARTERLY - AMENDMENT						1,289		[illegible]	1	[illegible]
REQUEST FOR ADDITIONAL INFORMATION								[illegible]	1	[illegible]
REQUEST FOR ADDITIONAL INFORMATION 2ND								[illegible]	2	[illegible]
POST-GENERAL							[illegible]	[illegible]	1	[illegible]
POST-GENERAL - AMENDMENT							[illegible]	[illegible]	1	[illegible]
REQUEST FOR ADDITIONAL INFORMATION								[illegible]	1	[illegible]
REQUEST FOR ADDITIONAL INFORMATION 2ND								[illegible]	2	[illegible]
YEAR-END							[illegible]	[illegible]	5	[illegible]
YEAR-END - AMENDMENT							[illegible]	[illegible]	5	[illegible]
REQUEST FOR ADDITIONAL INFORMATION								[illegible]	1	[illegible]
REQUEST FOR ADDITIONAL INFORMATION 2ND								[illegible]	2	[illegible]
									[illegible] TOTAL PAGES	

[illegible] TOTAL PAGES

[illegible] FOLLOWING COMMITTEE [illegible] THE [illegible]

All reports have been reviewed.
Ending cash-on-hand as of 12/31/90: $6384
Outstanding debts as of 12/31/90: $26,400

9204090017

FEDERAL ELECTION COMMISSION
1990-1991
CANDIDATE INDEX OF SUPPORTING DOCUMENTS FILED

DATE LOADED:

CANDIDATE COMMITTEE DOCUMENT			RECEIPTS		DISBURSEMENTS			# OF	MISCELLANY
OFFICE	DISTRICT	PARTY	PRIMARY	GENERAL	PRIMARY	GENERAL	COVERAGE DATE	PAGES	LOCATION
							TYPE OF FILER		

MARSHALL PARKER V PRESIDENT LIBERTARIAN 1992 ELECTION: FOR PRESIDENT

1. STATEMENT OF CANDIDATE
   1990 STATEMENT OF CANDIDATE 11/07/90 2 PAGES SUBMITTED
   NOTE: THIS DOCUMENT WAS FILED WITH THE COMMISSION DURING A PREVIOUS ELECTION CYCLE. ADDITIONAL FINANCIAL ACTIVITY REPORTED BY THIS CANDIDATE MAY APPEAR ON INDICES DESCRIBING THAT EARLIER PERIOD.
2. PRINCIPAL CAMPAIGN COMMITTEE

MARSHALL FOR PRESIDENT 12 MONTHS PRESIDENTIAL

1991 APRIL QUARTERLY	5[illegible]	5[illegible]	12/04/91 -12/04/91	20 PAGES SUBMITTED
JULY QUARTERLY	25,4[illegible]	25,6[illegible]	12/04/91 -12/04/91	20 PAGES SUBMITTED
TOTAL	31,[illegible]	31,[illegible]		40 TOTAL PAGES

3. AUTHORIZED COMMITTEES

ANDRE MARREL FOR VICE PRESIDENT 12 MONTHS PRESIDENTIAL

1991 APRIL QUARTERLY	1,70[illegible]	1,802	12/04/91 -12/04/91	2 PAGES SUBMITTED
JULY QUARTERLY		575	12/04/91 -12/04/91	2 PAGES SUBMITTED
				4 TOTAL PAGES
				44 GRAND TOTAL PAGES

4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CANDIDATE

9204090018

All reports have been reviewed.
Ending cash-on-hand as of 6/30/91: $5007
Outstanding debts as of 6/30/91: $22,000

SCHEDULE A-P
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the detailed summary page

PAGE 1 OF (total pages) 4

LINE NUMBER 17

NAME OF COMMITTEE (IN FULL)
Harpan For President

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

NAME, ADDRESS, CITY, STATE, ZIP CODE	NAME OF EMPLOYER / OCCUPATION	AGGREGATE YEAR-TO-DATE	RECEIPT FOR (Primary / General)	DATE (MONTH, DAY, YEAR)	AMOUNT OF EACH RECEIPT THIS PERIOD
BERNSTEIN HIRAM 24 PONDS CIRCLE WAYNE NJ 07470		0250.00		11/12/90	0250.00
BLOOMFIELD PETER PO BOX 1377 CONCORD NH 03302		01000.00		12/28/90	01000.00
CLAPP ROBERT 10416 N. 64TH ST PHOENIX AZ 85032		01000.00		11/13/90	01000.00
DE JAGER EVERETT 8622 PLAINFIELD LA CINCINNATI OH 45236		0250.00		12/22/90	0250.00
EMERLING MICHAEL LAS VEGAS NV		0750.00		11/16/90	0750.00 00.00
EMERLING VICKI LAS VEGAS NV		0750.00		11/16/90	0750.00
FORSYTHE BERT 333 BAYNE AVE PITTSBURGH PA 15202		0250.00		11/14/90	0250.00
HICKS DEAN 3293 FOUR ST COSTA MESA CA 92626		0250.00		12/31/90	0250.00

SUBTOTAL OF RECEIPTS THIS PAGE (optional) .....

TOTAL THIS PERIOD (last page this line number only) .....

FEC#C00249763

SCHEDULE A-P
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

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

PAGE 1 OF 7

LINE NUMBER 13

NAME OF COMMITTEE (In Full)
Marrow For President

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

NAME, ADDRESS, CITY, STATE, ZIP CODE	NAME OF EMPLOYER / OCCUPATION / AGGREGATE YEAR-TO-DATE	RECEIPT FOR (Primary / General)	DATE (MONTH, DAY, YEAR)	AMOUNT OF EACH RECEIPT THIS PERIOD
Andre V. Marrow 5143 Blanton Dr Las Vegas, NV 89122	Prudential Hallmark Realtor		11/8/90	$17,900.00 Loan
Michael L Emerling 7235 Bridgeview Las Vegas, NV 89117	Self-Employed Writer		11/8/90	8500.00 Loan

SUBTOTAL OF RECEIPTS THIS PAGE (optional) .....

TOTAL THIS PERIOD (last page this line number only) .....

9122409310920

SCHEDULE C-P
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

FEC#C00249763

LOANS

Use separate schedule(s) for each category of the detailed summary page

PAGE 1 OF TOTAL PAGES 1

LINE NUMBER 19

NAME OF COMMITTEE (in Full): Marrou For President

NAME OF LOAN SOURCE (OR RECIPIENT)	ORIGINAL AMOUNT OF LOAN	CUMULATIVE PAYMENT TO DATE	BALANCE OUTSTANDING
Andre V. Marrou	$17,900	0	17,900

ADDRESS (Number and Street): 5143 Blanton Drive

CITY, STATE, ZIP CODE: Las Vegas NV 89122

TYPE OF ELECTION: [X] Primary [ ] General [ ] Other (specify)

TERMS: DATE INCURRED 11/8/90 DATE DUE Over before 7/1/91

INTEREST RATE (% APR): 0

SECURED: [ ] Yes [X] No

LIST ALL ENDORSERS OR GUARANTORS (if any)

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

NAME OF LOAN SOURCE (OR RECIPIENT)	ORIGINAL AMOUNT OF LOAN	CUMULATIVE PAYMENT TO DATE	BALANCE OUTSTANDING
Michael L. Emerling	$8,500	0	$8,500

ADDRESS (Number and Street): 7235 Bridgeview Ave

CITY, STATE, ZIP CODE: Las Vegas NV 89117

TYPE OF ELECTION: [X] Primary [ ] General [ ] Other (specify)

TERMS: DATE INCURRED 11/8/90 DATE DUE Over before 7/1/91

INTEREST RATE (% APR): 0

SECURED: [ ] Yes [X] No

LIST ALL ENDORSERS OR GUARANTORS (if any)

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

Carry outstanding balance only to Line 3, Schedule D-P, for this line. If no Schedule D-P, carry forward to appropriate line of Summary.	ORIGINAL AMOUNT OF LOAN	CUMULATIVE PAYMENT TO DATE	BALANCE OUTSTANDING
SUBTOTALS THIS PERIOD THIS PAGE (optional)			
TOTALS THIS PERIOD (last page in this line only)	$26,400		$26,400

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

MAR 1991

James A. Lewis, Treasurer
Marrou For President
4750 E. Sahara
Las Vegas, NV 89104

Identification Number: C00249763

Reference: Year End Report (11/8/90-12/31/90)

Dear Mr. Lewis:

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

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of $1,000 per election. The term "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. §441a(a) and (f); 11 CFR §110.1(b), (e) and (k))

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

91,20,40,9,9,5,0,2,2

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

-You must provide the occupation and name of employer for each contributor required to be itemized on Schedule A. Please amend your report by supplying the omitted information.

With respect to the occupation and name of employer of the contributor, your committee may demonstrate "best efforts" to obtain the required information. This demonstration must describe your committee's procedures for requesting the information. You may also supply a copy of the solicitation. Under 11 CFR §104.7(b), the solicitation shall consist of a clear request for the required information (i.e., name, mailing address, occupation, and name of employer). The request should also inform the contributor that the reporting of such information is required by law. See 11 CFR §104.3(a)(4)(i) and 11 CFR §104.7.

-Schedule C of your report fails to include information required by Commission Regulations. You must provide the date incurred, the original source and amount of the loan, the due date, the interest rate, the cumulative payment, and the outstanding balance. Further, if there are any endorsers or guarantors, their mailing address along with the name of their employer and occupation must be disclosed. Please amend your report to clarify the original source of funds. Reports on record at the Commission indicates that this loan originated from the Andre Marrou for Vice President Committee. (11 CFR §§100.7(a)(1) and 104.3(d))

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. Failure to provide an adequate response may result in legal action taken by the Commission. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Pat Sheppard

Pat Sheppard
Senior Reports Analyst
Reports Analysis Division

MEMORANDUM TO FILES:
XX Telecon
Visit

DATE: April 3, 1991

NAME OF THE COMMITTEE: Marrou for President

SUBJECT: 1990 Year End RFAI

FEC REP: Pat Sheppard

COMMITTEE REP: Michael Emerling (702) 431-3848

Mr. Emerling called to ask how to respond to a Request for Additional information ("RFAI"). Mr. Emerling stated that the funds he had given to the committee was a loan to get the committee started, not a contribution. After explaining that loans still had a contribution limit, Mr. Emerling asked what to do next. I told him that he should refund the money as soon as possible. He stated that there was not enough funds available to make an immediate refund. We also discussed best efforts and the source of another loan reported by the committee. Mr. Emerling said that he would amend the report as soon as possible.

9204090102 4

Attachment 5

President Marrou Libertarian

91 APR -9 AM 11:06

April 4, 1991

Honorary Chairman
Karl Hess

Campaign Manager
Jim Lewis

Media Coordinator
Tonie Nathan

Chief of Staff
Michael Emerling

Office Manager
Charles Barr

Chief Advisor
Perry Willis

Projects Coordinator
Anita Barr

TO: MS. PAT SHEPPARD, Senior Reports Analyst
FROM: MICHAEL EMERLING, Chief of Staff
RE: 3/19/91 Letter pertaining to our Year End Report
ID# C00249763

Dear Ms. Sheppard,

Thank you for helping me correct our year end report during our phone conversation two days ago. I appreciate your courtesy.

I am sorryfor the error regarding my $8500.00 loan to the Campaign. As we discussed, I didn't know that a loan constituted a "contribution." We had nowhere else to go to get the start-up money for the Campaign so I lent the money out of my life savings.

The Campaign does not have enough money on hand to repay me part or all of the money right now. I have set up a repayment schedule of 10% of the gross income that comes in each month or payment in full with our first surplus month. Is this okay?

(I do need the money back. I couldn't afford to give it to the Campaign if I wanted to, which I don't.)

Regarding the occupation and employeer of each contributor: We ask for it. We also put another reminder on our remittance envelopes. Do you need copies for your files? We are making our best efforts on this matter.

The loan from "Andre V. Marrou" listed should, in fact say, "Marrou Campaign Account" from his 1988 Vice-Presidential fundraising. Bothe the Marrou and the Emerling loans are unsecured, zero interest and due on 7/4/91.

Please let me know if there's anything more I need to send you. Thank you.

Cordially,

Michael Emerling

4750 E. Sahara, Las Vegas, NV • 89104 • (702) 431-3848

DETAILED SUMMARY OF RECEIPTS AND DISBURSEMENTS
(Page 2 FEC FORM 3P)

FEC # C00249763

NAME OF COMMITTEE: Marion for President

REPORT FOR THE PERIOD: 4/1/91 to 9/30/91

	COLUMN A Total This Period	COLUMN B Calendar Year to Date	
I RECEIPTS			
15 FEDERAL FUNDS	—	—	
16 CONTRIBUTIONS			
(a) Individuals Persons Other Than Political Committees	25,403.82	81,777.82	
(b) Political Party Committees	—		
(c) Other Political Committees			
(d) The Candidate			
(e) TOTAL CONTRIBUTIONS (Add 16(a), 16(b), 16(c) and 16(d))	25,403.82	81,777.82	
18 TRANSFERS FROM OTHER AUTHORIZED COMMITTEES			18
19 LOANS RECEIVED			
(a) Loans Received From or Guaranteed by Candidate			19(a)
(b) Other Loans			19(b)
(c) TOTAL LOANS (Add 19(a) and 19(b))			19(c)
20 OFFSETS TO EXPENDITURES (Refunds, Rebates, etc.)			
(a) Operating			20(a)
(b) Fundraising			20(b)
(c) Legal and Accounting			20(c)
(d) TOTAL OFFSETS TO EXPENDITURES (Add 20(a), 20(b) and 20(c))			20(d)
21 OTHER RECEIPTS (Dividends, Interest, etc.)			21
22 TOTAL RECEIPTS (Add 15, 16, 17(e), 18, 19(c), 20(d) and 21)	25,403.82	81,777.82	22
II DISBURSEMENTS			
23 OPERATING EXPENDITURES	19,939.37	51,732.14	23
24 TRANSFERS TO OTHER AUTHORIZED COMMITTEES	—	—	24
25 FUNDRAISING DISBURSEMENTS	8162.18	26,350.53	25
26 EXEMPT LEGAL AND ACCOUNTING DISBURSEMENTS	—	—	26
27 LOAN REPAYMENTS MADE			
(a) Repayments of Loans Made or Guaranteed by Candidate	—	2900.00	27(a)
(b) Other Repayments	1500.00	1500.00	27(b)
(c) TOTAL LOAN REPAYMENTS MADE (Add 27(a) and 27(b))	1500.00	4400.00	27(c)
28 REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals Persons Other Than Political Committees	0	672.50	28(a)
(b) Political Party Committees	0	—	28(b)
(c) Other Political Committees	0	—	28(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 28(a), 28(b) and 28(c))	0	672.50	28(d)
29 OTHER DISBURSEMENTS			29
30 TOTAL DISBURSEMENTS (Add 23, 24, 25, 26, 27(c), 28(d) and 29)	29,601.55	83,155.17	30
III CONTRIBUTED ITEMS (Stock, Art Objects, Etc.)			
31 ITEMS ON HAND TO BE LIQUIDATED (Attach List)			31

9240831402036

FEC #C00299763

SCHEDULE C-P

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

LOANS

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

PAGE 1 OF (total pages) 1

LINE NUMBER 19

NAME OF COMMITTEE (in Full): Marron For President

NAME OF LOAN SOURCE (OR RECIPIENT)	ORIGINAL AMOUNT OF LOAN	CUMULATIVE PAYMENT TO DATE	BALANCE OUTSTANDING
Marron Campaign Account	17,900	$2900	$15,000

ADDRESS (Number and Street): 5143 Blanton Drive

CITY, STATE, ZIP CODE: Las Vegas NV 89122

TYPE OF ELECTION: [X] Primary [ ] General [ ] Other (specify)

TERMS	DATE INCURRED	DATE DUE	INTEREST RATE (% APR)	SECURED
	11/8/90	9/15/91	Ø	[ ] Yes [X] No

LIST ALL ENDORSERS OR GUARANTORS (if any)

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

NAME OF LOAN SOURCE (OR RECIPIENT)	ORIGINAL AMOUNT OF LOAN	CUMULATIVE PAYMENT TO DATE	BALANCE OUTSTANDING
Michael L. Emerling	8500.00	1500.00	7000.00

ADDRESS (Number and Street): 7235 Bridgeview

CITY, STATE, ZIP CODE: Las Vegas NV 89117

TYPE OF ELECTION: [X] Primary [X] General [ ] Other (specify)

TERMS	DATE INCURRED	DATE DUE	INTEREST RATE (% APR)	SECURED
	11/8/90	9/15/91	Ø	[ ] Yes [X] No

LIST ALL ENDORSERS OR GUARANTORS (if any)

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE

NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

Carry outstanding balance only to Line 3, Schedule D-P, for this line. If no Schedule D-P, carry forward to appropriate line of Summary.	ORIGINAL AMOUNT OF LOAN	CUMULATIVE PAYMENT TO DATE	BALANCE OUTSTANDING
SUBTOTALS THIS PERIOD THIS PAGE (optional)			
TOTALS THIS PERIOD (last page in this line only)	26,400.00	4400.00	$23,000

92040901027

RECEIVED
F.E.C.
SECRETARIAT
91 NOV -7 PM 12: 12

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

FIRST GENERAL COUNSEL'S REPORT **SENSITIVE**

RAD Referral #91L-87
Staff Member: Richard Denholm

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Marrou for President and James A. Lewis, as treasurer, and Michael L. Emerling

RELEVANT STATUTES: 2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(f)
11 C.F.R. § 110.1(b)(1)
11 C.F.R. § 103.3(b)(3)

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

92040901028

I. GENERATION OF MATTER

On October 2, 1991, the Reports Analysis Division ("RAD") referred the Marrou for President committee (the "Committee") and James A. Lewis, as treasurer, to the Office of the General Counsel for accepting two (2) contributions totaling $9,250 from one (1) individual contributor, and for failing to refund or reattribute the contributions in a timely manner in violation of the Federal Election campaign act of 1971, as amended (the "Act"). See Attachment 1.

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, see Attachments 2 and 3.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

9204090102 9

IV. RECOMMENDATIONS

1. Open a MUR

2. Find reason to believe that Marrou for President and James A. Lewis, as treasurer, violated 2 U.S.C. § 441a(f) and enter into conciliation prior to a finding of probable cause to believe.

3. Find reason to believe that Michael L. Emerling violated 2 U.S.C. § 441a(a)(1)(A) and enter into conciliation prior to a finding of probable cause to believe.

4. Approve the attached Factual and Legal Analyses and appropriate letters.

5. Approve the attached conciliation agreements.

Lawrence M. Noble
General Counsel

11-6-91
Date

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

Attachments
1. Referral Materials
2. Factual and Legal Analyses
3. Proposed Conciliation Agreements

Staff Member: Richard Denholm

92040901030

BEFORE THE FEDERAL ELECTION COMMISSION

(MUR 3451)

In the Matter of	)	
	)	
Marrou for President and	)	RAD Referral #91L-87
James A. Lewis, as treasurer;	)	
Michael L. Emerling.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 12, 1991, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral #91L-87:

1. Open a MUR.

2. Find reason to believe that Marrou for President and James A. Lewis, as treasurer, violated 2 U.S.C. § 441a(f) and enter into conciliation prior to a finding of probable cause to believe.

3. Find reason to believe that Michael L. Emerling violated 2 U.S.C. § 441a(a)(1)(A) and enter into conciliation prior to a finding of probable cause to believe.

4. Approve the Factual and Legal Analyses and appropriate letters, as recommended in the General Counsel's Report dated November 6, 1991.

(Continued)

92040901031

5. Approve the conciliation agreements, as recommended in the General Counsel's Report dated November 6, 1991.

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

Attest:

11-12-91
Date

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

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

dr

92040901032

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 21, 1991

James A. Lewis, Treasurer
Marrou for President
4750 E. Sahara
Las Vegas, Nevada 89104

RE: MUR 3451
Marrou for President
and James A. Lewis,
as treasurer

Dear Mr. Lewis:

On November 12, 1991, the Federal Election Commission found that there is reason to believe the Marrou for President committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 441a(f), 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.

92040901033

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 M. Denholm II, the attorney 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

92040901034

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

Respondents: Marrou for President and James A. Lewis, as treasurer MUR

The Federal Election Campaign Act of 1971, as amended (the "Act"), states that no person may make a contribution to a candidate for federal office, or his authorized campaign committee, in excess of $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). Additionally, candidates and political committees are prohibited from knowingly accepting any contribution in violation of the provisions of Section 441a. 2 U.S.C. § 441a(f). The Act defines a 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).

Commission Regulations provide that contributions which exceed the contribution limits when aggregated with other contributions from the same contributor may be either deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor. Id. If the reattribution or redesignation is not obtained, the treasurer shall, within sixty (60) days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

92040901035

On November 8, 1990, Marrou for President (the "Committee") received an $8,500 contribution from Michael L. Emerling in the form of a loan. On November 16, 1990, the Committee received an additional $750 contribution from Mr. Emerling. Thus, the Committee received a total of $9,250 in contributions from Mr. Emerling which exceeded the statutory limits by $8,250.

According to a letter from Mr. Emerling dated April 4, 1991, the Committee and Mr. Emerling established a repayment plan for the excessive amount. The Committee's 1991 July Quarterly Report disclosed a $1,500 loan repayment to Mr. Emerling. In addition, the Committee's 1991 October Quarterly Report disclosed $3,000 in loan repayments to Mr. Emerling. However, it failed to make these refunds within the sixty (60) day time period required by the Regulations and has failed to refund any additional amount of the loan.

Based on the foregoing analysis, there is reason to believe that the Marrou for President committee and James A. Lewis, as treasurer violated 2 U.S.C. § 441a(f) by accepting excessive contributions from one (1) contributor and by not refunding or reattributing within sixty (60) days excessive contributions totaling $8,250.

92040901036

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 21, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael L. Emerling
7235 Bridgeview
Las Vegas, Nevada 89117

RE: MUR 3451

9204090103 7

Dear Mr. Emerling:

On November 12, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441a(a)(1)(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 you. 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 you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the

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 M. Denholm II, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

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

92040901038

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

Respondent: Michael L. Emerling MUR

The Federal Election Campaign Act of 1971, as amended (the "Act"), states that no person may make a contribution to a candidate for federal office, or his authorized campaign committee, in excess of $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). Additionally, candidates and political committees are prohibited from knowingly accepting any contribution in violation of the provisions of Section 441a. 2 U.S.C. § 441a(f). The Act defines a 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).

Commission Regulations provide that contributions which exceed the contributions limits when aggregated with other contributions from the same contributor may be either deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor. Id. If the reattribution or redesignation is not obtained, the treasurer shall, within sixty (60) days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

92040901039

On November 8, 1990, Marrou for President (the "Committee") received an $8,500 contribution from Michael L. Emerling in the form of a loan. On November 16, 1990, the Committee received an additional $750 contribution from Mr. Emerling. Thus, the Committee received a total of $9,250 in contributions from Mr. Emerling which exceeded the statutory limits by $8,250.

According to a letter from Mr. Emerling dated April 4, 1991, the Committee and Mr. Emerling established a repayment plan for the excessive amount. The Committee's 1991 July Quarterly Report disclosed a $1,500 loan repayment to Mr. Emerling. In addition, the Committee's 1991 October Quarterly Report disclosed a $3,000 loan repayment to Mr. Emerling. However, it failed to make these refunds within the sixty (60) day time period required by the Regulations and has failed to refund any additional amount of the loan.

Pursuant to 2 U.S.C. § 441a(a)(1)(A), no person may make a contribution to a candidate for federal office, or his authorized campaign committee, in excess of $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). Mr. Emerling made contributions to the Committee totaling $9,250 which exceeded the statutory limit by $8,250. Although the Committee refunded $4,500 of the excessive amount, that amount was not refunded within the sixty (60) day period as required by regulation. Therefore, there is reason to believe that Michael L. Emerling violated 2 U.S.C. § 441a(a)(1)(A) by making a $8,250 excessive contribution to the Committee.

92040901040

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 DEC 23 PM 3:07

December 18, 1991
Michael Emerling
4480 Sirius #425
Las Vegas, NV 89102
Ph(702) 873-3107
RE: MUR 3451

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 DEC 27 AM 10:59

Mr. Richard M. Denholm II
Attorney, Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

Dear Mr. Denholm,

I received your 11/21/91 certified letter on Friday, December 13, 1991. I am responding within the 15 days allowed, as I promised during our telephone conversation on December 16, 1991.

Thank you for giving me the opportunity to clear up this matter.

I carefully read your letter, the enclosed factual and legal analysis and the proposed conciliation agreement.

I can see how you came to your conclusions. If I were in your shoes, I would have probably done exactly what you did.

However, there are additional facts, considerations and circumstances that might cast a different light on the matter and lead to a new conclusion. May I share them with you?

Andre Marrou, the Libertarian Presidential candidate, is a close friend. A real friend, not a political "friend". Our families have shared Christmases, Thanksgivings, birthdays, weddings and funerals. Through good times and bad, we've been friends.

As Andre's friend, I loaned his Presidential Campaign $8500.00 on November 8, 1990. (I also contributed $750.00 in November 1990 and $250.00 in January, for a total $1000.00 contribution to Andre Marrou's Presidential Campaign.)

Facts Behind the Loan

1. My total life savings was $11,000.00 when I loaned the money to Andre's campaign. I could not afford to risk $8500.00. But Andre needed my help. He's my friend.

2. I neither asked for nor received any interest on the $8500.00 I loaned the Marrou campaign. I just asked

92409010041

that the loan be repaid. I just wanted to break even.

3. When I loaned the $8500.00 to Andre's campaign, I had no reason to believe - or even suspect - that my loan could be characterized as a contribution. I acted as a reasonable person and in good faith.

After the FEC Notified Marrou For President to Repay My Loan Immediately

In early 1991, the FEC sent a letter ordering that the debt be repaid immediately. Upon reading the letter, I personally called the letter's author (Ms. Pat Sheppard, I believe).

I told her that I had demanded immediate repayment as she instructed. But the Marrou Campaign was unable to repay me either partly or fully. Between the uncertain early days of the Gulf War and the growing recession, the campaign was barely squeaking by. The February fundraising mailing lost several thousand dollars.

I asked if I could let the Marrou Campaign pay the money back as they were able. I understood her position to be: have the Campaign pay it back as promptly as possible.

I did everything in my power to recover my loan as soon as I could.

Loan Repayment Made

On June 6, 1991 I received a $1500.00 partial loan repayment. (Check #307)
On July 8, 1991 I received a $1500.00 partial loan repayment. (Check #337)
On August 7, 1991 I received a $1500.00 partial loan repayment. (Check #374)
On September 3, 1991 I received the $4000.00 balance on the loan (Check #412)
[Photostats of the checks are attached.]

How It Looks To Me

I sought no profit from my loan to the Campaign. I received no profit from the loan.

I intended my loan to be a loan, not a contribution. I got back exactly what I loaned. They gave back exactly what they borrowed.

I meant no harm. I caused no harm.

I intended no damage. I caused no damage.

92040901042

When told that I had unknowingly violated the Federal Campaign Act, I immediately did everything in my power to comply with the instructions of the FEC.

Now I am unemployed. I have not worked since October. I am living off what remains of my life savings. If we can't find a non-harmful way to resolve this, I don't know what to do.

Please help me.

Please help me. Thank you.

Sincerely,

Michael Emerling

92040901043

9 2 0 4 0 9 0 1 0 4 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Official Business
Penalty for Private Use, $300

Fwd

Rec'd 12/13/91
1:12 pm

Michael L. Emerling
4750 E Sahara Ave.
Las Vegas, Nevada 89104-6312

Postage and Fees Paid
Federal Election Commission
617

EMER750 891041012 1A91 12/11/91
NOTIFY SENDER OF NEW ADDRESS
EMERLING'MICHAEL
4480 SIRIUS AVE #425
LAS VEGAS NV 89102-7330

42

307

MARROU FOR PRESIDENT
4750 E. SAHARA
LAS VEGAS, NV 89104

94-171/1224

6/6/ 19 91

PAY TO THE ORDER OF Michael Emerling $1500.00

One Thousand Five Hundred & 00/100 DOLLARS

CITIBANK
CITIBANK (NEVADA), N.A. 1-800-248-9696
3900 PARADISE RD.
LAS VEGAS, NV 89109

FOR Partial Loan Repayment $8500-1500 $7000

⑈000307⑈ ⑆122401710⑆ 015003576 4⑈ ⑈0000150000⑈

143

337

MARROU FOR PRESIDENT
4750 E. SAHARA
LAS VEGAS, NV 89104

94-171/1224

7/8/ 19 91

PAY TO THE ORDER OF Michael Emerling $1500.00

One Thousand Five Hundred & 00/100 DOLLARS

CITIBANK
CITIBANK (NEVADA), N.A. 1-800-248-9696
3900 PARADISE RD.
LAS VEGAS, NV 89109

CITIBANK (Nevada), N.A.

FOR Partial Loan Repayment

⑈000337⑈ ⑆122401710⑆ 015003576 4⑈ ⑈0000150000⑈

12

374

MARROU FOR PRESIDENT
4750 E. SAHARA
LAS VEGAS, NV 89104

94-171/1224

8/7/ 19 91

PAY TO THE ORDER OF Michael Emerling $1500.00

One Thousand Five Hundred & 00/100 DOLLARS

CITIBANK
CITIBANK (NEVADA), N.A. 1-800-248-9696
3900 PARADISE RD.
LAS VEGAS, NV 89109

CITIBANK (Nevada), N.A.

FOR Partial Loan Repayment

⑈000374⑈ ⑆122401710⑆ 015003576 4⑈ ⑈0000150000⑈

412

MARROU FOR PRESIDENT
4750 E. SAHARA
LAS VEGAS, NV 89104

94-171/1224

9/31/ 19 91

PAY TO THE ORDER OF Michael Emerling $4000.00

Four Thousand & 00/100 DOLLARS

CITIBANK
CITIBANK (NEVADA), N.A. 1-800-248-9696
3900 PARADISE RD.
LAS VEGAS, NV 89109

FOR Loan Repayment

⑈000412⑈ ⑆122401710⑆ 015003576 4⑈ ⑈0000400000⑈

RECEIVED
F.E.C.
SECRETARIAT
91 DEC 19 PM 4:57

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Marrou for President	)	MUR 3451
and James A. Lewis, as treasurer	)	
	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. **BACKGROUND**

Attached is a conciliation agreement which has been signed by James Lewis, the treasurer of the Marrou for President committee.

The attached agreement contains no changes from the agreement approved by the Commission on November 12, 1991. A check for the civil penalty has not been received. This Office recommends that the agreement be accepted by the Commission.[1]

II. **RECOMMENDATIONS**

1. Accept the attached conciliation agreement with Marrou for President and James A. Lewis, as treasurer.

92040901046

1. On November 12, 1991, the Commission also found reason to believe that Michael Emerling violated 2 U.S.C. § 441a(a)(1)(A). The Commission decided to enter into conciliation with Mr. Emerling prior to a finding of probable cause to believe that a violation of 2 U.S.C. § 441a(a)(1)(A) had occurred.

On November 21, 1991, notification of the Commission's finding of reason to believe and a proposed conciliation agreement were mailed. Mr. Emerling apparently received notification on December 13, 1991 and will respond within the 15 day period.

2. Close the file as to Marrou for President and James A. Lewis, as treasurer.

3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

12/19/91
Date

BY: LGL

Lois G. Lerner
Associate General Counsel

Attachment
1. Conciliation Agreement

Staff Assigned: Richard Denholm

92040901047

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Marrou for President and James A. Lewis, as treasurer.	)	MUR 3451
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 26, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 3451:

1. Accept the conciliation agreement with Marrou for President and James A. Lewis, as treasurer, as recommended in the General Counsel's Report dated December 19, 1991.

2. Close the file as to Marrou for President and James A. Lewis, as treasurer.

3. Approve the appropriate letter, as recommended in the General Counsel's Report dated December 19, 1991.

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

Attest:

12-26-91
Date

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

Received in the Secretariat:	Thurs.,	Dec. 19, 1991	4:57 p.m.
Circulated to the Commission:	Fri.,	Dec. 20, 1991	12:00 p.m.
Deadline for vote:	Tues.,	Dec. 24, 1991	4:00 p.m.

bjf

92040901048

OOC 3807
RECEIVED
FEDERAL ELECTION COMMISSION
91 DEC 16 AM 10: 39

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Marrou for President	)	MUR 3451
and James A. Lewis, as treasurer	)	

RECEIVED
FEDERAL ELECTION COMMISSION
91 DEC 16 PM 3: 54

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Marrou for President and James A. Lewis, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f).

NOW, THEREFORE, the Commission and 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.

92040901049

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

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

1. Marrou for President is the authorized principal campaign committee of Andre Marrou.

2. James A. Lewis is the treasurer of Marrou for President.

3. Pursuant to 2 U.S.C. § 441a(f), no candidate or political committee shall knowingly accept any contribution in violation of the provisions of 2 U.S.C. § 441a.

4. 2 U.S.C. § 441a(a)(1)(A) limits the contributions a person may make to a political committee with respect to any election for Federal office to $1,000.

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

6. 11 C.F.R. § 103.3(b)(3) provides that contributions which exceed the contribution limits when aggregated with other contributions from the same contributor may be either deposited into a campaign depository or returned to the contributor. If deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor. If the reattribution or redesignation is not obtained, the treasurer shall, within sixty (60) days of the treasurer's receipt of the contribution, refund the contribution to the contributor.

9204090105 0

7. On November 8, 1990, the Committee received an $8,500 contribution from Michael L. Emerling in the form of a loan. On November 16, 1990, the Committee received an additional $750 contribution from Mr. Emerling. Thus, the Committee received a total of $9,250 in contributions from Mr. Emerling which exceeded statutory limits by $8,250.

8. The Committee refunded $4,500 to Mr. Emerling. However, it failed to make this refund within the sixty (60) day time period required by 11 C.F.R. § 103.3(b)(3) and has failed to refund the additional excessive amount.

V. Respondents violated 2 U.S.C. § 441a(f) by accepting excessive contributions totaling $8,250 from one contributor.

VI. Respondents will refund the remaining portion of the excessive amount.

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Thousand dollars ($3,000) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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.

92040901051

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 consctitutes 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: _____ 1-21-92
Lois G. Lerner
Associate General Counsel
Date

FOR THE RESPONDENTS:

_____ 12/5/91
Name: Jim Lewis
Date 12/5/91
Position: Treasurer

92040901052

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 21, 1992

Mr. James A. Lewis
Marrou for President
4750 E. Sahara
Las Vegas, Nevada 89104

RE: MUR 3451
Marrou for President and
James A. Lewis, as
treasurer

Dear Mr. Lewis:

On December 26, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to the Marrou for President committee and you, as treasurer.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

92040901053

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

Richard M. Denholm II

BY: Richard M. Denholm II
Attorney

Enclosure
Conciliation Agreement

92040901054

MUR 3451

92 JAN 23 PM 2:08

January 19, 1992
Michael Emerling
4480 Sirius #425
Las Vegas, NV 89102
Ph(702)-873-3107

Mr. Richard M. Denholm II, Attorney
Federal Election Commission

Dear Mr. Denholm,

Enclosed is my signed copy of our Conciliation Agreement.

Per our telephone discussion - and subject to approval by the Federal Election Commission itself - I have enclosed Four Hundred Dollars ($400.00) partial payment of the One Thousand Six Hundred Dollar ($1600.00) Civil Penalty we agreed to.

Thank you for your courtesy.

Cordially,

Michael Emerling

92 JAN 29 AM 11:13

92040901055

9 2 0 4 0 9 0 1 0 5 6

591

MICHAEL EMERLING 12-86
P. O. BOX 28368 873-~~1243~~ 3107
LAS VEGAS, NV 89126

1/19/1992

94-15/1212

RECEIVED
FEDERAL ELECTION COMMISSION

'92 JAN 29 AM 11:13

PAY TO THE ORDER OF Federal Election Commission $ 400.00

Four Hundred & 00/100 DOLLARS

SECURITY PACIFIC BANK
FLAMINGO/REDROCK OFFICE 38
P.O. BOX 18415
LAS VEGAS, NEVADA 89114

FOR Partial Payment Civil $1600.00 [signature]

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

92 MAR -2 PM 3:38

THE MARROU/LORD CAMPAIGN
P. O. BOX 12417
LAS VEGAS, NV 89112

1309

94-77/1224

2/21 1992

Pay to the order of Federal Elections Commission $3,000.00

Three thousand only Dollars

NEVADA STATE BANK
A Subsidiary of Zions Bancorporation
P.O. Box 990
Las Vegas, Nevada 89125-0990

TWO SIGNATURES REQUIRED

For Payment of Fine

⑈001309⑈ ⑆122400779⑆ 005006⑈⑈

RECEIVED
F.E.C.
92 MAR 17 AM 11:03

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Michael Emerling	) MUR 3451	**SENSITIVE**
	)	
	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was initiated on November 12, 1991 when the Commission found reason to believe that the Marrou for President committee (the "Committee") and James A. Lewis, as treasurer, violated 2 U.S.C. § 441a(f).[1] At that time, the Commission also found reason to believe that Michael Emerling violated 2 U.S.C. § 441a(a)(1)(A). On November 21, 1991, the Commission mailed notification and a proposed conciliation agreement to Mr. Emerling.

Attached for the Commission's review is a signed conciliation agreement proposed by Mr. Emerling. (Attachment 1). The attached agreement contains several modifications of the agreement approved by the Commission on November 12, 1991. A $400 check has been received as partial payment of the civil penalty.

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1. On December 26, 1991, the Commission accepted the signed conciliation agreement submitted by the Committee and closed the file as to that Respondent.

II. Analysis

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III. **RECOMMENDATIONS**

1. Accept the attached conciliation agreement with Michael Emerling.

2. Approve the appropriate letter.

3. Close the file.

Lawrence M. Noble
General Counsel

3-16-92
Date

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

Attachments
1. Proposed Conciliation Agreement
2. Response of Michael Emerling
3. Letter from Michael Emerling
4. Photocopy of Check

Staff Assigned: Richard Denholm

92040901060

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Michael Emerling.) MUR 3451

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 19, 1992, the Commission decided by a vote of 6-0 to take the following actions in MUR 3451:

1. Accept the conciliation agreement with Michael Emerling, as recommended in the General Counsel's Report dated March 16, 1992.

2. Approve the appropriate letter, as recommended in the General Counsel's Report dated March 16, 1992.

3. Close the file.

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

Attest:

3-20-92
Date

Delores R. Harris
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tuesday, Feb. 17, 1992 11:33 a.m.
Circulated to the Commission: Tuesday, Feb. 17, 1992 4:00 p.m.
Deadline for vote: Thursday, Feb. 19, 1992 4:00 p.m.

dr

92040901061

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 27, 1992

Mr. James A. Lewis, Treasurer
Marrou for President
4750 E. Sahara
Las Vegas, Nevada 89104

RE: MUR 3451
Marrou for President
and James A. Lewis, as
treasurer

Dear Mr. Lewis:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact me at (202) 219-3400.

Sincerely,

Richard M. Denholm II
Attorney

9204090106 2

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

March 31, 1992

Mr. Michael Emerling
4480 Sirius #425
Las Vegas, Nevada 89102

RE: MUR 3451

Dear Mr. Emerling:

On March 19, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted by you in settlement of a violation of 2 U.S.C. § 441a(a)(1)(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 you.

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. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Richard M. Denholm II

Richard M. Denholm II
Attorney

Enclosure
Conciliation Agreement

92040901063

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Michael L. Emerling	)	MUR 3451

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Michael L. Emerling ("Respondent") violated 2 U.S.C. § 441a(a)(1)(A).

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. 2 U.S.C. § 441a(a)(1)(A) limits the contributions a person may make to a political committee with respect to any election for Federal office to $1,000.

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

3. 11 C.F.R. § 103.3(b)(3) provides that contributions which exceed the contribution limits when aggregated with other contributions from the same contributor may be either deposited into a campaign depository or returned to the contributor. If deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor. If the reattribution or redesignation is not obtained, the treasurer shall, within sixty (60) days of the treasurer's receipt of the contribution, refund the contribution to the contributor.

4. On November 8, 1990, the Committee received an $8,500 contribution from Michael L. Emerling in the form of a loan. On November 16, 1990, the Committee received an additional $750 contribution from Mr. Emerling. In early January, 1991 the Committee received another $250 contribution in the form of a contribution from Mr. Emerling. Thus, the Committee received a total of $9,500 in contributions from Mr. Emerling which exceeded the statutory limits by $8,500.

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5. The Committee repaid $8,500 to Mr. Emerling. However, it failed to make this refund within the sixty (60) day time period required by the 11 C.F.R. § 103.3(b)(3).

V. Respondent violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to Marrou for President.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Six Hundred dollars ($1,600) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

IX. 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.

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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: _____ 3-25-92
Lois G. Lerner
Associate General Counsel
Date

FOR THE RESPONDENT:

_____ January 17, 1992
Michael L. Emerling
Date

92040901067

FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 3451

DATE FILMED 4/29/92 CAMERA NO. 2

CAMERAMAN S.E.G

9204090106 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3451.

4/28/92

9204090303058

MUR 3451

OGC 4681

CLOSED

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 14, 1992

TWO WAY MEMORANDUM

TO: Virginia Whitted
OGC, Docket

FROM: Philomena Brooks
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Michael Emerling, check number 610, dated April 9, 1992, and in the amount of $ 1200.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

92 APR 14 AM 11:22

RECEIVED
FEDERAL ELECTION COMMISSION

92040903059

TO: Philomena Brooks
Accounting Technician

FROM: Virginia Whitted VOB
OGC, Docket

In reference to the above check in the amount of $ 1200, the MUR number is 3451 and in the name of Michael Emerling. The account into which it should be deposited is indicated below:

__ Budget Clearing Account (OGC), 95F3875.16

✓ Civil Penalties Account, 95-1099.160

__ Other: _____

Signature: Tabonia Brinson

Date: April 14, 1992

MICHAEL EMERLING 12-86
P. O. BOX 28368 873-1213
LAS VEGAS, NV 89126

3107

4/19/1992

594

94-15/1212

PAY TO THE ORDER OF Federal Election Commission $ 400.00

Four Hundred & 00/100 DOLLARS

SECURITY PACIFIC BANK
FLAMINGO/REDROCK OFFICE 38
P.O. BOX 18415
LAS VEGAS, NEVADA 89114

⑆01851154 02-01-92 052 21 0185

FOR Partial Payment Fine Civil $1600.00

[redacted]

⑈000004000⑈

© 1990 Rocky Mountain Bank Note

Website

FEDERAL ELECTION COMMISSION MAIL ROOM 1 91 PM '92

MICHAEL EMERLING 12-86
P. O. BOX 28368 873-1213
LAS VEGAS, NV 89126

610

4/9/1992

94-15/1212

PAY TO THE ORDER OF Federal Election Comm. $ 1200.00

One Thousand Two Hundred & 00/100 DOLLARS

SECURITY PACIFIC BANK
FLAMINGO/REDROCK OFFICE 38
P.O. BOX 18415
LAS VEGAS, NEVADA 89114

FOR Balance of $1600 Civil Fine

[redacted]

© 1990 Rocky Mountain Bank Note

Website

92 APR 14 AM 11:22

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL

92040903060

Paid 4/9/92 enclosed is check # 610 for $1200 Balance owed, $400 paid 1/19/92

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 31, 1992

Mr. Michael Emerling
4480 Sirius #425
Las Vegas, Nevada 89102

$1600 Total

RE: MUR 3451

Dear Mr. Emerling:

On March 19, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted by you in settlement of a violation of 2 U.S.C. § 441a(a)(1)(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 you.

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Sincerely,

Richard M. Denholm II

Richard M. Denholm II
Attorney

Enclosure
Conciliation Agreement

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