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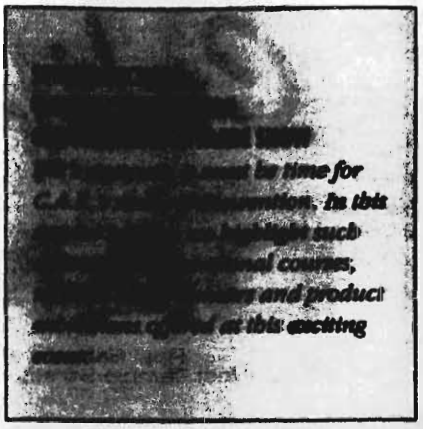

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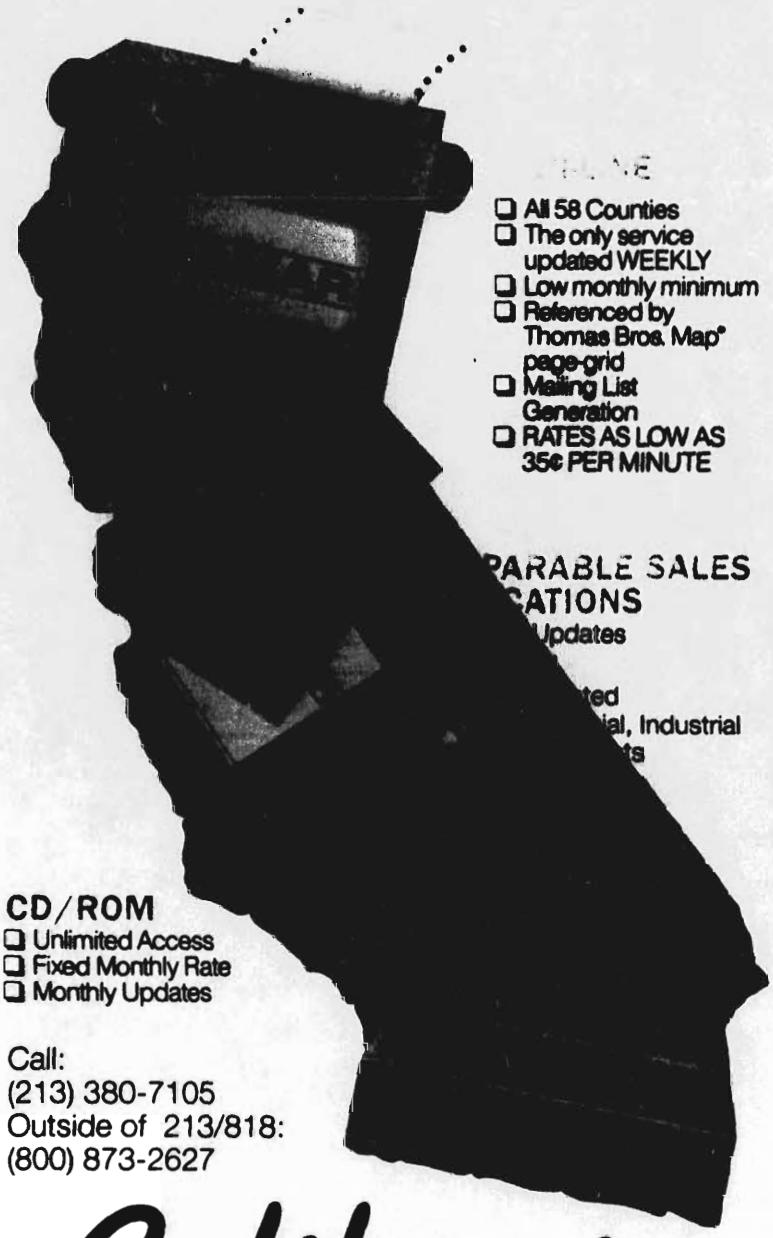

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MR. SEYMOUR GOES TO WASHINGTON

For this former C.A.R. president and public servant, it's been a heady eight months. Indeed, John Seymour has been on the fast track ever since Gov. Pete Wilson appointed him United States senator this past January. A staunch housing advocate, Seymour is a champion of the real estate industry and private property rights. On the following pages, *CALIFORNIA REAL ESTATE* magazine presents you with a profile highlighting Seymour's career and some of his personal philosophies. REALTORS®, meet Sen. John Seymour.

By Laura Meyers

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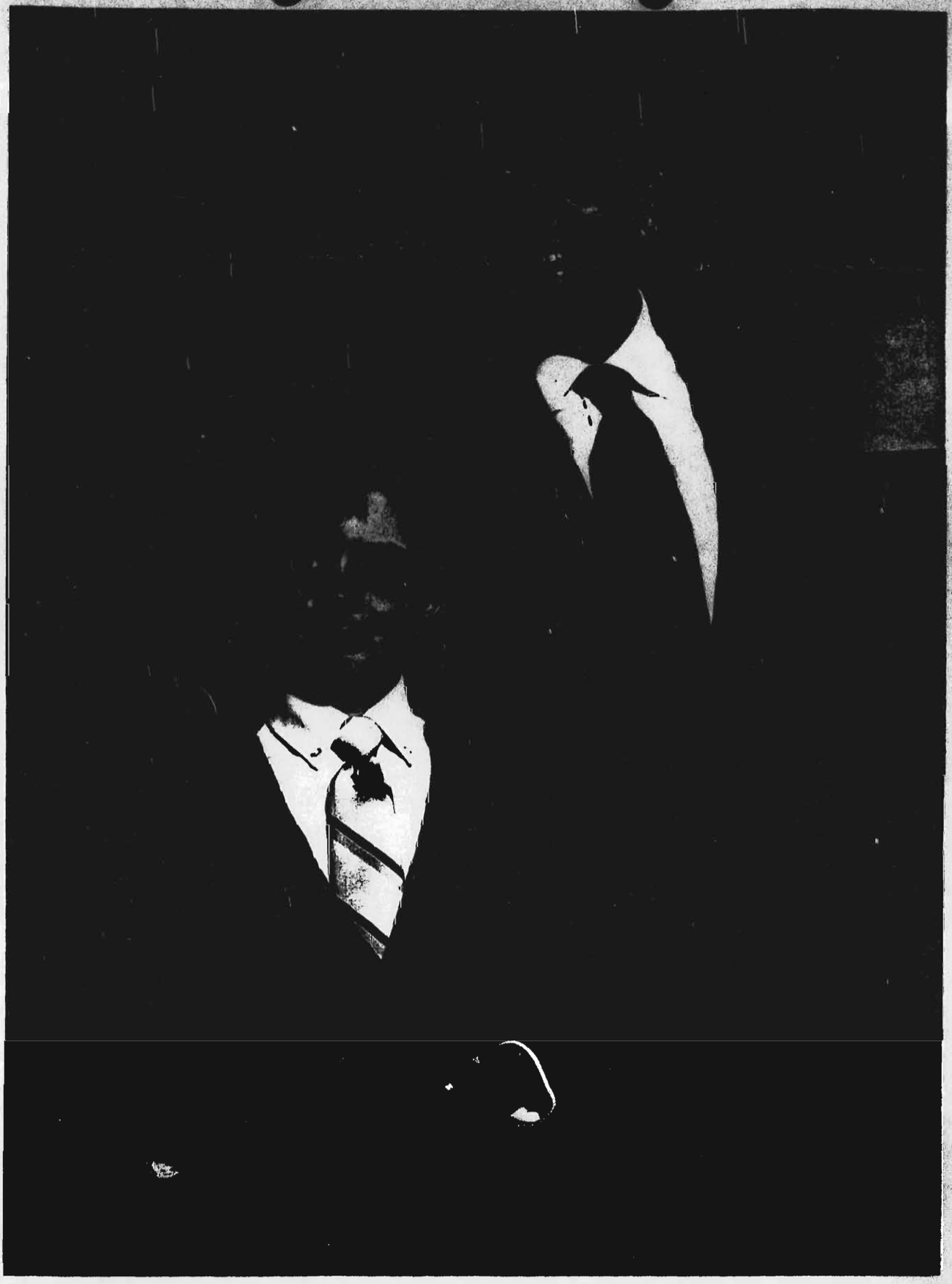

PHOTOGRAPHY BY AMY ETRA

Sen. John Seymour gets a little help on the campaign trail from son, Barrett.

The marble hallways of the Senate Building on Capitol Hill are quiet most weekends. In a non-election year, many legislators spend this leisure time relaxing with family and key supporters, working on policy but seldom stumping for votes. But for California's junior senator, John Seymour, each weekend brings red-eye flights and a grueling schedule of political fundraisers, media events and meetings with constituents. He's visited drought-hit farms and debt-plagued schools, talked with businesspeople, environmentalists, off-road enthusiasts, law enforcement officers and defense officials to name but a few groups. He's also met with hundreds, if not thousands, of individual constituents and attempted to handle their problems. "We have an open door policy — you don't need an appointment," says Seymour. "That's good politics."

"It takes a staff of 70 to keep up with him," acknowledges longtime aide, Bill Cranham, Seymour's chief of staff. "There's very little relaxation involved for him." Indeed, after a particularly arduous 15 hours during the Senate's Memorial Day break — a day that began at 5 a.m. and included, among other things, a helicopter ride to an aircraft carrier in the Pacific to greet returning troops, a plane ride to Imperial County to tour a mining operation, and a dusty gallop across the desert in an off-road vehicle — Seymour turned to a companion and sighed, "When did they change the definition of 'recess' to 'sweatshop'?"

Meet John Seymour, REALTOR® and past C.A.R. president, politician, public servant and now the freshman senator from California. Appointed by Gov. Pete Wilson in January to fill his unexpired Senate term, Seymour has no intention of adhering to the old adage that Washington newcomers, like children, should be seen and not heard. His first speech on the Senate floor and first vote supported the President's actions in the Persian Gulf. He has thrown in with Sen. Lloyd Bentsen (R-Texas) on "super-IRA" legislation, which would allow early withdrawal of certain retirement funds to pay for college, medical emergencies or to purchase first homes. And, he has stepped up his longtime campaign against drug abuse and criminality, personally delivering a federal check for $10.5 million to Los Angeles drug enforcement officials in June.

Still, the 53-year-old Seymour, like Wilson before him, wears a boyish grin and declares that he is parochial — and, doggone it, proud of it. "California first," he says. "I'm not a senator from California. I'm a senator for California."

Crisscrossing California as if it were a congressional district rather than a sprawling, 156,361 square-mile region of 30 million people, the senator is visiting each urban, agricultural and recreational nook and cranny. "This schedule is intense," admits Seymour. "Since I was appointed, I've had to hit the ground running. The job just requires that I spend a great deal of time in California getting to know the people and the issues."

John Seymour is running, and running hard. Ever since Wilson stunned politicos by selecting Seymour, then a state senator from Anaheim, to replace him in Washington, Seymour has been caught in the political fray. He's had to take blows from his own Republican party's ultraconservative right as well as from the Democrats, who gleefully proclaimed him vulnerable to their party heavyweights in next year's election. Both California Senate seats are up for election in 1992. The seat belonging to Sen. Alan Cranston, who is retiring, carries a six-year term. But pundits are calling Seymour's "the short seat" — a reference to the fact that whoever wins the 1992 confirmation election must run again in 1994 when Wilson's term would have ended. Rep. William Dannemeyer (R-Fullerton), Seymour's strongly conservative foe, has already declared a primary fight to the finish next year. And, as if that weren't enough to daunt the bravest soul, even the media have pegged Seymour as an underdog, describing him variously as "obscure, unknown" and merely a "caretaker" senator.

Seymour, the contender, may be an underdog, but he's fighting to win. "My son says I'm like Rocky," Seymour says. Maybe so, but this Rocky Balboa wears a Mickey Mouse wristwatch — no doubt a sentimental display of his 16 years as an Anaheim elected official (first as councilman, then as mayor and, finally, as state senator) and two decades of working in real estate under Mickey's watchful eyes. Like Rocky, Seymour says the odds are tough — but not insurmountable.

Even so, politics hasn't always been part of Seymour's game plan. Born in Chicago and raised near Pittsburgh, he served a four-year stint in the Marines before moving West in the late 1950s to major in business at UCLA. Seymour remembers that even earlier, "about the time I was 12 or 13 years old, I began thinking about making a lot of money. I had this dream of being a millionaire. Until I came to California, I just never thought I would find the opportunity to realize my dream in real estate."

Inspired by that dream, Seymour changed his college studies emphasis to real estate. But his first venture in the housing market was hardly auspicious. "I convinced these buddies to invest in a piece of real estate with me. Crazy," he says, chuckling. The five partners each put up $5,000 to purchase a dilapidated six-unit property in

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Venice for $25,000. "Those were the days of beatniks," Seymour recounts. The plumbing was held together by rust, the "beatniks" paid very low rents — when they paid at all — and Seymour, heady with confidence in the investment, turned down an offer for $30,000 a few months later. Bad move. Soon thereafter, city officials ordered the rundown units either demolished or completely rehabilitated, wiping out the partners' investment. Still, says Seymour, "that did not deter me from real estate."

After graduating in 1962, Seymour worked as a real estate loan trainee at California Bank (now First Interstate). "When I left there, my comment was: 'You should not have paid me, I should have paid you for all I learned,'" he remembers. For the next six months, he worked as a salesperson at Walker and Lee, then Orange County's largest real estate brokerage.

Two years later, Seymour walked into a Bank of America branch, armed with loan documents cosigned by his father, and borrowed $10,000 to start his own real estate company in Anaheim. "We started out in home resales. Then, we moved into property management. Eventually, I bought a mortgage company, and we moved into new developments and condo management. Ultimately, we did some new housing development ourselves. I had two corporations and employed 125 people by the time I sold the business in 1981 to be a full-time public servant," he says. During those years, Seymour brokered countless real estate transactions and invested in some two dozen partnerships that owned rental property.

But Seymour didn't spend all his time just working in real estate. In 1970, he was appointed to the Anaheim Planning Commission at a time when that city experienced a surge in growth. Local business leaders, impressed with his staunch support for individual property rights, convinced Seymour to run for City Council in 1974. He was elected mayor of Anaheim in 1978. (He is credited with luring the Rams from Los Angeles to Anaheim.)

Seymour's friendship with Wilson dates back to this period. Their working relationship began in 1976, when Seymour, then a councilman, and Wilson, then San Diego's mayor, were both delegates to a California League of Cities convention. They were immediate political soul mates, moderates and pragmatists on certain social issues (though it took many years and several seminal events for Seymour to switch his opinion on environmental legislation and women's rights) while hewing to the Republican line on support of business interests.

I spoke throughout the state, asking that question: 'Where will your children live?' What emanated from my (C.A.R.) presidency was a statewide organization, representing a broad spectrum of interests, called Californians for Housing.
— John Seymour

In addition to his civic activities, Seymour also became further involved with the real estate industry. Anaheim Board Executive Vice President Patricia Jones recalls when Seymour walked into her office years ago and complained about the way the Board conducted some of its business. "He was extremely upset. I said, 'Well, if you don't like the way things are, get onto the Board and change things.'"

He did. Within three years, Seymour had become Board president. "John's thrust was (to increase) professionalism within the industry. He organized seminars before there was required continuing education. For him, the issue was to become more professional and learn your job as a REALTOR®," says Jones. "And, he was very well-organized. He always carried a big yellow tablet and made notes. We'd laugh and say, 'Oh no, here comes John.' You would be left with a long list of things to do — and off he'd go, to the next project."

Seymour carried that yellow tablet with him to C.A.R. as well, where he was appointed to the Executive Committee in 1972. He remembers part of his initial emphasis: "I thought that real estate should be a profession, and education is the key," he states. Later, he became chair of C.A.R.'s Legislative Committee and pushed the Association to become even more active in state and local politics. By the time Seymour became C.A.R. president in 1980, he was leading the REALTORS®' charge for affordable housing statewide under the banner slogan: "Where Will Your Children Live?"

"Housing affordability and (helping) the first-time buyer was my whole theme," recounts Seymour. "I spoke throughout the state, asking that question: 'Where will your children live?' What emanated from my (C.A.R.) presidency was a statewide organization, representing a broad spectrum of interests, called Californians for Housing."

This was a critical time for Seymour. "I hadn't really planned on a political career," he says, "but

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The Seymour Record At A Glance

Housing Issues

As a California state senator, John Seymour:

- Was one of the first legislators to notice California's mortgage insurance guarantee problem. Proposed creating a state-administered mortgage guarantee insurance program. This year, the DRE awarded a contract for a major study of the feasibility of a state-sponsored mortgage guarantee program.
- Championed the cause of the California Housing Finance Agency (CHFA) and successfully sponsored a bill which specifically authorized CHFA to offer mortgage credit certificates to first-time homebuyers (passed).
- Supported bills extending the use and availability of mortgage revenue bonds for single-family residences and multifamily housing (passed).
- Was among the few legislators who expressed concern about the serious adverse effects of the 1986 Tax Act on rental housing. Carried bills to expand authorizaton of low-income housing tax credits (passed).
- Opposed legislation which would have capped state mortgage interest deductibility at $1 million (failed).
- Was an outspoken opponent of rent control and carried legislation which would have limited the application of rent control ordinances (failed).
- Carried a bill to set-up a first-time buyer downpayment savings program. Participants would have been able to make small lump sum and/or monthly investments in double tax-free bonds for up to ten years and defer state income taxes on such funds, for an effective investment yield of 21.5 percent (failed).
- Successfully carried legislation which compels cities and counties to include plans for new housing and maintenance of existing housing stock in the housing elements of their general plans (passed).
- Successfully carried a bill which clarified seller and broker disclosure obligations in the transfer disclosure statement (passed).

General Issues

Where he stands :

- Favors no new taxes.
- Favors cut in capital gains tax.
- Favors reduction of taxes on savings accounts.
- Supports "super-IRA" legislation.
- Favors balanced U.S. budget amendment.
- Favors line-item veto for president to eliminate "pork barrel" projects in appropriations packages.
- Opposes offshore drilling.
- Favors women's right to choose.
- Supports legislation to create affordable housing opportunities for first-time homebuyers.

As a U.S. senator, John Seymour:

- Wrote legislation to bring water to drought-stricken California and aid California farmers hurt by last winter's freeze (pending).
- Co-authored a bill to provide full funding for family planning clinics and a bill to allow federally funded clinics to dispense information on abortion as an option (pending).
- Sponsored environmental bills to restore habitat on the Upper Sacramento River for steelhead and Chinook salmon (pending).
- Introduced legislation to provide greater protection for nearly 400,000 acres in the Los Padres National

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Forest (pending).

- Co-sponsored bills in attempt to expand the Golden Gate National Recreation Area (pending).
- Authored amendment which takes 87 Pacific Ocean tracts out of consideration for offshore drilling until after the year 2000 and codifies the moratorium on drilling (pending).
- Voted for a proposal which would have provided a reduction over time to the payroll tax without endangering the solvency of the Social Security trust fund (pending).

Activities related to a federal omnibus crime package under consideration:

- Co-sponsored three federal anti-crime bills — to restore the death penalty, combat gangs and toughen penalties for crimes against women.
- Amended bill to include mandatory prison time for criminals who use minors to help them commit federal crimes.
- Amended bill to close loophole which previously allowed hundreds of armed career criminals to evade long prison terms.
- Amended bill on drug paraphernalia to include the sale and distribution of scales, growing devices and testing equipment.
- Amended bill to include a national study on battered women's syndrome and its impact in criminal proceedings.

Back Home

As a state senator, Seymour:

- Co-chaired 1990's Speedy Trials Initiative (passed).
- Voted for the state Clean Air Act of 1988 (passed).
- Authored dozens of criminal justice bills, including legislation which increased penalties for assaults on school teachers (passed) and the "use a kid in crime go to prison" bill (passed).
- Supported oil spill clean-up legislation in 1989 and 1990 after the Alaska and Huntington Beach oil spills (passed).
- Carried more than a dozen trucking safety bills, including legislation regulating speeding trucks (passed), monitoring the number of hours a commercial trucker may be on the road (failed) and mandating the use of hand brakes (passed).
- Co-authored bills to allow the private construction of Orange County's first toll roads (passed).
- Sponsored bills to expand vocational and special education programs (passed).
- Sponsored a bill to create incentives for year-round schools (failed).
- Sponsored key legislation promoting drug and alcohol education and rehabilitation (passed), as well as bills against drunk driving (passed). Authored legislation for drug-free workplaces (passed) and to allow workplace drug testing (failed).
- Sponsored "college savings bonds" bill to allow parents to invest tax-free to provide future tuition (failed).
- Voted for assault weapons ban (passed).
- Voted for divestiture of state funds from firms doing business in South Africa (passed).
- Sponsored legislation to criminalize the sale and possession of rock cocaine (passed).
- Chaired Senate Select Committee on Substance Abuse, enacting bills to create a five-year master plan to combat drug and alcohol abuse (passed).
- A Senate leader in the battle against drunk driving by motorists, boaters and commercial truckers.

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once I got in. I realized the power of government, and the impact government can have on people's lives and property." In 1980, after his election to another term as Anaheim mayor, Seymour decided "to give up my businesses and devote myself fully to public service." He says both he and his wife, Judy, knew "we would have to live our lives in a fishbowl and that the financial rewards of being a businessman and an entrepreneur would no longer be there."

But, by this time, he was well-established in the world of public service and had become a masterful orator, notes REALTOR® Seb Sterpa, also a former C.A.R. president who now chairs the California Housing Finance Agency (CHFA). "John Seymour was possibly the most articulate C.A.R. president we had — especially with respect to bringing housing issues to the attention of those outside the real estate industry," remarks Sterpa. "He was extremely popular because of his charisma, and he can really motivate a crowd."

As a state senator, Seymour was an effective and pragmatic legislator and dealmaker. He enjoyed the sometimes heated give-and-take scuffles of Sacramento negotiating and policymaking. With affability and near-boundless energy, he typically carried 60 to 70 legislative bills each year, sometimes parting ways and even engaging in pitched battle with conservative Republicans on education and housing affordability issues. He is widely credited with building the consensus that encouraged SB 813, a landmark education reform bill in 1983, which was stalled by Senate Republicans. He also supported increasing teachers' salaries and pushed the insurance industry into offering liability insurance to daycare operators. Indeed, it was Seymour's nonpartisan problem-solving approach that made him an adroit legislator, one who was able to carve out compromises on numerous significant issues. He's a strong opponent of rent control — but also pushed legislation (SB 1290) that encouraged the construction of low-income housing units through state tax credits.

"What drives people in the political world nuts about John," says Seymour staffer and friend Cranham, "is that he doesn't fall on the philosophical sword. He doesn't hold political grudges, and he doesn't believe in litmus tests. He believes you are elected to implement good public policy that will benefit the greatest number of people.

John Seymour was possibly the most articulate C.A.R. president we had — especially with respect to bringing housing issues to the attention of those outside the real estate industry.
— Seb Sterpa

"He has the ability not just to articulate ideas, but to carry those ideas to the larger body and get them through the administrative process," Cranham further observes. "He's a competitor, and doesn't like to lose at anything he undertakes. He plays to win. And, while he takes that seriously, John also has a somewhat childlike detachment from it. He doesn't dwell on the victory or the loss. The lessons are not lost on him — but he moves on to the next issue."

In 1990, Seymour hoped to be Wilson's running mate in the latter's quest for the governorship. But Seymour's primary campaign for lieutenant governor faltered against fellow Orange County Republican Marian Bergeson, a rock-ribbed conservative who beat Seymour even in their home territory. Due to this loss, no one really expected Seymour would replace Wilson in Washington this year. When the phone call came last December — Seymour was on a family ski trip in the Sierras—he was as stunned as everyone else, but quickly decided to take on the challenge.

With his wife in charge of renting a new home in Virginia (two of their six children — three from his first marriage, one from hers and two together — still live at home), John Seymour was off and running in Washington, faced with the Gulf crisis and a national recession. Though a quick study, Seymour usually holds back his opinion until he has all the facts. Said Wilson of his appointee, "The issues are new and complex, and John is not a hip-shooter."

He is, however, firm in his conservative beliefs. "The voters should know that I represent some very basic conservative values," purports Seymour. "I believe in a balanced federal budget. I believe in presidential power to line-item veto. I believe in the reduction of the capital gains tax — it would create jobs. Yes, real estate would be helped, but it would help the economy. I am a conservative on foreign policy and when it comes to law and order issues. I support the death penalty."

But he breaks ranks with conservatives on certain social issues. "I believe our economic survival as a democracy is dependent on the quality of education we give our young people. I support education spending. I'm also a believer in

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women's rights — whether it's a woman's right to choose or to compete equally with men in the business world."

On environmental issues, Seymour, influenced by back-to-back oil spills in Alaska and Huntington Beach, has slowly changed some of his previous positions. One of his first major efforts in Washington has been to try to forge a compromise on the Desert Protection Act, legislation sponsored by Sen. Cranston and opposed by Wilson when he was a senator. Seymour has met with parties opining positions on all sides of the issue — environmentalists wanting more lands protected, others who want more of the desert opened to recreation — and hopes to come up with a bill that all factions can live with.

Regarding his campaign back in California, Seymour says, "I want REALTORS® very much involved, because REALTORS® represent the heartbeat of any community in California and mine is a grass roots effort. They are at the grass roots of California. Successful REALTORS® know everybody in town, they know the whole town, block by block, neighborhood by neighborhood. I want their support because I represent them in my philosophy — as it relates to private property rights and support for first-time homebuyers."

This past April, in a speech before the NATIONAL ASSOCIATION OF REALTORS®, Seymour lauded the profession for its "pioneering spirit" and "entrepreneurial drive." He explained, "Homeownership is the stuff that American dreams are made of, and we as REALTORS® are a profession of pioneers, of risk-takers, of dreamers and doers, committed to personal success, to be sure, but also committed to making a difference to our communities and our country."

Seymour equates the American dream with the "ability to have a piece of the action. But that dream is evaporating for many young people," he says. Indeed, his own two eldest children would not own homes were it not for their parents' help. The Seymours loaned their daughter and her husband money for a downpayment on their first home, and are equity partners with their son and his wife on that couple's starter home. "I realize how difficult it is for them — or any young person — to come up with a downpayment or to qualify for loans today. That's one reason why I'm an original coauthor, with Lloyd Bentsen, of the super-IRA bill, which is one of the broader incentives to save, but which will not be an easy bill to pass."

REALTORS® are a profession of pioneers, of risk-takers, of dreamers and doers, committed to making a difference to our communities and our country.

— Sen. John Seymour

Seymour told REALTORS® at N.A.R. that unless "we rebuild a strong housing market, we cannot rebuild a strong American economy. When housing slips, America slides. It's as simple as that." He already has carried his interest in housing issues to the federal level. Seymour is pushing legislation that would make federal low-income housing tax credit programs permanent, and wants to see the mortgage credit certificate and mortgage revenue bond programs reauthorized. He also supports federally mandated enterprise zones to help create jobs. "If we can provide a jobs-housing balance, then we can have an inviting environment for business expansion. And, housing is an important part of the infrastructure for economic growth."

Before he helps build the California of the future, however, Seymour first must win in 1992. In a recent statewide *Los Angeles Times* poll, a vast majority — nearly 80 percent — of California voters said they know so little about John Seymour that they couldn't assess whether they like him or not. For a victory in 1992, Seymour must build statewide name identification now — and must raise roughly $20 million to fund the campaign, to boot. It helps, of course, that important early endorsements have been coming to Seymour. The Howard Jarvis Taxpayers Association weighed in with support this past spring and, in June, President Bush strongly endorsed Seymour in the Senate race.

So, though daunting, the challenge Seymour faces won't go unmet. As those around him attest, he is a fierce competitor. "I have played tennis with him, and I am a ranked tennis player. He's not," says Clark Wallace, a friend since their C.A.R. Executive Committee days and the newly appointed Commissioner of the California Department of Real Estate. "Doesn't stop him though. He would go for everything I sent him — very aggressive, very competitive. He plays hard, he plays to win. Except in tennis, he seldom loses, and that tells you a little about his life."

Laura Meyers is a Los Angeles-based freelance writer.

9204090339

The best thing that ever happened to one young couple was the down payment their grandparents gave them.

The second best thing was Casey O'Mara.

9204090334 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 7, 1991

Glen Peterson
Cornell Realty
30423 Canwood, #214
Agoura Hills, CA 91301

Dear Mr. Peterson:

This is to acknowledge receipt on October 4, 1991, of your letter dated September 28, 1991. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

You must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. A statement by the notary that the complaint was sworn to and subscribed before him/her will be sufficient. We are sorry for the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission. If you have any questions concerning this matter, please contact Retha Dixon, Docket Chief, at (202) 219-3410.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure

cc: Respondent

92040903341

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 7, 1991

Mack Powell, President
California Real Estate
525 S. Virgil Avenue
Los Angeles, CA 90020

Dear Mr. Powell:

On October 4, 1991, the Federal Election Commission received a letter alleging that California Real Estate violated sections of the Federal Election Campaign Act of 1971, as amended. As indicated from the copy of the enclosed letter addressed to the complainant, those allegations do not meet certain specified requirements for the proper filing of a complaint. Thus, no action will be taken on this matter unless the allegations are refiled meeting the requirements for a properly filed complaint. If the matter is refiled, you will be notified at that time.

This matter will remain confidential for 15 days to allow for the correction of the defects. If the defects are not cured and the allegations are not refiled, no additional notification will be provided and the file will be closed.

If you have any questions, please call Retha Dixon, Docket Chief, at (202) 219-3410.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
Copy of Improper Complaint
Copy of letter to the Complainant

92040903342

CORNELL REALTY

30423 Canwood, #214 • Agoura Hills, CA 91301
Off.: (818) 706-1983 Res.: (818) 991-2833
Fax: (818) 706-1982

9/28/91

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 OCT 22 AM 9:30

General Councel
Federal Election Commission
999 E Street NW
Washington, DC 20463

Dear Sirs,

My letter is in response to a mailing I received last week from the California Association of REALTORS® (CAR) which was an advertisement for the candidacy of John Seymour for Senator from the State of California. My concerns are as follows:

1. Is it legal for a corporation (CAR) to spend money in favor of a candidate for public office on a federal level? Is this promotional card or California Real Estate a violation of law?

2. Does this promotional card require information as to the Committee, Committee Number, and address of Committee? I phoned the telephone number and received a recorded message (5 times).

I have sent this letter to the California Fair Political Practices Commission and they said it is not within their jurisdiction. They gave me your address and I would appreciate a response. Thank you for your time.

Best Wishes

Glen Peterson
REALTOR®/ Owner

GP/mc

P.S. I received your letter dated October 7th 1991 from Lois G. Lerner in which she said I needed to have this complaint signed in the presence of a notary and notarized. Attached is the notary jurat asked for.
GP

92040903343

9 2 0 4 0 2 0 3 3 4 4.

STATE OF CALIFORNIA
COUNTY OF Ventura } ss

On this 11th day of October, in the year 1991
before me, the undersigned, a Notary Public in and for said County and State,
personally appeared Glen Peterson

~~personally known to me or~~ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that ~~he/she or they~~ executed it.

Signature Karen Hawkins
Notary Public in and for said County and State

FOR NOTARY SEAL OR STAMP

OFFICIAL NOTARY SEAL
KAREN HAWKINS
Notary Public — California
VENTURA COUNTY
My Comm. Expires JUL 12,1995

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1991

Glen Peterson
Cornell Realty
30423 Canwood, #214
Agoura Hills, CA 91301

Dear Mr. Peterson:

This is to acknowledge receipt on October 22, 1991, of your letter dated September 28, 1991. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint be **sworn to** and signed in the presence of a notary public and notarized. Your letter was not properly sworn to.

You must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. A statement by the notary that the complaint was sworn to and subscribed before him/her will be sufficient. We are sorry for the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

If you have any questions concerning this matter, please contact Retha Dixon, Docket Chief, at (202) 219-3410.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9204090334 5

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

92 JAN 31 AM 10:39

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 JAN 31 PM 3:47

Glen Peterson
Cornell Realty
30423 Canwood, #214
Agoura Hills, CA 91301

Dear Mr. Peterson:

This is to acknowledge receipt on October 22, 1991, of your letter dated September 28, 1991. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint be **sworn to** and signed in the presence of a notary public and notarized. Your letter was not properly sworn to.

You must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. A statement by the notary that the complaint was sworn to and subscribed before him/her will be sufficient. We are sorry for the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

If you have any questions concerning this matter, please contact Retha Dixon, Docket Chief, at (202) 219-3410.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

92040903346

Sirs —

I find this Response Ridiculous. I went to a Notary and Signed the statement and she placed the jurat on the statement which stated that I swore to the above - If you want to waste taxpayer money and time send me the correct jurat and I will go back to the Notary! this matter was a question of the ability of the Candidate to do Something.

Sincerely Glen Peterson

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 3, 1992

Glen Peterson
Cornell Realty
30423 Canwood, #214
Agoura Hills, CA 91301

Dear Mr. Peterson:

This is to acknowledge receipt on January 31, 1992, of your letter making reference to your letter dated September 28, 1991. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter was notarized but it was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this _____ day of _____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We are sorry for the inconvenience that these requirements may have caused you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

The file regarding this correspondence will remain confidential for a 15 day time period during which you may file an amended complaint as specified above. If the defects are not cured and the allegations are not refiled, no additional notification will be provided and the file will be closed.

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,

Retha Dixon

Retha Dixon
Docket Chief

92040903347

92 FEB 10 PM

CORNELL REALTY

30423 Canwood, #214 • Agoura Hills, CA 91301
Off.: (818) 706-1963 Res.: (818) 991-2833
Fax: (818) 706-1962

2/6/92

General Councel
Federal Election Commission
999 E Street NW
Washington, DC 20463

MUR 3474

9204090334 8

Dear Sirs,

My letter is in response to a mailing I received last week from the California Association of REALTORS@ (CAR) which was an advertisement for the candidacy of John Seymour for Senator from the State of California. My concerns are as follows:

1. Is it legal for a corporation (CAR) to spend money in favor of a candidate for public office on a federal level? Is this promotional card or California Real Estate a violation of law?

2. Does this promotional card require information as to the Committee, Committee Number, and address of Committee?

If these mailings are not legal I wish to file a formal complaint. Thank you for your time.

With frustration at this process, I remain,

Glen Peterson
REALTOR@/ Owner

Subscriced and sworn to before me on this 6th day of Feb. 1992

Notary Public
Pamela Endicott Lind

OFFICIAL SEAL
PAMELA ENDICOTT LIND
Notary Public-California
LOS ANGELES COUNTY
My Commission Expires
September 25, 1994

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 19, 1992

F. Laurence Scott, Jr., Treasurer
U.S. Senator John Seymour Committee
150 Paularino Avenue
Suite 275
Costa Mesa, CA 92626

RE: MUR 3474

Dear Mr. Scott:

The Federal Election Commission received a complaint which alleges that the U.S. Senator John Seymour Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3474. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 matter to be made public. 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.

92040903349

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 19, 1992

Glen Peterson
2936 Triunfo Canyon Road
Agoura Hills, CA 91301

RE: MUR 3474

Dear Mr. Peterson:

This letter acknowledges receipt on February 11, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the California Association of Realtors and U.S. Senator John Seymour Committee and F. Laurence Scott, Jr., as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3474. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

George Rishel
Assistant General Counsel

Enclosure
Procedures

9204090335 0

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

George Rishel

George Rishel
Assistant General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

92040903351

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 19, 1992

California Association of Realtors
525 S. Virgil Avenue
Los Angeles, CA 90020

RE: MUR 3474

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the California Association of Realtors may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3474. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the California Association of Realtors in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 matter to be made public. 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.

92040903352

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

George Rishel
Assistant General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

92040903353

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

92 MAR -5 AM 10: 09

CALIFORNIA ASSOCIATION OF REALTORS®

Executive Offices • 525 South Virgil Avenue, Los Angeles, California 90020 • (213) 739-8200

JUDITH K. HERZBERG
Senior Counsel
Board & Association Legal Services

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

92 MAR -5 PM 3: 37

March 3, 1992

Federal Election Commission
Office of General Counsel
George Rishel, Assistant General Counsel
999 E Street, N.W.
Washington, DC 20463

Re: MUR 3474

Dear Mr. Rishel:

The CALIFORNIA ASSOCIATION OF REALTORS® (C.A.R.) takes this opportunity to respond to the letter filed by Mr. Glen Peterson, who was in 1991 and continues to be a member of C.A.R. C.A.R. is a voluntary trade association whose members consist of local Boards of REALTORS® in California and approximately 130,000 persons licensed by the State of California as real estate brokers and salespersons who are members of local Boards. The stated mission of C.A.R. is to serve its membership in developing programs and services which will enhance the members' freedom and ability to conduct their individual businesses successfully, with integrity and competency, and through collective action, to promote the preservation of real property rights. C.A.R. is exempt under I.R.C. §501(c)(6).

C.A.R. also believes that active involvement in political activity is a privilege and responsibility of every citizen and strives to inform and educate its members accordingly. To that end when John Seymour, a REALTOR® and a past president of C.A.R., was appointed by Governor Wilson to fill a senate vacancy in California, C.A.R. explored the various avenues of educating its members about Senator Seymour and his position on real estate related issues.

Since Senator Seymour is a candidate for election in 1992, C.A.R. directors voted to institute a partisan communication effort as defined in 2 U.S.C. §431 (9)(b) and specifically permitted by 2 U.S.C. §441(b)(b). (See attached motion) The expenditures, and communications referred to by Mr. Peterson are a part of this internal effort.

9204090354

REALTOR® – is a registered mark which identifies a professional in real estate who subscribes to a strict Code of Ethics as a member of the NATIONAL ASSOCIATION OF REALTORS®

EQUAL HOUSING OPPORTUNITY

Given this background the questions posed by Mr. Peterson are easily answered.

1. Is it legal for a corporation (C.A.R.) to spend money in favor of a candidate for public office on a federal level?

Although corporate contributions and expenditures are indeed prohibited under 2 U.S.C. §441 (b)(b), C.A.R. has not made any such contributions or expenditures. Funds have been expended to communicate to its members only and such partisan communications are specifically permitted pursuant to 2 U.S.C. §431 (9)(b) and regulated in 11 C.F.R. §114.3. C.A.R. is organized to support its members in their business activities and is not a political organization.

2. Is the promotional card a violation of the law?

The postcard referred to by Mr. Peterson, was mailed to C.A.R. members as a part of its overall educational effort to introduce California's newest Senator to C.A.R. members and is permitted as a partisan communication. The postcard was produced by C.A.R. and communicates the views of C.A.R.

3. Is the article in California Real Estate a violation of the law?

The article published in California Real Estate was a communication to our members to acquaint them with the newest Senator of California, who also happens to be a REALTOR® and past president of the Association. Because Senator Seymour was president in 1980 and the membership has changed considerably since that time it seemed appropriate to inform and educate members about him. Rather than a partisan communication this article is informative on a new state senator. Even if characterized as a partisan communication the article was produced by C.A.R., reflects the specific perspective of C.A.R. and is in the official magazine of C.A.R. mailed to every member as part of the membership dues.

4. Does this promotional card require information as to the committee, committee number, and address of the committee?

C.A.R. is not a political committee as defined in 2 U.S.C. §431, and therefore, it is not required to provide such information.

9204090335 5

We appreciate the opportunity to respond to Mr. Peterson's inquiry and trust that the information clarifies his misunderstanding of C.A.R.'s endeavors and the fact that C.A.R.'s activities are permissible and warrant no further actions by the Commission. We are happy to provide the Federal Election Commission with any further information it deems appropriate.

Very truly yours,

Judith K. Herzberg
Senior Counsel

JKH/rg

State California

County of Los Angeles

OFFICIAL NOTARY SEAL
DONALD J. HALL
Notary Public — California
LOS ANGELES COUNTY
My Comm. Expires SEP 10, 1995

Subscribed and sworn to before me this 4th day of March, 1992.

(Signature of Notary)

(Seal of Notary)

92040903356

that the following be nominated to serve as N.A.R. Directors for a three-year term ending November 1994:

N.A.R. Directors

Region	Nominee	Board
3	Mack Powell	Sacramento
4	Louis Steinberg	Sonoma Co.
6	William E. Brown, Jr.	Oakland
8	Nicki Boberg	San Francisco
11	Alex Manos	Conejo Valley
14	Charles "Pat" Boss	Idyllwild
15	D. Cary Watkins	Victor Valley
16	Lois Jeane Moulton	Pasadena
17	Hosea White	Southwest Los Angeles
18	Jennie Stabile	San Fernando Valley
19	Mickie Constantino	San Jose
20	Richard J. Rosenthal	Venice-Marina Del Rey
21	Joseph T. Barnett	Palos Verdes Estates
22	W. Ed Deal	Long Beach
23	Patricia W. Neal	W. Orange County
26	Dale Colby	E. San Gabriel Valley
27	R.E. "Mitch" Davis	Santa Clarita Valley
29	Betty "B.J." Johnson	San Dieguito
30	Truman Brooks	So. San Diego Bay Cities
32	Shirley Commons Long	Hunt. Beach Fount. Vly
32	Stan H. Sabin	Hunt. Beach Fount. Vly

It was moved and CARRIED to approve.

Political Affairs Committee

Lou Steinberg, Chairman, reported on the following recommendations:

Endorsing Candidates for Public Office

1. That C.A.R. should continue to adhere to the policy of refraining from endorsing candidates for public office. C.A.R. political "support" should only be provided to candidates under the most unique circumstances.

9204090357

Further that C.A.R. "support" the candidacy of John Seymour for United States Senator from the State of California in the November 1992 election because he is a statewide candidate for office, a past President of C.A.R., has been recommended to receive financial "support" from CREPAC Federal and has served well and diligently the interest of the real estate industry throughout his career.

It was moved and CARRIED to approve.

2. In further "support" of CREPAC's motion recommending that RPAC contribute $5,000 to the candidacy of past C.A.R. President John Seymour for United States Senator in the November 1992 election, C.A.R. will also support and work on behalf of John Seymour consistent with all legal and/or financial rules, regulations or constraints. C.A.R.'s support may include the following:

RPAC Contributions

* member education plans
* member mobilization plans
* partisan communications to C.A.R. members using various communication vehicles (e.g., California Real Estate Magazine, CARNET, direct mail.)
* Seymour meeting appearances
* Campaign updates to members
* voter registration drives

Any C.A.R. activities designed to further "support" the campaign of the candidate that involve the utilization of C.A.R.'s resources and that have a material budgetary impact must have the approval of the appropriate committee(s) and C.A.R.'s Board of Directors.

It was moved and CARRIED to approve.

~~Janet Cristiano, Chairman, reported the recommendation that C.A.R. "support" the position that arbitration with members of the public utilizing Board facilities be optional with the member of the Board.~~

~~Professional Standards Committee~~

~~Public Arbitration AD HOC Committee~~

92040903358

LAW OFFICES OF
NIELSEN, MERKSAMER,
PARRINELLO, MUELLER & NAYLOR
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

SACRAMENTO
770 L STREET, SUITE 800
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 446-6752

591 REDWOOD HIGHWAY, #4000
MILL VALLEY, CALIFORNIA 94941
TELEPHONE (415) 389-6800

SAN FRANCISCO
650 CALIFORNIA STREET, SUITE 2650
SAN FRANCISCO, CALIFORNIA 94108
TELEPHONE (415) 389-6800

March 3, 1992

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAR -6 PM 3:42

George Rachel
Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C., 20463

Re: MUR 3474

Dear Mr. Rachel:

As counsel to the U.S. Senator John Seymour Committee, we are responding to the complaint that was filed by Glen Peterson regarding a California Association of Realtors' (CAR) partisan communication to its restricted class members.

The Seymour Committee was aware that CAR intended to write an article about the Senator to be published to its restricted class members in its monthly publication. The committee was told that CAR hired a free-lance writer (Laura Meyers) to follow the Senator around the state for part of a day asking him questions throughout the day's events. CAR also hired its own photographer to take pictures of Senator Seymour throughout the day. It is our understanding that this mailing was a partisan communication sent to CAR's restricted class member mailing list, as permitted by law. 11 CFR § 114.3 (c)(1)

If you have any further questions regarding this communication, please do not hesitate to contact us at (415) 389-6800.

Sincerely,

Lezlee H Westine

Lezlee H. Westine

LHW/cn

cc: Jeffrey Long

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
92 MAR -6 AM 11:44

92040903359

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3474

NAME OF COUNSEL: Lezlee H. Westine

ADDRESS: Nielsen, Merksamer, Parrinello, Mueller & Naylor
591 Redwood Highway #4000
Mill Valley, CA 94941

TELEPHONE: (415) 389-6800

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAR -6 PM 3:42

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

3/3/92
Date

Signature

RESPONDENT'S NAME: Lezlee H. Westine on behalf of U.S. Senator John Seymour Committee

ADDRESS: Nielsen, Merksamer, Parrinello, Mueller & Naylor
591 Redwood Highway, #4000
Mill Valley, CA 94941

HOME PHONE:

BUSINESS PHONE: (415) 389-6800

92040903360

CALIFORNIA ASSOCIATION OF REALTORS®

Executive Offices • 525 South Virgil Avenue, Los Angeles, California 90020 • (213) 739-8200

JUDITH K. HERZBERG
Senior Counsel
Board & Association Legal Services

92 MAR 30 PM 5:30 Mar 30 12 02 PM '92
RECEIVED FEDERAL ELECTION COMMISSION MAIL ROOM
RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL

March 23, 1992

Federal Election Commission
Office of General Counsel
George Rishel, Assistant General Counsel
999 E Street, N.W.
Washington, DC 20463

Attn: Jeffrey Long

Re: MUR 3474

Dear Mr. Long:

You have asked for further information in connection with the partisan communication efforts C.A.R. is conducting, specifically regarding the postcard C.A.R. mailed to its members, the article that appeared in *California Real Estate* and the reference to "REALTORS® for Seymour." I would take the opportunity to address each of these separately.

Postcard

The postcard was mailed to 126,244 C.A.R. members on August 27, 1991. The cost of this mailing, $30,580.01, was reported to the Federal Election Commission.

California Real Estate Magazine

California Real Estate Magazine is the official magazine of the CALIFORNIA ASSOCIATION OF REALTORS®. Subscription to the magazine is included in the dues each member pays. The magazine is sent to approximately 125,000 members of the Association. Approximately 900 additional copies are distributed to nonmembers, this includes academic libraries, educators, news agencies, legislators and the advertisers/agencies and other contributors to the magazine.

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REALTOR® – is a registered mark which identifies a professional in real estate who subscribes to a strict Code of Ethics as a member of the NATIONAL ASSOCIATION OF REALTORS®

It is important to note, however, that the article appearing in *California Real Estate* magazine is not necessarily a partisan communication but rather an informative piece on California's newest senator. In any event, the number of nonmembers is approximately 1/125th of total circulation, a *de minimus* figure.

The magazine is not sold on the newsstand but is available by subscription to those entities that initiate a request. C.A.R. does not actively solicit nonmember subscriptions.

California REALTORS® for Seymour

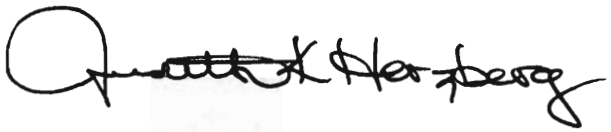
The postcard subject of the complaint uses the term "REALTORS® for Seymour." There is no group, to my knowledge, so named at this time. The reference was a semantical term to underscore the fact the postcard was directed to REALTORS®, developed and sent by REALTORS® and was a partisan communication exclusively within the REALTOR® organization.

As is shown in the attachment to our previous letter, the directors of C.A.R. authorized an internal task force to coordinate the partisan communication efforts within C.A.R. This group is known as the "Seymour Coordinating Committee." The "hotline" referenced in the postcard is funded by and operated by C.A.R. and is known as the "C.A.R. Opportunity Race Hotline." Additionally, the NATIONAL ASSOCIATION OF REALTORS® has contributed funds to C.A.R. in furtherance of the partisan communication effort. The calls are screened and returned by members of C.A.R.'s Seymour Coordinating Committee. This is all part of the partisan communication effort. No one has access to the hotline except C.A.R. staff and volunteers.

When real estate professionals join a local Board of REALTORS® they also join C.A.R. and N.A.R., and are members of all three Associations. N.A.R., as the "parent" of C.A.R., is contributing funds to the partisan communication effort, which is specifically permitted by law.

I trust this answers the questions you asked in our telephone conversation of Thursday, March 19, 1992. If you have further questions please do not hesitate to contact me.

Very truly yours,



Judith K. Herzberg
Senior Counsel

JKH/rg

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State California

County of Los Angeles

Subscribed and sworn to before me this 23rd day of March, 19 92.

Donald L. Hall
(Signature of Notary)

OFFICIAL NOTARY SEAL
DONALD L. HALL
Notary Public — California
LOS ANGELES COUNTY
My Comm. Expires SEP 10,1995

(Seal of Notary)

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F.E.C.
SECRETARIAT

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 3474
DATE COMPLAINT RECEIVED
BY OGC February 11, 1992
DATE OF NOTIFICATION TO
RESPONDENTS February 19, 1992
STAFF MEMBERS George F. Rishel
Jeffrey D. Long

COMPLAINANT:	Glen Peterson
RESPONDENTS:	U.S. Senator John Seymour Committee and F. Laurence Scott, Jr. as treasurer California Association of Realtors
RELEVANT STATUTES:	2 U.S.C. § 431(9)(B)(i) 2 U.S.C. § 431(9)(B)(iii) 2 U.S.C. § 441b 2 U.S.C. § 441d 11 C.F.R. § 100.8(b)(4) 11 C.F.R. § 104.6 11 C.F.R. § 110.11(a)(1)(iv)(B) 11 C.F.R. § 114.3 Advisory Opinion 1978-97 Advisory Opinion 1980-71 Advisory Opinion 1984-23
INTERNAL REPORTS CHECKED:	Disclosure Reports
FEDERAL AGENCIES CHECKED:	None

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I. GENERATION OF MATTER

This matter was generated by a complaint filed on February 11, 1992, by Glen Peterson, a California realtor, against the U.S. Senator John Seymour Committee and F. Laurence Scott, Jr., as treasurer, ("Seymour Committee") and the California Association of Realtors ("CAR") regarding a "Realtors for Seymour" mailing by CAR on behalf of Senator Seymour's 1992 candidacy. CAR's response was received on March 5, 1992, and the

Seymour Committee's response was received on March 6, 1992. Staff of this Office contacted counsel for CAR to clarify certain portions of CAR's response. On March 24, 1992, counsel filed a further response to clarify the points we had raised. Further telephone contact was made with counsel on March 31, 1992.

II. FACTUAL AND LEGAL ANALYSIS

A. Complaint

In his complaint, the complainant states that he had received a mailing from CAR "which was an advertisement for the candidacy of John Seymour for Senator." He asks whether it is legal for a corporation to spend money in favor of a federal candidate and whether the promotional card that came with the mailing required certain information.[1] Attached to the complaint were several documents.[2]

The first item is a 5 by 7 postcard. One side has a color photograph of Senator Seymour with these statements: "Are You Concerned About: Housing Affordability? Mortgage Interest Deductibility? FHA Finance Helping First-Time Homebuyers?" The other side contains a bulk mail permit and an address label

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1. We interpret this question as asking if the postcard required a disclaimer.

2. A complete copy of the complaint is attached. See Attachment 1. The informational copy that previously circulated to the Commission did not contain all of the materials submitted by the complainant.

addressed to the complainant. It also contains the following text:

> **John Seymour**
> shares your concerns.
> **John Seymour**
> is a REALTOR.
> **John Seymour**
> is a past president of the
> California Association of REALTORS.
> **John Seymour**
> is California's newest United States Senator.
>
> Watch for the **John Seymour** story in the September issue of California Real Estate, the official magazine of the California Association of REALTORS.
>
> P.S. Do you want to join "California REALTORS for Seymour?" You can make the difference and help elect **John Seymour** in 1992.
>
> Call the "REALTORS for Seymour" Toll-Free Hotline at 1-800-627-8354.

The second item accompanying the complaint is excerpts from the September 1991 issue of California Real Estate, the association's magazine, the issue referred to in the postcard. The cover of this issue is a color photograph of Senator Seymour (the same one used on the postcard) with the text: "Getting to Know Senator John Seymour." The table of contents references the lead feature article on Senator Seymour and states: "In this profile, we tell you about his track record and explain why REALTORS are enthusiastic about supporting him." The article is written by Laura Meyers. The article itself includes four pages of text and two pages detailing Senator Seymour's track record. The article can best be described as a "puff piece." Although the complainant included this article with his complaint, the complaint itself does not make an specific reference to it,

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though it may be generally covered by the complainant's question whether it is legal for a corporation to spend money in favor of a federal candidate.

B. Responses

1. Seymour Committee

The Seymour Committee filed a designation of counsel and a brief response. See Attachment 2. The response states:

> The Seymour Committee was aware that CAR intended to write an article about the Senator to be published to its restricted class members in its monthly publication. The committee was told that CAR hired a free-lance writer (Laura Meyers) to follow the Senator around the state for part of a day asking him questions throughout the day's events. CAR also hired its own photographer to take pictures of Senator Seymour throughout the day. It is our understanding that this mailing was a partisan communication sent to CAR's restricted class member mailing list, as permitted by law.

Counsel cites to 11 C.F.R. § 114.3(c)(1).

2. CAR

Counsel for CAR, in her first response, states that CAR is a voluntary trade association of approximately 130,000 persons licensed as real estate brokers and sales persons. It is tax exempt under Section 501(c)(6).[3] Counsel adds that after Governor Wilson appointed John Seymour, a realtor and past president of CAR, to fill his Senate vacancy and since Senator Seymour is a candidate for election in 1992, the board of directors voted to make a partisan communication permitted under 2 U.S.C. § 431(9)(b) and 2 U.S.C. § 441b(b). A copy of the

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3. Counsel for CAR confirmed by telephone that CAR is incorporated.

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minutes reflecting this decision is attached to the response. See Attachment 3.

Counsel states that the postcard included with the complaint was mailed to CAR members as part of this partisan communication. Counsel states that the "postcard was produced by C.A.R. and communicates the views of C.A.R." With regard to the magazine article, counsel characterizes it as informative rather than a partisan communication. Counsel further adds that if it is characterized as a partisan communication, it was produced by CAR, reflects CAR's perspective, and was published in the official magazine of CAR and mailed to every member. Counsel notes that CAR is not a political committee and therefore is not required to provide certain information on the postcard.

In the supplemental response, counsel notes that the postcard was mailed to 126,244 CAR members on August 27, 1991, at a cost of $30,580.01, which was reported to the Commission.[4] See Attachment 3. Regarding the magazine, counsel states that a subscription to it is included in the membership dues and is sent to approximately 125,000 members. Counsel adds that approximately 900 copies are distributed to nonmembers, such as academic libraries, educators, news agencies, legislators, the advertisers or their agencies, and other contributors to the magazine. Counsel notes that the number of nonmembers is

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4. CAR filed a Form 7 on February 5, 1992, that disclosed partisan communication disbursements of $33,287.71 on behalf of Senator John Seymour. This figure includes $30,580.01 on August 27, 1991, for the postcard mailing and $2,707.70 on September 3, 1991, for the magazine article. See Attachment 4.

approximately 1/125 of the total circulation, which counsel characterizes as a de minimis figure. Counsel further adds that the magazine is not sold on the newsstand but is available by subscription to anyone who requests one. Counsel says that CAR does not actively solicit subscriptions.

Counsel also explains that "REALTORS for Seymour" was a "semantical term" used in connection with the postcard mailing and is not a separate group or committee. Counsel further notes:

> As is shown in the attachment to our previous letter, the directors of C.A.R. authorized an internal task force to coordinate the partisan communication efforts within C.A.R. This group is known as the "Seymour Coordinating Committee." The "hotline" referenced in the postcard is funded by and operated by C.A.R. and is known as the "C.A.R. Opportunity Race Hotline." Additionally, the NATIONAL ASSOCIATION OF REALTORS has contributed funds to C.A.R. in furtherance of the partisan communication effort. The calls are screened and returned by members of C.A.R.'s Seymour Coordinating Committee. This is all part of the partisan communication effort. No one has access to the hotline except C.A.R. staff and volunteers.

Counsel further explains that when real estate professionals join a local board, they also join C.A.R. and N.A.R. [National Association of Realtors] and are members of all three groups. Counsel adds that N.A.R., as the parent of C.A.R., "is contributing funds to the partisan communication effort."

C. Issues

The Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits any corporation whatever from making any contribution or expenditure in connection with any election for federal office and prohibits any political committee from knowingly accepting such a contribution or expenditure. 2 U.S.C.

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§ 441b. The Act, however, excludes from this definition communications to a corporation's stockholders and executive and administrative personnel and their families on any subject. 2 U.S.C. § 441b(b)(2)(A); see also 11 C.F.R. § 114.3(c)(1). Commission regulation extend this exception to include members and their families in the case of incorporated membership organizations. 11 C.F.R. § 114.3(a)(2).

The Act also provides that any communication by any membership organization (or corporation) to its members, if the membership organization is not organized primarily for the purpose of influencing the nomination or election of any person for federal office, is not an expenditure, except that communications expressly advocating the election or defeat of a clearly identified candidate shall, if such costs exceed $2,000, be reported to the Commission (unless the communication is primarily devoted to subjects other than the express advocacy). 2 U.S.C. § 431(9)(B)(iii). See also, 11 C.F.R. §§ 100.8(b)(4) and 104.6; and Advisory Opinion 1991-24.[5]

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5. By its terms, the application of the partisan communication reporting provision is not limited to incorporated membership organizations but would include unincorporated ones as well. This interpretation is also supported by the legislative history for this section. The Conference Report for the 1976 amendments states that this provision relates to "corporations, labor organizations, or other membership organizations." See, H.R. Rep. No. 94-1057, 94th Cong., 2d Sess. 41 (1976), reprinted in FEC, Legislative History of Federal Election Campaign Act Amendments of 1976, 1035-36 (GPO 1977) (emphasis added). As noted, counsel for CAR confirmed that it is incorporated.

1. **Postcard**

The postcard expressly advocated the election of John Seymour to the U.S. Senate in 1992. CAR sent it to its entire membership of 126,244 at a cost of $30,580.01.[6] CAR reported the payment of $30,580.01 for the partisan communication on FEC Form 7. This Office concludes that CAR has complied with the Act's requirements regarding partisan communications to its restricted class. Thus, there has also been no receipt of a corporate contribution by the Seymour Committee or required reporting by it.

2. **Magazine Article**

Counsel for CAR states that each member receives a copy of the magazine as part of the membership dues. Although the magazine is available by subscription, counsel notes that CAR does not actively solicit subscriptions. The magazine issue that contained the article about John Seymour was distributed to approximately 125,000 members of CAR plus approximately 900 nonmembers. The percentage of distribution outside the membership of CAR was approximately 0.7 percent, or less than one percent. The Commission has previously stated that distribution of a partisan communication or solicitation outside of the restricted class of 0.6 percent and 3 percent were de minimis and thus did not rise to the level of a Section 441b violation. See

6. Counsel for CAR states that real estate brokers and salespersons simultaneously join the local real estate board, CAR, and N.A.R. as dues paying members. Counsel for CAR confirmed by telephone that persons who belong to the affiliated local boards vote for representatives to CAR, who in turn elect CAR's officers. See, e.g., Advisory Opinion 1991-24.

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Advisory Opinions 1984-23 (125 nonmembers) and 1978-97 (1,000 nonmembers).

Thus, the distribution of the magazine containing the article about Senator Seymour would also meet the de minimis standard set out in the above noted advisory opinions. Thus, it does not appear that the publication and distribution of the article give rise to a Section 441b violation.[7] There would also be no receipt of a contribution by the Seymour Committee or any required reporting by it.

Although counsel argues that the article was informational rather than a partisan communication, CAR did include $2,707.70 in costs for the article on its Form 7 as part of its partisan communication reporting. Since the article was part of a monthly issue devoted primarily to other subjects, it is not clear that the costs for the article required reporting under 2 U.S.C. § 431(9)(B)(iii). Nevertheless, assuming that the article was a partisan communication, CAR has apparently met its reporting requirements.[8]

3. Disclaimer

The complainant appears to also allege that the postcard required certain information that we have interpreted as questioning whether it required a disclaimer, i.e., identifying

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7. In view of the de minimis circulation outside the restricted class, it is not necessary to address whether the article would qualify as exempt under the news exemption of 2 U.S.C. § 431(9)(B)(i). See, Advisory Opinion 1984-23.

8. Thus, it is not necessary to decide whether the article expressly advocated John Seymour's election.

who paid for it and whether or not it was authorized by any candidate. See 2 U.S.C. § 441d.

The requirement for a disclaimer applies only to "expenditures" for communications that expressly advocate the election or defeat of a clearly identified candidate or solicit contributions through direct mail or other similar type of general public political advertising. 2 U.S.C. § 441d. As noted above, partisan communications by a membership organization to its members are excluded from the definition of expenditure. Thus, such communications do not require a disclaimer, even if they contain express advocacy as is the case here. Cf., 11 C.F.R. 110.11(a)(1)(iv)(B); Advisory Opinion 1980-71.

Accordingly, there is no reason to believe CAR violated 2 U.S.C. § 441d.

4. Other Issues

The response from counsel for CAR also raises other issues. Counsel explains that "REALTORS for Seymour" was a semantical term used for the postcard mailing and was not itself a separate group or committee. Counsel further notes that CAR's board of directors authorized an internal task force to coordinate its partisan communication effort on behalf of Senator Seymour. Thus, it appears that REALTORS for Seymour or the Seymour Coordinating Committee is an internal moniker for the partisan communication effort and not a separate political committee, especially since CAR's known activities appear to qualify for the

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exception to the definition of expenditure.[9] In this regard, the terms are similar to "project" names used by nonconnected political committees. Counsel also states that the hotline calls were screened and that no one had access to it but CAR staff and volunteers.[10] Therefore, it does not appear that "REALTORS for Seymour" is a separate entity requiring registration under the Act.

Counsel further notes that N.A.R., CAR's parent organization, provided funds to CAR to further CAR's partisan communication effort. In Advisory Opinion 1991-24, the Commission noted that the requesters did not plan to subsidize the subsequent partisan communications by constituent organizations although the requesters would recommend that they make such communications. A close review of the opinion indicates that this factor was included primarily because the requesters had represented that they would not make such a subsidy and because the individual members of the state organizations were not themselves direct

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9. CAR does have a separate segregated fund registered with us (California Real Estate Political Action Committee), which is an affiliate of the separate segregated fund of N.A.R. (Realtors Political Action Committee). California Real Estate PAC reported $175,000 in transfers to the Realtors PAC in the 1991 Year End Report. That report disclosed no activity that could be readily identified with CAR's partisan communications on behalf of Senator Seymour during this reporting period.

10. A different assessment may arise if the hotline is used to make partisan communications beyond CAR's restricted class or if the hotline is being used to facilitate contributions to the Seymour Committee beyond a communication asking CAR members to make a contribution (such as receiving and passing on such contributions or monitoring contributions by CAR members to the Seymour Committee). See Advisory Opinions 1991-24 and 1987-29. There is presently no evidence to indicate that this has happened.

members of the national organization. Since realtors who belong to CAR simultaneously belong to N.A.R., the cost of partisan communications to the common group of members could be made at either level. Therefore, N.A.R. could make a partisan communication to CAR's members on its own. Thus, the concerns that led to the statement in the advisory opinion are apparently not present here. Since these communications are exempt from the definition of expenditure, they may be made from treasury funds. Thus, it does not appear that the Act or regulations would preclude the transfer of treasury funds from N.A.R. to CAR to help fund CAR's partisan communications to a class of individuals who also belong to N.A.R. Furthermore, the Act and regulations do not require an organization making internal partisan communications to report the source of the funds used. Therefore, this transfer does not appear to give rise to any violation of the Act or regulations.

D. Conclusion

Based on the above analysis, we recommend that the Commission find no reason to believe CAR violated 2 U.S.C. §§ 431(9)(B)(iii), 441b, and 441d. We further recommend that the Commission find no reason to believe the U.S. Senator John Seymour Committee and F. Laurence Scott, Jr., as treasurer, violated 2 U.S.C. § 441b.

III. RECOMMENDATIONS

1. Find no reason to believe that U.S. Senator John Seymour Committee and F. Laurence Scott, Jr., as treasurer, violated 2 U.S.C. § 441b.

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2. Find no reason to believe that California Association of Realtors violated 2 U.S.C. §§ 431(9)(B)(iii), 441b and 441d.

3. Approve the appropriate letters.

4. Close the file.

Lawrence M. Noble
General Counsel

Date 5/7/92

BY: Lois G. Lerner
Associate General Counsel

Attachments
1. Complaint
2. Seymour Committee Response
3. CAR responses (2)
4. CAR Form 7

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FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DONNA ROACH
COMMISSION SECRETARY

DATE: MAY 13, 1992

SUBJECT: MUR 3474 - FIRST GENERAL COUNSEL'S REPORT DATED MAY 7, 1992

The above-captioned document was circulated to the Commission on FRIDAY, MAY 8, 1992 at 4:00 p.m.

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

Commissioner Aikens	
Commissioner Elliott	
Commissioner McDonald	
Commissioner McGarry	XXX
Commissioner Potter	
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda for TUESDAY, MAY 19, 1992.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
U.S. Senator John Seymour Committee and	)	MUR 3474
F. Laurence Scott, Jr., as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 19, 1992, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3474:

1. Find no reason to believe that U.S. Senator John Seymour Committee and F. Laurence Scott, Jr., as treasurer, violated 2 U.S.C § 441b.

2. Find no reason to believe that California Association of Realtors violated 2 U.S.C. §§ 431(9)(B)(iii), 441b and 441d.

3. Approve the appropriate letters as recommended in the General Counsel's report dated May 7, 1992.

4. Close the file.

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

Attest:

5/20/92
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 2, 1992

CLOSED

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Glen Peterson
2936 Triunfo Canyon Road
Agoura Hills, California 91301

RE: MUR 3474

Dear Mr. Peterson:

On May 19, 1992, the Federal Election Commission reviewed the allegations of your complaint dated February 6, 1992, and found that on the basis of the information provided in your complaint, and information provided by the respondents, there is no reason to believe U.S. Senator John Seymour Committee and F. Laurence Scott, Jr., as treasurer, violated 2 U.S.C. § 441b and the California Association of Realtors violated 2 U.S.C. §§ 431(9)(B)(iii), 441b, and 441d, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, on May 19, 1992, the Commission closed the file in this matter.

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,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 2, 1992

Lezlee H. Westine, Esquire
Nielsen, Merksamer, Parrinello,
Mueller & Naylor
591 Redwood Highway, #4000
Mill Valley, California 94941

RE: MUR 3474
U.S. Senator John Seymour
Committee and F. Laurence Scott,
Jr., as treasurer

Dear Ms. Westine:

On February 19, 1992, the Federal Election Commission notified your clients, U.S. Senator John Seymour Committee and F. Laurence Scott, Jr., as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On May 19, 1992, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe U.S. Senator John Seymour Committee and F. Laurence Scott, Jr., as treasurer, violated 2 U.S.C. § 441b. Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
GC Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 2, 1992

Judith K. Herzberg, Esquire
California Association of Realtors
525 South Virgil Avenue
Los Angeles, California 90020

RE: MUR 3474
California Association of Realtors

Dear Ms. Herzberg:

On February 19, 1992, the Federal Election Commission notified your client, the California Association of Realtors, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On May 19, 1992, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the California Association of Realtors violated 2 U.S.C. §§ 431(9)(B)(iii), 441b, and 441d. Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
GC Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3474

DATE FILMED 6/3/92 CAMERA NO. 1

CAMERAMAN E.E.S.

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