



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3525

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A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

May 20, 1992

MUR 3525

92 MAY 20 AM 11:46

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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

Dear Commissioners:

This letter constitutes a complaint charging repeated violations of the Federal Election Campaign Act of 1971, as amended ("FECA" or the "Act"), 2 U.S.C. §§ 431 et seq., and the Federal Election Commission ("FEC") Regulations, 11 C.F.R. §§ 100.1 et seq., by W. J. "Bill" McCuen and the McCuen for Congress Committee (the "Committee") (hereinafter referred to as "Respondents").

Acceptance of Corporate Contributions

Under the FECA, corporations are prohibited from making contributions or expenditures in connection with federal elections. 2 U.S.C. § 441b. The prohibition applies not only to direct contributions to a campaign, but also support provided indirectly, or through in-kind contributions. If a campaign makes use of corporate facilities, including modes of transportation owned by a corporation, the campaign must reimburse for the use at the usual and normal rental charge within a commercially reasonable time. 11 C.F.R. § 114.9(e).

Mr. McCuen and his campaign have made regular use of a white Chevrolet Lumina for campaign purposes. Respondents have used the car, which bears dealer's license plate number FX 2324, for various campaign-related purposes, including transporting the candidate to campaign events. A review of Respondents' reports filed with the Federal Election Commission reveal a payment of only \$300 for the use of this car since the beginning of the campaign. Yet the standard rental charge in Little Rock for a similar car runs from \$159.99 to \$201.52 per week. Mr. McCuen has had the use of the car for longer than the week and a half or two weeks that his payment reflects, resulting in the use of the car at less than the normal and usual charge -- a contribution to Mr. McCuen's campaign. This contribution was apparently made by Allen Tillery, a car dealer from Hot Springs, Arkansas. It

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is our understanding that the dealership from which the car was obtained is incorporated.

Respondents' acceptance of a corporate contribution violates the FECA.¹ Respondents' reimbursement is inadequate, but even if it could be in some way justified, it was not timely. No reimbursement was tendered during the first three months of the year. Although the term "commercially reasonable period" is not defined in the Commission's regulations, it is generally accepted to mean 30 to 60 days. Mr. McCuen received the benefit of corporate funds in his campaign in violation of the federal campaign laws.

Failure to Timely Refund Corporate Contributions

This is not Mr. McCuen's first instance of receiving the benefit of corporate contributions. On the Committee's first quarter report, five corporate contributions are reported as having been received by the campaign. While the report also discloses the refund of these contributions, in all but one case, the refunds were not done in a timely manner, allowing Mr. McCuen the benefit of the use of the corporate funds during the delay.

FEC regulations specifically provides for the refund of contributions that are illegal or whose legality cannot be determined. 11 C.F.R. § 103.3. This provision requires that if a contribution is illegal or its legality cannot be determined, the contribution must be refunded within 30 days. Mr. McCuen did not meet this standard in making his refunds, taking up to two months to return the illegal contributions.

Failure to Account for and Disclose In-Kind Contributions

Mr. McCuen's first quarter and pre-primary reports reveal virtually no administrative expenses of his campaign, such as rent, utilities, staff, office supplies, postage, etc. Yet during this period his campaign was in full swing, with

¹The use by the campaign of a car with dealer plates apparently also violates the Arkansas statute restricting the use of cars with dealer plates to "purpose[s] consistent with the operation of the dealership...." Ark. Code Ann. 27-14-601(a). The misuse of dealer plates is punishable by fines.

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materials distributed around the district, staff accompanying him on campaign swings, a telephone bank in operation, etc.

The reason for this mystery became obvious in a series of newspaper articles which revealed that Mr. McCuen has apparently been using staff and facilities of the office of the Secretary of State to promote his campaign. Attachment A. The articles outline claims that state employees have been asked to work regularly on the campaign matters, including working on phone banks, working on campaign events, and making telephone calls throughout the district. At least one campaign letter has been mailed on State stationery and apparently at State expense.²

FEC regulations allow individuals to volunteer time for a campaign, or to use bona fide leave time to work on a campaign. 11 C.F.R. § 100.7(a)(3). The payment of compensation to any such employee working on a campaign by any third party is, however, a contribution. The employees here are apparently working during regular business hours while they are being compensated by the State of Arkansas. While the newspaper article quotes one individual as saying she is taking leave to work on the campaign, she also states that she is not keeping up with how much "leave" time she is using for this purpose. It would be difficult in this case to justify that the leave is truly bona fide as required under the regulations.

The State of Arkansas is not exempt from making contributions to a political campaign as the United States Government is. 2 U.S.C. § 431(11). While it is clear the State had no intention of supporting Mr. McCuen's campaign, he should not be allowed to take advantage of the taxpayers dollars to fund his campaign.

²It is also interesting to note that of the 15 itemized contributions on Mr. McCuen's first quarter FEC report, five - or one-third - were employees of the State of Arkansas. It is unknown how much of the \$12,000 in unitemized contributions on that report was donated by Mr. McCuen's employees.

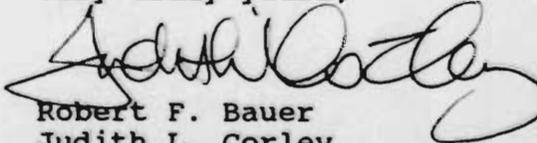
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Federal Election Commission
May 20, 1992
Page 4

Conclusion

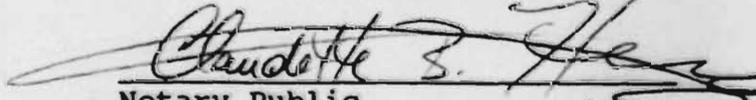
Mr. McCuen appears to have a very lax attitude about compliance with the federal campaign laws. The Commission must take all steps necessary to improve the compliance of this Committee with these laws in the future and to correct the problems outlined above. We ask that the Commission promptly investigate the Committee and impose any and all corrective measures and sanctions, including the imposition of appropriate civil penalties, as are necessary to ensure this result.

Very truly yours,



Robert F. Bauer
Judith L. Corley
Counsel to Congressman Beryl
Anthony

SUBSCRIBED AND SWORN TO before me this 20th day of May,
1992.



Notary Public
My Commission Expires: 6/30/93

enclosures

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Error

McCuen staff member admits writing campaign memo wrong

LITTLE ROCK (AP) - A state employe says he regretted when he wrote a political campaign memo on the secretary of state's office stationery.

"I shouldn't have done it," John Herando, who works for Secretary of State Bill McCuen, said Friday. "Mr. McCuen told me that was wrong and I shouldn't do it again."

The April 9 memo addressed to McCuen, discussed office and campaign business, including campaign fund-raising, the Arkansas Democrat-Gazette reported Friday.

McCuen is challenging U.S. Rep. Beryl Anthony in the May 20 Democratic primary in the 4th Congressional Dis-

trict. The Democrat-Gazette also quoted unnamed employees of the secretary of state's office, who reportedly said they have been asked to work on McCuen's campaign during office hours.

"I think Mr. McCuen is basically using his office as a campaign headquarters," the newspaper quoted one employe as saying.

"We're all in the middle of it," the newspaper quoted another employe as saying. "It's the kind of position where you say, 'Do you want to lose your job or do you want to fund yourself?'"

McCuen could not be reached for comment Saturday.

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U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

McCuen employees complain

They allege pressure to campaign on job

BY KEVIN WALKER
Democrat-Capitol News
Employees in the secretary of state's office have been asked to work for Bill McCuen's congressional campaign during office hours, employees in the department have told the Arkansas Democrat-Gazette.

Officials with McCuen's office denied the allegations Friday and said that while some employees are working on the campaign, they are doing so on their own time.

The Democrat-Gazette has obtained one campaign memo written on official secretary of state stationery.

The memo, dated April 9, to McCuen contains information about office and campaign business, including news about campaign fund-raising.

The author of the memo - McCuen employee Jopetia Rummels - admitted Friday that he made a mistake.

"I shouldn't have done it," Rummels said. "Mr. McCuen told me that was wrong and I shouldn't do it again."

Employees said the memo is one example of work that employees are regularly asked to do.

"I think Mr. McCuen is basically using his office as a campaign headquarters," one employee, who wished to remain anonymous, said.

State law makes it a misdemeanor for a public officer, deputy or assistant to work on

See MCCUEN, Page 11A

McCuen

Continued from Page One
a campaign during office hours.

It is also unlawful for a candidate to use any public office or public authority for campaign business, or to coerce public employees "by threats or otherwise" to work for or contribute to a political campaign.

McCuen spokesman Don Griffin said that no law has been violated and that McCuen is running a campaign that is "aboveboard."

"If somebody wants to do something for the campaign, they do something like take a

day off of leave," Griffin said. "It's up to their supervisor to grant it, and we have turned down leave requests."

McCuen would not be reached for comment Friday.

While they haven't been threatened, employees said that under an unwritten policy, many secretary of state's employees are expected to do their share of campaign work when asked.

"We're all in the middle of it," one employee said. "It's the kind of position where you say, 'Do you want to lose your job or do you want to feed yourself?'"

Asked about the employees' accusations, Griffin said, "I don't think anybody can safely say that Nobody has been

reprimanded or fired for not working on the campaign."

McCuen faces U.S. Rep. Noryl Anthony in the May 20 Democratic primary in the state's 4th Congressional District, which covers the southern part of the state.

McCuen picked up the endorsement of the National Rifle Association on Friday, while Anthony was backed by the Arkansas Educational Association.

The employees said that campaign work performed during office hours has included everything from working McCuen's phone bank to helping out at events or making telephone calls throughout the 4th District for information required by the campaign.

"It's unbelievable, it's wrong, and something should be done about it," one employee said.

Many employees are not comfortable doing the work, but feel obligated to do so, employees said.

Rhonda Langston, director of the elections division of the secretary of state's office, denied that any work had been done on state time.

Reached early Friday afternoon, Langston said she has worked for McCuen's campaign at night and on weekends.

Later Friday, she also said she has taken leave time to work on the campaign. She couldn't say how much time.

"I don't keep up with it,"

Langston said.

Griffin said two other employees, Chris Honey and Larry Zane, have also taken leave time to work on the campaign.

All time continued to be paid by the state during that time, according to state records.

Griffin said state employees earn eight hours of leave time for every month worked during their first three years with the state. After three years, employees earn 10 hours of leave time for every month worked, Griffin said.

IT'S EASY TO GET ATTACHED TO A TORO

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Use of office workers comes under fire

Y. L. L. 5-13-72

By Special Writers
Staff

U.S. Rep. Beryl Anthony Jr. Tuesday blasted his Democratic primary opponent, Secretary of State Bill McCone, for allegedly pressuring some office workers to work in McCone's congressional campaign.

Citing an article in Saturday's *Democrat-Gazette*, in which several of McCone's employees alleged they were forced to work in his campaign, Anthony de-

manded that McCone "cease the practice immediately."

Anthony made the demand and his campaign in a news release called for a further investigation into the allegations against McCone.

"Federal and state election laws clearly call for a separation between campaign offices and public offices," Eric Savader, Anthony's campaign manager, said in the release. "Bill McCone owes it to the

people of Arkansas to fully account for and disclose the time spent by state employees Eric Honey, Larry Hono, Rhonda Langster and any other state employees on the McCone for Congress campaign," Savader said.

During a telephone interview Tuesday from his Red Springs campaign headquarters, McCone denied all of the Anthony campaign charges and allegations made by the state em-

ployees in the newspaper article.

In the article, several unnamed employees of McCone's office said they had been pressed to perform McCone's campaign tasks during office hours. According to the article, these tasks included working on McCone's phone bank, taking out of campaign events or making telephone calls throughout the 6th Congressional District.

The article stated that

Langster, Zeno and Honey had all taken leave time to work on McCone's campaign and other related state paychecks.

One employee was quoted as saying that McCone was using the secretary of state's office building as a campaign headquarters.

Another alleged in the Anthony campaign news release that "a reasonable person" could conclude that McCone was campaigning on state tax-

payer's money because he failed to note expenses for campaign headquarters, campaign staff and campaign travel on his March 21 Federal Election Commission report.

"It is important that this issue be further investigated by the proper authorities," Savader said in the release. "The allegation that an employee's job is on the line if they refuse to

See ANTHONY, Page 7A

Anthony

Continued from Page 1A

work on their employer's campaign is a serious charge."

McCone said that it was legal for Langster, Zeno and Honey to take a portion of their accrued leave time and volunteer to work on his campaign.

"They earned that time and they have the right to use it anyway they want to and still draw their state paychecks."

"I have not put any pressure on my employees to help in my campaign nor have I asked anyone at the office to work in my campaign."

McCone said Anthony was trying to make an issue out of

nothing because he knows his re-election chances are fading quickly.

"Beryl is in quicksand up to his shoulders and maybe up to his neck now. He is hoping that through the media he can bring up issues that are not true issues."

"He is sinking faster and faster and by May 26 maybe we can still see the hair on the top of his head."

McCone challenged the unnamed office employees in the newspaper article to step forward and allow themselves to be named publicly, saying they will not do that because "they are lying."

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Vehicle

Continued from Page 1A
campaign literature at the hearing.

McCuen said he came to Fryer's health care hearing in a state-owned vehicle but couldn't remember if he passed out campaign literature.

"I did an interview with a radio station about whether I was running for Congress and I know I talked to people who asked me if I was running."

McCuen said a U.S. attorney for the District of Columbia is conducting an investigation of a "mass banking scandal and congressional 'check bouncers'

for possible criminal violations. The investigation has been handed over to a special counsel from the U.S. Department of Justice.

McCuen has undergone the U.S. attorney's investigation into the House bank and supported the pursuit of criminal

wrongdoing by the special counsel, according to a Wednesday news release.

He accused Anthony of being one of the major check overdrafting offenders.

Hancock said Anthony continues to disagree with the House

Ethics Committee tabulation of 108 bounced checks. An audit of Anthony's banking records by an independent account showed Anthony had 77 overdrafts at the House bank, totaling about \$27,000.

Anthony has made a \$1,155 donation to the Arkansas Enterprise Group in Arkadelphia, she said, as a way of expressing his sorrow over making the overdrafts. He paid the group \$15 for each overdraft.

Anthony, McCuen dispute use of state vehicle

By AP Staff
Special Staff

U.S. Rep. Beryl Anthony Jr. has continued his onslaught against Secretary of State J. Edgar Hoover over McCuen's alleged use of a state-owned vehicle in his campaign against Anthony.

McCuen, a Democrat, is an accused opponent of Anthony for the 4th District congressional seat. However, he has yet to file his candidacy for the May

28 Democratic Party primary.

In a Wednesday news release from Anthony's El Dorado campaign office, McCuen was accused of campaigning for Congress in a state-owned vehicle.

"Obviously, our secretary of state believes public financing of congressional campaigns is legal," Eric Sawyer, a campaign spokesman for Anthony in El Dorado, said Thursday.

"It's really very simple, are you paying the state for the use

of this campaign vehicle, or will it show on your campaign report as a contribution from the state in your campaign?" the news release stated.

McCuen said Thursday in a telephone interview that he was not using a state-owned vehicle to make campaign appearances.

"(Anthony) is the most irresponsible person I've ever dealt with in a campaign," he said. "I'm talking about specifics of

his record in office, his support for a 40-percent pay raise and his bouncing 100 checks at the House bank."

Anthony attacked McCuen Monday about how he runs his state office, citing those findings from the state auditor's report of June 30, 1964.

One of the findings cited by Anthony was the auditor's finding that "the value for personal use of state-owned vehicles assigned to personnel had not

been reported to the Internal Revenue Service."

McCuen said Anthony's accusation "is not even an issue. I'm not officially a candidate yet."

He said he made two recent appearances, one in Mulvane and the other in Pine Bluff for a meeting of the National Association for the Advancement of Colored People, in a campaign vehicle.

"For purely political appear-

ances, I'm using a campaign vehicle that I've either rented, leased or borrowed."

Karen Hancock, a spokeswoman in Anthony's Washington, D.C., office, said Thursday that McCuen used a state-owned vehicle to come to El Dorado to attend a health care hearing headed by U.S. Sen. David Pryor.

Hancock said McCuen passed See VEHICLE, Page 6A

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 22, 1992

Robert F. Bauer
Judith L. Corley
Counsel to Congressman Beryl Anthony
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3525

Dear Mr. Bauer and Ms. Corley:

This letter acknowledges receipt on May 20, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by William James ("Bill") McCuen, McCuen for Congress Committee, and William James ("Bill") McCuen, as treasurer, Allen Tillery Chevrolet Geo, Incorporated, Allen Tillery, Rankin Construction Corporation, Glass Erectors, Inc., DeVore Farms, Inc., and Erickson Supply and Construction. 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 3525. 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,

Lisa E Klein (by XM)

Lisa E. Klein
Assistant General Counsel

Enclosure
Procedures

93040983810



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 22, 1992

William James ("Bill") McCuen, Treasurer
McCuen for Congress Committee
P.O. Box 6251
Hot Springs, AR 71902

RE: MUR 3525

Dear Mr. McCuen:

The Federal Election Commission received a complaint which indicates that the McCuen for Congress 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 3525. 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.

93040983811

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lisa E Klein (B2Xm)

Lisa E. Klein
Assistant General Counsel

Enclosures

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

93040983812



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 22, 1992

The Honorable W. J. "Bill" McCuen
Secretary of State
256 State Capitol Building
Little Rock, AR 72201

RE: MUR 3525

Dear Mr. McCuen:

The Federal Election Commission received a complaint which indicates that you and the Office of the Secretary of State 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 3525. 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 Office of the Secretary of State 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.

93040983813

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,
Lisa E Klein (BjXm)
Lisa E Klein
Assistant General Counsel

Enclosures

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

93040983814



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 22, 1992

William James ("Bill") McCuen
P.O. Box 6251
Hot Springs, AR 71902

RE: MUR 3525

Dear Mr. McCuen:

The Federal Election Commission received a complaint which indicates that you 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 3525. 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.

93040983815

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lisa E. Klein (GJKM)

Lisa E. Klein
Assistant General Counsel

Enclosures

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

93040983816



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 22, 1992

Allen Tillery, President
Allen Tillery Chevrolet Geo, Inc.
P. O. Box 789
Hot Springs, AR 71902

RE: MUR 3525

Dear Mr. Tillery:

The Federal Election Commission received a complaint which indicates that you and Allen Tillery Chevrolet Geo, Incorporated 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 3525. 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 you and the corporation 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.

93040983817

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,
Lisa E Klein (B&Xm)
Lisa E. Klein
Assistant General Counsel

Enclosures

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

93040983818



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 22, 1992

DeVore Farms, Inc.
Rt. 1, Box 144F
DeWitt, AR 72042

RE: MUR 3525

Dear Sir or Madame:

The Federal Election Commission received a complaint which indicates that DeVore Farms, Inc. 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 3525. 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 you 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.

93040983819

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lisa E Klein (Bj km)

Lisa E. Klein
Assistant General Counsel

Enclosures

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

93040983820



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 22, 1992

Glass Erectors, Inc.
P.O. Box 190063
Little Rock, AR 72042

RE: MUR 3525

Dear Sir or Madame:

The Federal Election Commission received a complaint which indicates that the Glass Erectors, Inc. 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 3525. 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 you 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.

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93040983821

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lisa E Klein (ey km)

Lisa E. Klein
Assistant General Counsel

Enclosures

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

93040983822



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 22, 1992

Erickson Supply and Construction
P.O. Box 222
Royal, AR 71968

RE: MUR 3525

Dear Sir or Madame:

The Federal Election Commission received a complaint which indicates that Erickson Supply and Construction 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 3525. 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 you 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.

93040983823

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lisa E. Klein (B. Klein)

Lisa E. Klein
Assistant General Counsel

Enclosures

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

93040983824



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 22, 1992

Rankin Construction Corporation
P.O. Box 6300
North Little Rock, AR 72116

RE: MUR 3525

Dear Sir or Madame:

The Federal Election Commission received a complaint which indicates that the Rankin Construction Corporation ("Corporation") 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 3525. 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 Corporation 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.

93040983825

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lisa E Klein (Bsm)

Lisa E. Klein
Assistant General Counsel

Enclosures

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

93040983826

May 29, 1992

Ms. Lisa E. Klein
Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

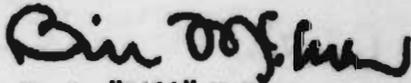
Dear Ms. Klein:

RE: MUR 3525

On my behalf and on behalf of the Office of the Secretary of State, I request an extension of the deadline for response which is currently June 10, 1992.

The complainant and I are now in a General Primary and the Election date is June 9, 1992. Further time is needed to respond.

Sincerely,



W. J. "Bill" McCuen
Secretary of State

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAY 32 AM 8:54

93040983827



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 2, 1992

The Honorable W. J. "Bill" McCuen
Secretary of State
256 State Capitol Building
Little Rock, Arkansas 72201-1094

RE: MUR 3525

Dear Mr. McCuen:

This is in response to your letter which we received June 1, 1992, requesting an extension of time to respond to the complaint in the above-captioned matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted a 20 day extension. Accordingly, your response is due by the close of business on June 30, 1992.

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

Sincerely,

A handwritten signature in cursive script that reads "Xavier K McDonnell".

Xavier K. McDonnell
Attorney

93040983828



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

William James ("Bill") McCuen, Treasurer
McCuen for Congress Committee
P.O. Box 6251
Hot Springs, Arkansas 71902

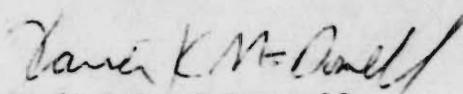
RE: MUR 3525

Dear Mr. McCuen:

This is in response to your letter which we received June 1, 1992, requesting an extension of time to respond to the complaint in the above-captioned matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted a 20 day extension. Accordingly, your response is due by the close of business on June 30, 1992.

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

Sincerely,


Xavier K. McDonnell
Attorney

93040983829

ERICKSON
Supply and Construction Company, Inc.

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

JUN 2 10 53 AM '92

MAY 29, 1992

LISA E. KLEIN
ASSISTANT GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
999 E. STREET N.W.
WASHINGTON D.C. 20463

92 JUN -2 AM 11:51

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

RE: DONATION TO BILL MCCUEN
MUR 3525

DEAR SIRs,

ON JANUARY 24TH WE DONATED \$500.00 TO MR. MCCUEN'S CAMPAIGN FOR
U.S. CONGRESS.

WE DID THIS WITHOUT KNOWLEDGE OF CERTAIN LAWS AGAINST SUCH A
DONATION.

THE MCCUEN COMMITTEE PROMPTLY RETURNED OUR MONEY AND NOTIFIED US
OF OUR IMPROPRIETY.

IF I CAN BE OF FURTHER ASSISTANCE, PLEASE ASK.

MOST SINCERELY,



RUSSELL C. ERICKSON, PRESIDENT
ERICKSON SUPPLY & CONST. CO., INC.

RCE/j1

93040983830

RANKIN
CONSTRUCTION CORP.
GENERAL CONTRACTOR

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Jun 8 10 50 AM '92

June 2, 1992

Ms. Lisa E. Klein
Assistant General Counsel
Federal Election Commission
Washington, D. C. 20463

RE: MUR 3525

Dear Ms. Klein:

In reference to your letter dated May 22, 1992, our firm inadvertently issued a check in the amount of \$200, copy enclosed, to Mr. Bill McCuen's campaign fund. I personally made an error in making the contribution to Mr. McCuen and at a later point in time Mr. McCuen reimbursed me personally or Corporately the \$200 contribution.

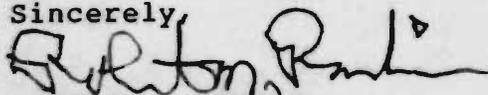
Because of the fact Mr. McCuen issued the \$200 check in question I do not remember if the check was made to me personally or to the Corporation primarily because Mr. McCuen's campaign fund has the cancelled check. I did not make a copy of the reimbursement as I personally felt it was not significant because the Corporation or I personally was reimbursed by Mr. McCuen's campaign fund.

Please excuse my error the Corporation made of the stated contribution. The fact that Mr. McCuen's reimbursement was made I personally feel this is an embarrassment to a gentlemen running for political office and commend him for his rightful cooperation due to my error.

If there are any further questions regarding this matter, please do not hesitate to contact me or our firm.

NOTE: I am physically handicapped so please excuse my signature.

Sincerely,



ROBERT M. RANKIN
President

cc: W. R. (Bill) McCuen Campaign Office

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 JUN -8 PM 4:48



W.J. BILL McCUEN CAMPAIGN
FOR DEPOSIT ONLY

00056879

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

0005687906FE92
082901350
BANK OF HOT SPRINGS
HOT SPRINGS, ARKANSAS
(501) 864-9111

PROCESSED TCB
02/07/92 02
FB 2 07

FEDERAL RESERVE NOTE

RANKIN CONSTRUCTION CORP. (38616)
GENERAL ACCOUNT
PO BOX 6300 PH 835-3900
NORTH LITTLE ROCK, AR 72116

12089

81-54/820

January 13 19 92

PAY TO THE ORDER OF Bill McCuen Campaign Fund

\$ 200.00

Two hundred & 00/100

DOLLARS

NORTH LITTLE ROCK / LITTLE ROCK
MAUMELLE / SHERWOOD / MOWER ROCK

[Handwritten Signature]

930409832



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

JUN 12 9 24 AM '92

May 22, 1992

DeVore Farms, Inc.
Rt. 1, Box 144F
DeWitt, AR 72042

RE: MUR 3525

Dear Sir or Madame:

The Federal Election Commission received a complaint which indicates that DeVore Farms, Inc. 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 3525. 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 you 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.

92 JUN 12 PM 3:45

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL

93040983833

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lisa E Klein (B, M)

Lisa E. Klein
Assistant General Counsel

Enclosures

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

June 8, 1992

*Federal Election Commission
Assistant General Counsel
Washington, D.C. 20463*

matter #: MUR 3525

Dear Sir or Madame:

I did make a contribution to the campaign, not knowing it was against the law. However, a lady from the campaign headquarters called and told me they could not accept money from corporations; and therefore sent me a check for same amount.

Sorry for any inconvenience.

Sincerely,

DeVore Farms, Inc.

James M. DeVore, President

93040983834



Glass Erectors, Inc.

P.O. Box 2003 190063
Little Rock, Arkansas 72219-0063
(501) 455-1324 FAX (501) 455-0364

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

JUN 15 10 30 AM '92

June 9, 1992

General Counsel's Office
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3525
Federal Election Commission Letter dated 5/22/92

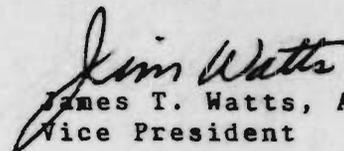
Dear Sir or Madame:

When we made the \$100.00 contribution to Mr. W. J. "Bill" McCuen's re-election campaign in January, we were unaware that we were violating any laws. In fact, we were unaware that Mr. McCuen was running for Congress. However, shortly thereafter, we did receive a check in the amount of \$100.00 from Mr. McCuen with an explanation that the contribution we had made was in violation and was being repaid.

We apologize for this unintentional wrong doing and can assure you that it will not happen again. We feel that no action should be taken against us, and for that reason, we have no intention of being represented by counsel.

Please advise if we may be of further assistance.

Sincerely,


James T. Watts, AIC
Vice President

JTW/sm

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 JUN 15 PM 3:23

93040983835

MEMBERS OF:
American Subcontractors Association
American Institute of Constructors
Associated General Contractors
Arkansas Construction Industry Council

OGC 4950

W. J. "Bill"
McCuen

P.O. Box 6251
Hot Springs, Arkansas 71902

P.O. Box 250976
Little Rock, Arkansas 72225

June 20, 1992

The Honorable Mary Ann Bumgarner
Attorney
Federal Election Commission
999 E Street N. W.
Washington, D.C. 20463

Re: MUR 3525

Dear Ms. Bumgarner:

This represents a response from W. J. "Bill" McCuen as Secretary of State and on Behalf of the McCuen For Congress Committee.

Acceptance of Corporate Contributions

The McCuen for Congress Committee rented a used 1991 automobile at a rental rate of \$300.00 per month. Little Rock, Arkansas is not in the Fourth Congressional District. I am submitting a bid from a dealer in the Little Rock area that was obtained for comparison. I am also submitting a copy of the agreement from Allen Tillery Chevrolet for the period May 21, 1992 thru June 21, 1992. The dealer made no contribution to the Committee and the rental fee was fair and reasonable. (exhibits a and b)

Failure to Timely Refund Corporate Contributions

The corporate contributions were refunded as soon as they were discovered. They were refunded before the complaint was filed and the report has been amended. The total of corporate contributions total only \$1250.00.

Failure to Account for and Disclose In-Kind Contributions

All in-kind contributions were reported. The campaign was conducted out of my residence in Hot Springs. The staff were volunteers. A bulk rate postage permit was purchased and paid out of committee funds. Other postage was purchased with committee funds. Campaign materials were purchased and paid for with committee funds and telephones were secured from the local telephone company..

Staff of the Secretary of State did not work on the campaign on state time. A campaign letter was not mailed on state stationary or at state expense. The letter the complainant refers to is unknown to the campaign. A memo was referred to in a news article. That memo was an internal memo of the

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 JUN 25 PM 2:01

93040983836

Secretary of State's office and was not mailed. The memo contained state business and related one item from a staff person to the candidate in reference to a person who wanted to help the committee.

Conclusion

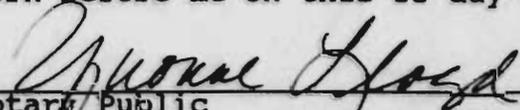
The committee did not have a lax attitude about compliance. the committee did it's best to properly report all activities of the campaign. Mr. Anthony's complaint has no merit and should be dismissed.

If you have additional questions or need more information please let me know.



W. J. "Bill" McCuen

Subscribed to and sworn before me on this 22 day of June, 1992.



Notary Public
My commission expires: 11-13-2001



93040983837

1992 CHEVROLET

HAROLD GWATNEY CHEVROLET CO.
GREGORY ST. EXIT
JACKSONVILLE, AR 72076
'THE SERVICE MINDED DEALER'
(501) 982-2102

EXHIBIT
"A"

June 22, 1992

To Whom It May Concern:

Please be advised that Gwatney Chevrolet of Jacksonville will rent on a monthly basis a used 1991 Lumina or Corsica for approximately \$275 to \$300 per month.

If you need any additional information don't hesitate to call me at 501 982-2102.

Sincerely,


Dub Myers
Public Relations

9 3 0 4 0 9 8 3 8 3 8

RECEIVED
FEDERAL
OFFICE
92 JUN 25 PM 2: 01
COMMISSION

ALLEN TILLERY CHEVROLET, INC.

EXHIBIT
"B"

To: McCuen For Congress Committee:

Amount: \$300.00

For rental of car from May 21, 1992 to June 21, 1992.

Charge is due when vehicle is turned in at end of month.

Bob Ainsley

Date: 6-1-92

ALLEN TILLERY CHEVROLET, INC.

PAID

CASH _____ CHECK

PER Bob

DATE 6/2/92

93040983839



ALLEN TILLERY CHEVROLET, INC.

October 29, 1992

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

RE. MUR3525

To Whom This May Concern:

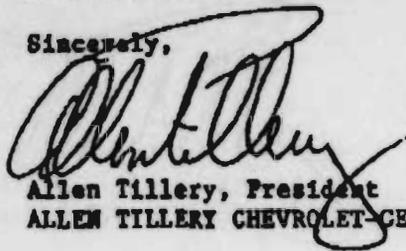
This is in response to the phone conversation that I had today with Mary Ann Baumgarner concerning matter MUR3525.

We do not feel any action should be taken against me or my corporation in this matter, because we do not see where we did any wrong doing.

We did lease a used car to Mr. McCuen, and it was for \$300.00 a month. It may cost more than this in some towns, but in Hot Springs \$300.00 a month is a fair price to charge for a used car. We would have been happy to rent others for that amount. Mr. McCuen did pay us and returned the car to us.

If I can be of any further assistance, please feel free to call on me.

Sincerely,



Allen Tillery, President
ALLEN TILLERY CHEVROLET-CEO INC.

93040983840



MUR # 3525

ADDITIONAL DOCUMENTS WILL BE ADDED TO THIS FILE AS THEY
BECOME AVAILABLE. PLEASE CHECK FOR ADDITIONAL MICROFILM
LOCATIONS.

93040983841



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3525

DATE FILMED 10/28/93 CAMERA NO. 2

CAMERAMAN MC

93040983842



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

Microfilm
 Public Records
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3525.

12/10/93

93043542849

**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.

23043542850



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

The Honorable W.J. "Bill" McCuen
Secretary of State
256 State Capitol Building
Little Rock, AR 72201

RE: MUR 3525

Dear Mr. Secretary:

On May 22, 1992, the Federal Election Commission notified the Office of the Secretary of State, the McCuen for Congress Committee and 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 the Office of the Secretary of State, the McCuen for Congress Committee and 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) 219-3400.

Sincerely,

Mary Ann Bungarner

Attachment
Narrative

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

23043542851

MUR 3525

McCuen For Congress Committee

This matter was initiated by a complaint from counsel for former Congressman Beryl Anthony. Complainant alleges that the McCuen for Congress Committee and W.J. "Bill" McCuen, as treasurer, accepted a prohibited in-kind contribution when they paid less than the normal and usual charge for a rental car and accepted four corporate contributions. Complainant also alleges that Arkansas Secretary of State McCuen ran his campaign for the United States House of Representatives from the Secretary of State's office. Complainant asserts that the Committee failed to "account for and disclose in-kind contributions" resulting from this practice. It appears that the amount at issue for the rental car is approximately \$300 and the amount at issue for the four corporate contributions is \$1250. The value of the labor of the state employees allegedly used to run McCuen's campaign is unknown. According to respondents, the McCuen Committee did not receive an in-kind contribution from the car dealer because the rental fee charged was fair and reasonable. Respondents also state that the corporate contributions were refunded as soon as they were discovered. Respondents also deny that the staff of the Secretary of State's office worked on Mr. McCuen's campaign during office hours. Instead, respondents state that the campaign was conducted out of Mr. McCuen's residence.

This matter reflects no significant issue relative to the other issues pending before the Commission and no substantial amounts of money.

23043542852



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

DEC 10 1993

Allen Tillery, President
Allen Tillery Chevrolet Geo, Inc.
P.O. Box 789
Hot Springs, AR 71902

RE: MUR 3525

Dear Mr. Tillery:

On May 22, 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 Allen Tillery Chevrolet Geo, Inc. and you, as President. 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) 219-3400.

Sincerely,

Mary Ann Bungarner

Attachment
Narrative

Date the Commission voted to close the file:

DEC 09 1993

3043542853

MUR 3525
McCuen For Congress Committee

This matter was initiated by a complaint from counsel for former Congressman Beryl Anthony. Complainant alleges that the McCuen for Congress Committee and W.J. "Bill" McCuen, as treasurer, accepted a prohibited in-kind contribution when they paid less than the normal and usual charge for a rental car and accepted four corporate contributions. Complainant also alleges that Arkansas Secretary of State McCuen ran his campaign for the United States House of Representatives from the Secretary of State's office. Complainant asserts that the Committee failed to "account for and disclose in-kind contributions" resulting from this practice. It appears that the amount at issue for the rental car is approximately \$300 and the amount at issue for the four corporate contributions is \$1250. The value of the labor of the state employees allegedly used to run McCuen's campaign is unknown. According to respondents, the McCuen Committee did not receive an in-kind contribution from the car dealer because the rental fee charged was fair and reasonable. Respondents also state that the corporate contributions were refunded as soon as they were discovered. Respondents also deny that the staff of the Secretary of State's office worked on Mr. McCuen's campaign during office hours. Instead, respondents state that the campaign was conducted out of Mr. McCuen's residence.

This matter reflects no significant issue relative to the other issues pending before the Commission and no substantial amounts of money.

9 3 0 4 3 5 4 2 8 5 4



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Robert F. Bauer, Esquire
Judith L. Corley, Esquire
Perkins Coie
607 Fourteenth Street, NW
Washington, DC 20005-2011

RE: MUR 3525

Dear Mr. Bauer and Ms. Corley:

On May 20, 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 W.J. "Bill" McCuen, the McCuen for Congress Committee and W.J. "Bill" McCuen, as treasurer, the Honorable W.J. "Bill" McCuen and the Office of the Secretary of State, Allen Tillery Chevrolet Geo, Inc. and Allen Tillery, as President, DeVore Farms, Inc., Glass Erectors, Inc., Erickson Supply and Construction, and Rankin Construction Corporation. 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,

Mary Ann Bumgarner

Attachment
Narrative

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

93043542855

MUR 3525

McCuen For Congress Committee

23043542856

This matter was initiated by a complaint from counsel for former Congressman Beryl Anthony. Complainant alleges that the McCuen for Congress Committee and W.J. "Bill" McCuen, as treasurer, accepted a prohibited in-kind contribution when they paid less than the normal and usual charge for a rental car and accepted four corporate contributions. Complainant also alleges that Arkansas Secretary of State McCuen ran his campaign for the United States House of Representatives from the Secretary of State's office. Complainant asserts that the Committee failed to "account for and disclose in-kind contributions" resulting from this practice. It appears that the amount at issue for the rental car is approximately \$300 and the amount at issue for the four corporate contributions is \$1250. The value of the labor of the state employees allegedly used to run McCuen's campaign is unknown. According to respondents, the McCuen Committee did not receive an in-kind contribution from the car dealer because the rental fee charged was fair and reasonable. Respondents also state that the corporate contributions were refunded as soon as they were discovered. Respondents also deny that the staff of the Secretary of State's office worked on Mr. McCuen's campaign during office hours. Instead, respondents state that the campaign was conducted out of Mr. McCuen's residence.

This matter reflects no significant issue relative to the other issues pending before the Commission and no substantial amounts of money.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

James M. DeVore, President
DeVore Farms, Inc.
Rt. 1, Box 144f
DeWitt, AR 72042

RE: MUR 3525

Dear Mr. DeVore:

On May 22, 1992, the Federal Election Commission notified DeVore Farms, Inc. 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 DeVore Farms, Inc. 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) 219-3400.

Sincerely,

Mary Ann Bumgarner

Attachment
Narrative

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

93043542857

MUR 3525

McCuen For Congress Committee

This matter was initiated by a complaint from counsel for former Congressman Beryl Anthony. Complainant alleges that the McCuen for Congress Committee and W.J. "Bill" McCuen, as treasurer, accepted a prohibited in-kind contribution when they paid less than the normal and usual charge for a rental car and accepted four corporate contributions. Complainant also alleges that Arkansas Secretary of State McCuen ran his campaign for the United States House of Representatives from the Secretary of State's office. Complainant asserts that the Committee failed to "account for and disclose in-kind contributions" resulting from this practice. It appears that the amount at issue for the rental car is approximately \$300 and the amount at issue for the four corporate contributions is \$1250. The value of the labor of the state employees allegedly used to run McCuen's campaign is unknown. According to respondents, the McCuen Committee did not receive an in-kind contribution from the car dealer because the rental fee charged was fair and reasonable. Respondents also state that the corporate contributions were refunded as soon as they were discovered. Respondents also deny that the staff of the Secretary of State's office worked on Mr. McCuen's campaign during office hours. Instead, respondents state that the campaign was conducted out of Mr. McCuen's residence.

This matter reflects no significant issue relative to the other issues pending before the Commission and no substantial amounts of money.

23043542858



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 9 0 1993

James T. Watts, Vice President
Glass Erectors, Inc.
P.O. Box 190063
Little Rock, AR 72219

RE: MUR 3525

Dear Mr. Watts:

On May 22, 1992, the Federal Election Commission notified Glass Erectors, Inc. 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 Glass Erectors, Inc. 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) 219-3400.

Sincerely,

Mary Ann Bumgarner

Attachment
Narrative

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

23043542859

MUR 3525

McCuen For Congress Committee

This matter was initiated by a complaint from counsel for former Congressman Beryl Anthony. Complainant alleges that the McCuen for Congress Committee and W.J. "Bill" McCuen, as treasurer, accepted a prohibited in-kind contribution when they paid less than the normal and usual charge for a rental car and accepted four corporate contributions. Complainant also alleges that Arkansas Secretary of State McCuen ran his campaign for the United States House of Representatives from the Secretary of State's office. Complainant asserts that the Committee failed to "account for and disclose in-kind contributions" resulting from this practice. It appears that the amount at issue for the rental car is approximately \$300 and the amount at issue for the four corporate contributions is \$1250. The value of the labor of the state employees allegedly used to run McCuen's campaign is unknown. According to respondents, the McCuen Committee did not receive an in-kind contribution from the car dealer because the rental fee charged was fair and reasonable. Respondents also state that the corporate contributions were refunded as soon as they were discovered. Respondents also deny that the staff of the Secretary of State's office worked on Mr. McCuen's campaign during office hours. Instead, respondents state that the campaign was conducted out of Mr. McCuen's residence.

This matter reflects no significant issue relative to the other issues pending before the Commission and no substantial amounts of money.

23043542860



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

DEC 10 1993

Robert M. Rankin, President
Rankin Construction Corporation
P.O. Box 6300
North Little Rock, AR 72116

RE: MUR 3525

Dear Mr. Rankin:

On May 22, 1992, the Federal Election Commission notified Rankin Construction Corporation 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 Rankin Construction Corporation. 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) 219-3400.

Sincerely,

Mary Ann Bumgarner

Attachment
Narrative

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

23043542861

MUR 3525

McCuen For Congress Committee

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This matter was initiated by a complaint from counsel for former Congressman Beryl Anthony. Complainant alleges that the McCuen for Congress Committee and W.J. "Bill" McCuen, as treasurer, accepted a prohibited in-kind contribution when they paid less than the normal and usual charge for a rental car and accepted four corporate contributions. Complainant also alleges that Arkansas Secretary of State McCuen ran his campaign for the United States House of Representatives from the Secretary of State's office. Complainant asserts that the Committee failed to "account for and disclose in-kind contributions" resulting from this practice. It appears that the amount at issue for the rental car is approximately \$300 and the amount at issue for the four corporate contributions is \$1250. The value of the labor of the state employees allegedly used to run McCuen's campaign is unknown. According to respondents, the McCuen Committee did not receive an in-kind contribution from the car dealer because the rental fee charged was fair and reasonable. Respondents also state that the corporate contributions were refunded as soon as they were discovered. Respondents also deny that the staff of the Secretary of State's office worked on Mr. McCuen's campaign during office hours. Instead, respondents state that the campaign was conducted out of Mr. McCuen's residence.

This matter reflects no significant issue relative to the other issues pending before the Commission and no substantial amounts of money.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Russell C. Erickson, President
Erickson Supply and Construction
P.O. Box 222
Royal, AR 71968

RE: MUR 3525

Dear Mr. Erickson:

On May 22, 1992, the Federal Election Commission notified Erickson Supply and Construction 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 Erickson Supply and Construction. 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) 219-3400.

Sincerely,

Mary Ann Bumgarner

Attachment
Narrative

Date the Commission voted to close the file:

DEC 09 1993

23043542863

MUR 3525

McCuen For Congress Committee

This matter was initiated by a complaint from counsel for former Congressman Beryl Anthony. Complainant alleges that the McCuen for Congress Committee and W.J. "Bill" McCuen, as treasurer, accepted a prohibited in-kind contribution when they paid less than the normal and usual charge for a rental car and accepted four corporate contributions. Complainant also alleges that Arkansas Secretary of State McCuen ran his campaign for the United States House of Representatives from the Secretary of State's office. Complainant asserts that the Committee failed to "account for and disclose in-kind contributions" resulting from this practice. It appears that the amount at issue for the rental car is approximately \$300 and the amount at issue for the four corporate contributions is \$1250. The value of the labor of the state employees allegedly used to run McCuen's campaign is unknown. According to respondents, the McCuen Committee did not receive an in-kind contribution from the car dealer because the rental fee charged was fair and reasonable. Respondents also state that the corporate contributions were refunded as soon as they were discovered. Respondents also deny that the staff of the Secretary of State's office worked on Mr. McCuen's campaign during office hours. Instead, respondents state that the campaign was conducted out of Mr. McCuen's residence.

This matter reflects no significant issue relative to the other issues pending before the Commission and no substantial amounts of money.

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