



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3463

DATE FILMED 3-27-92 CAMERA NO. 3

CAMERAMAN J m H

92040395319

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: November 8, 1991

ANALYST: Pat Sheppard

I. COMMITTEE: Durkin for U.S. Senate  
(C00236398)  
James Connelly, Treasurer  
60 Lenz Street  
Manchester, NH 03102

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

III. BACKGROUND:

Failure to File Forty-Eight Hour Notifications

The Durkin for U.S. Senate committee ("the Committee") may have failed to file the required 48-Hour Notifications for four (4) contributions/loans totalling \$38,000 received prior to the 1990 Primary Election.

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

Schedule C of the 1990 October Quarterly Report indicates that the Committee failed to file four (4) 48-Hour Notices for contributions/loans received during the aforementioned period (Attachment 3). The following is a list of the contributions/loans for which no 48-Hour Notices were filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
John A. Durkin (personal loan)	08/27/90	\$ 5,500
John A. Durkin (personal loan)	08/30/90	\$15,000
John A. Durkin (personal loan)	09/01/90	\$ 2,500
John A. Durkin (personal loan)	09/05/90	\$15,000

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On August 6, 1991, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI notes on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice requests the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice states that although the Commission may take legal steps, any response would be taken into consideration.

On October 1, 1991, the candidate called a Reports Analysis Division analyst (Attachment 5). The candidate stated that everyone working on the campaign had disbanded and there was only one individual working on the reports. Mr. Durkin stated that the only large contributions received during that time frame were loans from him. The analyst explained to him that loans fell under the 48-Hour Notice requirement. He said that he would have someone check into the matter and get a response out to the analyst as soon as possible.

On October 7, 1991, the Committee responded by letter (Attachment 6). In the letter the candidate states that "With respect to filing 48hr notices my people advise me that they were totally unaware that loans from the candidate were subject to the 48hr notice requirement."

On October 23, 1991, the Committee responded in another letter (Attachment 7). In the letter the campaign manager states that "The Durkin for U.S. Senate campaign adhered to the last minute notification laws to the best of our knowledge."

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION  
REVIEW INDEX - (R) (91-92)

Attachment #1  
Page 1 of 3

DATE 11/07/91  
PAGE 1

DURKIN, JOHN ANTHONY

ID #S4NH00039

DURKIN FOR U S SENATE  
JAMES CONNELLY  
FILING FREQUENCY: QUARTERLY

60 LENZ STREET

MANCHESTER

SENATE  
NH 03102

ID #00036398

RPT	A	P	REC DATE	PGS	BEG MICRO	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY	PASS III	COND REV	BAS REV
T	TYP	I	G									COMPLETE	COMPLETE	COMPLETE

MS T 10/07/91 3 91020092945

RD NY 7 8/20/91 1 91037094598 1/01/91 6/30/91

TOTAL 0 0

9  
2  
0  
4  
0  
3  
9  
5  
3  
2  
2

Cash on hand as of 12-31-90 = \$20,021.34  
Debts outstanding as of 12-31-90 = 135,398.59

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

Attachment #1  
2 of 3

DATE 7NOV91

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
DURKIN, JOHN ANTHONY	SENATE	DEMOCRATIC PARTY					1990 ELECTION	ID# 844000039	
1. STATEMENT OF CANDIDATE									
1989 STATEMENT OF CANDIDATE							13APR89	2	89SEN/003/3111
STATEMENT OF CANDIDATE							8AUG89	3	89SEN/009/0068
1990 STATEMENT OF CANDIDATE - AMENDMENT							9FEB90	2	90SEN/006/0418
2. PRINCIPAL CAMPAIGN COMMITTEE									
DURKIN FOR U S SENATE							ID #000236398	SENATE	
1989 STATEMENT OF ORGANIZATION							10APR89	3	89SEN/003/3113
STATEMENT OF ORGANIZATION - TERMINATED							8AUG89	2	89SEN/009/0060
YEAR-END			86,011		26,506		1JAN89 -31DEC89	24	90SEN/005/3396
YEAR-END - AMENDMENT							1JAN89 -31DEC89	4	90SEN/009/0028
REQUEST FOR ADDITIONAL INFORMATION							1JAN89 -31DEC89	2	90FEC/630/3666
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JAN89 -31DEC89	3	90FEC/632/4979
1990 STATEMENT OF ORGANIZATION - AMENDMENT							9FEB90	3	90SEN/006/0420
48 HOUR CONTRIBUTION NOTICE							7NOV90	3	90SEN/022/1951
APRIL QUARTERLY			21,349		27,877		1JAN90 -31MAR90	60	90SEN/009/0032
APRIL QUARTERLY - AMENDMENT							1JAN90 -31MAR90	4	90SEN/016/0254
REQUEST FOR ADDITIONAL INFORMATION							1JAN90 -31MAR90	2	90FEC/652/1665
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JAN90 -31MAR90	3	90FEC/654/4479
JULY QUARTERLY			17,531		58,968		1APR90 -30JUN90	15	90SEN/013/1417
JULY QUARTERLY - AMENDMENT			17,531		58,968		1APR90 -30JUN90	7	90SEN/016/0247
NOTICE OF FAILURE TO FILE							1APR90 -30JUN90	1	90FEC/650/3266
REQUEST FOR ADDITIONAL INFORMATION							1APR90 -30JUN90	2	90FEC/653/2943
REQUEST FOR ADDITIONAL INFORMATION 2ND							1APR90 -30JUN90	3	90FEC/655/1933
PRE-PRIMARY			19,818		19,740		1JUL90 -22AUG90	18	90SEN/015/1232
PRE-PRIMARY - AMENDMENT			19,818		19,740		1JUL90 -22AUG90	14	90SEN/022/3394
PRE-PRIMARY - AMENDMENT							1JUL90 -22AUG90	7	91SEN/009/4201*
REQUEST FOR ADDITIONAL INFORMATION							1JUL90 -22AUG90	1	90FEC/657/1272
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JUL90 -22AUG90	2	90FEC/662/5425
REQUEST FOR ADDITIONAL INFORMATION							1JUL90 -22AUG90	5	91FEC/708/3235
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JUL90 -22AUG90	6	91FEC/710/4876
OCTOBER QUARTERLY			101,756		60,682		23AUG90 -30SEP90	26	90SEN/019/0440
OCTOBER QUARTERLY - AMENDMENT			101,756		60,682		23AUG90 -30SEP90	10	90SEN/022/3408
OCTOBER QUARTERLY - AMENDMENT							-23AUG90 -30SEP90	3	91SEN/009/2945*
OCTOBER QUARTERLY - AMENDMENT							-23AUG90 -30SEP90	13	91SEN/005/4208*
REQUEST FOR ADDITIONAL INFORMATION							23AUG90 -30SEP90	2	91FEC/708/3232
REQUEST FOR ADDITIONAL INFORMATION 2ND							23AUG90 -30SEP90	3	91FEC/710/4882
PRE-GENERAL			23,176		44,048		1OCT90 -15OCT90	25	90SEN/020/2698
PRE-GENERAL - AMENDMENT			23,176		44,048		1OCT90 -15OCT90	11	90SEN/022/3418
PRE-GENERAL - AMENDMENT							-1OCT90 -17OCT90	4	91SEN/009/4221*
REQUEST FOR ADDITIONAL INFORMATION							1OCT90 -17OCT90	2	91FEC/708/3229
REQUEST FOR ADDITIONAL INFORMATION 2ND							1OCT90 -17OCT90	3	91FEC/710/4885
POST-GENERAL			63,394		74,810		18OCT90 -26NOV90	29	90SEN/024/4502
POST-GENERAL - AMENDMENT							-18OCT90 -26NOV90	7	91SEN/009/4225*
REQUEST FOR ADDITIONAL INFORMATION							18OCT90 -26NOV90	3	91FEC/708/3225

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

Attachment #1  
of 3

DATE 7NOV91

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	GENERAL			
REQUEST FOR ADDITIONAL INFORMATION 2ND YEAR-END					18OCT90 - 26NOV90	4	91FEC/710/4888
NOTICE OF FAILURE TO FILE					275 27NOV90 - 31DEC90	16	91SEN/003/3770
					27NOV90 - 31DEC90	1	91FEC/688/4158
TOTAL		144,709	188,216	133,091	179,815	367	TOTAL PAGES
B. AUTHORIZED COMMITTEES							
DURKIN FOR U S SENATE '84'					ID #C00171249 SENATE		
1989 MID-YEAR REPORT		0		231	1JAN89 - 30JUN89	7	89SEN/009/0073
YEAR-END		1,100		1,334	1JUL89 - 31DEC89	7	90SEN/006/0404
YEAR-END - AMENDMENT		-		-	1JUL89 - 31DEC89	1	90FEC/652/0304
REQUEST FOR ADDITIONAL INFORMATION					1JUL89 - 31DEC89	1	90FEC/630/3644
REQUEST FOR ADDITIONAL INFORMATION 2ND					1JUL89 - 31DEC89	2	90FEC/632/4957
1990 TERMINATION APPROVAL					14SEP90	1	90FEC/655/2583
MID-YEAR REPORT				33	1JAN90 - 30JUN90	6	90SEN/014/3443
TERMINATION REPORT				5,650	31JUL90 - 6AUG90	4	90SEN/014/3439
TERMINATED						29	TOTAL PAGES
DURKIN FOR U.S. SENATE '90					ID #C00107698 SENATE		
1989 MID-YEAR REPORT		0		0	1JAN89 - 30JUN89	6	89SEN/009/0066
YEAR-END			0		1JUL89 - 31DEC89	7	90SEN/006/0411
YEAR-END - AMENDMENT					1JUL89 - 31DEC89	2	90SEN/014/3437
REQUEST FOR ADDITIONAL INFORMATION					1JUL89 - 31DEC89	1	90FEC/630/3646
REQUEST FOR ADDITIONAL INFORMATION 2ND					1JUL89 - 31DEC89	2	90FEC/632/4960
1990 TERMINATION APPROVAL					14SEP90	1	90FEC/655/2585
MID-YEAR REPORT					1JAN90 - 30JUN90	9	90SEN/014/3455
TERMINATION REPORT					1AUG90 - 6AUG90	6	90SEN/014/3449
TERMINATED						34	TOTAL PAGES
C. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN							
						63	AUTH TOT PAGES

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All reports have been reviewed, except ones asterisked.  
Cash on hand as of 12-31-90 = \$20,021.34  
Debts outstanding as of 12-31-90 = \$135,398.59

# REPORT NOTICE

## FEDERAL ELECTION COMMISSION

NEW HAMPSHIRE

August 6, 1990

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

### WHO MUST FILE

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

### WHAT MUST BE REPORTED

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

### REPORTING FORMS

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

### WHERE TO FILE

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

### LABEL

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

### LAST-MINUTE CONTRIBUTIONS

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

### COMPLIANCE

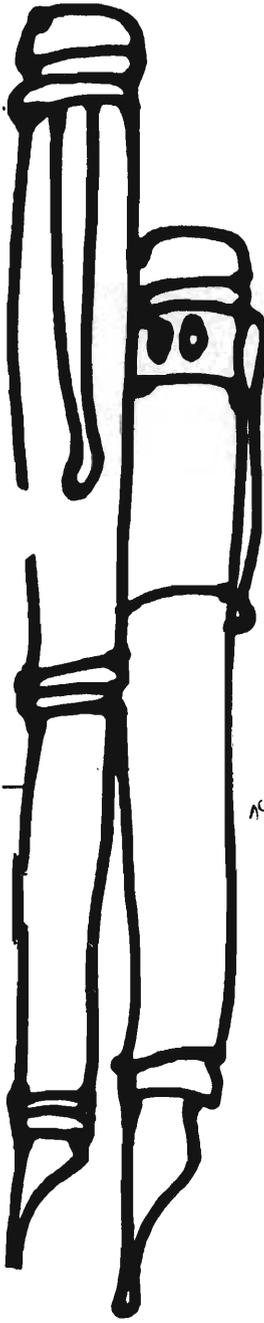
TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

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

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

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

9 2 0 4 0 3 9 5 3 2 5



(Use Form 3/89)

LOANS

Name of Committee (in Full)			
<b>DURKIN FOR U.S. SENATE</b>			
A. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount of Loan	Cumulative Payments To Date
John A Durkin 60 Lenz Street Manchester, NH 03102		4,000	-0-
Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Balance Outstanding at Close of This Period 4,000	
Terms: Date Incurred: <u>8/6/90</u> Date Due _____ Interest Rate _____ % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
John A Durkin (personnel funds) 60 Lenz Street Manchester, NH 03102	self		
Occupation	attorney		
Amount Guaranteed Outstanding:			
\$			
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
Occupation			
Amount Guaranteed Outstanding:			
\$			
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
Occupation			
Amount Guaranteed Outstanding:			
\$			
B. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount of Loan	Cumulative Payments To Date
John A Durkin 60 Lenz Street Manchester, NH 03102		5,500	-0-
Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Balance Outstanding at Close of This Period 5,500	
Terms: Date Incurred: <u>8/27/90</u> Date Due _____ Interest Rate _____ % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
John A Durkin (personnel funds) 60 Lenz Street Manchester, NH 03102	self		
Occupation	attorney		
Amount Guaranteed Outstanding:			
\$			
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
Occupation			
Amount Guaranteed Outstanding:			
\$			
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
Occupation			
Amount Guaranteed Outstanding:			
\$			
SUBTOTALS This Period This Page (optional) . . . . .			
TOTALS This Period (last page in this line only) . . . . .			
Carry outstanding balances only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

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PPS

11-70820-3 (2-79)

LOANS

Name of Committee (in Full) **DURKIN FOR U.S. SENATE**

A Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Collective Payment To Date	Balance Outstanding at Close of This Period
John A Durkin 60 Lenz Street Manchester, NH 03102	15,000	-0-	15,000

Location: Manchester, NH 03102 Other (specify):  
 Terms: Date Incurred 8/30/90 Date Due \_\_\_\_\_ Interest Rate \_\_\_\_\_ % (apr)  Secured

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

1 Full Name, Mailing Address and ZIP Code	Name of Employer
John A Durkin (personnel funds) 60 Lenz Street Manchester, NH 03102	self attorney
2 Full Name, Mailing Address and ZIP Code	Name of Employer
	Occupation
	Amount Guaranteed Outstanding: \$
3 Full Name, Mailing Address and ZIP Code	Name of Employer
	Occupation
	Amount Guaranteed Outstanding: \$

B Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Collective Payment To Date	Balance Outstanding at Close of This Period
John A Durkin 60 Lenz Street Manchester, NH 03102	2,500	-0-	2,500

Election:  Primary  General  Other (specify):  
 Terms: Date Incurred 9/1/90 Date Due \_\_\_\_\_ Interest Rate \_\_\_\_\_ % (apr)  Secured

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

1 Full Name, Mailing Address and ZIP Code	Name of Employer
John A Durkin (personnel funds) 60 Lenz Street Manchester, NH 03102	
2 Full Name, Mailing Address and ZIP Code	Name of Employer
	Occupation
	Amount Guaranteed Outstanding: \$
3 Full Name, Mailing Address and ZIP Code	Name of Employer
	Occupation
	Amount Guaranteed Outstanding: \$

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

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

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PS

PS

(N- used 3/80)

**LOANS**

Name of Committee (in Full)

**DURKIN FOR U.S. SENATE**

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

John A Durkin  
 60 Lenz Street  
 Manchester, NH 03102

Original Amount of Loan

15,000

Collective Payments To Date

-0-

Balance Outstanding at Close of This Period

15,000

Election:  Primary  General  Other (specify):

Terms: Date Incurred 9/5/90 Date Due \_\_\_\_\_ Interest Rate \_\_\_\_\_ % (apr)  Secured

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

1. Full Name, Mailing Address and ZIP Code

John A Durkin (personnel funds)  
 60 Lenz Street  
 Manchester, NH 03102

Name of Employer  
 self

Occupation

attorney

Amount Guaranteed Outstanding:  
 \$

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:  
 \$

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:  
 \$

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

Original Amount of Loan

Collective Payments To Date

Balance Outstanding at Close of This Period

Election:  Primary  General  Other (specify):

Terms: Date Incurred \_\_\_\_\_ Date Due \_\_\_\_\_ Interest Rate \_\_\_\_\_ % (apr)  Secured

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

1. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:  
 \$

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:  
 \$

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding:  
 \$

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

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

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

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 90000170446

PPS



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20543

**James Connelly, Treasurer**  
**Durkin For U.S. Senate**  
**60 Lens Street**  
**Manchester, NH 03102**

**Identification Number: C00236390**

**Reference: October Quarterly Report (8/23/90-9/30/90)**

**Dear Mr. Connelly:**

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:

-Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please amend your report to correct the Column B discrepancies for Line(s) 13(a) and (c) and any subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the year-to-date totals for calendar year 1991.

-Line 13(a), Column A, of the Detailed Summary Page discloses \$63,250 in candidate loans. Schedule A supporting Line 13(a) itemizes \$38,000 in loans. Please explain the discrepancy and amend your report(s). (11 CFR §104.3(a))

-Schedule D of your report itemizes debts with outstanding beginning balances; however, these debts were not included on your previous report. Please refer to Section 104.11(b) of the FEC Regulations and amend your report(s).

-Your calculations for the debt schedule (Schedule D) appear to be incorrect. Our calculations disclose an apparent discrepancy of \$9,866 in the debts owed to Katherin Rogers: \$22,833 + \$4,166 - \$0 = \$26,999, Scott Williams: \$500 + \$500 - \$0 = \$1,000, and Share Systems: \$8,000 + \$5,000 - \$0 = \$13,000. Please provide the correct total for this debt on Schedule D.

9 2 0 4 0 8 9 5 3 2 9  
9 1 0 3 7 0 8 3 2 3 2

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

PS

-Expenditures to American Express and Visa have been disclosed. When itemizing payments made to credit card companies you must list the name and address of the original vendor from which you purchased an item or a service. You should also show the date, the amount, and the purpose of the payment if you have paid more than \$200 this year to the vendor. (11 CFR §104.9)

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Pat Sheppard

Pat Sheppard  
Senior Reports Analyst  
Reports Analysis Division

92040395330  
91037063233

MEMORANDUM TO FILES:  
XX Telecon  
Visit

DATE: October 1, 1991

NAME OF THE COMMITTEE:

Durkin for U.S. Senate

SUBJECT: Failure to file amended reports

FEC REP: Pat Sheppard

COMMITTEE REP: John A. Durkin, candidate

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9 2 0 4 0 8 9 5 3 3 1

The candidate called to let me know that he was not ignoring the letters that had been sent to the committee. He stated that everyone working on the campaign had disbanded and there was only one individual working on the reports. Mr. Durkin stated that only large contributions received during that time frame were loans from him. I explained to him that candidate loans fell under the 48 Hour Notice requirement. He said that he would have someone check into the matter and get a response out to me. Mr. Durkin said that he was aware that there were other matters outstanding and that he was preparing a response to those questions to be filed as soon as possible. Mr. Durkin said that he was also aware that the 1991 Mid Year report had not been filed and would do so soon.

H NH 2 0369  
S3166

Amended 1990 30 Day  
Post-General Report

JOHN A. DURKIN ATTACHMENT # 6  
60 LENZ STREET  
MANCHESTER, NEW HAMPSHIRE 03102 Page 1 of 1

1991 OCT -7 AM 10:29

Oct 1, 1991

Re. C00236398

Pat Sheppard  
Federal Electrician Assoc.  
Washington, D.C. 20463

Dear Pat:

Reference is made to our telephone  
conversations of this date.

With respect to filing 48hr  
notices my people believe me  
that they were totally unaware  
that laws from the candidate were  
subject to the 48hr. notice requirement.

Sincerely  
John A. Durkin

92040395332

91020092945

K 53766  
NH Dem C369

FEDERAL

91 OCT 23 AM 10:39 - October 19, 1991

91 OCT 23 AM 10:39

Pat Shepard  
Senior Reports Analyst  
Reports Analysis Division  
Federal Elections Commission  
Washington, D.C. 20463

Identification Number: C002398

Reference: October Quarterly Report (8/23/90-9/30/90)

Dear Ms Sheppard,

In response to your request for further information and clarification regarding the following:

-I do not clearly understand your mention of discrepancies for Line(s) 13 (a) and (c) on the Summary and Detailed summary pages of the report.

-Line 13(a), Column A, of the detailed summary Page discloses \$63,250 in candidate loans. Schedule A supporting line 13(a) itemizes \$38,000 in loans. This is an incorrect assumption on your part I have enclosed copies of the pages in question. If you will notice loans for the following dates

8/27/90 in the amount of \$5500

8/30/90 in the amount of \$15000

9/1/90 in the amount of \$2500

9/5/90 in the amount of \$15000

and the transfer of loans due from Durkin for U.S. Senate oo61490p404 to Durkin for U.S. Senate 1990 C00236398NH00 two amounts including \$5650 and \$15600 the total equals \$59,250 the error occurs from incorrect addition in the previous report.

-schedule D of our report itemizes debts with outstanding balances; however these were not included in a previous report. This was simply an error in correctly filling out the schedule D report. None of these debts occurred prior to the date of the filing for this report.

-our calculation of the debt schedule therefore appear to be incorrect. The correct schedule D is included with this response.

-The Durkin for U.S. Senate campaign adhered to the last minute notification laws to the best of our knowledge.

-Expenditures to American Express and Visa have been disclosed and not itemized. As I have mentioned in a previous response these charges were for gasoline and oil for the campaign car transporting the candidate throughout his schedule of appearances. No charges were in excess of \$20 so were not itemized.

Sincerely,

Katherine D Rogers  
Campaign Manager  
Durkin for U.S. Senate

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F.E.C.  
COMMUNICATIONS

FEDERAL ELECTION COMMISSION 7 112:12  
999 E Street, N.W.  
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

**SENSITIVE**

RAD Referral: #91L-91  
STAFF MEMBER: Tamara Kapper

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

RESPONDENTS: Durkin for U.S. Senate and James Connelly, as  
treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)  
2 U.S.C. § 431(8)(A)

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on November 8, 1991. Attachment 1. The basis for the attached referral is the failure of Durkin for U.S. Senate and James Connelly, as treasurer (the "Committee"), to file forty-eight hour notifications ("48 Hour Notices") for four (4) contributions, in the form of loans, totaling \$38,000. John A. Durkin won the 1991 Primary Election to the U.S. Senate in the state of New Hampshire with 42 percent of the vote.

II. FACTUAL AND LEGAL ANALYSIS

See Attachment 2.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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**IV. RECOMMENDATIONS**

1. Open a MUR.
2. Find reason to believe that Durkin for U.S. Senate and James Connelly, as treasurer, violated 2 U.S.C. § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the appropriate letter, and the attached Factual and Legal Analysis and proposed conciliation agreement.

Lawrence M. Noble  
General Counsel

12/16/91  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

**Attachments:**

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Durkin for U.S. Senate and )  
James Connelly, as treasurer. )

RAD Referral #91L-91

(MUR)  
3463

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 20, 1991, the Commission decided by a vote of 4-0 to take the following actions in RAD Referral #91L-91:

1. Open a MUR.
2. Find reason to believe that Durkin for U.S. Senate and James Connelly, as treasurer, violated 2 U.S.C. 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the appropriate letter, and the Factual and Legal Analysis and proposed conciliation agreement, as recommended in the General Counsel's Report dated December 16, 1991.

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

Attest:

12-20-91  
Date

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

Received in the Secretariat:	Tues., Dec. 17, 1991 12:42 p.m.
Circulated to the Commission:	Tues., Dec. 17, 1991 4:00 p.m.
Deadline for vote:	Thurs., Dec. 19, 1991 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 6, 1991

James Connelly, Treasurer  
Durkin for U.S. Senate  
60 Lenz Street  
Manchester, NH 03102

RE: MUR 3463  
Durkin For U.S. Senate and  
James Connelly, as treasurer

Dear Mr. Connelly:

On December 20, 1991, the Federal Election Commission found that there is reason to believe Durkin for U.S. Senate (the "Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

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

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James Connelly  
Page 2

Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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

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

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at (202) 219-3690 or the toll free number, (800) 424-9530.

Sincerely,

*Joan D. Aikens*

Joan D. Aikens  
Chairman

Enclosures

Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement

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FEDERAL ELECTION COMMISSION  
FACTUAL & LEGAL ANALYSIS

RESPONDENTS: Durkin for U.S. Senate  
and James Connelly,  
as treasurer

MUR: 3463

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

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

According to 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid.

The Primary Election in the state of New Hampshire was held on September 11, 1991. Pursuant to the Act, the Respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from August 23 to September 8, 1990, within 48 hours of their receipt. A review of the Committee's 1990 October Quarterly Report identified the receipt of four (4) contributions during the period prior to the Primary Election that required written notifications. The contributions were received as follows:

<u>Name of Contributor</u>	<u>Date</u>	<u>Amount</u>
John A. Durkin (loan from candidate)	8/27/90	\$ 5,500
John A. Durkin (loan from candidate)	8/30/90	\$15,000
John A. Durkin (loan from candidate)	9/1/90	\$ 2,500
John A. Durkin (loan from candidate)	9/5/90	\$15,000
	TOTAL	\$38,000

The contributions were reported on Schedule C as loans from the candidate's personal funds. The Committee did not submit 48 Hour Notices for these contributions.

Therefore, there is reason to believe that Durkin for U.S. Senate and James Connelly, as treasurer, violated 2 U.S.C. § 434(a)(6) by failing to report campaign contributions in excess of \$1,000 received after the 20th day, but more than 48 hours before the primary election, within 48 hours of receipt of the contributions.

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F.E.C.  
SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of	)	
	)	
Durkin for U.S. Senate and	)	MUR 3463
James Connelly, as treasurer	)	
	)	
	)	

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On December 20, 1991, the Commission found reason to believe that the Durkin for U.S. Senate committee and James Connelly, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(6) by failing to file 48 Hour Notices for four (4) campaign contributions. The Commission also decided to offer to enter into preprobable cause conciliation with Respondents.

After receiving notification of the Commission's action, Respondents decided to enter into preprobable cause conciliation.

**II. ANALYSIS**

This Office recommends that the Commission approve the signed conciliation agreement.

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III. RECOMMENDATIONS

- 1. Accept the attached conciliation agreement with the Durkin for U.S. Senate committee and James Connelly, as treasurer.
- 2. Approve the appropriate letter.
- 3. Close the file.

Lawrence M. Noble  
General Counsel

Date 3/9/92

BY:   
Lois G. Lerner  
Associate General Counsel

Attachments

- 1. Proposed conciliation agreement
- 2. Photocopy of civil penalty check

Staff Assigned: Richard Denholm  
Tamara Kapper

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Durkin for U.S. Senate and ) MUR 3463  
James Connelly, as treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 12, 1992, the Commission decided by a vote of 6-0 to take the following actions in MUR 3463:

1. Accept the conciliation agreement with the Durkin for U.S. Senate and James Connelly, as treasurer.
2. Approve the appropriate letter, as recommended in the General Counsel's Report dated March 9, 1992.
3. Close the file.

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

Attest:

3-13-92  
Date

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

Received in the Secretariat:	Tues., March 10, 1992 11:40 a.m.
Circulated to the Commission:	Tues., March 10, 1992 4:00 p.m.
Deadline for vote:	Thurs., March 12, 1992 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 24, 1992

Mr. John A. Durkin, Esquire  
Moquin & Daley, P.A.  
212 Coolidge Avenue  
Manchester, NH 03102

RE: MUR 3463  
Durkin for U.S. Senate  
and James Connelly, as  
treasurer

Dear Mr. Durkin,

On March 12, 1992, the Commission accepted the conciliation agreement with Durkin for U.S. Senate and James Connelly, as treasurer (the "Committee"). I have enclosed a copy of the notification letter which is being sent to the Committee.

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

Sincerely,

*Richard M. Denholm #*

Richard M. Denholm, II  
Attorney

Enclosure

92040895344



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 24, 1992

FILED

Mr. James Connelly, Treasurer  
Durkin for U.S. Senate  
60 Lenz Street  
Manchester, NH 03102

RE: MUR 3463  
Durkin for U.S. Senate  
and James Connelly, as  
treasurer

Dear Mr. Connelly:

On March 12, 1992, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. § 434(a)(6), 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 Durkin for U.S. Senate and you, as treasurer.

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

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

Sincerely,

Richard M. Denholm, II  
Attorney

Enclosure  
Conciliation Agreement

cc: John A. Durkin

92040895345

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Durkin for U.S. Senate  
and James Connelly,  
as treasurer

)  
) MUR 3463  
)  
)

CONCILIATION AGREEMENT

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

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

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

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

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

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

1. Durkin for U.S. Senate is a political committee

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FEDERAL ELECTION COMMISSION  
OFFICE OF LEGAL COUNSEL  
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within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee of John A. Durkin.

2. James Connelly is the treasurer of Durkin for U.S. Senate.

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

4. According to 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid.

5. On the 1990 October Quarterly Report, Respondents disclosed the receipt on August 27, 1990 of a \$5,500 contribution in the form of a loan from the candidate, John A. Durkin. Respondents were required to file a 48 Hour Notice no later than August 29, 1990.

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6. On the 1990 October Quarterly Report, Respondents disclosed the receipt on August 30, 1990 of a \$15,000 contribution in the form of a loan from the candidate, John A. Durkin. Respondents were required to file a 48 Hour Notice no later than September 1, 1990.

7. On the 1990 October Quarterly Report, Respondents disclosed the receipt on September 1, 1990 of a \$2,500 contribution in the form of a loan from the candidate, John A. Durkin. Respondents were required to file a 48 Hour Notice no later than September 3, 1990.

8. On the 1990 October Quarterly Report, Respondents disclosed the receipt on September 5, 1990 of a \$15,000 contribution in the form of a loan from the candidate, John A. Durkin. Respondents were required to file a 48 Hour Notice no later than September 7, 1990.

V. Respondents failed to report four (4) campaign contributions in excess of \$1,000 received after the 20th day, but more than 48 hours before the primary election, within 48 hours of receipt of the contributions, in violation of 2 U.S.C. § 434(a)(6).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one thousand dollars (\$1,000), 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

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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. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement 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*  
Lois G. Lerner  
Associate General Counsel

3-23-92  
Date

FOR THE RESPONDENTS:

*John A. He...*  
(Name)  
(Position)

2-6-92  
Date

*Carole...*

92040895349



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3463

DATE FILMED 3-27-92 CAMERA NO. 3

CAMERAMAN Tim H

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3463 .

4/28/92

92040903062



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CLOSED**

Feb 12, 1992

700 7700  
Folder  
MUR Copy  
3463

**TWO WAY MEMORANDUM**

**TO:** Virginia Whitted  
OGC, Docket

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

**SUBJECT:** Account Determination for Funds Received

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FEDERAL ELECTION COMMISSION

22040903063

We recently received a check from John Durkin, check number 1348, dated Feb 6, 1992, and in the amount of \$ 1000.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

-----

**TO:** Philomena Brooks  
Accounting Technician

**FROM:** Virginia Whitted  
OGC, Docket

In reference to the above check in the amount of \$ 1,000.00, the MUR number is 3463 and in the name of DURKIN FOR U.S. SENATE. The account into which it should be deposited is indicated below:

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

Virginia Whitted  
Signature

April 2, 1992  
Date

JOHN A. DURKIN  
60 LENZ STREET  
MANCHESTER, NH 03102

2/87

1848

54 3/114

2-6-19 82

PAY TO THE  
ORDER OF

*Federal Electric Corp*

\$ 1000

*00*

*One Thousand*

DOLLARS

**First NH Bank, N.A.**  
NEW HAMPSHIRE'S LEADING BANK

FOR

*Mem 3463*

*J. A. Durkin*

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FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

Microfilm  
 Public Rcds  
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO  
THE PUBLIC RECORD IN CLOSED MUR 3643.

12/10/93

23043543353

**THE READER IS REFERRED TO ADDITIONAL MICROFILM LOCATIONS  
FOR THE FOLLOWING DOCUMENTS PERTINENT TO THIS CASE**

1. Memo, General Counsel to the Commission, dated September 22, 1992, Subject: Priority System Report. See Reel 354, pages 1590-94.
2. Memo, General Counsel to the Commission, dated April 14, 1993, Subject: Enforcement Priority System. See Reel 354, pages 1595-1620.
3. Certification of Commission vote, dated April 28, 1993. See Reel 354, pages 1621-22.
4. General Counsel's Report, In the Matter of Enforcement Priority, dated December 3, 1993. See Reel 354, pages 1623-1740.
5. Certification of Commission vote, dated December 9, 1993. See Reel 354, pages 1741-1746.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 10 1993

Jim Tomlin  
1435 Edinbrush St.  
San Mateo, CA 94402

RE: MUR 3643

Dear Mr. Tomlin:

On October 13, 1992, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Richard M. Denholm II  
Attorney

Attachment  
Narrative

Date the Commission voted to close the file: DEC 09 1993

23043543355

This matter was initiated by a complaint filed by the Democratic Congressional Campaign Committee. The matter involves allegations that the committee made expenditures greater than \$5,000 and failed to register and report. In response, the committee submitted a report and other financial information to the Commission. The committee stated that it received contributions of \$3,960.00 and made expenditures of \$8,538.01.

This matter has little or no impact on the process, involves no significant issue relative to the other issues pending before the Commission, involves no substantial amounts of money, reflects significant remedial action, involves a candidate who was not competitive in the race, and involves inexperienced actors.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 10 1993

Jim Tomlin, Treasurer  
Jim Tomlin Candidate for  
12th Congressional District  
1435 Edinbrush Street  
San Mateo, CA 94402

RE: MUR 3643

Dear Mr. Tomlin:

On October 13, 1992, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Jim Tomlin Candidate for 12th Congressional District and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Richard M. Denholm II  
Attorney

Attachment  
Narrative

Date the Commission voted to close the file: DEC 09 1993

23043543357

MUR 3643

Jim Tomlin for Cong

This matter was initiated by a complaint filed by the Democratic Congressional Campaign Committee. The matter involves allegations that the committee made expenditures greater than \$5,000 and failed to register and report. In response, the committee submitted a report and other financial information to the Commission. The committee stated that it received contributions of \$3,960.00 and made expenditures of \$8,538.01.

This matter has little or no impact on the process, involves no significant issue relative to the other issues pending before the Commission, involves no substantial amounts of money, reflects significant remedial action, involves a candidate who was not competitive in the race, and involves inexperienced actors.

23043543358



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 10 1993

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Leslie C. Francis  
Democratic Congressional Campaign  
Committee  
430 South Capitol Street  
Washington, DC 20003

RE: MUR 3643

Dear Ms. Francis:

On October 6, 1992, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Jim Tomlin Candidate for 12th Congressional District and Jim Tomlin, as treasurer, and Jim Tomlin. See attached narrative. Accordingly, the Commission closed its file in this matter. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Richard M. Denholm II  
Attorney

Attachment  
Narrative

Date the Commission voted to close the file: DEC 09 1993

73043543359

This matter was initiated by a complaint filed by the Democratic Congressional Campaign Committee. The matter involves allegations that the committee made expenditures greater than \$5,000 and failed to register and report. In response, the committee submitted a report and other financial information to the Commission. The committee stated that it received contributions of \$3,960.00 and made expenditures of \$8,538.01.

This matter has little or no impact on the process, involves no significant issue relative to the other issues pending before the Commission, involves no substantial amounts of money, reflects significant remedial action, involves a candidate who was not competitive in the race, and involves inexperienced actors.

23043543360