



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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July 16, 1992

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: DUKAKIS FOR PRESIDENT COMMITTEE, INC. -
REFERRAL MATTERS

Attached please find Exhibits 1-4 representing matters approved by the Commission for referral to your office.

The transmittal of these matters was delayed due to unavailability of staff, computer resource demands relative to 1992 matching funds processing, and additional work required to be performed relating to changes necessitated by subsequent actions taken by both the Committee and the Commission which warranted revisions to three of the four matters.

If you have any questions, please contact Rick Halter at 219-3720.

Attachments:

- Exhibit 1 - Use of Funds for Non-Qualified Campaign Expenses-
Allocation of Expenditures to States
- Exhibit 2 - Possible Prohibited In-Kind Contribution
- Exhibit 3 - Unreported Contributions
- Exhibit 4 - Contributions in Excess of Limitation

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Use of Funds for Non-Qualified Campaign Expenses -
Allocation of Expenditures to States

Section 9035(a) of Title 26 of the United States Code states, in part, that no candidate shall knowingly incur qualified campaign expenses in excess of the expenditure limitation applicable under Section 441a(b)(1)(A) of Title 2 of the United States Code.

Section 9038.2(b)(2)(i)(A) of Title 11 of the Code of Federal Regulations provides, in part, that the Commission may determine that amount(s) of any payments made to a candidate from the matching payment account were used for purposes other than to defray qualified campaign expenses.

Section 9038.2(b)(2)(ii)(A) of Title 11 of the Code of Federal Regulations states that an example of a Commission repayment determination under paragraph (b)(2) of this section includes determinations that a candidate, a candidate's authorized committee(s) or agents have made expenditures in excess of the limitations set forth in 11 C.F.R. §9035. Under 11 C.F.R. §9033.11(a), each candidate has the burden of proving that disbursements made by the candidate or his authorized committee are qualified campaign expenses.

Sections 441a(b)(1)(A) and 441a(c) of Title 2 of the United States Code provide that no candidate for the office of President of the United States who is eligible under Section 9033 of Title 26 to receive payments from the Secretary of the Treasury may make expenditures in any one State aggregating in excess of the greater of 16 cents multiplied by the voting age population of the State, or \$200,000, as adjusted by the change in the Consumer Price Index.

Section 106.2(a)(1) of Title 11 of the Code of Federal Regulations states, in part, that expenditures incurred by a candidate's authorized committee(s) for the purpose of influencing the nomination of that candidate for the office of the President with respect to a particular State shall be allocated to that State.

1. Introduction

The Committee reported on FEC Form 3P that through November 30, 1988, expenditures totaling \$756,595.01 were allocable to Iowa and \$438,667.46 to New Hampshire. These totals were net of an amendment filed on March 15, 1988, reducing expenditures allocable to Iowa by \$90,890.70 and an amendment filed on April 18, 1988, reducing the expenditures allocable to

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Iowa by \$67,743.59 and New Hampshire by \$64,596.55.^{1/} The Audit staff reviewed all of the Committee's work papers related to the original allocations as well as work papers related to the amendments filed. This review revealed a number of areas where the Audit staff disagrees with the Committee's method of allocation and/or computations. Detailed below are the differences between the Committee's totals and the Audit staff's totals.

2. Media

Section 100.8(b)(21) of Title 11 of the Code of Federal Regulations states, in part, that the term "expenditure" does not include costs incurred by a candidate or his or her authorized committee(s) in connection with the solicitation of contributions if incurred by a candidate who has been certified to receive Presidential Primary Matching Fund Payments to the extent that the aggregate of such costs does not exceed 20 percent of the expenditure limitation applicable to the candidate. The fundraising expenditures need not be allocated on a State by State basis, except where the fundraising activity is aimed at a particular state and takes place within 28 days prior to a primary election.

Section 110.8(c)(2) of Title 11 of the Code of Federal Regulations states that expenditures for fundraising activities targeted at a particular State and occurring within 28 days before that State's primary election, convention, or caucus shall be presumed to be attributable to the expenditure limitation for that State.

In its original filings, the Committee attributed 50 percent of the allocable amounts paid to TV and radio stations (see Section 3 for a discussion of media commissions) for time buys to exempt fundraising; however, the full allocable amounts relative to time buys run within 28 days of the Iowa caucus and New Hampshire primary were attributed to the respective States.^{2/}

On April 18, 1988, the Committee filed amendments to its monthly reports covering January and February 1988. The amendments reduced the amounts related to media allocable to Iowa

^{1/} It should be noted that prior to filing the amendments, the Committee reported itself over the Iowa and New Hampshire state limitations by \$140,011.70 and \$44,384.82 respectively.

^{2/} In Advisory Opinion 1988-6, the Commission permitted a committee to allocate 50 percent of the cost of media ads to fundraising, if the ad contained a solicitation for contributions and if it were broadcast more than 28 days prior to the date of the primary election.

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by \$67,743.59 and New Hampshire by \$61,502.87. The reductions were the result of the Committee applying 50 percent of the amounts paid to TV and radio stations for media ads run within 28 days of the Iowa caucus and New Hampshire primary to exempt fundraising.

The Committee provided the Audit staff with a memorandum explaining the adjustments to the media allocation contained in the April 18, 1988 amendments. The memorandum states that the Committee continued to raise money in both Iowa and New Hampshire during the last month of the campaign [30 days prior to the dates of the Iowa caucus (2/8/88) and New Hampshire primary (2/16/88)] and that they believe these contributions were a direct result of the paid advertising and therefore the advertising in the last 28 days of the elections was just as much fundraising advertising as those ads placed prior to the 28 days.

The Audit staff does not disagree with the Committee's contentions that the ads represented fundraising expenditures; however, the Committee appears to be completely ignoring 11 C.F.R. 100.8(b)(21), which clearly requires that fundraising activities targeted at a particular State and occurring within 28 days of a State's primary are chargeable to that State's expenditure limitation.

As noted, Advisory Opinion 1988-6 permitted a committee to attribute to fundraising 50 percent of the costs of media ads allocable to a particular State because the ads contained a solicitation for funds. The Committee states in their memorandum that "all of our advertisements in both Iowa and New Hampshire solicited contributions up until the day of the elections." In order to verify that a solicitation was included on all advertisements, the Audit staff viewed all television commercials run by the Committee. The review revealed that one commercial did not contain any solicitation for contributions; a second commercial ended with the statement "to help call 1-800-USA-MIKE"; and the Committee was unable to provide a copy of a third commercial. These three commercials were only run within 28 days of an election.

The Committee was unable to provide the Audit staff with copies of its New Hampshire radio advertisements which were needed in order to confirm that a solicitation was contained in the radio advertisements; however, all New Hampshire radio advertisements (\$20,172.00) occurred within 28 days of the New Hampshire primary. Thus, the Committee has been unable to demonstrate that media within 28 days of the primary election contained solicitations. Further, had that demonstration been made, the provisions of 11 C.F.R. §100.8(b)(21) would prevent a fundraising exemption for these media expenses.

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In the interim audit report, the Audit staff concluded that the Committee had not provided sufficient justification to support the reductions noted above. The Audit staff therefore increased the expenditures allocable to Iowa by \$67,743.59 and New Hampshire by \$61,502.87.

In response to the interim audit report, the Committee restates the Audit staff's position regarding 11 C.F.R. §100.8(b)(21) and explains that subsection (iii) of 11 C.F.R. §100.8(b)(21) directs the reader to 11 C.F.R. §110.8(c), which states "Expenditures for fundraising activities targeted at a particular State and occurring within 28 days before that State's primary election, convention or caucus shall be presumed to be attributable to the expenditure limit for that State, 11 C.F.R. §100.8(b)(21) (relating to the 20 percent fundraising exemption) notwithstanding." (Emphasis in original.) The Committee argues that there is no basis in the Act for any limitation on fundraising expenditures occurring within 28 days of an election. The response goes on to state that "...the validity of the FEC's '28 day rule' rests on a dubious foundation. In the FECA, 2 U.S.C. §431(9)(B)(vi), it is specifically provided that the term 'expenditure' does not include "any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of the candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under §441a(b), but all such costs shall be reported in accordance with §434(b)."

The Committee argues that the statutory language does not contain a presumption that fundraising expenditures incurred within 28 days of a primary election do not qualify for the fundraising exemption. The Committee states that the FEC is overstepping its rulemaking process by limiting the exemption to only fundraising costs incurred outside the 28 days by creating a regulatory presumption. The Committee feels that it has met the presumption with respect to the advertisements which carried the fundraising solicitation. The Committee provided printouts of fundraising activity which show that over 20 percent (\$6,566) of the funds raised in Iowa and approximately 9 percent (\$10,125) of the funds raised in New Hampshire were raised after the 28 day period began.

As noted above, the Audit staff disagrees with the Committee's argument that the expenditures, although fundraising in nature, are not allocable to the States' expenditure limitations. In past Commission action regarding challenges to the "28 day rule", there has not been any precedent established for a committee rebutting the presumption that expenditures made

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within 28 days of a primary should be allocated to a state.^{3/} Finally, as noted above the Committee has failed to establish the fundraising component of the expenses at issue.

As a result, the Audit staff has not adjusted the expenditures allocated in the interim audit report (Iowa \$67,743.59; New Hampshire \$61,502.87).

3. Media Commission

Section 106.2(b)(2)(i)(B) of Title 11 of the Code of Federal Regulations states that except for expenditures exempted under 11 C.F.R. 106.2(c), expenditures for radio, television and similar types of advertisements purchased in a particular media market that covers more than one State shall be allocated to each State in proportion to the estimated audience. This allocation of expenditures, including any commission charged for the purchase of broadcast media, shall be made using industry market data.

The Audit staff reviewed all payments to the Committee's media firm and media buyers relating to services provided, media placement, and commissions. The review revealed that the Committee did not allocate any media commission to the state expenditure limits. Based on information provided by the Committee and the media buyers at the close of fieldwork it was determined that at a minimum a 2 percent commission was paid for media placed in Iowa and New Hampshire. The amount of the actual commission paid to the media buyers was not verified, since the Committee had not provided complete information on total media buys made by one of the media buyers. Once this information was received and reviewed, any change to the commission amount relative to Iowa and New Hampshire would be computed.

Using a 2 percent commission, the Audit staff computed an additional \$3,705.08 allocable to Iowa and \$1,929.82 allocable to New Hampshire. On July 14, 1990, the Committee filed an amended report disclosing the above amounts as allocable to Iowa and New Hampshire.

Subsequently, the media firm made available all records relative to media time buys, including those records not available for review during the audit. The Audit staff determined that the Committee paid \$150,709.75 in fees/commissions for media time buys. This amount represents 3.5 percent of the total net media placed (\$150,709.75 + \$4,292,629.62).

^{3/} The "28 day rule" as found at 11 C.F.R. §110.8(c)(2) was promulgated on April 13, 1977.

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Based on the above, the amounts allocable to Iowa and New Hampshire have been revised. A 3.5 percent commission has been applied to all allocable media buys for Iowa and New Hampshire. This percentage replaces the estimated 2 percent noted in the interim audit report. As a result, a total of \$6,483.89 is allocable to Iowa and \$3,377.18 to New Hampshire for media commissions.

4. Adjustments to Media Buyer's Allocations

The Committee's media buyer provided the Committee with the amounts of television buys allocable to each State using percentages reported in "Arbitron Ratings Television 1986-87 Universe Estimate Summary" (Arbitron). The majority of radio buys were allocated 100 percent to the State in which the radio station was located.

The Audit staff reviewed the allocations prepared by the media buyer and determined that in some instances the Arbitron percentages for New Hampshire used by the media buyer were outdated and in other instances, the percentages were revised by the media buyer for both television and radio. The Audit staff recalculated the allocations using the updated Arbitron data and determined that media allocable to New Hampshire should be reduced by \$33,517.46. Committee officials were provided with the Audit staff's adjustments.

In addition to the above matters, the Audit staff noted other miscellaneous errors which require an increase in the media allocations to Iowa of \$3,364.18. The adjustments were discussed with Committee officials who agreed with the calculations.

In response to the interim audit report, the Committee filed an amended report on July 14, 1990 which reflected the adjustments noted above.

5. Fundraising

The Committee reduced the amounts allocable to the Iowa and New Hampshire expenditure limitations by an amount equal to 50 percent of the costs of events held in these States.^{4/} The Committee provided the Audit staff with memoranda which stated that funds were solicited at the events. A sample of literature which the Committee states was distributed at many Iowa events was also provided to the Audit staff. The literature did have a request for funds on the back page.

^{4/} The costs related to other events which were initially viewed as strictly fundraising in nature were excluded from allocation by the Committee in accordance with 11 C.F.R. §100.8(b)(21).

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The Committee also provided a sworn affidavit from Governor Dukakis' Executive Assistant in which he states that he attended in excess of 90 percent of the Governor's public appearances in Iowa and that the Iowa literature was handed out at most events. The Committee provided the Audit staff with a written statement which describes the Committee's fundraising efforts in New Hampshire. According to the statement, the Committee emphasized grassroots fundraising and that collections were taken at all events.

In requesting that 50 percent of the costs of the events in question be allocated to fundraising, the Committee appears to be relying on the Commission's decision in Advisory Opinion 1988-6, which dealt specifically with television advertisements. As permissible under the Regulations, the Committee has allocated to fundraising the costs of events which were strictly fundraising in nature (11 C.F.R. §100.8(b)(21)) and also 10 percent of overhead and payroll in the State (11 C.F.R. §106.2(c)(5)). In the interim audit report, the Audit staff stated that no justification could be found in the Regulations for allowing an additional 50 percent allocation to fundraising as proposed by the Committee. As a result, the Audit staff increased the amount allocable to Iowa by \$36,344.32 and to New Hampshire by \$3,093.68.

In response to the interim audit report, the Committee argues that the Audit staff's position is legally insupportable. The Committee states that 2 U.S.C. §431(9)(B)(vi) broadly excludes from the national spending limit "any costs incurred by ...[a presidential candidate who accepts matching funds] in connection with the solicitation of contributions..." The Committee attempts to further support its argument by referring to 11 C.F.R. §100.8(b)(2)(i) and (ii), along with Advisory Opinion 1988-6 and the 1984 John Glenn for President Audit Report. The above referenced materials provided the committees a basis for allocating a portion of disbursements to the fundraising limit.

In order to accept the Committee's position in this matter, the Commission would have to agree that across the board, all events attended by the Candidate were fundraising in nature. The Audit staff does not agree with the Committee that it has shown in this case that a substantial fundraising purpose has been shown for the expenditures in question. The affidavit, stating that the distribution of a piece of campaign literature containing a request for funds was distributed at most events is not sufficient to demonstrate that the events in question were in fact of a substantial fundraising nature. Further, the affidavit states that the literature piece entitled "Iowans Rate Mike Dukakis" was a standard piece typical of the literature distributed at Iowa Dukakis events. It should be noted that the above piece of literature was the only sample submitted for Iowa

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events. This piece of literature appears to be a copy of a newspaper article which requests funds. However, it is not event specific and appears to be dated February 8, 1988 (the day of the Iowa caucus). The distribution of campaign material containing a solicitation at an event, rally or other gathering does not convert the occasion into a fundraising event. Naturally, the cost of the campaign material would be 100% fundraising and would have been so treated.

Finally, it is obvious that the Committee continues to disregard the "28 day rule" (see III.B.2. - Media). Should the Committee demonstrate that the 50 percent fundraising exemption is permissible, such exemption would only apply to the cost of events held outside the 28 day periods. Therefore, the amounts allocated to the Iowa (\$36,344.32) and New Hampshire (\$3,093.68) expenditure limitations remain unchanged.

6. Iowa Expenses Allocated to National Headquarters

Section 106.2(b)(2)(vi) of Title 11 of the Code of Federal Regulations states, in part, that expenditures incurred for the taking of a public opinion poll covering only one State shall be allocated to that State.

In February and August 1987, the Committee conducted two polls in Iowa at a cost of \$14,000 and \$6,000. The first poll was paid for in two installments of \$7,000 each. The first payment was allocated to Massachusetts and the second payment was allocated to Iowa. The second poll was paid from an invoice which indicated it was an Iowa poll and the payment was allocated in full to Iowa.

In its March 15, 1988 amendment, the Committee reduced its allocations to Iowa for the second quarter report by \$7,032.00 and the third quarter report by \$3,421.50. According to workpapers maintained by the Committee, the reductions represented 50 percent of the cost of the two Iowa polls conducted in the spring and summer of 1987. In a memorandum explaining the amendment, the Committee states that the polls assisted the Iowa campaign effort in developing strategies for the Iowa caucus and were used as the basis for the campaign's national strategy. For this reason, the Committee amended its reports to allocate 50 percent of the cost of the two polls to the national campaign.

Committee officials could not provide the Audit staff with copies of the questions asked during the polls; however, they do not dispute the fact that the polls were conducted in Iowa.

The interim audit report stated that it was the opinion of the Audit staff that the Committee did not provide

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sufficient justification for allocating 50 percent of the costs of the polls to the national campaign. Therefore, the Audit staff increased the amount allocable to the Iowa expenditure limit by \$17,453.50 [$\$14,032.005/ + \$3,421.50$].

In response to the interim audit report, the Committee stated that copies of the two polls have not been located; however, "...from the memories of those involved we believe they would demonstrate the national scope of the questions asked." The Committee further restates that the data obtained from the polls was used to plan national strategy. However, the Commission's regulations on polling are very clear. If the poll was conducted within a state, the cost is allocable to that state.

It is the opinion of the Audit staff that the Committee has not provided any additional justification to warrant reducing the amounts allocable to Iowa. Therefore, the amount allocated to Iowa (\$17,453.50) remains unchanged.

7. Allocation of State Offices' Overhead to National Campaign

Section 106.2(b)(2)(iv)(A) of Title 11 of the Code of Federal Regulations states, in part, that except for expenditures exempted under 11 C.F.R. 106.2(c), overhead expenditures of committee offices located in a particular State shall be allocated to that State. For purposes of this section, overhead expenditures include, but are not limited to, rent, utilities, office equipment, furniture, supplies, and telephone service base charges.

a. Iowa Office Overhead

The Committee amended its reports on March 15, 1988, to allocate 50 percent of the overhead costs (\$14,837.82) of its Iowa office to the national campaign. The Committee based the reallocation on the fact that the Iowa office served as "an extension of the Boston office for reasons of geographical convenience." In a memorandum explaining the reallocation, the Committee states that a substantial amount of the Iowa office staff's time was spent working with and answering inquiries not directly related to the Iowa caucus. The Governor's national field staff and scheduling staff also spent a great deal of time in Iowa, however, they often were involved with responsibilities for other States.

5/ Since only \$7,000 of the \$14,000 cost of the first poll was allocated to Iowa, it is necessary to increase the Iowa allocation by \$14,032 (\$7,000 not allocated and the \$7,032 reduction from the March 15, 1988 amendment).

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In the interim audit report, the Audit staff stated that no justification in the regulations existed for exempting the overhead costs of the Iowa office to the national campaign. To accept the Committee's position would in effect create a new "national campaign" exemption not contemplated in the Act or Regulations. As a result, the Audit staff increased the amount allocable to the Iowa expenditure limitation by \$14,837.82.

In response to the interim audit report, the Committee restates its position that it was necessary to equip the Iowa office similarly to the national headquarters, since the candidate spent an extended period of time there. The Committee did not provide any additional information to justify the allocation, therefore, the amount allocable to the Iowa expenditure limitation (\$14,837.82) remains unchanged.

b. Iowa Press Staff - Payroll

In addition to the overhead costs mentioned above, the Committee also reallocated 50 percent of the payroll costs of the Iowa press staff to the national campaign (\$40,398.41). In a memorandum explaining the reallocation the Committee states that "the Iowa press staff spent a great deal of their time overall working with non-Iowa based press. The Iowa campaign was extensively covered by press from all over the country. This coverage was not intended to, and did not, influence the results of the Iowa Caucus." The Committee also provided an affidavit signed by the Committee's Iowa Press Secretary in which she states "Whenever Governor Dukakis visited Iowa he was followed by a large number of non-Iowa press and the press office staff would spend a great deal of their time working with the non-Iowa based press."

The Commission dealt with the issue of exempting a portion of Committee staff salaries from allocation to the state expenditure limits for staff members who worked with the national press during the 1980 Kennedy for President Committee audit. In that matter, the Commission agreed with the Audit staff that since the salaries were for staff services in the states and do not relate directly to the national headquarters that there was no basis for exempting the salaries from the state expenditure limitations. As a result, the Audit staff increased the amount allocable to the Iowa expenditure limitation by \$40,398.41.

In response to the interim audit report, the Committee restated its position on the matter, but did not provide the Audit staff with any additional information for its allocation. Therefore, the Audit staff's allocation to the Iowa expenditure limitation (\$40,398.41) remains unchanged.

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c. FAX Machine

The Committee also reallocated the cost of the fax machine maintained in the Iowa state office to the national office (\$1,921.92). According to a memorandum prepared by the Committee, the fax machine was used solely as a means of interstate communication with the national headquarters. To support the argument, Committee officials supplied the Audit staff with a November 1987 and January 1988 telephone bill for the fax machine which shows that the majority of the use was for interstate communication.

It is the opinion of the Audit staff that costs associated with a fax machine be allocated in the same manner as State office telephone costs. Under 11 C.F.R. 106.2(b)(2)(iv)(A), telephone service base charges are considered overhead costs and allocable to the State limits while charges for interstate calls are not allocable (11 C.F.R. 106.2(b)(2)(v)). The \$1,921.92 in payments the Committee is attempting to reallocate are equipment costs and do not include the telephone company charges for the transmission of the correspondence. As a result, the Audit staff has allocated \$1,921.92 to the Iowa expenditure limitation.

In response to the interim audit report, the Committee restated their position that the fax machine costs should not be counted toward the Iowa limit, however, the Committee did not provide any additional information. Therefore, it remains the opinion of the Audit staff that the \$1,921.92 in costs associated with the Iowa fax machine be allocated to the Iowa expenditure limitation.

8. Payroll

Section 106.2(c)(5) of Title 11 of the Code of Federal Regulations states that an amount equal to 10 percent of campaign workers' salaries and overhead expenditures in a particular State may be excluded from allocation to that State as an exempt compliance cost and as an exempt fundraising expenditure.

The Committee classified costs associated with reimbursements for campaign housing and individual travel subsidies in Iowa as payroll costs. These costs were combined with actual payroll, payroll taxes, and health insurance costs to establish a broad category of "payroll" costs. The Committee then excluded 10 percent of these total "payroll" costs from allocation to the Iowa expenditure limitation as both fundraising and compliance costs. These additional "payroll" classifications resulted in a reduction to the Iowa expenditure limitation by exempting \$2,043.18 in fundraising costs and \$2,485.25 in compliance costs.

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The Committee did not have any written employment contracts which indicated that expense reimbursements would be considered salary nor could they confirm whether the employees on whose behalf the payments were made were instructed to report the payments as income. As a result, the Audit staff allocated an additional \$4,528.43 (\$2,043.18 + 2,485.25) to the Iowa expenditure limitation.

In response to the interim audit report, the Committee states it had no written employment contracts with its senior or junior staff. The Committee explains that the payment of travel expenses was considered a supplement to individuals' salaries, and for that reason, the Committee viewed the payment of expense reimbursements as salary.

It is the opinion of the Audit staff that the Committee has no justification for categorizing the costs noted above as payroll costs. Therefore, the Audit staff's allocation to the Iowa expenditure limitation (\$4,528.43) remains unchanged.

9. Travel, Subsistence, and Salary

Sections 106.2(b)(2)(ii) and (iii) of Title 11 of the Code of Federal Regulations state, in part, that salaries and travel and subsistence expenditures for persons working in a State for five consecutive days or more shall be allocated to the State in proportion to the amount of time spent in each State during a payroll period.

A review of hotel bills and expense reimbursements revealed various instances where individuals spent five or more consecutive days in Iowa or New Hampshire; however, the associated salary and subsistence costs were not allocated to the respective State (\$50,914.58 - Iowa; \$18,662.70 - New Hampshire). In addition, in some instances hotel charges were noted on credit card bills, however, documentation on the length of stay by the individual(s) was not available (\$18,587.10 - Iowa; \$6,614.47 - New Hampshire). The auditors also noted that 34 cars were leased from rental agencies located in Illinois and Nebraska. Generally, the term of the lease was late January to mid February and the associated expenses were not allocated to the Iowa expenditure limitation (\$18,828.49).^{6/} Committee officials were provided with a list of the expenditures at the exit conference. Based on the activity noted above, the Audit staff identified \$88,330.17 (\$50,914.58 + \$18,587.10 + \$18,828.49) in expenses in Iowa and \$25,277.17 (\$18,662.70 + \$6,614.47) in New Hampshire and have increased the amount allocable to each state.

^{6/} The dates of the Illinois and Nebraska primary elections were 3/15/88 and 5/10/88, respectively.

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In response to the interim audit report, the Committee allocated \$64,226.52 to Iowa and \$22,443.40 to New Hampshire. However, the Committee disagreed with the Audit staff's allocation of \$24,103.65 (\$88,330.17 - 64,226.52) to Iowa and \$2,833.77 (\$25,277.17 - 22,443.40) to New Hampshire.

Regarding the expenditures which the Committee states were properly allocated (i.e., not requiring allocation to Iowa or New Hampshire) in instances involving seven individuals (\$2,731.14), the Committee explained that they had been working under a "previous interpretation" of the 5 day rule. Prior to September, 1987, the Committee interpreted the rule as allowing an allocation to interstate travel as long as the individual spent less than 120 hours in a particular state and subsequently left the state for at least 24 hours. The Committee proposes that any expenditures allocated under the "previous interpretation" be accepted as properly allocated. For the majority of the remaining amount, the Committee obtained affidavits stating that the individuals rented cars and hotel rooms in their own names but did not use them, and other individuals stated that they could not recall remaining in a state for more than four consecutive days. The Committee did not support the statements in the affidavits with sufficient documentation or any other contemporaneous evidence. In the case of a number of individuals who the Committee stated accompanied the candidate on an Iowa trip, the Committee, in response to the interim audit report, provided the Candidate's itinerary. A flight manifest prepared by the travel agency handling Committee travel arrangements for the period in question was reviewed by the Audit staff during fieldwork; however, neither the itinerary nor the flight manifest contains the names of the individuals involved.

It is the opinion of the Audit staff that the Committee's response and information submitted along with the response do not provide sufficient evidence to exempt the expenditures from the states' spending limits. Further, with respect to statements that people other than those indicated in the records used cars or hotel accommodations, nothing is provided to support this assertion. Absent such support, the Audit staff must rely on the information documented in Committee records. The Audit staff does not believe that a misinterpretation of the 5 day rule justified the Committee exempting allocable expenditures from the spending limits.

Based on a review of the Committee's response, the Audit staff's original allocations remain unchanged (\$88,330.17 Iowa; \$25,277.17 New Hampshire); however, at the January 30, 1992 Open Session regarding George Bush for President, Inc., the Commission determined that certain amounts allocated by the Audit staff to the New Hampshire spending limitation should be excluded.

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In conformance with the Commission's ruling in this matter, \$1,986.89 in travel, subsistence and salary related to Iowa, and \$986.29 related to New Hampshire should not be considered allocable since the individuals' presence in the respective states with respect to the five-day rule was not established.

The above allocation figures have been adjusted; the revised amount for Iowa is \$86,343.28 and for New Hampshire \$24,290.88.

10. Democratic Party List

The Committee purchased an Iowa supporter list from the Iowa state party for \$10,000. At the time of purchase, the Committee allocated \$3,000 to fundraising and \$7,000 to the Iowa spending limitation. In a March 15, 1988 amendment, the Committee allocated an additional \$2,000 to fundraising and reduced the Iowa expenditure limitation by \$2,000. In a memorandum explaining the March 15, 1988 amendment, the Committee states that when the list was purchased, it was estimated that it would be used 30 percent for fundraising. However, at this point a 50-50 split is more accurate.

Based on the above, the Audit staff has allocated an additional \$5,000 to the Iowa expenditure limitation.

In response to the interim audit report, the Committee provided an affidavit from the Director of Direct Mail Fundraising in which he states, "the Committee used this list for, among other things, fundraising letters directed to Iowa Democrats." (Emphasis not in original.) He further states that the list was well maintained and that the value of the list for fundraising purposes was approximately \$55 per 1,000 names or \$4,950 (90,000 names).

It is the opinion of the Audit staff that the statements and estimate of the value of the list provided by the Director of Direct Mail Fundraising do not provide support for allocating 50 percent of the cost of the list to fundraising, since no evidence has been provided that the list was used substantially for fundraising.^{7/}

^{7/} According to the Committee's data base, 918 contributions, totaling \$44,777.25, were recorded as received from individuals whose address is listed in Iowa. Of this amount, 295 contributions, totaling \$7,849.50, are recorded with a source code (DM...) apparently denoting the contributions were received in response to a direct mail effort.

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Since the Committee has not provided any justification for allocating a portion of the list to fundraising, the Audit staff's allocation to the Iowa expenditure limitation (\$5,000) remains unchanged.

However, on September 26, 1991, the Commission determined that the cost of the list was an exempt fundraising expense and does not require allocation to Iowa. Consistent with that determination, the Audit staff has adjusted the amount allocable to the Iowa limitation.

11. Phone Bank Services

During the campaign, the Committee entered into an agreement with the American Federation of State, County and Municipal Employees (AFSCME) for phone bank services and related space. Based on correspondence from AFSCME, the Committee allocated \$9,244.55 to Iowa and \$7,152.50 to New Hampshire for these services. The Audit staff reviewed the available records maintained at AFSCME headquarters regarding the phone banks and leases and identified additional allocations to Iowa and New Hampshire.

AFSCME provided space and phone bank services in 10 cities in Iowa and 10 cities in New Hampshire. Complete phone bills were not available regarding charges during the period covered by the leases, and, in one instance, a lease was not available for a phone bank location. The Commission issued subpoenas to the Iowa and New Hampshire phone companies to produce the missing phone bills. A review of the bills and other related documents received as a result of the subpoenas disclosed that an additional \$15,561.88^{8/} is allocable to Iowa and an additional \$17,852.34 is allocable to New Hampshire. The value of these allocations is viewed as an in-kind contribution. The Iowa telephone company was unable to provide information on the phone location for which a lease was not available.

8/ An additional amount may be allocable relative to leased premises in Iowa, Nebraska, Minnesota, Illinois and Vermont for which documentation has yet to be provided. Further, interstate phone calls made from phone banks located in Nebraska, Minnesota, Illinois and Vermont to Iowa and New Hampshire were noted during our review. Approximately \$17,600 in interstate charges for calls to Iowa and approximately \$5,500 to New Hampshire are not considered allocable based on the Commission's determination in the Dole for President final audit report (i.e., the calls made from a given phone bank were not made exclusively to a single state). Approximately \$2,900 in calls or about 11% of the toll charges were made to states other than Iowa and New Hampshire.

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12. Miscellaneous

In addition to the matters noted above, the Audit staff identified various errors in the Committee's computations relating to the Iowa and New Hampshire allocations. These errors included refunds charged back to the Iowa limitation when the original expenditure was not allocated to Iowa, and various calculation errors. These errors resulted in an underallocation of expenditures to Iowa totaling \$7,655.21 and to New Hampshire totaling \$3,581.97.

In response to the interim audit report, on July 14, 1990, the Committee filed an amended disclosure report increasing the expenditures subject to the Iowa limitation by \$7,655.21 and the New Hampshire limitation by \$3,581.97.

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Summary of Expenditures Allocable
 to Iowa and New Hampshire

	<u>Iowa</u>	<u>New Hampshire</u>
Reported Totals as amended at 3/15/88 and 4/18/88	\$ 751,595.019/	\$ 438,667.46
Media Adjustments:		
Cost of Media Buys within 28 days of Primary Charged to Fundraising (III.B.2.)	67,743.59	61,502.87
Media Commission (III.B.3.)	6,483.89	3,377.18
Adjustments to Media Buyer's Allocations (III.B.4.)	-0-	(33,517.46)
Miscellaneous Media Adjustments (III.B.4.)	3,364.18	-0-
Fundraising Adjustments:		
50% of Event Costs Allocated to Fundraising (III.B.5.)	36,344.32	3,093.68
Expenses Allocated to Headquarters:		
Polling (III.B.6.)	17,453.50	-0-
Overhead (III.B.7.a.)	14,837.82	-0-
Payroll (III.B.7.b.)	40,398.41	-0-
Fax Machine (III.B.7.c.)	1,921.92	-0-
Payroll:		
Allocation to Fundraising and Compliance for Expenses included as - Payroll (III.B.8.)		
Fundraising	2,043.18	-0-
Compliance	2,485.25	-0-
Travel, Subsistence and Salary:		
Not Allocated (III.B.9.)	86,343.28	24,290.88
Phone Bank Services (III.B.11.)	15,561.88	17,852.34
Miscellaneous (III.B.12.)	<u>7,655.21</u>	<u>3,581.97</u>
Total Expenditures Subject to Limit	\$1,054,231.44	\$518,848.92
State Spending Limitation	<u>(775,217.60)</u>	<u>(461,000.00)</u>
Amount in Excess of State Limitation	<u>\$ 279,013.84</u>	<u>\$ 57,848.92</u>

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9/ The Audit staff adjusted this reported total by (\$5,000), see Exhibit #1, section B.10.

Recommendation

The Audit staff recommends this matter be referred to the Office of General Counsel for compliance action.

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Possible Prohibited In-Kind Contribution

Section 441b(a) of Title 2 of the United States Code states, in part, that it is unlawful for any labor organization to make a contribution or expenditure in connection with any presidential primary election or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section.

Section 100.7(a)(1)(iii) of Title 11 of the Code of Federal Regulations defines an in-kind contribution as the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services. If goods or services are provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged the political committee.

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The interim audit report contained a finding at Section III.B.2. entitled Undocumented Expenditures. This finding involved phone bank services billed at \$341,275.99 provided by the American Federation of State, County, and Municipal Employees (AFSCME) to the Committee during the campaign. As noted in the interim report the auditors were provided with correspondence between the Committee and AFSCME, however, the Committee did not provide worksheets or other supporting documentation to explain the basis and calculations used by AFSCME in arriving at the charge to the Committee. These records were requested during the fieldwork stage of the audit and also requested in Recommendation #7 of the interim audit report. In response to these requests AFSCME allowed the Audit staff to examine the records related to the phone bank activity at its headquarters. In the letter granting access to the records an AFSCME representative did state that the individual normally responsible for handling the financial aspects of the telephone bank was on leave during the period the transactions were taking place. In addition, upon arriving at AFSCME the auditors were informed that the individual most knowledgeable about the phone bank operations had passed away a few weeks earlier.

The records made available to the Audit staff included telephone bills, leases between the Committee and AFSCME, and leases between AFSCME and various property owners. Due to the volume of material, the Audit staff decided to concentrate on activity related to Iowa and New Hampshire since, based on our analysis during fieldwork, the Committee had exceeded each state's spending limitation. AFSCME correspondence sent to the Committee related to the charges for Iowa and New Hampshire

indicated that the Committee was billed for a \$50 deposit relative to each telephone line and 25% of the cost of the lease. The correspondence goes on to say that a final bill would be sent once actual billings were received from the telephone companies by AFSCME. The Audit staff could not find any evidence that a final bill was ever sent.

Regarding the Iowa and New Hampshire billings, the Committee was billed for 118 telephones located in 10 cities in Iowa and 95 telephones located in 10 cities in New Hampshire. In addition, for each location the Committee was billed 25% of the cost of the lease. Billings totalled \$9,127.05 for Iowa and \$7,152.50 for New Hampshire.

In reviewing the billings the Audit staff made the following assumptions.

1. New telephone line installations were made for the phone bank operation solely. This appears to be supported by the fact that in every case the Committee was billed for a deposit on each new line that was installed.
2. During the period of the lease between the Committee and AFSCME the phones were used exclusively for the Committee's phone banks.
3. During the period covered by the lease all space was used exclusively by the Committee.

The Audit staff computed the costs of all telephone calls made at each location during the period covered by the lease. The cost of the lease between AFSCME and the lessor was then prorated for the period of time during which the Committee used the space. The telephone installation costs were prorated at the same percentage as the lease costs. It should be noted that in almost every case the telephone bills provided by AFSCME did not cover the entire period during which the Committee leased space from AFSCME. The missing phone bills covered from 4 to 42 days. In the case of Des Moines, IA the Audit staff identified telephone charges however no installation charges or lease were found.

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The Audit staff's review identified \$24,806.43 and \$25,004.84 in phone bank charges associated with phone banks located in Iowa and New Hampshire respectively.^{1/} The Committee was billed \$9,244.55 for Iowa locations and \$7,152.50 for New Hampshire. In the opinion of the Audit staff the difference \$15,561.88 (\$24,806.43 - 9,244.55) in Iowa and \$17,852.34 (\$25,004.84 - 7,152.50) in New Hampshire represents an in-kind contribution from AFSCME. As noted above only Iowa and New Hampshire activity was reviewed however it appears likely that if phone bank costs have been under billed for locations in Iowa and New Hampshire that the same will be true for other states which would result in a larger in-kind contribution from AFSCME.

Recommendation

The Audit staff recommends that the matter involving the in-kind contribution for phone bank services in Iowa and New Hampshire be referred to the Office of General Counsel for compliance action.

1/ Interstate phone calls made from phone banks located in Nebraska, Minnesota, Illinois and Vermont to Iowa and New Hampshire were noted during our review. Approximately \$17,600 in interstate charges for calls to Iowa and approximately \$5,500 to New Hampshire are not considered allocable based on the Commission's determination in the Dole for President final audit report (i.e., the calls made from a given phone bank were not made exclusively to a single state). Approximately \$2,900 in calls or about 11% of the toll charges were made to states other than Iowa and New Hampshire.

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Unreported Contributions

Sections 434(b)(2) and (3) of Title 2 of the United States Code state, in part, that each report shall disclose the total amount of all contributions from persons and the identification of each person who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year, together with the date and amount of any such contribution.

Under 2 U.S.C. §431(13)(A), "identification" means, in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer.

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On June 10, 1988, the Committee opened a checking account entitled the "joint escrow account." According to Committee officials, it was apparent at that time that the Committee would raise more funds than it could legally spend. Contributions received after June 9, 1988, were deposited into the joint escrow account and letters were then sent to the contributors requesting that they approve attributing the contributions to the General Election Compliance Fund (GELAC) or seek a refund. The contributions were not reported at the time they were deposited into the joint escrow account. When the contributions were transferred to the GELAC, the contributions were reported on the GELAC's disclosure reports. The Committee did not report the receipt or refund of any of the contributions which were refunded. The Audit staff was unable to determine the amount of time between the receipt of the contributions into the joint escrow account and the subsequent transfer to the GELAC or refund since the Committee did not maintain copies of the contribution checks in deposit order or any other record which could be used to determine when each of the aforementioned contributions were deposited into the joint escrow account.

An analysis of deposits into the joint escrow account revealed that during the period June 10, 1988 through December 30, 1988, \$1,447,750.42 was initially deposited into the joint escrow account.

Committee officials stated that they were unaware that the contributions were not reported at the time received.

In the interim audit report, the Audit staff recommended that within 30 calendar days of service of the report, the Committee file amended reports disclosing the contributions and refunds noted above.

On April 18, 1990, and July 14, 1990, the Committee filed amended reports in response to the Audit staff's recommendation. The reports included an itemization of cash on hand in the joint escrow account at May 1989^{1/}, along with itemization of all contributors whose contributions were transferred to the GELAC fund in excess of 80 days from the date of the contribution check. A Committee official stated that the remaining contributions were never considered primary contributions and until the Commission makes a final decision that the contributions are primary contributions, any reporting of the contributions by the primary committee would be incorrect. It is the opinion of the Audit staff that the Committee has not complied with the recommendation contained in the interim audit report.^{2/}

On September 3, 1990, the Committee filed comprehensive amendments for calendar years 1988 and 1989. The 1988 amendment contained itemizations for contributions refunded from the joint escrow account and for those contributions listed at Appendices 11 and 12 of the Committee's response to the interim report. The 1989 amendment contained itemizations for contributions refunded during 1989 from the joint escrow account.

As of this date, about \$1.1 million of the approximately \$1.45 million deposited into the joint escrow account has been reported by the Committee via the amendments dated April 18, 1990, July 14, 1990 and September 3, 1990. It appears that most of the remainder was recorded as GELAC contributions.

Recommendation

The Audit Staff recommends that this matter be referred to the Office of General Counsel, in accordance with the Commission approved materiality thresholds, for compliance action.

^{1/} May 1989 is the date through which the Audit staff reviewed the joint escrow account activity.

^{2/} Refer to the final audit report, Finding III.C., Statement of Net Outstanding Campaign Obligations and Repayment of Surplus Funds for a more detailed discussion of the Joint Escrow Account.

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Contributions in Excess of Limitation

Section 441a(a)(1)(A) of Title 2 of the United States Code states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which in the aggregate, exceed \$1,000 and Section 441a(f) of Title 2 of the United States Code states, in part, that no candidate or political committee shall knowingly accept any contribution in violation of the provisions of this section.

Section 103.3(b) of Title 11 of the Code of Federal Regulations states, in part, that the Treasurer shall be responsible for examining all contributions received and for ascertaining whether contributions received, when aggregated with other contributions from the same contributor, exceed the contribution limitations of 11 C.F.R. §110.1.

Section 103.3(b)(3) states, in part, that contributions which on their face or when aggregated with other contributions from the same contributor exceed the contribution limitations set forth in 11 C.F.R. §110.1, may be either deposited into a campaign depository under 11 C.F.R. §103.3(a) or returned to the contributor. If deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor in accordance with 11 C.F.R. §110.1(b), 110.1(k) or 110.2(b), as appropriate. If a redesignation or reattribution is not obtained, the treasurer, within sixty days of the treasurer's receipt of the contribution, shall refund the contribution to the contributor.

As noted in final audit report Finding III.C. and Exhibit #3 of this document, the Committee maintained a joint escrow account into which were deposited contributions which were subsequently transferred to the General Election Compliance Fund (GELAC). In the analysis of these transactions, the Audit staff determined that the contribution check date (7/20/88 or before)^{1/} and payee description would form the basis to determine whether these contributions were considered attributable to the primary election or the GELAC. In either situation, with respect to the check date, contributions made payable to the GELAC or any payee description determined to be the GELAC would be attributed to the GELAC.

Our analysis of those contributions determined to be attributable to the primary campaign, when aggregated with contributions from the same contributor previously deposited

^{1/} Governor Dukakis' date of ineligibility was July 20, 1988.

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directly into the primary election account, identified 271 contributions, or portions thereof, totaling \$116,884.53 which were in excess of the individual's contribution limitation.^{2/} A schedule identifying those contributors and the related excessive contributions was included in the interim audit report at Attachment #10.

In the case of 155 contributions, or portions thereof, from 153 contributors, totalling \$61,089.53 identified in the interim report, the redesignations/ reattributions were deemed to be untimely by the Audit staff. In the majority of these instances a letter redesignating and/or reattributing the contribution was contained in the Committee's file, however, the lack of a date of receipt for the letter renders the action untimely. Forty-one contributions, or portions thereof, totalling \$21,000, were not refunded on a timely basis. Twelve contributions, or portions thereof, totalling \$2,625, were found to be unauthorized redesignations/reattributions since no copy of a redesignation/retribution letter was found in the Committee's files. As of May 12, 1989, the Committee had taken no action on 63 contributions, or portions thereof, totalling \$32,170.

Detailed below is a breakdown of the excessive contributions, or portions thereof, and status as of May 12, 1989 (the same contributor/contribution may be listed in more than one category).

	<u>Number of Contributors</u>	<u>Number of Contributions</u>	<u>Excessive Portion</u>
Untimely Redesignations/ Reattributions	153	155	\$61,089.53
Unauthorized Redesignations/ Reattributions	12	12	2,625.00
Untimely Refunds	41	41	21,000.00
No Action Taken	<u>62</u>	<u>63</u>	<u>32,170.00</u>
TOTALS	<u>268</u>	<u>271</u>	<u>\$116,884.53</u>

^{2/} In accordance with 11 C.F.R. §9003.3(a)(1)(iii), contributions which exceed the contributor's limit for the primary election may be deposited in the legal and accounting compliance fund if the candidate obtains the contributor's redesignation in accordance with 11 C.F.R. §110.1.

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In the interim audit report, the Audit staff recommended that within 30 calendar days of service of the report, the Committee submit evidence demonstrating that the contributions noted above were not in excess of the contribution limitation, or within the 30 day period refund the excessive portions of the unauthorized redesignations/reattributions and those for which no action has been taken as of May 12, 1989 and present evidence of the refunds (front and back of the refund checks) to the Audit Division.

With respect to the above recommendation, the Committee provided copies of refund checks or otherwise resolved the 71 contributions, totaling \$34,795, requiring corrective action.^{3/}

Shown below is a recap based on our analysis of the Committee's response as well as the Commission's decision of October 10, 1991 regarding the permissibility of transferring contributions initially deposited into the joint escrow account. (See Final Audit Report, pps. 24-29.)

	<u>Number of Contributors</u>	<u>Number of Contributions</u>	<u>Excessive Portion</u>
Untimely Redesignations/ Reattributions	141	143	\$ 56,129.53
Untimely Refunds	<u>113</u>	<u>116</u>	<u>55,795.00</u> ^{4/}
TOTALS	<u>254</u> ^{5/}	<u>259</u>	<u>\$111,924.53</u>

Recommendation

The Audit staff recommends that this matter be referred to the Office of General Counsel for compliance action in accordance with the Commission approved materiality thresholds.

^{3/} \$17,185 was refunded to contributors and \$17,610 was paid the the United States Treasury (see Final Report, p. 35).

^{4/} 12 contributions, excessive portion totaling \$2,625, relative to Unauthorized redesignations/reattributions were refunded in response to Interim Audit Report.

^{5/} The same contributor may be listed in more than one category.

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Report on Excessive Contributions--Dukakis
Change Dates between 01/01/1988 and 07/15/1992

Run Date: 07/16/1992

Page 1

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
1	0131713F	Abt, Wendy Peter	19 Pollen Street		Cambridge	MA	02138

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/21/1987	0572	1,000.00	P						0			0
		0										
10/17/1988	0302	1,000.00	C	ND		1,000.00	1,000.00		0			0
		0										
Total For Seqn: 0131713F		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
2	0199027M	Aletras, Peter G	2 Northfield Avenue		West Orange	NJ	07052

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/29/1987	2714	500.00	P						0			0
		0										
12/31/1987	2756	20.00	P						0			0
		0										
06/30/1988	0120	20.00	C	ND		20.00	20.00	06/30/1988	0			0
		0										
	5476	480.00	P						0			0
		0										
Total For Seqn: 0199027M		1,020.00					20.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
3	0134418M	Alikakos, George	31-13 Ditmars Boulevard		Astoria	NY	11105

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recept Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/26/1987	0721	250.00	P						0			0
12/16/1987	2560	500.00	P						0			0
		500.00	C	NA	03/11/1988	250.00			0			0
500.00	03/16/1989	370										

Total For Seqn: 0134418M
 1,250.00
 500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
4	0139952M	Ampatsis, Panagiotis S	116 North 21st Street		Philadelphia	PA	19103

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recept Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/03/1987	1016	250.00	P						0			0
11/02/1987	2066	300.00	P						0			0
02/21/1988	3338	250.00	P						0			0
04/30/1988	4749	200.00	P						0			0
06/30/1988	0120	200.00	C	ND		200.00	200.00	06/30/1988	0			0

Total For Seqn: 0139952M
 1,200.00
 200.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
5	0228453M	Andreadis, George	4602 Broadway		Astoria	NY	11103

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
04/20/1988	4567	1,000.00	P							0		0
		0										
11/09/1988	0324	200.00	C	ND		200.00	200.00	11/09/1988		0		0
		0										
Total For Seqn: 0228453M		1,200.00					200.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
6	0044709M	Andreotti, Anthony P	15 Elizabeth Street		Canton	MA	02021

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/03/1987	2089	50.00	P							0		0
		0										
12/23/1987	2675	100.00	P							0		0
		0										
05/10/1988	4925	250.00	P							0		0
		0										
03/09/1989	0422	1,000.00	C	ND		400.00	400.00	03/09/1989		0		0
		0										
Total For Seqn: 0044709M		1,400.00					400.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
7	0133743M	Antoniou, Louis	15 Hills Park Lane		Smithtown	NY	11787

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/24/1987	0664	500.00	P							0		0
		0										
		1,000.00			01/21/1988	500.00				0		0
1,000.00	03/13/1989	417										

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0133743M
 1,500.00
 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
8	0216731M	ARVANITIDIS, Nicolaos V	790 Ringwood Avenue		Menlo Park	CA	94025

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/23/1987	1683	750.00	P						0			0
	3737	250.00	P						0			0
03/10/1988		500.00	P						0			0
500.00	02/23/1990	0										

Total For Seqn: 0216731M
 1,500.00
 500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
9	0094508M	Bafaro, Alfred C	200 Ridgefield Circle		Clinton	MA	01510

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/07/1988	2798	250.00	P						0			0
09/14/1988	0263	1,000.00	C	ND		250.00	250.00	09/14/1988	0			0

Total For Seqn: 0094508M
 1,250.00
 250.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
10	0000198F	Barger, Claire Basch	14 Orchard Road		Brookline	MA	02146

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/20/1986	1644	50.00	P						0			0
		0										
05/28/1987	0303	940.00	P						0			0
		0										
06/30/1988	0120	990.00	C	ND		990.00	990.00	06/30/1988	0			0
		0										
	5476	10.00	P						0			0
		0										
Total For Seqn: 0000198F		1,990.00					990.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
11	0216439M	Barkhordarian, George	92 Sugar Loaf		Tiburon	CA	94920

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/12/1988	4958	1,000.00	P						0			0
		0										
08/02/1988	0193	500.00	C	ND		500.00	500.00	08/02/1988	0			0
		0										
Total For Seqn: 0216439M		1,500.00					500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
12	0196881M	Barnett, James T	3 Sunset Lane East		Miller Place	NY	11764

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recept Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/18/1987	2594	1,000.00	P							0		0
		0										
		250.00		NT	01/22/1988	250.00				0		0
250.00	02/23/1990	763										
Total For Seqn: 0196881M												
		1,250.00										
250.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
13	0175898M	Beckett, Forest	Municipal Airport		Youngstown	OH	44501

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recept Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/29/1987	2043	500.00	P							0		0
		0										
06/30/1988	0120	500.00	C	ND		500.00	500.00	06/30/1988		0		0
		0										
	5476	500.00	P							0		0
		0										
Total For Seqn: 0175898M												
		1,500.00										
					500.00							

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
14	0130518M	Benson, Richard A	1018 Washington Street		Weymouth	MA	02189

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recept Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/18/1987	0528	1,000.00	P							0		0
		0										
		1,000.00			04/05/1988	1,000.00				0		0
1,000.00	03/13/1989	342										
Total For Seqn: 0130518M												
		2,000.00										
1,000.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
15	0128006M	Berman, Mandell L	29100 Northwestern Highway	Suite 390	Southfield	MI	48034

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/10/1987	0416	500.00	P						0			0
		0										
02/17/1988	3259	250.00	P						0			0
		0										
		1,000.00		NT	03/20/1988	750.00			0			0
750.00	02/23/1990	705										

Total For Seqn: 0128006M
 1,750.00
 750.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
16	0035575M	Billiris, Michael	14 Cothill Road		Bedford	MA	01730

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/10/1987	0416	100.00	P						0			0
		0										
		1,000.00			04/03/1988	100.00			0			0
1,000.00	09/06/1988	156										

Total For Seqn: 0035575M
 1,100.00
 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
17	0188181M	Blankfort, Lowell	Old Orchard Lane		Bonita	CA	92002

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/29/1987	2316	250.00	P							0		0
08/02/1988	0193	1,000.00	C	ND		250.00	250.00	08/02/1988		0		0
Total For Seqn: 0188181M		1,250.00					250.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
18	0236845M	Bolognesi, Gino	100 East Roses Road		San Gabriel	CA	91775

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/28/1988	5211	500.00	P							0		0
09/02/1988	0225	1,000.00	C	ND		500.00	1,000.00	09/02/1988		0		0
Total For Seqn: 0236845M		1,500.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
19	0117548F	Boosalis, Helen G	3019 Jackson Drive		Lincoln	NE	68502

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/01/1987	0330	250.00	P							0		0
03/11/1988	3767	50.00	P							0		0
03/24/1988	4005	25.00	P							0		0
06/01/1988	0000	25.00	P							0		0
08/02/1988	0193	1,000.00	C	ND		350.00	1,000.00	08/02/1988		0		0

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
Total For Seqn: 0117548F		1,350.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
20	0159415M	Borman, Thomas H	2444 Byrnes Road		Minneapolis	MN	55343

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/13/1987	1484	1,000.00	P						0			0
03/20/1989	0454	1,000.00	C	ND		1,000.00	1,000.00	03/20/1989	0			0

Total For Seqn: 0159415M		2,000.00					1,000.00					
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Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
21	0134134M	Bournakis, Peter	1710 Bay Boulevard		Atlantic Beach	NY	11509

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/25/1987	0693	1,000.00	P						0			0
06/30/1988	0120	500.00	C	ND		500.00	500.00	06/30/1988	0			0

Total For Seqn: 0134134M		1,500.00					500.00					
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Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/31/1988	5261	500.00	P							0		0
		0										
		500.00	C		05/23/1988	500.00				0		0
500.00	03/16/1989	297										

Total For Seqn: 0225873M												
											1,500.00	
500.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
25	0084404M	Brown, James K	336 North Avenue		Weston	MA	02193

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
04/10/1987	0028	1,000.00	P							0		0
		0										
		1,000.00	C		04/02/1988	1,000.00				0		0
1,000.00	12/06/1988	248										

Total For Seqn: 0084404M												
											2,000.00	
1,000.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
26	0000527F	Bunshoft, Sylvia A	3652 Clay Street		San Francisco	CA	94118

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
03/24/1988	4005	350.00	P							0		0
		0										
04/26/1988	4671	350.00	P							0		0
		0										
07/27/1988	0177	500.00	C	ND		200.00	500.00	07/27/1988		0		0
		0										

Total For Seqn: 0000527F												
											1,200.00	
500.00												

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip			
27	0199979M	Burson, Harold			260 Beverly Road		Scarsdale	NY	10583			
Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/30/1987	2745	250.00	P						0			0
03/20/1989	0454	1,000.00	C	ND		250.00	1,000.00	03/20/1989	0			0
Total For Seqn: 0199979M		1,250.00					1,000.00					

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip			
28	AUDIT001	CAMPO, MATTHEW			226 NORMANDY ROAD		N. MASSAPEQUA	NY	11758			
Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
2,000.00	03/13/1989	2,000.00			04/27/1988	1,000.00			0			0
Total For Seqn: AUDIT001		2,000.00										
		2,000.00										

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip			
29	0141736M	Carney, James M			11315 Edgewater Drive		Cleveland	OH	44102			
Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
07/23/1987	0975	1,000.00	P						0			0
500.00	12/06/1988	500.00	C		03/03/1988	500.00			0			0

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0141736M
 500.00 1,500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
30	0226272M	Carter, William H	2222 Avenue Of The Stars	Suite 901	Los Angeles	CA	90067

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
04/11/1988	4389	1,000.00	P						0			0
09/01/1988	0218	1,000.00	C	ND		1,000.00	1,000.00	09/01/1988	0			0

Total For Seqn: 0226272M
 2,000.00 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
31	0109752M	Cass, William R	235 Forest Glen		West Springfield	MA	01089

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/19/1987	0543	1,000.00	P						0			0
500.00	02/23/1990	500.00		NT	05/27/1988	500.00			0			0

Total For Seqn: 0109752M
 500.00 1,500.00

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
32	0192298M	Castro, Gaudencio			5900 Lejeune Road		Miami	FL	33146

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/07/1987	2442	1,000.00	P						0			0
		0										
07/08/1988	0159	1,000.00	C	AD	06/05/1988	1,000.00	1,000.00	06/05/1988	1			0
		0										
		500.00		NT	02/11/1988	500.00			0			0
500.00	02/23/1990	743										
Total For Seqn: 0192298M		2,500.00					1,000.00					
500.00												

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
33	0218198F	Charno, Jacqueline B			121 West 48th Street	Apartment 701	Kansas City	MO	64112

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
03/17/1988	3829	100.00	P						0			0
		0										
09/15/1988	0263	1,000.00	C	ND		100.00	1,000.00	09/15/1988	0			0
		0										
Total For Seqn: 0218198F		1,100.00					1,000.00					

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
34	0120813M	Chimples, George C			Amac Enterprises Inc	5909 West 130th Street	Parma	OH	44130

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/03/1987	0361	1,000.00	P						0			0
		0										
03/09/1989	0422	100.00	C	ND		100.00	100.00	03/09/1989	0			0
		0										
Total For Seqn: 0120813M		1,100.00					100.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
35	0207287M	Choi, Christopher	525 Leslie Lane		Beverly Hills	CA	92010

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/04/1988	3070	100.00	P						0			0
		0										
03/31/1988	4265	750.00	P						0			0
		0										
		250.00		NT	05/01/1988	100.00			0			0
100.00	02/23/1990	663										

Total For Seqn: 0207287M
 1,100.00
 100.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
36	0136785M	Chrisomallides, George	242 West 30th Street		New York	NY	10001

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/29/1987	0842	100.00	P						0			0
		0										
07/27/1988	0177	1,000.00	C	ND		100.00	1,000.00	07/27/1988	0			0
		0										

Total For Seqn: 0136785M
 1,100.00
 1,000.00

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
37	0108670M	Cochran, Thomas H			32 Stanford Place		Montclair	NJ	07042

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
04/29/1988	4749	500.00	P						0			0
03/14/1989	0434	900.00	C	UD	06/01/1988	400.00			0			0
400.00	02/23/1990	632										
Total For Seqn: 0108670M		1,400.00										
400.00												

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
38	0122281F	Cochrane, Carolyn A			1911 Bayard Avenue		St Paul	MN	55116

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
04/30/1987	0058	250.00	P						0			0
09/26/1987	1734	500.00	P						0			0
02/23/1988	3368	250.00	P						0			0
07/26/1988	0172	250.00	C	ND		250.00	250.00	07/26/1988	0			0
Total For Seqn: 0122281F		1,250.00										
			250.00									

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
39	0109384M	Collier, Lawrence B			400 Paradise Road	Copenhagen 3F	Swampscott	MA	01907

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/09/1987	0094	250.00	P							0		0
		0										
06/17/1987	0516	500.00	P							0		0
		0										
04/17/1988	4528	250.00	P							0		0
		0										
08/31/1988	0212	250.00	C	ND		250.00	250.00	08/31/1988		0		0
		0										
Total For Seqn: 0109384M		1,250.00					250.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
40	0143845M	Colyvas, Pete	2190 Cherry Avenue		San Jose	CA	95125

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
07/28/1987	0991	250.00	P							0		0
		0										
05/13/1988	4968	500.00	P							0		0
		0										
		500.00		NT	05/20/1988	250.00				0		0
250.00	02/23/1990	644										
Total For Seqn: 0143845M		1,250.00					250.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
41	0187062M	Cone, Sydney M	1 State Street Plaza		New York	NY	10004

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/25/1987	2274	500.00	P							0		0
		0										
03/09/1989	0422	1,000.00	C	ND		500.00	1,000.00	03/09/1989		0		0
		0										

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S	
Refund Amount	Refund Date	Ref O-S	Unresolved Amount										

Total For Seqn: 0187062M		1,500.00											1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
42	0184657F	Connell, Kathleen M	1892 Linda Flora Drive		Los Angeles	CA	90077

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S	
Refund Amount	Refund Date	Ref O-S	Unresolved Amount										
11/19/1987	2226	35.00	P						0			0	
		0											
08/15/1988	0203	1,000.00	C	ND		35.00	1,000.00	08/15/1988	0			0	
		0											
Total For Seqn: 0184657F		1,035.00											1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
43	0126717F	Corbett, Christina	99 Pleasant Circle		Canton	MA	02021

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S	
Refund Amount	Refund Date	Ref O-S	Unresolved Amount										
06/02/1987	0349	500.00	P						0			0	
		0											
		1,000.00		NT	03/04/1988	500.00			0			0	
500.00	02/23/1990	721											
Total For Seqn: 0126717F		1,500.00											500.00

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
100.00	02/23/1990	600.00 693	NT		04/01/1988	100.00			0			0

Total For Seqn: 0152364M
 100.00 1,100.00

Ref Num 47 seq No 0000873F Contributor Name Corwin, Sally A Address 1 11 Park Drive Address 2 City Newton Highlands St MA Zip 02161

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/11/1987	0099	1,000.00	P						0			0
09/05/1988	0237	1,000.00 0	C	ND		1,000.00	1,000.00	09/05/1988	0			0

Total For Seqn: 0000873F
 2,000.00 1,000.00

Ref Num 48 seq No 0186357F Contributor Name CORZINE, JOANNE Address 1 25 LENOX ROAD Address 2 City SUMMIT St NJ Zip 07901

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/23/1987		500.00	P						0			0
500.00	02/23/1990	1,000.00 686	NT		04/08/1988	500.00			0			0

Total For Seqn: 0186357F
 500.00 1,500.00

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/18/1987	1155	250.00	P							0		0
		0										
04/08/1988	4338	500.00	P							0		0
		0										
		500.00			04/08/1988	500.00				0		0
500.00	03/13/1989	339										

Total For Seqn: 0025407M
 500.00 1,500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
52	0173238F	Daly, Nancy M	256 Copa de Oro Road		Los Angeles	CA	90077

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/21/1987	1985	250.00	P							0		0
		0										
03/14/1989	0434	1,000.00	C	ND		250.00	1,000.00	03/14/1989	0			0
		0										

Total For Seqn: 0173238F
 1,250.00 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
53	0201206F	Damalas, Efi A	5457 Hargrove Boulevard		Virginia Beach	VA	23464

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/07/1988	2798	100.00	P							0		0
		0										
		1,000.00			02/28/1988	100.00				0		0
1,000.00	03/13/1989	379										

Total For Seqn: 0201206F
 1,000.00 1,100.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
54	0216676M	Davies, Arthur J	1041 Oregon Avenue		Butte	MT	59701

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
03/10/1988	3737	100.00	P						0			0
		0										
06/30/1988	0120	100.00	C	ND		100.00	100.00	06/30/1988	0			0
		0										
	5476	900.00	P						0			0
		0										
Total For Seqn: 0216676M		1,100.00					100.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
55	0153171M	Diakos, Andreas	24 Kensington Avenue		Jersey City	NJ	07304

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/24/1987	1207	100.00	P						0			0
		0										
04/29/1988	4739	250.00	P						0			0
		0										
05/23/1988	0000	200.00	P						0			0
		0										
		1,000.00		NT	03/04/1988	550.00			0			0
550.00	02/23/1990	721										
Total For Seqn: 0153171M		1,550.00					550.00					
		550.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
56	AUDIT002	DIAMOND, THEODORE	116 EAST 68TH STREET		NEW YORK	NY	10021

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
		2,000.00			05/27/1988	1,000.00				0		0
2,000.00	04/10/1989	318										
Total For Seqn: AUDIT002												
		2,000.00										
		2,000.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
57	0198130F	Dockser, Karen Leslie	8906 Clewerwall Drive		Bethesda	MD	20817

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/22/1987	2675	1,000.00	P							0		0
		0										
07/26/1988	0172	20.00	C	ND		20.00	20.00	07/26/1988		0		0
		0										
Total For Seqn: 0198130F												
		1,020.00										
			20.00									

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
58	0202689M	Donohoe, Stephen H	4814 Alhambra Drive West		Jacksonville	FL	32217

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/15/1988	2860	500.00	P							0		0
		0										
06/30/1988	0120	250.00	C	ND		250.00	250.00	06/30/1988		0		0
		0										
	5476	500.00	P							0		0
		0										
Total For Seqn: 0202689M												
		1,250.00										
			250.00									

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
59	0217627M	Dougherty, James D	144 East 19th Street		New York	NY	10003

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
03/15/1988	3796	500.00	P						0			0
		0										
09/05/1988	0243	1,000.00	C	ND		500.00	1,000.00	09/05/1988	0			0
		0										
Total For Seqn: 0217627M		1,500.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
60	0001055M	Doukakis, Harry C	1047 Townsend Circle		Wayne	PA	19087

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/15/1986	1599	50.00	P						0			0
		0										
12/19/1986	1644	200.00	P						0			0
		0										
05/19/1987	0179	250.00	P						0			0
		0										
09/10/1987	1431	100.00	P						0			0
		0										
11/24/1987	2265	400.00	P						0			0
		0										
07/26/1988	0172	400.00	C	ND		400.00	400.00	07/26/1988	0			0
		0										
Total For Seqn: 0001055M		1,400.00					400.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
61	0142547M	Duvivier, John	706 Woodland Avenue		Menlo Park	CA	94025

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/21/1987	0572	500.00	P							0		0
04/27/1989	0463	1,000.00	C	UD	05/08/1988	500.00				0		0
500.00	02/23/1990	656										

Total For Seqn: 0142547M		1,500.00										
500.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
62	0191995F	Epstein, Ruth M	220 Highland Road		Scarsdale	NY	10583

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/06/1987	2433	250.00	P							0		0
03/04/1988	3631	100.00	P							0		0
03/31/1988	4250	500.00	P							0		0
09/01/1988	0218	250.00	C	ND		100.00	250.00	09/01/1988		0		0

Total For Seqn: 0191995F		1,100.00										
			250.00									

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
63	0052339M	Field, Keith C	140 Goodman's Hill Road		Sudbury	MA	01776

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/28/1988	3005	100.00	P							0		0
06/30/1988	0120	2,000.00	C	ND/NA		1,100.00	100.00	06/30/1988		0	1,000.00	06/30/1988

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0052339M		2,100.00					100.00					1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
64	0216679M	Fleischman, Richard	1 Bratenahl Place		Bratenahl	OH	44108

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
03/10/1988	3737	1,000.00	P						0			0
		0										
07/26/1988	0172	100.00	C	ND		100.00	100.00	07/26/1988	0			0
		0										

Total For Seqn: 0216679M		1,100.00					100.00					
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Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
65	0091524M	Fulkerson, Allan W	183 Ridgeway Road		Weston	MA	02193

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/31/1986	1688	50.00	P						0			0
		0										
11/04/1987	2099	250.00	P						0			0
		0										
12/24/1987	2685	250.00	P						0			0
		0										
12/05/1988	0371	1,000.00	C	ND	03/22/1988	550.00	450.00	12/05/1988	0			0
		450.00										
		04/07/1989										
		381										

Total For Seqn: 0091524M		1,550.00					450.00					
450.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
66	0126025F	Gallanis, Mary	3039 Amigos Drive		Burbank	CA	91504

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/28/1987	0303	250.00	P						0			0
		0										
12/06/1987	2425	35.00	P						0			0
		0										
02/22/1988	3358	250.00	P						0			0
		0										
03/31/1988	4265	500.00	P		04/10/1988	35.00			0			0
	35.00	02/23/1990	684									
08/15/1988	0203	500.00	C	ND		500.00	500.00	08/15/1988	0			0
		0										
Total For Seqn: 0126025F		1,535.00					500.00					
		35.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
67	0121902M	Gatzaros, Ted	16706 East Jefferson		Grosse Pointe Park	MI	48230

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
04/27/1987	0048	1,000.00	P						0			0
		0										
		500.00		NT	05/02/1988	500.00			0			0
500.00	02/23/1990	662										
Total For Seqn: 0121902M		1,500.00										
		500.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
68	0189281M	Georgas, Anastasios G	1 Horizon Road		Fort Lee	NJ	07024

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/01/1987	2356	1,000.00	P							0		0
		0										
09/15/1988	0263	500.00	C	ND		500.00	500.00	09/15/1988		0		0
		0										
Total For Seqn: 0189281M		1,500.00					500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
69	0145688M	George, Michael J	30-85 36th Street		Astoria	NY	11103

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/03/1987	1016	250.00	P							0		0
		0										
08/21/1987	1179	250.00	P							0		0
		0										
04/22/1988	4628	100.00	P							0		0
		0										
05/10/1988	4925	150.00	P							0		0
		0										
06/30/1988	0120	250.00	C	ND		250.00	250.00	06/30/1988		0		0
		0										
	5476	250.00	P							0		0
		0										
Total For Seqn: 0145688M		1,250.00					250.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
70	0200873M	Giakoumis, Adamantios	32-19 Greenpoint Avenue		Long Island	NY	11101

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recept Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/05/1988	2780	1,000.00	P									0
		0										
07/07/1988	0159	100.00	C	UD	01/21/1988	100.00						0
100.00	02/23/1990	764										

Total For Seqn: 0200873M
 1,100.00
 100.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
71	0001599F	Glass, Phyllis	2450 Presidential Way		West Palm Beach	FL	33401

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recept Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/18/1987	1155	100.00	P									0
		0										
12/17/1987	2585	100.00	P									0
		0										
03/14/1989	0444	1,000.00	C	ND		200.00	1,000.00	03/14/1988				0
		0										

Total For Seqn: 0001599F
 1,200.00
 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
72	0134857M	Goeldner, Robert W	PO Box 109		Holyoke	MA	01041

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recept Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/27/1987	0737	500.00	P									0
		0										
02/26/1988	3444	500.00	P									0
		0										
		500.00			05/27/1988	500.00						0
500.00	03/13/1989	290										

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0134857M
 500.00 1,500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
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73 0119044M GORDON, C. LEONARD 137 EAST 66TH ST. NEW YORK NY 10021

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
04/08/1987	0027	250.00	P						0			0
		0										
08/15/1987		750.00	P						0			0
		0										
		500.00		NT	04/30/1988	500.00			0			0
500.00	02/23/1990	664										

Total For Seqn: 0119044M
 500.00 1,500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
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74 0140184M Gordon, Richard H 196 Trumbull Street Hartford CT 06103

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
07/15/1987	0937	1,000.00	P						0			0
		0										
06/30/1988	0120	1,000.00	C	ND		1,000.00	1,000.00	06/30/1988	0			0
		0										

Total For Seqn: 0140184M
 2,000.00 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
75	0177044M	Gouvis, Demetrios I	2 Ponderosa Lane		Lake Ronkonkoma	NY	11779

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/02/1987	2073	250.00	P							0		0
		0										
03/31/1988	4265	500.00	P							0		0
		0										
03/10/1989	0422	500.00	C	ND		250.00	500.00	03/10/1989		0		0
		0										
Total For Seqn: 0177044M		1,250.00					500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
76	0014511M	Greenwald, Harry P	36 Holworthy Street		Cambridge	MA	02138

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/16/1986	1614	50.00	P							0		0
		0										
05/09/1987	0094	100.00	P							0		0
		0										
08/20/1987	1179	250.00	P							0		0
		0										
09/14/1987	1502	100.00	P							0		0
		0										
12/03/1987	2391	100.00	P							0		0
		0										
02/22/1988	3358	250.00	P							0		0
		0										
06/30/1988	0120	350.00	C	ND		350.00	350.00	06/30/1988		0		0
		0										
	5476	150.00	P							0		0
		0										
Total For Seqn: 0014511M		1,350.00					350.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
77	0173118M	Greisman, Alan	12307 7th Helena		Los Angeles	CA	90049

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/21/1987	1985	500.00	P						0			0
		0										
07/26/1988	0172	1,000.00	C	ND		500.00	1,000.00	07/26/1988	0			0
		0										
Total For Seqn: 0173118M		1,500.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
78	0123233M	Grenitz, Robert	7000 Southwest 7th Street		Plantation	FL	33317

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/07/1987	0088	250.00	P						0			0
		0										
		1,450.00			04/30/1988	700.00			0			0
1,450.00	12/06/1988	220										
Total For Seqn: 0123233M		1,700.00										
		1,450.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
79	0053131M	GRINSPOON, HAROLD	380 UNION STREET	SUITE 306-307	WEST SPRINGFIELD	MA	01089

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/19/1987	0543	1,000.00	P						0			0
		0										

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/06/1989	0415	1,000.00	C	ND		1,000.00	1,000.00		0			0
Total For Seqn: 0053131M		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
80	0147152M	GUBER, H. PETER	15433 BROWNWOOD PLACE		LOS ANGELES	CA	90077

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/17/1988	5438	1,000.00	P						0			0
1,000.00	03/16/1989	278			06/11/1988	1,000.00			0			0
Total For Seqn: 0147152M		2,000.00										
		1,000.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
81	0104592M	Guscott, Kenneth I	351 Mass Avenue		Boston	MA	02118

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
07/19/1987	0946	850.00	P						0			0
03/10/1989	0422	1,000.00	C	ND		850.00	1,000.00	03/10/1989	0			0
Total For Seqn: 0104592M		1,850.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
82	0155472F	Hadjikakos, Beverly W	616 26th Street		Virginia Beach	VA	23451

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/13/1988	3194	500.00	P							0		0
05/31/1988	5277	500.00	P							0		0
		250.00			06/02/1988	250.00				0		0
250.00	03/16/1989	287										
Total For Seqn: 0155472F		1,250.00										
250.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
83	0196875M	Halbreich, John	130 West 86th Street		New York	NY	10024

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/18/1987	2594	500.00	P							0		0
		1,000.00		NT	02/18/1988	500.00				0		0
500.00	02/23/1990	736										
Total For Seqn: 0196875M		1,500.00										
500.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
84	0234478M	Halpern, Sam	900 Woodbridge Center Drive	Edison Village Associates	Woodbridge	NJ	07095

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/30/1988	0120	700.00	C	ND		700.00	700.00	06/30/1988	0			0
	5476	300.00	P						0			0
Total For Seqn: 0123617M		1,700.00					700.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
87	0143799M	Holland, Wayne B	460 Seaport Court #202		Redwood City	CA	94063

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
07/28/1987	0991	500.00	P						0			0
		1,000.00		NT	06/06/1988	500.00			0			0
500.00	02/23/1990	627										
Total For Seqn: 0143799M		1,500.00										
		500.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
88	0172595M	Hou, Jenhon	629 North Mission Drive		San Gabriel	CA	91775

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/20/1987	1978	500.00	P						0			0
03/31/1988	4265	500.00	P						0			0
12/05/1988	0371	350.00	C	ND		350.00	350.00	12/05/1988	0			0

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0172595M
 1,350.00 350.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
89	0153502M	Howard, Fred	475 Tenth Avenue	The Howard Marlboro Group	New York	NY	10018

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/25/1987	1230	100.00	P						0			0
03/13/1989	0428	1,000.00	C	ND		100.00	1,000.00	03/13/1989	0			0

Total For Seqn: 0153502M
 1,100.00 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
90	0172651F	Hsia, Maria L	3838 Mainsail Circle		Thousand Oaks	CA	91361

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/20/1987	1978	250.00	P						0			0
03/31/1988	4265	500.00	P						0			0
500.00	09/06/1988	500.00			05/18/1988	250.00			0			0

Total For Seqn: 0172651F
 500.00 1,250.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
91	0236973M	Huang, John	1978 Starvale Road		Glendale	CA	91207

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/29/1988	5233	750.00	P						0			0
		0										
09/05/1988	0237	500.00	C	ND		250.00	500.00		0			0
		0										
Total For Seqn: 0236973M		1,250.00					500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
92	0002038M	Hubbard, Eliot	14 Winter Street		Lincoln	MA	01773

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/13/1987	0117	100.00	P						0			0
		0										
09/12/1987	1451	250.00	P						0			0
		0										
08/02/1988	0197	750.00	C	ND		100.00	750.00		0			0
		0										
Total For Seqn: 0002038M		1,100.00					750.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
93	0110117M	Hurley, John J	95 Appleton Street		Boston	MA	02116

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/17/1987	1555	500.00	P						0			0
		0										

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/05/1988	0237	1,000.00	C	ND		500.00	1,000.00	09/05/1988	0			0
Total For Seqn: 0110117M		1,500.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
94	0002071M	Huygens, Rembert W	125 Old Connecticut Path		Wayland	MA	01778

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/14/1987	0161	50.00	P						0			0
		0										
1,000.00	03/13/1989	1,000.00			11/27/1988	50.00			0			0
Total For Seqn: 0002071M		1,050.00										
		1,000.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
95	0208126M	INDURSKY, ARTHUR	40 EAST 80TH STREET	#11A	NEW YORK	NY	10021

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/06/1988	3098	1,000.00	P						0			0
		0										
		1,000.00		NT	06/17/1988	1,000.00			0			0
1,000.00	02/23/1990	616										
Total For Seqn: 0208126M		2,000.00										
		1,000.00										

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip			
96	0147667M	Jarecki, Henry G			Timber Trail		Rye	NY	10580			
Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/07/1987	1040	250.00	P						0			0
09/05/1988	0237	1,000.00	C	ND		250.00	1,000.00	09/05/1988	0			0
Total For Seqn: 0147667M		1,250.00					1,000.00					

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip			
97	0126023M	Jenkins, Francis P			17 West Orchard Road		Chappaqua	NY	10514			
Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/28/1987	0303	250.00	P						0			0
250.00	02/23/1990	1,000.00		NT	04/09/1988	250.00			0			0
Total For Seqn: 0126023M		1,250.00										
		250.00										

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip			
98	0157498M	Kaplan, Jacob			206 Elmwood Avenue		Providence	RI	02907			
Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/08/1987	1361	1,000.00	P						0			0
08/31/1988	0212	500.00	C	ND		500.00	500.00	08/31/1988	0			0

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0157498M

1,500.00

500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
99	0211609M	Karos, Sam S	108 Mahogany Lane		Williamsburg	VA	23185

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/19/1988	3303	1,000.00	P						0			0
		0										
		60.00		NT	01/27/1988	60.00			0			0
60.00	02/23/1990	758										

Total For Seqn: 0211609M

1,060.00

60.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
100	0156057M	Katsikoumbas, Dimitrios	3410 Kingsbridge Avenue		Bronx	NY	10463

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/01/1987	1328	250.00	P						0			0
		0										
12/18/1987	2594	250.00	P						0			0
		0										
02/28/1988	3501	200.00	P						0			0
		0										
04/28/1988	4699	250.00	P						0			0
		0										
08/02/1988	0193	100.00	C	ND		50.00	100.00	08/02/1988	0			0
		0										

Total For Seqn: 0156057M

1,050.00

100.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
101	0144133F	Kay, Jacquie L	159 Hancock Street		Cambridge	MA	02139

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/12/1988	2824	500.00	P							0		0
		0										
		700.00			02/19/1988	200.00				0		0
700.00	03/17/1989	392										
Total For Seqn: 0144133F												
		1,200.00										
700.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
102	0161979M	Kekos, Peter	94 Plainsfield Avenue		Edison	NJ	08810

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/19/1987	1595	250.00	P							0		0
		0										
02/26/1988	3453	500.00	P							0		0
		0										
		500.00			05/14/1988	250.00				0		0
500.00	04/10/1989	331										
Total For Seqn: 0161979M												
		1,250.00										
500.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
103	0227828M	KEKST, GERSHON	437 MADISON AVENUE		NEW YORK	NY	10022

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
04/17/1988	4538	1,000.00	P						0			0
		0										
		1,000.00		NT	06/04/1988	1,000.00			0			0
1,000.00	02/23/1990	629										

Total For Seqn: 0227828M		2,000.00										
1,000.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
104	0131506M	Kelly, George J	22 Wiles Farm Road		Northboro	MA	01532

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/20/1987	0554	1,000.00	P						0			0
		0										
		500.00		NT	06/06/1988	500.00			0			0
500.00	02/23/1990	627										

Total For Seqn: 0131506M		1,500.00										
500.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
105	0210719M	Kipreos, Dimitrios H	4705 Cutshaw Avenue		Richmond	VA	23230

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/15/1988	3223	100.00	P						0			0
		0										
03/13/1989	0428	1,000.00	C	ND		100.00	1,000.00	03/13/1989	0			0
		0										

Total For Seqn: 0210719M		1,100.00			1,000.00							

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
106	0152243M	Kitsopoulos, Michael G	88 Crestwood Drive		Watchung	NJ	07060

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recept Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/21/1987	1190	500.00	P						0			0
	1190	500.00	P						0			0
07/26/1988	0172	250.00	C	ND		250.00	250.00	07/26/1988	0			0
Total For Seqn: 0152243M		1,250.00					250.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
107	0066685M	Koffman, David M	293 Elm Street		Northampton	MA	01060

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recept Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/28/1987	1816	500.00	P						0			0
01/13/1988	2834	500.00	P						0			0
06/30/1988	0120	300.00	C	ND		300.00	300.00	06/30/1988	0			0
Total For Seqn: 0066685M		1,300.00					300.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
108	0204400M	Konstantatos, Steve	4 Zinnia Court		Connack	NY	11725

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/21/1988	2930	1,000.00	P							0		0
12/12/1988	0396	100.00	C	UD	06/02/1988	100.00				0		0
100.00	02/23/1990	631										
Total For Seqn: 0204400M		1,100.00										
100.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
109	0127034M	Kritikos, Christos	801 Burr Ridge Club Drive		Burr Ridge	IL	60521

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/04/1987	0361	250.00	P							0		0
06/19/1987	0543	750.00	P							0		0
1,000.00	02/23/1990	657		NT	05/07/1988	1,000.00				0		0
Total For Seqn: 0127034M		2,000.00										
1,000.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
110	0127034F	Kritikos, Mary	801 Burr Ridge Club Drive		Burr Ridge	IL	60521

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/24/1987	1716	1,000.00	P							0		0
1,000.00	02/23/1990	657		NT	05/07/1988	1,000.00				0		0

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
Total For Seqn: 0127034F		2,000.00										
1,000.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
111	0131213F	Krueger, Constance	510 Park Avenue		New York	NY	10022

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/19/1987	0543	500.00	P						0			0
		0										
03/14/1989	0444	1,000.00	C	ND		500.00	1,000.00	03/14/1989	0			0
		0										
Total For Seqn: 0131213F		1,500.00			1,000.00							

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
112	0166550M	Kwak, Kyung Bae	297 Oldwoods Road		Franklin Lakes	NJ	07417

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/01/1987	1888	1,000.00	P						0			0
		0										
08/02/1988	0197	350.00	C	ND		350.00	350.00	08/02/1988	0			0
		0										
	0197	300.00	C	ND		300.00	300.00	08/02/1988	0			0
		0										
	0197	350.00	C	ND		350.00	350.00	08/02/1988	0			0
		0										
Total For Seqn: 0166550M		2,000.00			1,000.00							

9 5 0 4 3 6 0 0 7 8

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
07/27/1988	0177	1,000.00	C	ND		250.00	1,000.00	07/27/1988	0			0
Total For Seqn: 0124492M		1,250.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
116	0212419M	LAKHANI, N.V.	5 JACKIE DRIVE	WEST BROOK ESTATE	MORGANVILLE	NJ	07751

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/23/1988		500.00	P						0			0
		1,000.00		NT	04/29/1988	500.00			0			0
500.00	02/23/1990	665										
Total For Seqn: 0212419M		1,500.00					500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
117	0212419F	Lakhani, Sonali	5 Jackie Drive	West Brook Estate	Morganville	NJ	07751

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/23/1988	3376	500.00	P						0			0
		1,000.00	C	ND		500.00	1,000.00	08/15/1988	0			0
08/15/1988	0203	0										
Total For Seqn: 0212419F		1,500.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
118	0164380M	Lamont, Corliss	315 West 106th Street #15C		New York	NY	10025

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/24/1987	1716	200.00	P						0			0
		0										
02/17/1988	3259	100.00	P						0			0
		0										
02/29/1988	3561	500.00	P						0			0
		0										
05/07/1988	4882	200.00	P						0			0
		0										
		800.00		NT	06/03/1988	800.00			0			0
800.00	02/23/1990	630										

Total For Seqn: 0164380M
 1,800.00
 800.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
119	0184668F	Landau, Sally G	628 East Channel Road		Santa Monica	CA	90402

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/19/1987	2226	70.00	P						0			0
		0										
02/21/1988	3332	200.00	P						0			0
		0										
07/27/1988	0177	1,000.00	C	ND		270.00	1,000.00	07/27/1988	0			0
		0										

Total For Seqn: 0184668F
 1,270.00
 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
120	0241083F	LANDIS, CONSTANCE	315 E. 69TH STREET		NEW YORK	NY	11021

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/31/1988	0212	900.00 0	C	AD	04/03/1988	125.00	900.00	07/05/1988	93			0
Total For Seqn: 0108686M		1,125.00					900.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
123	0083911M	Lestage, Paul M	110 Brigham Street		New Bedford	MA	02740

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/19/1986	1563	500.00 0	P						0			0
12/26/1986	1670	100.00 0	P						0			0
10/06/1987	1908	400.00 0	P						0			0
07/26/1988	0172	500.00 0	C	ND		500.00	500.00		0			0
Total For Seqn: 0083911M		1,500.00					500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
124	0172636F	Leung, Lina	1260 Mill Lane		San Marino	CA	91108

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/20/1987	1978	500.00 0	P						0			0
700.00	03/17/1989	700.00 308			05/13/1988	200.00			0			0
Total For Seqn: 0172636F		1,200.00										
700.00												

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0126081M		2,000.00										
1,000.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
130	0121190M	Little, Thomas	Kings Hill Road		Etna	NH	03750

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/01/1987	1881	100.00	P						0			0
		0										
		1,000.00	NT		06/13/1988	100.00			0			0
100.00	02/23/1990	620										

Total For Seqn: 0121190M
 1,100.00
 100.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
131	0236062M	Liserbram, Sol	7752 Pendon Court		La Costa	CA	92009

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/25/1988	5151	500.00	P						0			0
		0										
09/04/1988	0231	1,000.00	c	ND		500.00	1,000.00	09/04/1988	0			0
		0										

Total For Seqn: 0236062M
 1,500.00
 1,000.00

9 5 0 4 3 6 8 0 0 8 6

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/15/1988	0203	1,000.00	C	ND		1,000.00	1,000.00	08/15/1988	0			0
Total For Seqn: 0152840M		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
135	0057041M	Maggi, Gino E	134 Newbury Street		Chicopee	MA	01013

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/20/1987	0554	1,000.00	P						0			0
		0										
		500.00		NT	05/27/1988	500.00			0			0
500.00	02/23/1990	637										
Total For Seqn: 0057041M		1,500.00										
		500.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
136	0055372M	Mahar, Robert F	4 Park Street		Florence	MA	01060

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/20/1987	0554	500.00	P						0			0
		0										
03/23/1989	0456	1,000.00	C	ND		500.00	1,000.00	03/23/1988	0			0
		0										
Total For Seqn: 0055372M		1,500.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
137	0191935M	Makris, George	PO Box 174		Alpine	NJ	07620

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/06/1987	2425	200.00	P						0			0
		0										
		1,000.00			05/21/1988	200.00			0			0
1,000.00	03/13/1989	296										

Total For Seqn: 0191935M												
		1,200.00										
		1,000.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
138	0135842M	Maldonado, Victor S	125 Scroeder Avenue		Brooklyn	NY	11239

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/29/1987	0803	100.00	P						0			0
		0										
01/08/1988	2807	900.00	P						0			0
		0										
09/29/1988	0280	100.00	C	ND		100.00	100.00	09/29/1988	0			0
		0										

Total For Seqn: 0135842M												
		1,100.00										
			100.00									

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
139	0049023M	Male, Bruce M	374 Salem Street		Andover	MA	01810

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/22/1987	0239	25.00	P						0			0
		0										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
142	0053363M	Martignetti, C Anthony	337 Lawrence Road		Medford	MA	02155

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/28/1987	0303	500.00	P							0		0
		0										
08/07/1987	1040	500.00	P							0		0
		0										
		1,000.00		NT	04/08/1988	1,000.00				0		0
1,000.00	02/23/1990	686										
Total For Seqn: 0053363M		2,000.00										
1,000.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
143	0061359M	Martinelli, S Thomas	677 South Branch Parkway		Springfield	MA	01118

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/03/1987	1716	50.00	P							0		0
		0										
02/19/1988	3295	500.00	P							0		0
		0										
		500.00		NT	06/09/1988	50.00				0		0
50.00	02/23/1990	624										
Total For Seqn: 0061359M		1,050.00										
50.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
144	0136317M	Mass, Marvin A	2 Pennsylvania Plaza		New York	NY	10121

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/29/1987	0842	1,000.00	P						0			0
		0										
04/18/1989	0462	500.00	C	ND		500.00	500.00	04/18/1989	0			0
		0										
Total For Seqn: 0136317M		1,500.00					500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
145	0158773M	Matthews, Stratty S	4 Franklin Turnpike		Waldwick	NJ	07463

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/11/1987	1440	450.00	P						0			0
		0										
10/17/1988	0302	1,000.00	C	ND		450.00	1,000.00	10/17/1987	0			0
		0										
Total For Seqn: 0158773M		1,450.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
146	0188175F	McDonald, Marianne	PO Box 929	El Arco Iris	Rancho Santa Fe	CA	92067

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/29/1987	2316	500.00	P						0			0
		0										
06/30/1988	0120	250.00	C	ND		250.00	250.00	06/30/1988	0			0
		0										
	5476	500.00	P						0			0
		0										
Total For Seqn: 0188175F		1,250.00					250.00					

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
03/24/1988	4024	250.00	P							0		0
		0										
06/30/1988	0120	250.00	C	ND		250.00	250.00	06/30/1988		0		0
		0										
	5476	450.00	P							0		0
		0										
Total For Seqn: 0131685M		1,250.00					250.00					

Ref Num	seq No	Contributor Name		Address 1	Address 2	City	St	Sip
150	0230385F	Mehta, Mukesh		100 Jericho Quadrangle		Jericho	NY	11753

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
04/27/1988	4688	500.00	P							0		0
		0										
	4688	500.00	P							0		0
		0										
		500.00		NT	04/30/1988	500.00				0		0
500.00	02/23/1990	664										
Total For Seqn: 0230385F		1,500.00					500.00					

Ref Num	seq No	Contributor Name		Address 1	Address 2	City	St	Sip
151	0219149F	Metaxatos, Margarita		4308 Albemarle Street, NW		Washington	DC	20016

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
03/21/1988	3911	500.00	P							0		0
		0										
03/20/1989	0454	750.00	C	nd		250.00	750.00	03/20/1989		0		0
		0										

Date	Batch Num	Contribution Amount	Ty	Match pe	Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S	
Refund Amount	Refund Date	Ref O-S	Unresolved Amount											
Total For Seqn: 0219149F		1,250.00												750.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
152	0130465F	Michaud, Maureen	1 Tobey Avenue		Methuen	MA	01844

Date	Batch Num	Contribution Amount	Ty	Match pe	Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S	
Refund Amount	Refund Date	Ref O-S	Unresolved Amount											
06/18/1987	0528	500.00	P							0			0	
09/29/1988	0280	1,000.00	C	ND			500.00	1,000.00	09/29/1988	0			0	
Total For Seqn: 0130465F		1,500.00												1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
153	0118021F	Michener, Roxanna	3063 Forest Drive		Pepper Pike	OH	44124

Date	Batch Num	Contribution Amount	Ty	Match pe	Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S	
Refund Amount	Refund Date	Ref O-S	Unresolved Amount											
03/27/1987	0011	100.00	P							0			0	
03/20/1989	0454	1,000.00	C	ND			100.00	1,000.00	03/20/1989	0			0	
Total For Seqn: 0118021F		1,100.00												1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
154	0003296F	Miliaras, Barbara Anne	12 Mount Pleasant Street		Winchester	MA	01890

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/26/1986	1670	100.00	P						0			0
		0										
		1,000.00		NT	02/14/1988	100.00			0			0
100.00	02/23/1990	740										
Total For Seqn: 0003296F		1,100.00										
100.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
155	0210021M	Miliotis, Vasilios K	1910 Chowning Circle		Richmond	VA	23229

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/01/1988	0000	250.00	P						0			0
		0										
02/13/1988	3201	250.00	P						0			0
		0										
04/28/1988	4699	500.00	P						0			0
		0										
10/17/1988	0302	250.00	C	ND/UA	05/06/1988	250.00	125.00	10/17/1988	0			0
125.00	02/23/1990	658										
Total For Seqn: 0210021M		1,250.00										
125.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
156	0169486M	Mitchell, John C	9952 Devonshire Drive		Omaha	NE	68114

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/09/1988	4905	100.00	P							0		0
07/27/1988	0177	1,000.00	C	ND		100.00	1,000.00	07/27/1988		0		0
Total For Seqn: 0169486M		1,100.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
157	0130463M	Molway, Francis J	37 Algonquin Road		Canton	MA	02021

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/18/1987	0528	1,000.00	P							0		0
1,000.00	02/23/1990	687		NT	04/07/1988	1,000.00				0		0
Total For Seqn: 0130463M		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
158	0192016F	Moon, Moon S	30215 Avenida De Calma		Rancho Palos Verdes	CA	90274

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
03/04/1988	3631	1,000.00	P							0		0
500.00	02/23/1990	627		NT	06/06/1988	500.00				0		0
Total For Seqn: 0192016F		1,500.00					500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
159	0085522M	Moore, H William	17 Mohawk Road		Canton	MA	02021

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/01/1987	0069	1,000.00	P									0
		0										0
500.00	03/13/1989	500.00			05/06/1988	500.00						0

Total For Seqn: 0085522M
 500.00 1,500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
160	0164002F	MOREY, MAURA	134 LYFORD DRIVE		TIBURON	CA	94920

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/24/1987	1692	375.00	P									0
		0										0
03/24/1988	4005	625.00	P									0
		0										0
500.00	02/23/1990	500.00		NT	03/25/1988	500.00						0

Total For Seqn: 0164002F
 500.00 1,500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
161	0134201M	Moscandrew, Milto	1621 Butterfield Road		Flossmoor	IL	60422

95043680007

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/25/1987	0693	1,000.00	P						0			0
		0										
11/10/1988	0335	100.00	C	ND/UA	03/23/1988	100.00	50.00	11/10/1988	0			0
50.00	02/23/1990	702										
Total For Seqn: 0134201M		1,100.00					50.00					
50.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
162	0052376F	Mullins, Charlene A	300 Highland Street		Milton	MA	02186

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/20/1987	0554	1,000.00	P						0			0
		0										
09/04/1988	0231	1,000.00	C	ND		1,000.00	1,000.00	09/04/1988	0			0
		0										
Total For Seqn: 0052376F		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
163	0052376M	Mullins, Joseph R	300 Highland Street		Milton	MA	02186

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/20/1987	0554	1,000.00	P						0			0
		0										
09/04/1988	0231	1,000.00	C	ND		1,000.00	1,000.00	09/04/1988	0			0
		0										
Total For Seqn: 0052376M		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
164	0003029F	Myerson, Eleanor	175 Rawson Road		Brookline	MA	02146

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/10/1987	1060	250.00	P						0			0
03/24/1988	4017	750.00	P						0			0
09/04/1988	0231	100.00	C	ND		100.00	100.00	09/04/1988	0			0
Total For Seqn: 0003029F		1,100.00					100.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
165	0149344M	Newton, Alex W	Hare Wynn Newell & Newton	City Federal Building, FL 7	Birmingham	AL	35203

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/11/1987	1080	250.00	P						0			0
07/27/1988	0177	1,000.00	C	ND		250.00	1,000.00	07/27/1988	0			0
Total For Seqn: 0149344M		1,250.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
166	0231180M	Newton, Gene R	6711 Old York Road		Philadelphia	PA	19126

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/01/1987	0000	545.00	P							0		0
		0										
11/02/1987	2073	150.00	P							0		0
		0										
11/10/1988	0335	600.00	C	ND		544.53	600.00	11/10/1988		0		0
		0										
Total For Seqn: 0168211M		1,545.00					600.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
169	0001004F	O'Brien-Denly, Ruth	15 Midland Street		Brockton	MA	02401

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/26/1987	1246	500.00	P							0		0
		0										
09/06/1988	0249	1,000.00	C	ND		500.00	1,000.00			0		0
		0										
Total For Seqn: 0001004F		1,500.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
170	0153003M	Olsen, George G	9427 Meadowshire Lane		Great Falls	VA	22066

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/24/1987	1207	450.00	P							0		0
		0										
09/28/1987	0000	20.00	P							0		0
		0										
10/06/1987	1915	530.00	P							0		0
		0										

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/09/1988	0324	250.00	C	ND		250.00	250.00	11/09/1988	0			0
Total For Seqn: 0153003M		1,250.00					250.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
171	0173193M	Ovitz, Michael S	457 North Rockingham Avenue		Los Angeles	CA	90049

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/21/1987	1985	500.00	P						0			0
1,000.00	03/17/1989	286			06/04/1988	500.00			0			0
Total For Seqn: 0173193M		1,500.00										
		1,000.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
172	0142528M	Padis, Steve	1086 Westridge		Danville	CA	94526

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
07/25/1987	0975	500.00	P						0			0
03/21/1989	0454	1,000.00	C	ND		500.00	500.00	03/21/1989	0	500.00	03/21/1989	0
Total For Seqn: 0142528M		1,500.00					500.00			500.00		

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
173	0124545M	Pallas, Dimitri S	750 Golfcrest		Dearborn	MI	48124

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/21/1987	0217	250.00	P							0		0
02/01/1988	0000	120.00	P							0		0
	0000	200.00	P							0		0
02/16/1988	3223	430.00	P							0		0
08/31/1988	0212	200.00	C	ND		200.00	200.00	08/31/1988		0		0
		250.00			05/02/1988	250.00				0		0
250.00	03/17/1989	319										

Total For Seqn: 0124545M
 250.00 1,450.00 200.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
174	0194909M	Papadopoulos, Dimitri P	15810 Ranchita Drive		Dallas	TX	75248

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/13/1987	2506	1,000.00	P							0		0
11/09/1988	0324	100.00	C	ND/UA	02/16/1988	100.00	50.00	11/09/1988		0		0
50.00	02/23/1990	738										

Total For Seqn: 0194909M
 50.00 1,100.00 50.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
175	0141575M	Paparizos, Alex	391 High Tee Drive		Willowick	OH	44094

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
07/22/1987	0975	1,000.00	P						0			0
09/08/1988	0255	400.00	C	ND		400.00	400.00	09/08/1988	0			0
Total For Seqn: 0141575M		1,400.00					400.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
176	0147635M	Parras, Peter G	3922 Savoy Drive		Fairview Park	OH	44126

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/07/1987	1040	500.00	P						0			0
03/05/1988	3655	500.00	P						0			0
08/02/1988	0197	100.00	C	ND		100.00	100.00	08/02/1988	0			0
Total For Seqn: 0147635M		1,100.00					100.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
177	0214338M	PEREZ, WILLIAM	4921 MONROE STREET		HOLLYWOOD	CA	33021

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/29/1988	3528	1,000.00	P						0			0
	02/23/1990	0										
1,000.00	02/23/1990	1,000.00	C	NT	06/30/1988	1,000.00			0			0
Total For Seqn: 0214338M		2,000.00										
1,000.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
178	0177169F	Perez Cisneros, Teresa	1445 Southwest 13th Street		Miami	FL	33145

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
	11/03/1987	2081	500.00	P						0		0
			0									
			1,000.00	NT	05/12/1988	500.00				0		0
500.00	02/23/1990	652										
Total For Seqn: 0177169F												
500.00			1,500.00									

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
179	0126322M	Peterson, Carl	1 John Wilson Lane		Lexington	MA	02173

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
	05/29/1987	0311	500.00	P						0		0
			0									
			1,000.00	NT	04/06/1988	500.00				0		0
500.00	02/23/1990	688										
Total For Seqn: 0126322M												
500.00			1,500.00									

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
180	0198857M	Poniros, Constantinos	PO Box 2236		Ocean	NJ	07712

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
	12/28/1987	2702	500.00	P						0		0
			0									

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/31/1988	0212	800.00 0	C	ND		300.00	800.00	08/31/1988	0			0
Total For Seqn: 0198857M		1,300.00					800.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
181	0162116M	Poulos, Ted	34 Yahi Court		Sacramento	CA	95833

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/20/1987	1595	1,000.00 0	P						0			0
500.00	02/23/1990	500.00 692		NT	04/02/1988	500.00			0			0
Total For Seqn: 0162116M		1,500.00										
		500.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
182	0165018M	Proimos, Vange P	1412 Alabama Street		Hobart	IN	46342

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
04/27/1988	4688	500.00 0	P						0			0
09/07/1988	0255	1,000.00 0	C	ND		500.00	1,000.00	09/07/1988	0			0
Total For Seqn: 0165018M		1,500.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
183	0177502M	Puglia, Andrew B	Puglia & Nelligan	6 Liberty Avenue	Somerville	MA	02144

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/03/1987	2089	200.00	P						0			0
		0										
06/30/1988	0120	200.00	C	ND		200.00	200.00	06/30/1988	0			0
		0										
	5476	800.00	P						0			0
		0										
Total For Seqn: 0177502M		1,200.00					200.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
184	0131200M	Pynoos, Morris S	455 North Oakhurst Drive		Beverly Hills	CA	90210

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/19/1987	0543	500.00	P						0			0
		0										
09/16/1988	0273	1,000.00	C	ND		500.00	1,000.00	09/16/1988	0			0
		0										
Total For Seqn: 0131200M		1,500.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
185	0180084F	Raben, Loveday	2659 Wallingford Drive		Beverly Hills	CA	90210

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/09/1987	2140	500.00	P							0		0
03/31/1989	0458	1,000.00	C	ND		500.00	1,000.00	03/31/1989		0		0
Total For Seqn: 0180084F		1,500.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
186	0159501M	RATNER, ALBERT	5150 THREE VALLEY DRIVE		WINDHURST	OH	44124

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/13/1987	1484	500.00	P							0		0
		0										
500.00	02/23/1990	1,000.00		NT	04/09/1988	500.00				0		0
Total For Seqn: 0159501M		1,500.00										
		500.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
187	0163855F	Ring, Carlyn	Route 84		Hampton Falls	NH	03844

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattribution Amount	Reattribution Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/23/1987	1683	1,000.00	P							0		0
		0										
08/02/1988	0197	1,000.00	C	ND		1,000.00	1,000.00	08/02/1988		0		0
Total For Seqn: 0163855F		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name		Address 1	Address 2	City	St	Zip
188	0003626M	Rosenfeld, S Stephen		257 Commonwealth Avenue #4		Boston	MA	02116

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/22/1986	1660	50.00	P						0			0
11/04/1987	2099	500.00	P						0			0
08/02/1988	0193	1,000.00	C	ND		550.00	1,000.00	08/02/1988	0			0
Total For Seqn: 0003626M		1,550.00					1,000.00					

Ref Num	seq No	Contributor Name		Address 1	Address 2	City	St	Zip
189	0162558M	Rudin, Scott		1354 Miller Drive		Los Angeles	CA	90069

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/21/1987	1636	200.00	P						0			0
10/21/1987	1985	500.00	P						0			0
450.00	02/23/1990	753		NT	02/01/1988	450.00			0			0
Total For Seqn: 0162558M		1,450.00					450.00					

Ref Num	seq No	Contributor Name		Address 1	Address 2	City	St	Zip
190	0130172F	Samiotis, Joyce M		39 Sunrise Lane		East Hartford	CT	06118

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/17/1987	0516	250.00	P						0			0
		0										
10/23/1987	2003	500.00	P						0			0
		0										
09/16/1988	0273	300.00	C		03/26/1988	50.00			0			0
300.00	03/14/1989	353										

Total For Seqn: 0130172F
 1,050.00
 300.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
191	0130172M	Samiotis, Peter	39 Sunrise Lane		East Hartford	CT	06118

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/17/1987	0516	250.00	P						0			0
		0										
11/19/1987	2216	500.00	P						0			0
		0										
09/16/1988	0273	300.00	C	ND		50.00	300.00	09/16/1988	0			0
		0										

Total For Seqn: 0130172M
 1,050.00
 300.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
192	0164783F	Santos, Barbara S	8540 Horseshoe Lane		Potomac	MD	20854

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/26/1987	1744	250.00	P						0			0
		0										
03/28/1988	4138	500.00	P						0			0
		0										
07/27/1988	0177	500.00	C	ND		250.00	500.00	07/27/1988	0			0
		0										

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0164783F
1,250.00 500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
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193 0130417F Schield, Blanca Sonia 630 Escondido Circle Livermore CA 94550

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

02/23/1988 3376 250.00 P 0 0
08/02/1988 0197 1,000.00 C ND 250.00 1,000.00 08/02/1988 0 0

Total For Seqn: 0130417F
1,250.00 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
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194 0208137M SCHINDLER, PAUL 25 E. 86TH STREET APT. 9D NEW YORK NY 10028

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

02/06/1988 3098 1,000.00 P 0 0
1,000.00 02/23/1990 616 1,000.00 NT 06/17/1988 1,000.00 0 0

Total For Seqn: 0208137M
1,000.00 2,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
195	0150243F	Schneider, Matthild C	650 Independence Avenue, SE		Washington	DC	20003

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/13/1987	1107	150.00	P						0			0
10/17/1988	0302	1,000.00	C	ND		150.00	1,000.00	10/17/1988	0			0
Total For Seqn: 0150243F		1,150.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
196	0196491M	SCHWING, GARY	350 SEQOND STREET		LOS ALTOS	CA	94022

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/17/1987	2570	1,000.00	P						0			0
500.00	03/14/1989	500.00			05/23/1988	500.00			0			0
Total For Seqn: 0196491M		1,500.00										
		500.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
197	0223167F	Schwing, Stephanie	587 Fletcher		Atherton	CA	94025

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
03/31/1988	4208	1,000.00	P						0			0
		0										

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
500.00	03/14/1989	500.00 295			05/23/1988	500.00			0			0

Total For Seqn: 0223167P
1,500.00
500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
198	0173115M	Semel, Terry	10452 Bellagio Road		Los Angeles	CA	90077

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/21/1987	1985	500.00	P						0			0
03/28/1988	4124	250.00	P						0			0
1,000.00	03/14/1989	1,000.00 291			05/27/1988	750.00			0			0

Total For Seqn: 0173115M
1,750.00
1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
199	0155750F	Semos, Margarite C	2305 Sage Road #28		Houston	TX	77056

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/31/1987	1289	100.00	P						0			0
01/17/1988	2880	300.00	P						0			0
02/18/1988	0000	500.00	P						0			0
06/30/1988	5476	100.00	P						0			0
	0120	200.00	C	ND		200.00	200.00	06/30/1988	0			0

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S	
Refund Amount	Refund Date	Ref O-S	Unresolved Amount										

Total For Seqn: 0155750F		1,200.00											200.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
200	0137673M	Seretis, Antonios	100 Madison Avenue		Rochelle Park	NJ	07669

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
07/03/1987	0868	50.00	P						0			0
		0										
12/19/1987	2616	100.00	P						0			0
		0										
03/05/1988	3675	100.00	P						0			0
		0										
		900.00		NT	04/24/1988	150.00			0			0
150.00	02/23/1990	670										

Total For Seqn: 0137673M
 1,150.00
 150.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
201	0109030M	Shafran, Hank	30 Dean Road		Brookline	MA	02146

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/06/1987	1734	100.00	P						0			0
		0										
09/15/1987	1519	250.00	P						0			0
		0										
04/30/1988	4760	650.00	P						0			0
		0										
03/13/1989	0434	1,000.00	C	ND		1,000.00	1,000.00	03/13/1989	0			0
		0										

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0109030M		2,000.00										
							1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
202	0145936M	Shayne, Alan	34008 Pacific Coast Highway		Malibu	CA	90265

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/04/1987	1026	1,000.00	P						0			0
		0										
08/31/1988	0212	500.00	C	ND		500.00	500.00	08/31/1988	0			0
		0										
Total For Seqn: 0145936M		1,500.00										
							500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
203	0195451F	Sheehan, Rosa	114 East 73rd Street		New York	NY	10022

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/14/1987	2533	500.00	P						0			0
		0										
		1,000.00		NT	05/12/1988	500.00			0			0
500.00	02/23/1990	652										
Total For Seqn: 0195451F		1,500.00										
		500.00										

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
204	0125878M	Sidell, James V			20 Rowe Wharf #510		Boston	MA	02109

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/28/1987	0303	1,000.00	P						0			0
		0										
03/21/1989	0454	1,000.00	C	ND		1,000.00	1,000.00	03/21/1989	0			0
		0										
Total For Seqn: 0125878M		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
205	0232626M	Silverman, Harvey			40 Brook Drive		Miltoen	NJ	08850

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/10/1988	4925	1,000.00	P						0			0
		0										
1,000.00	02/23/1990	1,000.00		NT	05/07/1988	1,000.00			0			0
		657										
Total For Seqn: 0232626M		2,000.00										
		1,000.00										

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
206	0173593M	Sisti, Ben			99 Poplar Hill Road		Farmington	CT	06032

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/22/1987	1995	500.00	P						0			0
		0										
04/25/1988	4651	500.00	P						0			0
		0										

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
		500.00		NT	04/07/1988	500.00			0			0
500.00	02/23/1990	687										

Total For Seqn: 0173593M
 1,500.00
 500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
207	0053085M	Solomont, David	40 Georgia Avenue		Lowell	MA	01851

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/30/1987	1851	500.00		P					0			0
		0										
03/26/1988	4077	500.00		P					0			0
		0										
		1,000.00		NT	04/08/1988	1,000.00			0			0
1,000.00	02/23/1990	686										

Total For Seqn: 0053085M
 2,000.00
 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
208	0184123M	Stanton, James J	290 South Boulevard		Wyack	NY	10960

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/18/1987	2207	1,000.00		P					0			0
		0										
		1,000.00			05/15/1988	1,000.00			0			0
1,000.00	03/14/1989	303										

Total For Seqn: 0184123M
 2,000.00
 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
209	0202981F	Stewart, Marthe S	3264 S Street, NW		Washington	DC	20007

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/17/1988	2886	1,000.00	P						0			0
		0										
09/16/1988	0273	1,000.00	C	ND		1,000.00	1,000.00	09/16/1988	0			0
		0										
Total For Seqn: 0202981F		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
210	0035362F	Strochlitz, Rose	8 Billard Road		New London	CT	06320

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/19/1987	0191	1,000.00	P						0			0
		0										
10/07/1988	0287	300.00	C	ND		300.00	300.00	10/07/1988	0			0
		0										
Total For Seqn: 0035362F		1,300.00					300.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
211	0145337M	Studley, Julien J	118 East 60th Street		New York	NY	10022

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Res O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/03/1987	1016	500.00	P						0			0
		0										
		1,000.00		NT	05/06/1988	500.00			0			0
500.00	02/23/1990	658										

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0145337M
 1,500.00
 500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
212	0170279M	Sullivan, Michael B	20 Overlook Drive		Tewksbury	MA	01876

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/13/1987	1932	1,000.00	P						0			0
09/05/1988	0243	1,000.00	C	ND/UA	06/06/1988	1,000.00	500.00	09/05/1988	0			0
500.00	02/23/1990	627										

Total For Seqn: 0170279M
 2,000.00
 500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
213	0172678M	SUN, JOHN	17754 CALLE DE PALERMO		PACIFIC PALISADES	CA	90272

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/20/1987	1978	500.00	P						0			0
		0										
		750.00			05/19/1988	250.00			0			0
1,500.00	09/06/1988	110										

Total For Seqn: 0172678M
 1,250.00
 1,500.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
214	0172665M	Sun, Richard	1720 South San Gabriel Blvd	Suite 101	San Gabriel	CA	91776

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/20/1987	1978	500.00	P						0			0
		0										
04/11/1988	4389	100.00	P						0			0
		0										
		575.00			05/26/1988	175.00			0			0
575.00	09/06/1988	103							0			0
		0										

Total For Seqn: 0172665M		1,175.00										
575.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
215	0042871M	Tauber, Ronald S	885 Park Avenue #2A		New York	NY	10021

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/01/1987	2356	500.00	P						0			0
		0										
06/30/1988	0120	500.00	C	ND		500.00	500.00	06/30/1988	0			0
		0										
	5476	500.00	P						0			0
		0										

Total For Seqn: 0042871M		1,500.00										
		500.00										

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
216	0199811M	Tellier, Gerald A	97 Pine Valley Drive		Dracut	MA	01826

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/30/1987	2737	500.00	P						0			0
04/08/1988	4338	500.00	P						0			0
		1,500.00		NT	04/09/1988	1,500.00			0			0
1,500.00	02/23/1990	685										

Total For Seqn: 0199811M		2,500.00										
1,500.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
217	0210674F	Tenenblatt, Anna W	619 North Foothill Road		Beverly Hills	CA	90210

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/15/1988	3223	1,000.00	P						0			0
		1,000.00			03/04/1988	1,000.00			0			0
1,000.00	03/14/1989	375										

Total For Seqn: 0210674F		2,000.00										
1,000.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
218	0096751M	Tierney, Michael E	35 Grayfield Avenue		West Roxbury	MA	02132

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S	
Refund Amount	Refund Date	Ref O-S	Unresolved Amount										
05/29/1987	0311	1,000.00	P						0			0	
09/16/1988	0273	1,000.00	C	ND		1,000.00	1,000.00	09/16/1988	0			0	

Total For Seqn: 0096751M		2,000.00					1,000.00						

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
219	0208746F	Tishman, Rita V	14 East 75th Street		New York	NY	10021

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/09/1988	3128	50.00	P						0			0
04/11/1988	4398	100.00	P						0			0
09/16/1988	0273	1,000.00	C	ND		150.00	1,000.00	09/16/1988	0			0
Total For Seqn: 0208746F		1,150.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
220	0048682M	Tofias, Allan	59 Monadnock Road		Wellesley	MA	02181

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/26/1987	0721	1,000.00	P						0			0
09/02/1988	0225	500.00	C	ND		500.00	500.00	09/02/1988	0			0
Total For Seqn: 0048682M		1,500.00					500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
221	0004449M	Tsaganis, Christos	719 West Chestnut Street		Brockton	MA	02401

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/04/1987	0381	1,000.00	P						0			0
		0										
03/21/1989	0454	1,000.00	C	ND		1,000.00	1,000.00	03/21/1989	0			0
		0										
Total For Seqn: 0004449M		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
222	0200876M	Tsatsaronis, Antonios	57-44 Parsons Boulevard		Flushing	NY	11365

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/05/1988	2780	1,000.00	P						0			0
		0										
10/17/1988	0302	100.00	C	ND		100.00	100.00	10/17/1988	0			0
		0										
Total For Seqn: 0200876M		1,100.00					100.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
223	0126125M	TSIBOUKAS, Alexander	20305 South Western Avenue		Torrance	CA	90501

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
05/28/1987		250.00							0			0
		0										
01/21/1988	2921	750.00	P						0			0
		0										
08/02/1988	0193	250.00	C	UD	08/12/1988	250.00			0			0
250.00	02/23/1990	560										
		0										
	0193	250.00	C	UD	08/12/1988	250.00			0			0
250.00	02/23/1990	560										
		0										
	0193	250.00	C	UD	08/12/1988	250.00			0			0

250.00 02/23/1990 560

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
08/31/1988	0212	250.00 0	C	ND		250.00	250.00	08/31/1988	0			0

Total For Seqn: 0126125M

750.00 2,000.00 250.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
224	0144017M	Tycher, Martin	5215 Deloache Avenue		Dallas	TX	75220

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
07/29/1987	0991	500.00 0	P						0			0
09/16/1988	0273	1,000.00 0	C	ND		500.00	1,000.00	09/16/1988	0			0

Total For Seqn: 0144017M

1,500.00 1,000.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
225	0192347M	Tzaferos, Konstantinos	551 Greenwood Drive		Hammonton	NJ	08037

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
02/17/1988	3259	250.00 0	P						0			0
07/27/1988	0177	1,000.00 0	C	ND		250.00	1,000.00	07/27/1988	0			0

Total For Seqn: 0192347M

1,250.00 1,000.00

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
226	0225909F	Tzirtzipis, Evangelia			28-28 29th Street		Astoria	OR	11102

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
04/08/1988	4338	1,000.00	P						0			0
		0										
08/02/1988	0197	50.00	C	ND		50.00	50.00	08/02/1988	0			0
		0										
Total For Seqn: 0225909F		1,050.00					50.00					

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
227	0130466M	Urquhart, Donald J			20 Grandview Road		Billerica	MA	01866

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/18/1987	0528	500.00	P						0			0
		0										
		1,000.00			04/07/1988	500.00			0			0
1,000.00	03/14/1989	341										
Total For Seqn: 0130466M		1,500.00										
1,000.00												

Ref Num	seq No	Contributor Name			Address 1	Address 2	City	St	Zip
228	0199838M	VACCARO, JOSEPH			38 UNION SQUARE		SOMERVILLE	MA	02143

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/30/1987	2737	500.00	P						0			0
		0										
06/30/1988	0120	500.00	C	ND		500.00	500.00	06/30/1988	0			0
		0										
	5476	500.00	P						0			0

0

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0199838M		1,500.00					500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
229	0057520M	Vanasse, Robert D	38 Lincoln Circle		Andover	MA	01810

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/06/1987	1915	1,000.00	P						0			0
06/30/1988	0120	1,000.00	C	ND		1,000.00	1,000.00	06/30/1988	0			0

Total For Seqn: 0057520M		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
230	0187302M	VANOFF, NICK	1438 NORTH GOWER STREET	BOX 21	HOLLYWOOD	CA	90028

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/27/1987	2284	1,000.00	P						0			0
1,000.00	04/11/1989	326			05/20/1988	1,000.00			0			0

Total For Seqn: 0187302M		2,000.00					1,000.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
231	0066150F	Vappi, Judith McClure	975 Memorial Drive #1108		Cambridge	MA	02138

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/09/1986	1585	50.00	P							0		0
		0										
06/16/1987	0495	500.00	P							0		0
		0										
06/30/1988	0120	550.00	C	ND		550.00	550.00	06/30/1988		0		0
		0										
	5476	450.00	P							0		0
		0										
Total For Seqn: 0066150F		1,550.00					550.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
232	0173439M	Vasiliadis, Dimitrios	21-14 Hoyt Avenue South		Astoria	NY	11102

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
10/22/1987	1995	500.00	P							0		0
		0										
01/28/1988	3005	500.00	P							0		0
		0										
11/08/1988	0316	25.00	C	ND		25.00	25.00	11/08/1988		0		0
		0										
		500.00		NT		500.00				0		0
500.00	02/23/1990	0										
		500.00		NT	04/21/1988	500.00				0		0
500.00	02/23/1990	673										
Total For Seqn: 0173439M		2,025.00					25.00					
1,000.00												

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
233	0162088F	Vasos, Mary	1075 Lake Glen Way		Sacramento	CA	95822

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/20/1987	1595	1,000.00	P							0		0
		0										
10/07/1988	0287	25.00	C	ND		25.00	25.00	10/07/1988		0		0
		0										
Total For Seqn: 0162088F		1,025.00					25.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
234	0120602F	Veronis, Lauren S	350 Park Avenue		New York	NY	10022

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
12/14/1987	2533	250.00	P							0		0
		0										
06/30/1988	0120	250.00	C	ND		250.00	250.00	06/30/1988		0		0
		0										
	5476	750.00	P							0		0
		0										
Total For Seqn: 0120602F		1,250.00					250.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
235	0004406F	Weis, Linda R	124 Woodchester Drive		Chestnut Hill	MA	02167

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									

Total For Seqn: 0219883M
 1,250.00 250.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
238	0187289M	Wu, Jin Shen	1377 Waverly Road		San Marino	CA	91108

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
01/27/1987	2284	500.00	P						0			0
		0										
		700.00		NT	05/07/1988	200.00			0			0
200.00	02/23/1990	657										

Total For Seqn: 0187289M
 1,200.00
 200.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
239	0166030M	Zafiriades, Vasilios	61 Beverly Road		Riverside	RI	02915

Date	Batch Num	Contribution Amount	Ty pe	Match Code	Calc Rcpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
09/30/1987	1851	100.00	P						0			0
		0										
12/10/1987	2476	500.00	P						0			0
		0										
01/21/1988	2930	125.00	P						0			0
		0										
03/22/1988	3970	250.00	P						0			0
		0										
		250.00		NT	05/29/1988	225.00			0			0
225.00	02/23/1990	635										

Total For Seqn: 0166030M
 1,225.00
 225.00

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
240	0134873M	Zafiroopoulos, Panagiotis	40-21 61st Street		Woodside	NY	11377

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
06/27/1987	0737	400.00	P							0		0
		0										
09/10/1987	1416	250.00	P							0		0
		0										
01/14/1988	2851	100.00	P							0		0
		0										
04/20/1988	4572	100.00	P							0		0
		0										
06/30/1988	5476	150.00	P							0		0
		0										
	0120	100.00	C	ND		100.00	100.00	06/30/1988		0		0
		0										
Total For Seqn: 0134873M		1,100.00					100.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
241	0183990M	Zampolin, Robert E	470 Bogert Road		River Edge	NJ	07661

Date	Batch Num	Contribution Amount	Ty	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
11/18/1987	2207	1,000.00	P							0		0
		0										
07/26/1988	0172	500.00	C	ND		500.00	500.00	07/26/1988		0		0
		0										
Total For Seqn: 0183990M		1,500.00					500.00					

Ref Num	seq No	Contributor Name	Address 1	Address 2	City	St	Zip
242	0144976M	Zinner, Peter	334 Arno Way		Pacific Palisades	CA	90272

Date	Batch Num	Contribution Amount	Type	Match Code	Calc Recpt Date	Excessive Amount	Redesign Amount	Redesign Date	Red O-S	Reattrib Amount	Reattrib Date	Rea O-S
Refund Amount	Refund Date	Ref O-S	Unresolved Amount									
07/30/1987	1004	750.00	P									0
		0										0
12/30/1987	2745	25.00	P									0
		0										0
	2745	25.00	P									0
		0										0
03/03/1988	3621	250.00	P		03/13/1988	50.00						0
	50.00	02/23/1990										0
11/09/1988	0324	250.00	C	ND		250.00	250.00	11/09/1988				0
		0										0

Total For Seqn: 0144976M		1,300.00					250.00					
50.00												

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

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR: 3562
STAFF MEMBER: Dawn Odrowski

SOURCE: Internally Generated

RESPONDENTS: Dukakis for President Committee, Inc.
and Edward Pliner, as treasurer
American Federation of State, County and
Municipal Employees

RELEVANT STATUTES: 2 U.S.C. § 441a(b)(1)(A)
2 U.S.C. § 441b(a)
2 U.S.C. § 434(b)(2)
2 U.S.C. § 434(b)(3)(A)
2 U.S.C. § 441a(f)
26 U.S.C. § 9035(a)

INTERNAL REPORTS CHECKED: Audit documents

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by an audit of the Dukakis for President Committee, Inc. ("the Committee") pursuant to 26 U.S.C. § 9038(a) to determine whether there has been compliance with the provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and the Presidential Primary Matching Payment Account Act ("Matching Payment Act"). See also 26 U.S.C. § 9039(b) and 11 C.F.R. §§ 9038.1(a). The Commission voted to refer four issues to this Office: the making of excessive state expenditures; the making and acceptance of a prohibited in-kind contribution; the failure to report contributions upon receipt; and the acceptance of

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excessive contributions which were not timely refunded, reattributed, or redesignated to a legal and accounting compliance fund.¹

In an attempt to resolve this matter as expeditiously as possible, this Office recommends that the Commission enter into pre-probable cause conciliation with the respondents, the Committee and the American Federation of State, County and Municipal Employees (AFSCME). Proposed conciliation agreements for these two respondents are discussed at the end of this report.

II. FACTUAL AND LEGAL ANALYSIS²

A. Excessive State Expenditures

1. Law

No candidate for the Office of President who is eligible under section 9033 of Title 26 to receive payments from the Secretary of the Treasury, may make expenditures in any one State aggregating in excess of the greater of 16 cents multiplied by the voting age population of the State or \$200,000, as adjusted by changes in the Consumer Price Index.

2 U.S.C. §§ 441a(b)(1)(A) and 441a(c) and 26 U.S.C.

§ 9035(a). Except for expenditures exempted under 11 C.F.R.

1. These matters were approved by the Commission for referral on September 26, 1991, subject to revision, and the Audit Division forwarded the revised referral to this Office on July 16, 1992. In addition to these four issues, the Commission referred to this Office for compliance another matter arising from this audit involving sequential money orders. That matter is currently being addressed in MUR 3089.

2. All citations are to statutes and regulations which were in effect in 1988.

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§ 106.2(c), expenditures incurred by a candidate's authorized committee for the purpose of influencing the nomination of the candidate for President with respect to a particular State shall be allocated to that State. 11 C.F.R. § 106.2(a)(1). In the event that the Commission disputes the candidate's allocation or claim of exemption for a particular expense, the candidate shall demonstrate, with supporting documentation, that his or her proposed method of allocation or claim of exemption was reasonable. Id. Certain expenditures, however, must be allocated according to a specific method.³

The categories of expenditures exempted from state allocation are outlined at 2 U.S.C. § 431(9)(B)(vi) and 11 C.F.R. §§ 106.2(c) and 106.2(b)(2)(v). National campaign expenditures, including operating expenditures related to national campaign headquarters, national advertising and nationwide polls are not allocable, nor are media production costs whether or not the media advertising is used in more than one state. 11 C.F.R. §§ 106.2(c)(1) and (2). Interstate travel and telephone calls are also exempt. 11 C.F.R. §§ 106.2(c)(4)

3. For example, expenditures for radio, television and similar advertisements purchased in a particular media market that cover more than one state shall be allocated to each state in proportion to the estimated audience. 11 C.F.R. § 106.2(b)(2)(i)(B). Travel and subsistence expenditures for persons working in a state for five consecutive days or more shall be allocated to that state in proportion to the amount of time spent in each state during a payroll period. 11 C.F.R. § 106.2(b)(2)(iii). Similarly, salaries paid to persons working in a particular state for five consecutive days or more, including advance staff, shall be allocated to each state in proportion to the amount of time spent in that state during a payroll period. 11 C.F.R. § 106.2(b)(2)(ii).

and 106.2(b)(2)(v).

Additionally, costs incurred by a candidate or his or her authorized committee in connection with solicitation of contributions are not expenditures if incurred by a candidate certified to receive Presidential Primary Matching Fund Payments and who is soliciting the contributions in accordance with 26 U.S.C. §§ 9003(b)(2) or 9003(c)(2). This is true to the extent that the aggregate of such costs does not exceed 20 percent of the expenditure limitation applicable to the candidate. 2 U.S.C. § 431(9)(B)(vi) and 11 C.F.R. § 100.8(b)(21)(i). These costs, however, must be reported as disbursements. Id. Fundraising expenditures aimed at a particular state and occurring within 28 days prior to a primary shall be presumed to be attributable to the expenditure limitation for that state, notwithstanding 11 C.F.R. § 100.8(b)(21). 11 C.F.R. § 110.8(c)(2).

Further, although overhead expenditures of committee offices located in a state shall be allocated to that state, an amount equal to 10% of campaign workers' salaries and overhead expenditures in a particular state may be excluded from allocation to that state as an exempt compliance cost. 11 C.F.R. §§ 106.2(b)(2)(iv)(A) and 106.2(c)(5). An additional amount equal to 10% of such salaries and overhead expenditures in a particular state may be excluded from allocation to that state as exempt fundraising expenditures, but this latter fundraising exemption also shall not apply within 28 calendar days of the primary election. 11 C.F.R. § 106.2(c)(5).

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Overhead expenditures include, but are not limited to, rent, utilities, office equipment, furniture, supplies and telephone service base charges. 11 C.F.R. § 106.2(b)(2)(iv).

2. Audit Determination

The 1988 presidential primary election expenditure limitation for the State of Iowa was \$775,217.60; the limitation for the State of New Hampshire was \$461,000. The Committee reported that through November 30, 1988, expenditures allocable to Iowa and New Hampshire were \$756,595.01 and \$438,667.46, respectively. Attachment 1 at 2.⁴

The Audit staff reviewed the work papers related to the Committee's allocations and determined that additional amounts needed to be allocated to both the Iowa and New Hampshire expenditure figures. These additional amounts involve numerous categories of expenses where the Audit staff disagreed with the Committee's method of allocation and/or computations. These categories include: (1) various media cost adjustments;⁵

4. The Committee's initial reports showed that it had exceeded the Iowa and New Hampshire limitations by \$140,011.70 and \$44,384.82, respectively. However, the Committee filed two amendments on March 15 and April 18, 1988, reducing the allocable expenditures to the figures cited in the text.

5. This category includes adjustments to media buys run within 28 days of the New Hampshire primary and Iowa caucus which were improperly charged to fundraising; unallocated media commissions; and miscellaneous adjustments to allocation of media buys resulting from the use of outdated industry market data and other errors. On July 14, 1990, the Committee filed an amended report reflecting the initial increases Audit determined to be allocable to both states for media commissions and the increase and decrease to Iowa and New Hampshire limitations, respectively, arising from the miscellaneous adjustments to the media buys allocations. Attachment 1 at 6-7. Audit later further increased the media commissions allocations based on

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(2) fundraising cost adjustments associated with certain campaign events; (3) polling expenses allocated to the national campaign, and state office overhead, payroll and fax machine costs allocated to national headquarters; (4) payroll expenses allocated to fundraising and compliance; (5) travel, salary and subsistence expenditures for individuals allocable to the States; (6) phone bank services and (7) miscellaneous costs attributable to calculation errors and erroneous chargebacks of refunds.⁶ The attached referral from the Audit Division and the Commission's February 25, 1993 Statement of Reasons Supporting Final Repayment Determination explain the areas of disagreement and provide a detailed analysis supporting the additional expenditure allocations.⁷ See Attachment 1 at 2-17 and February 25, 1993 Statement of Reasons Supporting Final

(Footnote 5 continued from previous page)
figures provided by the media firm. Id.

6. The Committee's July 14, 1990 disclosure report amendments reflect the increases to the Iowa and New Hampshire expenditure limitations resulting from the correction of these erroneous calculations and chargebacks. Attachment 1 at 17.

7. The Audit staff also made adjustments decreasing the amounts allocable to Iowa and New Hampshire. As a result of the Commission's January 30, 1992 decision with regard to the Audit of George Bush for President, Inc., the expenditures allocated in the Dukakis for President Committee, Inc. Final Audit Report to Iowa and New Hampshire for travel, subsistence and salary costs were further decreased by \$1,986.89 and \$986.29, respectively, since the presence of certain individuals in those states with respect to the five-day rule was not established. See Attachment 1 at 14-15. Additionally, the amount attributable to media buys allocable to New Hampshire was reduced by \$33,517.46 due to the Committee media buyer's use of outdated industry market data in calculating this figure for the Committee. Attachment 1 at 7. This reduction was reflected in the Final Audit Report.

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Repayment Determination in the Matter of Governor Michael Dukakis and the Dukakis for President Committee, Inc. ("Statement of Reasons") at 14-39. See also Final Audit Report at 2-23.

In all, the additional allocations result in expenditures in excess of the Iowa limitation totaling \$279,013.84. In the case of New Hampshire, the additional allocations result in expenditures in excess of the state limitation totaling \$57,848.92. See chart at Attachment 1 at 18 and Statement of Reasons at 14-39. Based on the foregoing, this Office recommends that the Commission find reason to believe that the Dukakis for President Committee, Inc. and Edward Pliner, as treasurer, violated 2 U.S.C. § 441a(b)(1)(A) and 26 U.S.C. § 9035(a).

B. Prohibited In-Kind Contribution: Phone Bank Services (Iowa and New Hampshire)

Under the Act, it is unlawful for any labor organization to make a contribution or expenditure in connection with any federal election or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by 2 U.S.C. § 441b. 2 U.S.C. § 441b(a).

The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made for purposes of influencing a federal election. 2 U.S.C. § 431(8)(A) and 26 U.S.C. § 9032(4). The term "anything of value" includes in-kind contributions. 11 C.F.R. § 100.7(a)(1)(iii).

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An in-kind contribution is defined by Commission regulations as the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services. If goods or services are provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged the political committee.

11 C.F.R. § 100.7(a)(1)(iii)(A).

During the campaign, the Committee entered into an agreement with the American Federation of State, County, and Municipal Employees (AFSCME), a labor organization, for phone bank services and related office space. Correspondence from AFSCME to the Committee shows that AFSCME billed the Committee a total of \$341,275.99 for these services.

The Committee provided the Audit staff with correspondence from AFSCME regarding the phone bank arrangement but did not provide supporting documentation explaining the basis of AFSCME's billings. In response to Audit's requests during the fieldwork and to the Interim Audit Report ("IAR"), AFSCME gave the Audit staff access to phone bank-related records located at its headquarters. These records included telephone bills, leases between AFSCME and various property owners and leases between the Committee and AFSCME ("the Committee leases"). Due to the volume of documents, the Audit staff confined its review to phone bank activity relating to Iowa and New Hampshire since Audit's fieldwork had indicated the Committee had exceeded the

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spending limits in those states. Following this review, the Commission issued subpoenas to Iowa and New Hampshire phone companies to produce phone bills for certain periods covered by the Committee's lease which were not found at AFSCME. Attachment 1 at 16 and 20-21.

Based on the documents reviewed at AFSCME headquarters and produced pursuant to the subpoenas, the Audit staff identified a total of \$24,806.43 and \$25,004.84 in phone bank-related costs allocable to Iowa and New Hampshire, respectively.⁸ Audit based its allocation on the following: (1) the cost of all telephone calls made at each location during the period covered by the Committee leases; (2) the cost of the lease between AFSCME and the lessor prorated for the period of time during which the Committee used the space; and (3) telephone installation costs prorated on the same percentage basis as the lease costs. Attachment 1 at 21. Audit made three assumptions in its review of the New Hampshire and Iowa phone bank arrangement: (1) new telephone lines were installed specifically for the phone bank operation (supported by deposits billed the Committee for each new line); (2) the Committee used the phones exclusively for its

8. According to Audit, these figures exclude installation and lease charges for a Des Moines phone bank and the cost of phone bills covering from between 4 to 42 days for several banks for which information was unavailable. Attachment 1 at 21. Additionally, charges for interstate phone calls to Iowa and New Hampshire made from phone banks located outside those states were excluded from Audit's calculation based on the Commission's determination in the Dole for President Final Audit Report (phone calls made to Iowa from an out-of-state phone bank were not allocable to Iowa because all calls from that bank were not targeted at Iowa exclusively). Attachment 1 at 16.

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phone bank operation during the Committee lease period; and (3) all space was used exclusively by the Committee during the Committee lease period.⁹

Audit's review identified charges that differed markedly from the amounts AFSCME billed the Committee. According to AFSCME's correspondence, it billed the Committee \$9,244.55 for phone banks related to Iowa and \$7,152.50 for New Hampshire. Attachment 1 at 16 and 22. AFSCME's billings for Iowa and New Hampshire were comprised of a \$50 deposit fee for each telephone line and 25% of the cost of the premises where the phone banks were located. Attachment 1 at 20-21.

Based upon the audit, it appears that AFSCME failed to charge the Committee the usual and normal charge for phone bank services and related space allocable to Iowa and New Hampshire. The difference between the usual and normal charges for phone bank services and related space as determined by Audit and the amounts billed the Committee by AFSCME -- \$15,561.88 in Iowa and \$17,852.34 in New Hampshire -- constitutes an in-kind

9. This Office notes that certain AFSCME correspondence to the Committee contains assertions that conflict with some of Audit's assumptions. For example, in a letter to the Committee explaining the basis of its billings, AFSCME maintained the Committee did not exclusively use the phone banks during the Committee lease period and said that the parties understood that AFSCME would charge the Committee only for its actual use of the facilities, estimated to be 48% of the time covered by the Committee lease. However, AFSCME later said it was unable to provide worksheets or other documentation supporting any of its computations. See May 9, 1989 and November 20, 1989 letters from AFSCME to Committee. Attachment 5 at 26-29 (Appendix 9 to the Committee's June 15, 1990 Response to IAR). The 48% computation also appears to conflict with AFSCME's billings for Iowa and New Hampshire phone banks.

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contribution from AFSCME to the Committee. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that AFSCME made, and the Committee accepted, a prohibited in-kind contribution totaling \$33,414.22 in violation of 2 U.S.C. § 441b(a).

The Audit staff emphasizes its review encompassed only New Hampshire and Iowa and opines that AFSCME may have likely underbilled the Committee for phone bank operations located in other states, resulting in a larger in-kind contribution. Given the resources necessary to obtain and analyze phone bills, leases and other documents relating to the phone bank operations in other states, if such records are still available; the death of the individual most knowledgeable about AFSCME's phone bank operations during the relevant period (see Attachment 1 at 20); and the passage of time since the events in question; this Office does not recommend a discovery investigation focusing on AFSCME phone bank operation in other states.

C. Joint Escrow Account

1. Law

The Act requires each report filed by a political committee to disclose the amount of cash on hand at the beginning of the reporting period and, for the reporting period and the calendar year, the total amount of all receipts and the total amount of contributions received from persons other than political committees. 2 U.S.C. § 434(b)(2). Moreover, each report must disclose the identification of each person who makes a contribution to the committee during the reporting period, whose

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contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year, together with the date, and amount of any such contribution. 2 U.S.C.

§ 434(b)(3)(A). "Identification" in the case of an individual means the name, mailing address, occupation of such individual as well as the name of his or her employer. 2 U.S.C.

§ 431(13)(A).

The Act further provides that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office, which, in the aggregate, exceed \$1,000. 2 U.S.C.

§ 441a(a)(1)(A). Further, no candidate or political committee shall knowingly accept any contribution in violation of the provisions of Section 441a. 2 U.S.C. § 441a(f).

Commission regulations provide that the treasurer of a political committee shall be responsible for examining all contributions received and ascertaining whether, when aggregated with other contributions from the same contributor, such contributions exceed the contributions limits. 11 C.F.R.

§ 103.3(b). Contributions which on their face and contributions which, when aggregated with other contributions from the same contributor, exceed the contribution limits may either be deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor in accordance with 11 C.F.R. §§ 110.1(b) or 110.1(k), as appropriate. Id. If the reattribution

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or redesignation is not obtained, the treasurer shall, within sixty days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

In the case of presidential elections, a major party candidate for president may accept contributions to a legal and accounting compliance fund if such contributions are received and disbursed in accordance with 11 C.F.R. § 9003.3. 11 C.F.R. § 9003.3(a)(1)(i). Contributions made after the beginning of the expenditure report period¹⁰ which are designated for the primary election, and contributions that exceed a contributor's limit for the primary election, may be deposited into the compliance fund if a candidate receives a contributor's redesignation or a reattribution in accordance with 11 C.F.R. § 110.1. 11 C.F.R. § 9003.3(a)(1)(iii).

A contribution shall be considered redesignated to another election if: (1) the treasurer requests that the contributor provide a written redesignation of the contributions and informs the contributor that the contributor may request a refund as an alternative to providing a written redesignation, and (2) the contributor provides a signed, written redesignation to the treasurer within sixty days from the date of the treasurer's receipt of the contribution. 11 C.F.R. § 110.1(b)(5)(ii).

A contribution shall be considered reattributed to another contributor if: (1) the treasurer asks the contributor whether

10. Pursuant to 11 C.F.R. § 9002.12, the expenditure report period began on July 20, 1988, the date Mr. Dukakis was nominated as the Democratic candidate for president.

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the contribution is intended to be a joint contribution by more than one person, and informs the contributor that he or she may request a refund of the excessive portion of the contribution if it is not intended to be a joint contribution, and (2) within sixty days of the treasurer's receipt of the contribution, the contributor provides the treasurer with a signed, written reattribution indicating the amount to be attributed to each if other than equal attribution is intended. 11 C.F.R. § 110.1(k)(3)(ii).

2. Background

The Committee opened a checking account, known as the joint escrow account, on June 10, 1988, after Mr. Dukakis' victory in the California primary. According to the Committee, it did so because it was then apparent it would raise more funds than it could legally spend. Consequently, the Committee stated that it deposited contributions received thereafter, payable to the Dukakis for President Committee, into the joint escrow account. Attachments 2 (Appendix 13 to Committee's June 15, 1990 Response to IAR) and 3 at 2. A total of \$1,447,570.42 was deposited into the joint escrow account between June 10 and December 30, 1988.¹¹ Once the contributions were so deposited, the Committee sent a form to contributors requesting them to redesignate their contributions to the General Election Legal and Accounting Compliance Fund (GELAC) or request a refund. Attachments 2

11. Of these, contributions totaling \$896,627.90 were dated on or before July 20, 1988, the date of Governor Dukakis' ineligibility (i.e., the date of his nomination at the Democratic National Convention).

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and 3 at 7. None of the joint escrow contributions was reported when initially deposited into the joint escrow account. Contributions subsequently transferred to GELAC were reported in GELAC's disclosure reports only after the transfer. The Committee did not initially report the receipt or refund of the contributions refunded. Attachment 1 at 23.

3. Audit Determination Affecting Joint Escrow Account

The main issue relating to the joint escrow account during the audit was its effect on the Committee's net outstanding campaign obligations. Commission regulations require a candidate whose net outstanding campaign obligations ("NOCO") reflect a surplus on the date of ineligibility to repay to the Secretary of Treasury an amount which represents the amount of matching funds contained in the surplus.¹² Thus, if the joint escrow account were considered a primary account, joint escrow account contributions dated on or before July 20, 1988, would be included in the Committee's cash on hand creating a surplus and triggering a repayment.

According to Audit, upon becoming aware that it would likely be in a surplus position on Mr. Dukakis' date of ineligibility, the Committee apparently attempted to eliminate

12. The Matching Payment Act and related Commission regulations provide that amounts received by a candidate from the matching payment account may be retained to liquidate all obligations to pay qualified campaign expenses incurred up to 6 months after the end of the matching payment period. 26 U.S.C. § 9038(b)(3). A candidate whose net outstanding campaign obligations reflect a surplus on the date of ineligibility (i.e., date of nomination by party) must repay the Secretary of the Treasury an amount which represents the amount of matching funds contained in the surplus. 11 C.F.R. § 9038.3(c).

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any potential surplus by transferring primary contributions to the GELAC account via the joint escrow account. The Committee, however, contended that the joint escrow contributions should be considered contributions to the general election, or GELAC account, because Mr. Dukakis' nomination was assured after winning the California primary and persons making contributions thereafter could not have intended to "influence" his nomination. Attachment 3 at 1 and 2. The Committee argued that such contributors could only have been intended for the general election and said it confirmed this intent by obtaining redesignations for the joint escrow account contributions prior to transferring them to the GELAC. Id. In the alternative, the Committee later said it could accept a determination that would include pre-July 21 contributions in the Committee's cash on hand but that the proper measuring period for timely redesignations was 80 days.¹³ See Committee Response to IAR at 19.

The Commission, in its Statement of Reasons, reaffirmed the Final Audit Report's conclusion that the majority of the pre-July 21 contributions should be included in the Committee's cash on hand, but that the Committee had provided sufficient evidence demonstrating that \$258,575.85 in contributions deposited in the joint escrow account were redesignated to GELAC

13. The Committee arrived at this 80 day time period by adding to the 60 day redesignation period provided for in 11 C.F.R. 110.1(b), the 10 day period during which contributions must be forwarded to a Committee treasurer pursuant to 11 C.F.R. § 102.8(a) and the 10 day period during which the treasurer may refund contributions before depositing them pursuant to 11 C.F.R. § 103.3(a).

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in a timely fashion. Statement of Reasons at 43.¹⁴ Hence, the Commission determined that the Committee must make a repayment to the U.S. Treasury based on the resulting NOCO surplus. See Statement of Reasons at 39-47 for a fuller discussion of the joint escrow account issues.

4. Unreported Contributions

None of the \$1,447,750.42 in contributions deposited into the joint escrow account during the period between June 10, 1988 through December 30, 1988 was reported by the Committee upon receipt. As noted earlier, contributions for which the Committee received redesignations or reattributions were subsequently transferred to the GELAC and only then reported as receipts on GELAC's disclosure reports. The Committee did not initially report the receipt or refund of any of the joint escrow account contributions ultimately refunded.

The IAR recommended that the Committee file amended reports within 30 days disclosing the contributions transferred to GELAC and those refunded.

Pursuant to the IAR recommendations, the Committee filed amended disclosure reports on April 18, July 14, and

14. The Commission determined, when considering the IAR, that redesignation of pre-July 21 contributions deposited in the joint escrow account to the GELAC would be permissible pursuant to 11 C.F.R. § 9003.3(a)(iii) if the Committee could demonstrate that it received such written redesignations within 60 days of the check date, but only to the extent such redesignations and transfers would not leave the Committee in a net debt position. IAR at 22-23. The Final Audit Report ("FAR") determined that the Committee had demonstrated that contributions totaling \$210,362 were transferred to GELAC within 60 days from the date of the check. FAR at 29. An additional \$48,213 was identified by Audit as also conforming to the Commission's determination.

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September 3, 1990. The April and July amendments itemized contributions comprising the cash on hand in the joint escrow account as of May 1989, the period through which Audit reviewed the activity, and the joint escrow account contributions transferred to the GELAC in excess of 80 days from the date of the check. The Committee declined to disclose the remaining contributions at that time, stating that the Committee would not do so until the Commission determined they were primary contributions. Attachment 1 at 24. The Committee's September 3, 1990 amendments disclosed: (1) itemized contributions dated on or before July 20, 1988 deposited into the joint escrow account and transferred to the GELAC within 60-80 days of the check date and (2) itemized contributions refunded from the joint escrow account in 1988 and 1989.¹⁵ Id.

As of the date of the referral, about \$1.1 million of approximately \$1.45 million deposited into the joint escrow account was reported by the Committee through the aforementioned amendments. Most of the remainder appears to have been reported as GELAC contributions but has not been reported by the Committee. Attachment 1 at 24.

The Act and Commission regulations require that authorized committees report the total amount of contributions received in a calendar year and in a reporting period from all persons and identify those contributors making contributions aggregating in

15. The September 3, 1990 amendments were not referenced at the time these matters were presented to the Commission. See September 18, 1991 memorandum to the Commission from Audit and Exhibit 3 attached thereto.

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excess of \$200 per calendar year. Although the Committee eventually filed amendments reporting most of the contributions initially deposited in the joint escrow account, the initial failure to report involved a significant amount of activity. Moreover, the joint escrow account contributions ultimately refunded were undisclosed for a significant time. Finally, it appears that some of the joint escrow contributions have never been reported by the Committee. This Office's position is that all contributions initially deposited into the joint escrow account should have been reported by the Committee when received and when redesignated to GELAC, reattributed or refunded. See, e.g., 11 C.F.R. § 104.8(d). By failing to report all contributions when received, the Committee's disclosure reports did not accurately reflect its financial condition. Therefore, this Office recommends that the Commission find reason to believe that the Dukakis for President Committee and Edward Pliner, as treasurer, violated 2 U.S.C. §§ 434(b)(2) and 434(b)(3)(A) for failing to report the receipt of contributions deposited into the joint escrow account, and failing to identify contributors making such contributions, when those contributions were received.

5. Excessive Contributions

Audit's analysis of the joint escrow account deposits attributable to the primary, identified 271 contributions, or portions thereof, totaling \$116,884.53, which exceeded the Act's contribution limits when aggregated with other primary

contributions from the same individuals.¹⁶ These contributions were comprised of contributions untimely redesignated to GELAC or reattributed, contributions untimely refunded, contributions transferred to GELAC or reattributed without signed redesignations or reattributions, and contributions for which the Committee had taken no action as of May 12, 1989. It should be noted that for a majority of the untimely redesignated or reattributed contributions, redesignation and reattribution letters were contained in the Committee's files but did not bear a receipt date. Attachment 1 at 26.

In accordance with the IAR recommendations, the Committee refunded or otherwise resolved excessive contributions totaling \$34,795.¹⁷ The Committee's action apparently involved those contributions transferred to GELAC without authorization and those contributions for which it had previously taken no action. The Committee did not, however, provide evidence that the redesignations to GELAC or reattributions were timely.

Based on the Committee's IAR response and the Commission's determination regarding the permissibility of certain transfers to GELAC, Audit determined that 143 excessive primary contributions or portions thereof, totaling \$56,129.53 were

16. Audit used the contribution check date and payee description to determine whether a contribution was attributable to the primary election or the GELAC. Contributions dated on or before July 20, 1988, the day Governor Dukakis was nominated as the Democratic Party candidate, which were not payable to the GELAC or a payee determined to be GELAC, were considered primary contributions for this analysis. Attachment 1 at 25.

17. According to Audit, \$17,185 was refunded to contributors and \$17,610 was paid to the U.S. Treasury. Attachment 1 at 27.

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redesignated or reattributed in an untimely manner and 116 excessive primary contributions, or portions thereof, totaling \$55,795 were refunded in an untimely manner.¹⁸ See chart at Attachment 1 at 27.

Consequently, it appears that the Committee accepted 259 excessive contributions or portions thereof, totaling \$111,924.53. A list detailing these excessive contributions is attached. Attachment 4. Thus, this Office recommends that the Commission find reason to believe that the Dukakis for President Committee and Edward Pliner, as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions which were not refunded, redesignated to GELAC or reattributed in a timely manner.

III. CONCILIATION AGREEMENT

18. Contributions untimely refunded include those contributions refunded in response to the IAR recommendation.

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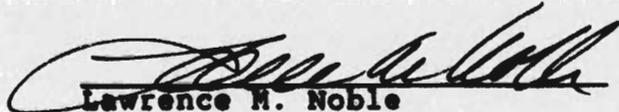
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IV. RECOMMENDATIONS

1. Find reason to believe that the Dukakis for President Committee, Inc., and Edward Pliner, as treasurer, violated 2 U.S.C. §§ 441a(b)(1)(A), 441b(a), 434(b)(2), 434(b)(3)(A), 441a(f), and 26 U.S.C. § 9035(a).
2. Find reason to believe that the American Federation of State, County, and Municipal Employees violated 2 U.S.C. § 441b(a).
3. Approve the attached Factual and Legal Analyses.
4. Enter into pre-probable cause conciliation with the Dukakis for President Committee, Inc., and Edward Pliner, as treasurer, and the American Federation of State, County, and Municipal Employees and approve the attached conciliation agreements.

5. Approve the appropriate letters.

10/5/93
Date


Lawrence M. Noble
General Counsel

Attachments

1. Audit referral
2. Affidavit re: joint escrow account
3. Committee's June 12, 1988 letter re: joint escrow account
4. List of excessive contributions prepared by Audit
5. Factual and legal analyses
6. Proposed conciliation agreements

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JEAN FEUER *JF*
COMMISSION SECRETARY

DATE: NOVEMBER 15, 1993

SUBJECT: MUR 3562 - FIRST GENERAL COUNSEL'S REPORT
DATED NOVEMBER 5, 1993.

The above-captioned document was circulated to the
Commission on MONDAY, NOVEMBER 8, 1993 at 4:00 P.M. .

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

Commissioner Aikens	<u>XXX</u>
Commissioner Elliott	<u> </u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>
Commissioner Potter	<u> </u>
Commissioner Thomas	<u>XXX</u>

This matter will be placed on the meeting agenda
for TUESDAY, NOVEMBER 30, 1993. .

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)
) MUR 3562
Dukakis for President Committee, Inc.)
and Edward Pliner, as treasurer;)
American Federation of State, County,)
and Municipal Employees)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on November 30, 1993, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions in MUR 3562:

1. Find reason to believe that the Dukakis for President Committee, Inc., and Edward Pliner, as treasurer, violated 2 U.S.C. §§ 441a(b)(1)(A), 441b(a), 434(b)(2), 434(b)(3)(A), 441a(f), and 26 U.S.C. § 9035(a).
2. Find reason to believe that the American Federation of State, County, and Municipal Employees violated 2 U.S.C. § 441b(a), but take no further action and close the file with respect to this respondent.
3. Approve the Factual and Legal Analyses attached to the General Counsel's report dated November 5, 1993.

(continued)

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4. Enter into pre-probable cause to believe conciliation with the Dukakis for President Committee, Inc., and Edward Pliner, as treasurer, and approve the conciliation agreement recommended in the General Counsel's report dated November 5, 1993.

5. Direct the Office of General Counsel to send appropriate letters pursuant to the actions noted above, including a letter of admonishment to the American Federation of State, County, and Municipal Employees.

Commissioners Aikens, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Elliott was not present; Commissioner Potter declines to vote with respect to this matter and was not present during its consideration.

Attest:

12-3-93
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 1993

Mr. Gerald McEntee, President
American Federation of State, County, and
Municipal Employees
1625 L St., N.W.
Washington, D.C. 20036

RE: MUR 3562
American Federation of
State, County and
Municipal Employees

Dear Mr. McEntee:

On November 30, 1993, the Federal Election Commission found reason to believe that the American Federation of State, County and Municipal Employees ("AFSCME") violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act.") However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to AFSCME. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that making corporate contributions to Federal candidates is a violation of 2 U.S.C. § 441b(a). You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

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

Sincerely,

Scott E. Thomas
Chairman

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: American Federation of State,
County and Municipal Employees

MUR: 3562

I. GENERATION OF MATTER

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

Under the Act, it is unlawful for any labor organization to make a contribution or expenditure in connection with any federal election. 2 U.S.C. § 441b(a).

The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made for purposes of influencing a federal election. 2 U.S.C. § 431(8)(A) and 26 U.S.C. § 9032(4). The term "anything of value" includes in-kind contributions. 11 C.F.R. § 100.7(a)(1)(iii).

An in-kind contribution is defined by Commission regulations as the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services. If goods or services are provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the goods or services at the time of the

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contribution and the amount charged the political committee.
11 C.F.R. § 100.7(a)(1)(iii)(A).

During the 1988 presidential primary season, the American Federation of State, County, and Municipal Employees (AFSCME) entered into an agreement with the Dukakis for President Committee, Inc. ("Committee") to provide phone bank services and related office space. Correspondence from AFSCME to the Committee shows that AFSCME billed the Committee a total of \$341,275.99 for these services and space.

Based on documents reviewed by members of the Commission audit staff at AFSCME headquarters and other information obtained by the Commission in the normal course of carrying out its supervisory responsibilities, the costs for phone bank services and related space allocable to Iowa and New Hampshire were determined to be \$24,806.43 and \$25,004.84, respectively.¹ These figures are based on the following: (1) the cost of all telephone calls made at each location during the period covered by the Committee leases; (2) the cost of the lease between AFSCME and the lessor prorated for the period of time during which the Committee used the space; (3) telephone installation costs prorated on the same basis as the lease costs. The following assumptions underlie these figures: (1) new telephone lines were installed specifically for the phone bank operation

1. These figures exclude installation and lease charges for a Des Moines phone bank and the cost of phone bills covering from between 4 to 42 days for several banks for which information was unavailable. Additionally, charges for interstate phone calls to Iowa and New Hampshire made from phone banks located outside those states were excluded from the calculation.

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(supported by deposits AFSCME billed the Committee for each new line); (2) the Committee used the phones exclusively for its phone bank operation during the Committee lease period; and (3) all space was used exclusively by the Committee during the Committee lease period.²

The aforementioned charges differed markedly from the amounts AFSCME billed the Committee. According to AFSCME's correspondence, it billed the Committee \$9,244.55 for phone bank services related to Iowa and \$7,152.50 for New Hampshire. AFSCME's billings for Iowa and New Hampshire were comprised of a \$50 deposit fee for each telephone line and 25% of the cost of the premises where the phone banks were located.

Based on the foregoing, it appears that AFSCME failed to charge the Committee the usual and normal charge for phone bank services and related office space for Iowa and New Hampshire. The difference between the usual and normal charge for the phone bank services and related space provided to the Committee and the amounts charged by AFSCME -- \$15,561.88 in Iowa and \$17,852.34 in New Hampshire -- constitutes an in-kind contribution from AFSCME to the Committee.

2. In a letter to the Committee explaining the basis of its bi exclusively use the phone banks during the Committee lease period and said that the parties understood that AFSCME would charge the Committee only for its actual use of the facilities, estimated to be 48% of the time covered by the Committee lease. However, AFSCME later said it was unable to provide worksheets or other documentation supporting any of its computations. See May 9, 1989 and November 20, 1989 letters from AFSCME to the Committee. Attachment 1. The 48% computation also appears to conflict with AFSCME's billings for Iowa and New Hampshire phone banks.

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Therefore, there is reason to believe that AFSCME made a prohibited in-kind contribution, totaling \$33,414.22, to the Committee in violation of 2 U.S.C. § 441b(a).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 1993

Mr. Daniel A. Taylor
Hill & Barlow
One International Place
Boston, MA 02110-2607

RE: MUR 3562
Dukakis for President
Committee, Inc. and
Edward Pliner,
as treasurer

Dear Mr. Taylor:

On November 30, 1993, the Federal Election Commission found that there is reason to believe that your clients, the Dukakis for President Committee, Inc. and Edward Pliner, as treasurer ("Committee"), violated 2 U.S.C. §§ 441a(b)(1)(A), 441b(a), 434(b)(2), 434(b)(3)(A), and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") and 26 U.S.C. § 9035(a), a provision of Chapter 96 of Title 26, U.S. Code. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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

If you are interested in expediting the resolution of this matter by pursuing probable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation

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negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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

We are directing this notification to you based on a blanket designation of counsel, dated March 3, 1993, signed by Mr. Pliner, as treasurer, stating that you are the Committee's designated counsel on all legal matters involving the Committee. Please notify us if you will not be representing the Committee and Mr. Pliner, as treasurer, in this matter.

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Dawn M. Odrowski, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS: Dukakis for President Inc.,
and Edward Pliner, as treasurer**

MUR: 3562

I. GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). Pursuant to 26 U.S.C. § 9038(a), the Commission conducted an audit to determine whether there had been compliance with provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and the Presidential Primary Matching Payment Account Act ("Matching Payment Act"). The audit indicates that the Committee made excessive state expenditures, accepted a prohibited in-kind contribution in the form of phone bank services and related space for which it did not pay, failed to report contributions deposited into a joint escrow account when those contributions were received, and accepted excessive contributions which were not timely refunded reattributed or redesignated to a legal and accounting compliance fund.

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II. FACTUAL AND LEGAL ANALYSIS¹

A. Excessive State Expenditures

1. Law

No candidate for the Office of President who is eligible under section 9033 of Title 26 to receive payments from the Secretary of the Treasury, may make expenditures in any one State aggregating in excess of the greater of 16 cents multiplied by the voting age population of the State or \$200,000, as adjusted by changes in the Consumer Price Index. 2 U.S.C. §§ 441a(b)(1)(A) and 441a(c) and 26 U.S.C. § 9035(a). Except for expenditures exempted under 11 C.F.R. § 106.2(c), expenditures incurred by a candidate's authorized committee for the purpose of influencing the nomination of the candidate for President with respect to a particular State shall be allocated to that State. 11 C.F.R. § 106.2(a)(1). In the event that the Commission disputes the candidate's allocation or claim of exemption for a particular expense, the candidate shall demonstrate, with supporting documentation, that his or her proposed method of allocation or claim of exemption was reasonable. Id. Certain expenditures, however, must be allocated according to a specific method.²

1. All citations are to statutes and regulations which were in effect in 1988.

2. For example, expenditures for radio, television and similar advertisements purchased in a particular media market that cover more than one state shall be allocated to each state in proportion to the estimated audience. 11 C.F.R. § 106.2(b)(2)(i)(B). Travel and subsistence expenditures for persons working in a state for five consecutive days or more shall be allocated to that state in proportion to the amount of

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The categories of expenditures exempted from state allocation are outlined at 2 U.S.C. § 431(9)(B)(vi) and 11 C.F.R. §§ 106.2(c) and 106.2(b)(2)(v). National campaign expenditures, including operating expenditures related to national campaign headquarters, national advertising and nationwide polls are not allocable, nor are media production costs whether or not the media advertising is used in more than one state. 11 C.F.R. §§ 106.2(c)(1) and (2). Interstate travel and telephone calls are also exempt. 11 C.F.R. §§ 106.2(c)(4) and 106.2(b)(2)(v).

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Additionally, costs incurred by a candidate or his or her authorized committee in connection with solicitation of contributions are not expenditures if incurred by a candidate certified to receive Presidential Primary Matching Fund Payments and who is soliciting the contributions in accordance with 26 U.S.C. §§ 9003(b)(2) or 9003(c)(2). This is true to the extent that the aggregate of such costs does not exceed 20 percent of the expenditure limitation applicable to the candidate. 2 U.S.C. § 431(9)(B)(vi) and 11 C.F.R. § 100.8(b)(21)(i). These costs, however, must be reported as disbursements. Id. Fundraising expenditures aimed at a particular state and occurring within 28 days prior to a primary

(Footnote 2 continued from previous page)
time spent in each state during a payroll period. 11 C.F.R. § 106.2(b)(2)(iii). Similarly, salaries paid to persons working in a particular state for five consecutive days or more, including advance staff, shall be allocated to each state in proportion to the amount of time spent in that state during a payroll period. 11 C.F.R. § 106.2(b)(2)(ii).

shall be presumed to be attributable to the expenditure limitation for that state, notwithstanding 11 C.F.R. § 100.8(b)(21). 11 C.F.R. § 110.8(c)(2).

Further, although overhead expenditures of committee offices located in a state shall be allocated to that state, an amount equal to 10% of campaign workers' salaries and overhead expenditures in a particular state may be excluded from allocation to that state as an exempt compliance cost.

11 C.F.R. §§ 106.2(b)(2)(iv)(A) and 106.2(c)(5). An additional amount equal to 10% of such salaries and overhead expenditures in a particular state may be excluded from allocation to that state as exempt fundraising expenditures, but this latter fundraising exemption also shall not apply within 28 calendar days of the primary election. 11 C.F.R. § 106.2(c)(5).

Overhead expenditures include, but are not limited to, rent, utilities, office equipment, furniture, supplies and telephone service base charges. 11 C.F.R. § 106.2(b)(2)(iv).

2. Audit Determination

The 1988 presidential primary election expenditure limitation for the State of Iowa was \$775,217.60; the limitation for the State of New Hampshire was \$461,000. The Committee reported that through November 30, 1988, expenditures allocable to Iowa and New Hampshire were \$756,595.01 and \$438,667.46,

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respectively.³

Based on a review of the Committee's work papers, the audit revealed that additional amounts needed to be allocated to both the Iowa and New Hampshire expenditure figures. These additional amounts involve numerous categories of expenses where the audit review allocation differed from the Committee's allocation and/or computations. These categories include: (1) various media cost adjustments;⁴ (2) fundraising cost adjustments associated with certain campaign events; (3) polling expenses allocated to the national campaign, and state office overhead, payroll and fax machine costs allocated to national headquarters; (4) payroll expenses allocated to fund raising and compliance; (5) travel, salary and subsistence expenditures for individuals allocable to the States; (6) phone bank services and (7) miscellaneous costs attributable to calculation errors and

3. The Committee's initial reports showed that it had exceeded the Iowa and New Hampshire limitations by \$140,011.70 and \$44,384.82, respectively. However, the Committee filed two amendments on March 15 and April 18, 1988, reducing the allocable expenditures to the figures cited in the text.

4. This category includes adjustments to media buys run within 28 days of the New Hampshire primary and Iowa caucus which were improperly charged to fundraising; unallocated media commissions; and miscellaneous adjustments to allocation of media buys resulting from the use of outdated industry market data and other errors. On July 14, 1990, the Committee filed an amended report reflecting the initial increases the audit determined to be allocable to both states for media commissions and the increase and decrease to Iowa and New Hampshire limitations, respectively, arising from the miscellaneous adjustments to the media buys allocations. Media commissions allocations were further increased based on figures provided by the media firm.

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erroneous chargebacks of refunds.⁵ The Commission's February 25, 1993 Statement of Reasons Supporting Final Repayment Determination explains the areas of disagreement and provides a detailed analysis supporting the additional expenditure allocations.⁶ See Statement of Reasons Supporting Final Repayment Determination in the Matter of Governor Michael Dukakis and the Dukakis for President Committee, Inc., ("Statement of Reasons") at 14-39. See also Final Audit Report at 2-23.

In all, the additional allocations result in expenditures in excess of the Iowa limitation totaling \$279,013.84. In the case of New Hampshire, the additional allocations result in expenditures in excess of the state limitation totaling \$57,848.92. See chart at Attachment 1 and Statement of Reasons at 14-39. Therefore, there is reason to believe that the Dukakis for President Committee, Inc. and Edward Pliner, as

5. The Committee's July 14, 1990 disclosure report amendments reflect the increases to the Iowa and New Hampshire expenditure limitations resulting from the correction of these erroneous calculations and chargebacks.

6. The audit also decreased certain amounts allocable to Iowa and New Hampshire. Based on a determination by the Commission in the Final Audit of the George Bush for President Committee, the expenditures allocated in the Dukakis for President Committee, Inc. Final Audit Report to Iowa and New Hampshire for travel, subsistence and salary costs were decreased by \$1,986.89 and \$986.29, respectively, since the presence of certain individuals in those states with respect to the five-day rule was not established. See Statement of Reasons at 36-37. Additionally, the amount attributable to media buys allocable to New Hampshire was reduced by \$33,517.46 due to the Committee media buyer's use of outdated industry market data in calculating this figure for the Committee. This reduction was reflected in the Final Audit Report.

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treasurer, violated 2 U.S.C. § 441a(b)(1)(A) and 26 U.S.C. § 9035(a).

B. Prohibited In-Kind Contribution: Phone Bank Services (Iowa and New Hampshire)

Under the Act, it is unlawful for any labor organization to make a contribution or expenditure in connection with any federal election or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by 2 U.S.C. § 441b. 2 U.S.C. § 441b(a).

The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made for purposes of influencing a federal election. 2 U.S.C. § 431(8)(A) and 26 U.S.C. § 9032(4). The term "anything of value" includes in-kind contributions. 11 C.F.R. § 100.7(a)(1)(iii).

An in-kind contribution is defined by Commission regulations as the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services. If goods or services are provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged the political committee. 11 C.F.R. § 100.7(a)(1)(iii)(A).

During the 1988 presidential primary season, the Committee entered into an agreement with the American Federation of State, County, and Municipal Employees (AFSCME), a labor organization,

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for phone bank services and related office space. Correspondence from AFSCME to the Committee shows that AFSCME billed the Committee a total of \$341,275.99 for these services and space.

The Committee provided the Audit staff with correspondence from AFSCME regarding the phone bank arrangement but did not provide supporting documentation explaining the basis of AFSCME's billings. In response to Audit's requests during the fieldwork and to the Interim Audit Report ("IAR"), AFSCME gave the Audit staff access to phone bank-related records located at its headquarters. These records included telephone bills, leases between AFSCME and various property owners and leases between the Committee and AFSCME ("the Committee leases") relating to Iowa and New Hampshire. The Commission also issued subpoenas to Iowa and New Hampshire phone companies to produce phone bills for certain periods covered by the Committee's lease which were not found at AFSCME.

The documents reviewed during the audit process revealed a total of \$24,806.43 and \$25,004.84 in phone bank-related costs allocable to Iowa and New Hampshire, respectively.⁷ These allocations were based on the following: (1) the cost of all telephone calls made at each location during the period covered by the Committee leases; (2) the cost of the lease between AFSCME and the lessor prorated for the period of time during

7. These figures exclude installation and lease charges for a Des Moines phone bank and the cost of phone bills covering from between 4 to 42 days for several banks for which information was unavailable. Additionally, charges for interstate phone calls to Iowa and New Hampshire made from phone banks located outside those states were excluded from Audit's calculation.

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which the Committee used the space; and (3) telephone installation costs prorated on the same percentage basis as the lease costs. Three assumptions underlie the audit review of the New Hampshire and Iowa phone bank arrangements: (1) new telephone lines were installed specifically for the phone bank operation (supported by deposits billed the Committee for each new line); (2) the Committee used the phones exclusively for its phone bank operation during the Committee lease period; and (3) all space was used exclusively by the Committee during the Committee lease period.⁸

The costs identified in the audit review differed markedly from the amounts AFSCME billed the Committee. According to AFSCME's correspondence, it billed the Committee \$9,244.55 for phone bank services related to Iowa and \$7,152.50 for New Hampshire. AFSCME's billings for Iowa and New Hampshire were comprised of a \$50 deposit fee for each telephone line and 25% of the cost of the premises where the phone banks were located.

Based upon the audit, it appears the Committee received phone bank services and related space from AFSCME for which it

8. In a letter to the Committee explaining the basis of its billings, AFSCME maintained the Committee did not exclusively use the phone banks during the Committee lease period and said that the parties understood that AFSCME would charge the Committee only for its actual use of the facilities, estimated to be 48% of the time covered by the Committee lease. However, AFSCME later said it was unable to provide worksheets or other documentation supporting any of its computations. See May 9, 1989 and November 20, 1989 letters from AFSCME to Committee in Appendix 9 to the Committee's June 15, 1990 Response to IAR. The 48% computation also appears to conflict with AFSCME's billings for Iowa and New Hampshire phone banks.

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paid less than the usual and normal charge. The difference between the usual and normal charge for the phone bank services and related space as determined by the audit and the amount paid by the Committee -- \$15,561.88 in Iowa and \$17,852.34 in New Hampshire -- constitutes an in-kind contribution from AFSCME to the Committee. Therefore, there is reason to believe the Committee accepted a prohibited in-kind contribution from AFSCME totaling \$33,414.22 in violation of 2 U.S.C. § 441b(a).

C. Joint Escrow Account

1. Law

The Act requires each report filed by a political committee to disclose the amount of cash on hand at the beginning of the reporting period and, for the reporting period and the calendar year, the total amount of all receipts and the total amount of contributions received from persons other than political committees. 2 U.S.C. § 434(b)(2). Moreover, each report must disclose the identification of each person who makes a contribution to the committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year, together with the date, and amount of any such contribution. 2 U.S.C.

§ 434(b)(3)(A). "Identification" in the case of an individual means the name, mailing address, occupation of such individual as well as the name of his or her employer. 2 U.S.C. § 431(13)(A).

The Act further provides that no person shall make contributions to any candidate and his authorized political

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committees with respect to any election for Federal office, which, in the aggregate, exceed \$1,000. 2 U.S.C.

§ 441a(a)(1)(A). Further, no candidate or political committee shall knowingly accept any contribution in violation of the provisions of Section 441a. 2 U.S.C. § 441a(f).

Commission regulations provide that the treasurer of a political committee shall be responsible for examining all contributions received and ascertaining whether, when aggregated with other contributions from the same contributor, such contributions exceed the contributions limits. 11 C.F.R. § 103.3(b). Contributions which on their face and contributions which, when aggregated with other contributions from the same contributor, exceed the contribution limits may either be deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor in accordance with 11 C.F.R. §§ 110.1(b) or 110.1(k), as appropriate. Id. If the reattribution or redesignation is not obtained, the treasurer shall, within sixty days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

In the case of presidential elections, a major party candidate for president may accept contributions to a legal and accounting compliance fund if such contributions are received and disbursed in accordance with 11 C.F.R. § 9003.3. 11 C.F.R. § 9003.3(a)(1)(i). Contributions made after the beginning of

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the expenditure report period⁹ which are designated for the primary election, and contributions that exceed a contributor's limit for the primary election, may be deposited into the compliance fund if a candidate receives a contributor's redesignation or a reattribution in accordance with 11 C.F.R. § 110.1. 11 C.F.R. § 9003.3(a)(1)(iii).

A contribution shall be considered redesignated to another election if: (1) the treasurer requests that the contributor provide a written redesignation of the contributions and informs the contributor that the contributor may request a refund as an alternative to providing a written redesignation, and (2) the contributor provides a signed, written redesignation to the treasurer within sixty days from the date of the treasurer's receipt of the contribution. 11 C.F.R. § 110.1(b)(5)(ii).

A contribution shall be considered reattributed to another contributor if: (1) the treasurer asks the contributor whether the contribution is intended to be a joint contribution by more than one person, and informs the contributor that he or she may request a refund of the excessive portion of the contribution if it is not intended to be a joint contribution, and (2) within sixty days of the treasurer's receipt of the contribution, the contributor provides the treasurer with a signed, written reattribution indicating the amount to be attributed to each if

9. Pursuant to 11 C.F.R. § 9002.12, the expenditure report period began on July 20, 1988, the date Mr. Dukakis was nominated as the Democratic candidate for president.

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other than equal attribution is intended. 11 C.F.R. § 110.1(k)(3)(ii).

2. Background

The Committee opened a checking account, known as the joint escrow account, on June 10, 1988, after Mr. Dukakis' victory in the California primary. According to the Committee, it did so because it was then apparent it would raise more funds than it could legally spend. Consequently, the Committee stated that it deposited contributions received thereafter, payable to the Dukakis for President Committee, into the joint escrow account. A total of \$1,447,570.42 was deposited into the joint escrow account between June 10 and December 30, 1988.¹⁰ Once the contributions were so deposited, the Committee sent a form to contributors requesting them to redesignate their contributions to the General Election Legal and Accounting Compliance Fund (GELAC) or request a refund. None of the joint escrow contributions was reported when initially deposited into the joint escrow account. Contributions subsequently transferred to GELAC were reported in GELAC's disclosure reports only after the transfer. The Committee did not initially report the receipt or refund of the contributions refunded.

3. Audit Determination Affecting Joint Escrow Account

The main issue relating to the joint escrow account during the audit was its effect on the Committee's net outstanding

10. Of these, contributions totaling \$896,627.90 were dated on or before July 20, 1988, the date of Governor Dukakis' ineligibility (i.e., the date of his nomination at the Democratic National Convention).

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campaign obligations. Commission regulations require a candidate whose net outstanding campaign obligations ("NOCO") reflect a surplus on the date of ineligibility to repay to the Secretary of Treasury an amount which represents the amount of matching funds contained in the surplus.¹¹ Thus, if the joint escrow account were considered a primary account, joint escrow account contributions dated on or before July 20, 1988, would be included in the Committee's cash on hand creating a surplus and triggering a repayment.

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Upon becoming aware that it would likely be in a surplus position on Mr. Dukakis' date of ineligibility, the Committee apparently attempted to eliminate any potential surplus by transferring primary contributions to the GELAC account via the joint escrow account. The Committee, however, contended during the audit process that the joint escrow contributions should be considered contributions to the general election, or GELAC account, because Mr. Dukakis' nomination was assured after winning the California primary and persons making contributions thereafter could not have intended to "influence" his nomination. See Committee's June 12, 1989 letter to the Commission Re: Dukakis Primary Audit. The Committee argued that

11. The Matching Payment Act and related Commission regulations provide that amounts received by a candidate from the matching payment account may be retained to liquidate all obligations to pay qualified campaign expenses incurred up to 6 months after the end of the matching payment period. 26 U.S.C. § 9038(b)(3). A candidate whose net outstanding campaign obligations reflect a surplus on the date of ineligibility (i.e., date of nomination by party) must repay the Secretary of the Treasury an amount which represents the amount of matching funds contained in the surplus. 11 C.F.R. § 9038.3(c).

such contributors could only have been intended for the general election and said it confirmed this intent by obtaining redesignations for the joint escrow account contributions prior to transferring them to the GELAC. Id. In the alternative, the Committee later said it could accept a determination that would include pre-July 21 contributions in the Committee's cash on hand but that the proper measuring period for timely redesignations was 80 days.¹² See Committee Response to IAR at 19.

The Commission, in its Statement of Reasons, reaffirmed the Final Audit Report's conclusion that the majority of the pre-July 21 contributions should be included in the Committee's cash on hand, but that the Committee had provided sufficient evidence demonstrating that \$258,575.85 in contributions deposited in the joint escrow account were redesignated to GELAC in a timely fashion. Statement of Reasons at 43.¹³ Hence, the Commission determined that the Committee must make a repayment

12. The Committee arrived at this 80 day time period by adding to the 60 day redesignation period provided for in 11 C.F.R. 110.1(b), the 10 day period during which contributions must be forwarded to a Committee treasurer pursuant to 11 C.F.R. § 102.8(a) and the 10 day period during which the treasurer may refund contributions before depositing them pursuant to 11 C.F.R. § 103.3(a).

13. The Commission determined, when considering the IAR, that redesignation of pre-July 21 contributions deposited in the joint escrow account to the GELAC would be permissible pursuant to 11 C.F.R. § 9003.3(a)(iii) if the Committee could demonstrate that it received such written redesignations within 60 days of the check date, but only to the extent such redesignations and transfers would not leave the Committee in a net debt position. IAR at 22-23. The Final Audit Report ("FAR") determined that the Committee had demonstrated that contributions totaling \$210,362 were transferred to GELAC within 60 days from the date of the check. FAR at 29. An additional \$48,213 was identified by Audit as also conforming to the Commission's determination.

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to the U.S. Treasury based on the resulting NOCO surplus. See Statement of Reasons at 39-47 for a fuller discussion of the joint escrow account issues.

4. Unreported Contributions

None of the \$1,447,750.42 in contributions deposited into the joint escrow account during the period between June 10, 1988 through December 30, 1988 was reported by the Committee upon receipt. As noted earlier, contributions for which the Committee received redesignations or reattributions were subsequently transferred to the GELAC and only then reported as receipts on GELAC's disclosure reports. The Committee did not initially report the receipt or refund of any of the joint escrow account contributions ultimately refunded.

The IAR recommended that the Committee file amended reports within 30 days disclosing the contributions transferred to GELAC and those refunded.

Pursuant to the IAR recommendations, the Committee filed amended disclosure reports on April 18, July 14, and September 3, 1990. The April and July amendments itemized contributions comprising the cash on hand in the joint escrow account as of May 1989, the period through which Audit reviewed the activity, and the joint escrow account contributions transferred to the GELAC in excess of 80 days from the date of the check. The Committee declined to disclose the remaining contributions at that time, stating that the Committee would not do so until the Commission determined they were primary contributions. The Committee's September 3, 1990 amendments disclosed: (1) itemized

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contributions dated on or before July 20, 1988 deposited into the joint escrow account and transferred to the GELAC within 60-80 days of the check date and (2) itemized contributions refunded from the joint escrow account in 1988 and 1989.

The Committee has reported approximately \$1.1 million of approximately \$1.45 million initially deposited into the joint escrow account through the aforementioned amendments. Most of the remainder appears to have been reported as GELAC contributions but has not been reported by the Committee.

The Act and Commission regulations require that authorized committees report the total amount of contributions received in a calendar year and in a reporting period from all persons and identify those contributors making contributions aggregating in excess of \$200 per calendar year. Although the Committee eventually filed amendments reporting most of the contributions initially deposited in the joint escrow account, the initial failure to report involved a significant amount of activity. Moreover, the joint escrow account contributions ultimately refunded were undisclosed for a significant time. Finally, it appears that some of the joint escrow contributions have never been reported by the Committee. All contributions initially deposited into the joint escrow account should have been reported by the Committee when received and when redesignated to GELAC, reattributed or refunded. See, e.g., 11 C.F.R. § 104.8(d). By failing to report all contributions deposited into the joint escrow account when received, the Committee's disclosure reports did not accurately reflect its financial

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condition. Therefore, there is reason to believe the Dukakis for President Committee and Edward Pliner, as treasurer, violated 2 U.S.C. §§ 434(b)(2) and 434(b)(3)(A) for failing to report contributions deposited into the joint escrow account, and failing to identify contributors making such contributions, when those contributions were received.

5. Excessive Contributions

The audit review of joint escrow account deposits attributable to the primary, identified 271 contributions, or portions thereof, totaling \$116,884.53, which exceeded the Act's contribution limits when aggregated with other primary contributions from the same individuals.¹⁴ These contributions were comprised of contributions untimely redesignated to GELAC or reattributed, contributions untimely refunded, contributions transferred to GELAC or reattributed without signed redesignations or reattributions, and contributions for which the Committee had taken no action as of May 12, 1989. It should be noted that for a majority of the untimely redesignated or reattributed contributions, redesignation and reattribution letters were contained in the Committee's files but did not bear a receipt date.

In accordance with the IAR recommendations, the Committee

14. The contribution check date and payee description was used to determine whether a contribution was attributable to the primary election or the GELAC. Contributions dated on or before July 20, 1988, the day Governor Dukakis was nominated as the Democratic Party candidate, which were not payable to the GELAC or a payee determined to be GELAC, were considered primary contributions.

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refunded or otherwise resolved excessive contributions totaling \$34,795.¹⁵ The Committee's action apparently involved those contributions transferred to GELAC without authorization and those contributions for which it had previously taken no action. The Committee did not, however, provide evidence that the redesignations to GELAC or reattributions were timely.

Based on the Committee's IAR response and the Commission's determination regarding the permissibility of certain transfers to GELAC, the audit determined that 143 excessive primary contributions or portions thereof, totaling \$56,129.53 were redesignated or reattributed in an untimely manner and 116 excessive primary contributions, or portions thereof, totaling \$55,795 were refunded in an untimely manner.¹⁶

Consequently, it appears that the Committee accepted 259 excessive contributions or portions thereof, totaling \$111,924.53. A list detailing these excessive contributions is attached. Attachment 2. Thus, there is reason to believe that the Dukakis for President Committee and Edward Pliner, as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions which were not refunded, redesignated to GELAC or reattributed in a timely manner.

15. Of this amount, \$17,185 was refunded to contributors and \$17,610 was paid to the U.S. Treasury. See Attachment 1 at 27.

16. Contributions untimely refunded include those contributions refunded in response to the IAR recommendation.

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VIA FAX
(202-219-3880)

December 21, 1993

Dawn M. Odrowski, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3562

Dear Dawn:

I received the above MUR on the 14th of December. In light of the holiday season and the fact that this MUR has arrive over five years after the events in question, I request an extension of time to respond until January 20, 1994.

Sincerely,

Daniel A. Taylor
Daniel A. Taylor

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 29, 1993

BY FACSIMILE & FIRST-CLASS MAIL

Daniel A. Taylor, Esq.
Hill & Barlow
One International Plaza
Boston, MA 02110

RE: MUR 3562
Dukakis for President
Committee, Inc. and Edward
Pliner, as treasurer

Dear Mr. Taylor:

This is in response to your letter dated December 21, 1993, which was received on same date by facsimile transmission, requesting an extension until January 20, 1994 to respond to the Commission's reason to believe findings against, and proposed conciliation agreement with, your clients, the Dukakis for President Committee and Edward Pliner, as treasurer. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on January 20, 1994.

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

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

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January 19, 1994

BY FAX TO 202/219-3923 and
BY FEDERAL EXPRESS

Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, D.C. 20463
Attention: Lawrence M. Noble, Esq.
Dawn M. Odrowski, Esq.

Re: Response of Dukakis For President Committee, Inc. and Edward Pliner as Treasurer to MUR 3562 December 9, 1993 Letter of the Federal Election Commission

Ladies and Gentlemen:

In response to the above matter which I received December 9, 1993, I submit the response of the Committee and its Treasurer. By letter of Ms. Odrowski dated December 29, 1993 the time for response was extended to the close of business on January 20, 1994. By way of background, Ken Gross, Esq. has been designated co-counsel by the Committee with respect to this MUR (see attached designation), and I would be grateful if you could send him copies of all future correspondence. He can be reached at: Skadden, Arps, Slate, Meagher & Flom, 1440 New York Avenue, Washington, D.C. 20005, telephone: 202-371-7000; fax: 202-393-5760.

Finally, by way of further background, the Committee desires to enter into conciliation of this matter. To that end I include copies of all bank statements of all of its (and GELAC) accounts as well as bank accounts of Dukakis Transition '88, a separate corporation that raised funds in anticipation of a successful election and The Dukakis Committee, an unincorporated Massachusetts political committee which has received and expended funds on behalf of Governor Dukakis under Massachusetts law and with respect to Massachusetts elections (Ms. Odrowski indicated an interest in this latter information).

I am at a loss to understand why, after all these years, the FEC is now trying to shorten and end run its customary and usual procedures of first telling the Committee of its "reasons to

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Federal Election Commission
January 19, 1994
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believe" there may have been a violation, second, considering the Committee's response, and then entering into conciliation "during this period of investigation" if "the respondent(s) indicate a desire to enter into conciliation." While I appreciate your enclosing a proposed form of conciliation agreement because that draft indicated the seriousness with which the FEC views this matter -- at least before hearing what the Committee has to say -- both the notice letter and conversations with FEC counsel had implications of "hurry up and take it or leave it" that are unwarranted and inappropriate whether the standard is the FEC's customary conciliation procedures or basic fairness. The Committee's new co-counsel is familiarizing himself with this matter, and I suggest that after the FEC has had a chance to consider this response, that Mr. Gross and I meet with Ms. Odrowski and Mr. Noble to review any points of legal or factual disagreement and how these might be fairly resolved in a conciliation. I am willing to come to Washington to attend such a meeting.

I. Parties

The Committee is a proper party to this proceeding, since it was the principal campaign committee of Michael S. Dukakis, the Democratic nominee for president in 1988 of the Democratic Party. Edward Pliner is not a proper party. The events described in Factual and Legal Analysis ("Analysis") all occurred during the period 1987-88 so any alleged violations occurred during that period. Mr. Pliner was not the treasurer of the Committee during 1987 and 1988. See Final Audit Report of the Dukakis For President Committee, Inc. transmitted December 12, 1991 ("Final Audit") p.2. Moreover, Mr. Pliner no longer serves as treasurer, and the Committee is in the process of designating a new treasurer.

II. Delay

The Committee is highly prejudiced by the FEC's unreasonable and inexcusable delay in bringing forth this MUR at this time. All of the events giving rise to the alleged violations occurred prior to the 1988 presidential election and virtually all of them occurred prior to Governor Dukakis' nomination as the Democratic Party candidate on July 20, 1988. Following its audit, the FEC issued its Interim Audit Report transmitted on February 15, 1990 and eventually its Final Audit Report transmitted on December 12, 1991. All of the underlying facts giving rise to these alleged violations were known

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to the FEC throughout this entire period. Indeed, they were expressly made the basis of certain findings by the FEC in the Interim Audit and in the Final Audit. At any time throughout this period MUR 3562 could have been brought forward, and had it been, the Committee would not have been so prejudiced as it now is by the FEC's delay.

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The Committee has had no "staff" for at least the last three years. One person, Ms. Mary Wong, has managed the Committee's affairs in a part-time capacity all that time. The Committee's records are now in storage, and those individuals with direct knowledge of the events here at issue have long since severed any relationship with the Committee. Moreover, individuals who held responsible positions in the Campaign have had no contact with the Committee now for a number of years and their locations in many cases are unknown to Ms. Wong or the candidate. While it would theoretically be possible to identify such individuals by searching through Committee records in storage, at this late date it is highly burdensome to the Committee and the likelihood of it being able to mount an effective defense is sufficiently great, that the Committee urges that the Commission exercise its prosecutorial discretion as it has done in other stale cases¹ even if it believes, as the Committee denies, that violations occurred. Should the Commission decline and proceed to consider whether or not there is probable cause to believe a violation has occurred, we respectfully request that we be afforded a further 90 days in which to supplement our answer which follows to the merits of these allegations, because the circumstances described above have necessarily limited the Committee's ability to respond effectively by January 20.

III. Sections and headings hereafter follow sections and headings in the Analysis. (References to "Appendices" refer to the Appendices attached to the Committee's Response to the Interim Audit; where reference is to an Attachment to the Interim Report the number of the Attachment is also included.)

A. Excessive State Expenditures

As a general matter, the Analysis adduces no new factual bases from those present before. Indeed, the Analysis starts its

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justification by noting: "Based on a review of the Committee's work papers, the audit revealed that additional amounts needed to be allocated to both the Iowa and New Hampshire expenditure figures." Analysis, p.5. The Analysis then refers back to the Final Audit and Repayment Determination for reference to the FEC's prior reasoning and recapitulates what the previous financial conclusions of overspending were from the audit process. And without anything more -- in particular, any factual allegations whatsoever that the Committee "knowingly" overspent,² which is an essential element of any violation -- the Analysis concludes that there is "reason to believe" a violation occurred. Analysis. p.6.

This failure to adduce any evidence of a "knowing" violation deprives the FEC of any basis for proceeding with this MUR. Merely relying on past Commission actions is not a suitable basis because the standard used in the audit process is a different one. There, as the Final Audit makes clear throughout, see e.g. Final Audit, p.6, under 11 C.F.R. §9033.11(a) each candidate has the burden of proving that disbursements made are qualified campaign expenses. For evidence of a "knowing" violation, where the burden must be on the FEC to show this element, the Analysis relies on the audit reports where the burden is on the candidate to verify the appropriateness of the expense.

In addition, as a general matter of fairness the FEC should not now treat as overspending violations events which, measured under current FEC regulations, would not be current violations.

Turning to the individual items at issue, the Committee will address each in turn.

1. Media

At issue is (1) whether the FEC's regulatory "presumption" limiting the fundraising exemption in the 28 day period prior to a primary election is a valid rule under the FECA, and (2) whether, in any case, the Committee has met the "presumption."

^{2/} 26 U.S.C. §9035(a)(1) "No candidate or his or her authorized committee(s) shall knowingly incur expenditures in connection with the candidate's campaign for nomination [in excess of the state limits]."

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Neither the audit staff nor the FEC has ever taken issue with the Committee's contention that the media advertising in question represented fundraising expenditures; nor have either taken issue with the Committee's 50% allocation. Rather, the audit staff asserted that the Committee is "completely ignoring 11 C.F.R. 100.8(b)(21), which clearly requires that fundraising activities targeted at a particular State and occurring within 28 days of a State's primary are chargeable to that State's expenditure limitation." (Interim Audit, p._)

However, subsection (iii) of §100.8(b)(21) refers to 11 C.F.R. 110.8(c), which establishes only a presumption, not an absolute requirement, that fundraising expenditures incurred within the 28-day period before the election count against the state's spending limit. This Regulation states at subsection (2):

"Expenditures for fundraising activities targeted at a particular State and occurring within 28 days before that state's primary election, convention, or caucus shall be presumed to be attributable to the expenditure limit for that State, 11 C.F.R. 100.8(b)(21) (relating to the 20% fundraising exemption) notwithstanding." (emphasis added)

This presumption is an important and proper limitation to the force of the Regulation since there is no basis whatsoever in the FECA for any limitation on fundraising expenditures occurring within the 28 days before an election. In fact, the validity of the FEC's "28 day rule" rests on a highly dubious foundation. In the FECA, 2 U.S.C. §431(9)(B)(vi), it is specifically provided that the term "expenditure" does not include

"any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of the candidate in excess of an amount equal to 20% of the expenditure limitation applicable to such candidate under §441a(b), but all such costs shall be reported in accordance with §434(b)."

This statutory authorization contains no "presumption" or other suggestion that fundraising expenditures incurred 28 days or less

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prior to a primary election will not qualify for the FECA fundraising exemption.

The rule-making authority of the FEC contained in 2 U.S.C. §437(d)(a)(8) includes only the power to make rules "pursuant to the provisions of Chapter 5 of Title 5, United States Code, as are necessary to carry out the provisions of this Act...." Where the statute has expressly exempted fundraising costs from the category of "expenditures", the FEC oversteps its rule-making powers in seeking to limit the exemption to only those fundraising costs incurred more than 28 days prior to a primary election by creating a regulatory presumption.

However, the Committee has met the presumption. The advertisements broadcast within the 28-day period by the Committee were exactly the same as the ones that ran before the 28 day period. The Audit staff has stated that they "do not disagree... that the ads represented fundraising expenditures." (Interim Audit, p.7) Thus, with respect to advertisements that carried the fundraising solicitation, the Committee has -- by the audit staff's own admission - met the presumption.

The audit staff's statement that "the ads represented fundraising expenditures" is grounded in reality since they did, in fact, contribute to the Committee's fundraising success in Iowa and New Hampshire. (Attached as Appendix 3 to the Committee's Response to the Interim Audit are printouts analyzing the amounts of contributions received from Iowa and New Hampshire residents before and after the beginning of the 28 day period. Note that in Iowa, \$24,366 was raised before the 28 day period and \$6,566 was raised after the 28 day period began. In New Hampshire, \$102,909 was raised before the 28 day period; and \$10,125 was raised after the 28 day period began. Thus, over 25% in Iowa and approximately 10% in New Hampshire was raised after the 28 day period began. Even if the Committee is ultimately held by the Circuit Court reviewing the FEC's repayment determination to be wrong in its view of the law, surely even an incorrect view of the law of whether or not regulatory "presumptions" apply does not warrant a finding of a "knowing" violation.

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2. Fundraising

The issue presented is whether (1) the broad language excluding fundraising costs from the definition of "expenditure" in the FECA and Regulations, (2) the Commission's consistent treatment of multiple purpose expenditures as qualifying for the fundraising exemption and (3) the Committee's uncontradicted documentation in the audit process that the events in question involved the solicitation of funds justifies finding that a "knowing" violation occurred (the audit found that the Committee's fundraising allocation of 50% of such costs should be disallowed).

The Committee, as the audit has noted, has already provided ample, uncontradicted documentation that demonstrates that funds were solicited at the events in question. This documentation included: a written statement describing the Committee's fundraising efforts in New Hampshire, in particular grassroots fundraising and the fact that collections were taken at all events; a sample of fundraising literature distributed at Iowa and New Hampshire events; a sworn affidavit from the Governor's Executive Assistant that he was in attendance at most of these events, and that such literature was in fact distributed. (Appendix to Response to Interim Audit; Attachments 3, 4, 5 and 6 to the Interim Audit.) The audit staff candidly acknowledges this documentation (Interim Audit, p. 9) and, importantly, neither disputes it nor questions its sufficiency. Instead, its only response is that it found "no justification in the Regulations for allowing an additional allocation to fundraising [for events] as proposed by the Committee." (Interim Audit, p.9)

The Committee believes this view adopted by the FEC is legally unsupportable. 2 U.S.C. §431(9)(B)(vi) broadly excludes from the national spending limit "any costs incurred by ... [a presidential candidate who accepts matching funds] in connection with the solicitation of contributions" 11 C.F.R. §100.8(b)(21)(i) equally broadly defines the fundraising exemption: an "expenditures does not include:

Any costs incurred by a candidate or his or her authorized committee(s) in connection with the solicitation of contributions... if incurred by a candidate who has been certified to receive presidential primary matching fund payments... to the extent that the aggregate of such costs

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does not exceed 20 percent of the expenditure limitation applicable to the candidate.... (Emphasis added)

11 C.F.R. 100.8(b)(21)(ii) continues the wide reach intended by the statute by stating that the fundraising exception means "any cost reasonably related to" or "associated with" solicitation of contributions.

In the 1984 Glenn Final Audit (August 14, 1985)³ and more recently in AO 1988-6, the FEC has recognized the generous interpretation intended to be given to the fundraising exemption in the FECA and Regulations. The Commission thoroughly reconnoitered the terrain in AO 1988-6, and concluded that "these provisions recognize that expenditures within the purview of the Act may be made for multiple purpose..." (emphasis added). It then concluded that in the case of such multiple purpose expenditures, a fundraising allocation may be made on a "reasonable basis".

The next analytical step the Commission took in AO 1988-6 was to decide what constituted a "reasonable basis" when only the last three seconds of a 60-second TV advertisement had the words appearing with voice-over: "Vote-Volunteer-Contribute." After rejecting the approach of certain prior Advisory Opinions on the grounds they only decided how little could be allocated to federal activity and not how much, the Commission stated that the advertisement expenditures could be allocated 50% to fundraising.

The Committee believes that AO 1988-6 together with the Glenn Final Audit must be the controlling precedent on this issue -- certainly it is more than ample to avoid a finding that the Committee "knowingly" violated the law. The Committee has demonstrated that the events in question had a purpose which included fundraising: the Governor urged people to work on his

3/ The Commission stated in the Glenn Final Audit:

"Based on a review of this material, it appears that the broadcast was for both fundraising and organizational purposes. Therefore, a reduction in the amount of media cost attributed to the Iowa expenditure limitation has been made. The amount is \$9,281.10 or 50% of the portion of the cost originally charged to the Iowa limitation" (emphasis added). (p. 15)

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campaign, vote for him and contribute money; and all events had a fundraising aspect to them. (Interim Audit Response, Appendix 4; Attachments 3, 4 5 and 6 Interim Audit) Literature handed out at these events contained explicit solicitations such as the following:

"Mike Dukakis does not accept political action committee (PAC) money. He relies on the financial support of dedicated Democrats like you. If you agree with a growing number of Iowans that Mike Dukakis is the leader we need, join his campaign today.

___ Yes, I want to help Mike Dukakis by making a contribution to his campaign in the amount of \$_____.

___ Yes, I want to help Mike win the Iowa caucuses and put him on the road to the White House. Call me and tell me what I can do." (Interim Audit Response Appendix 4; Attachment 5, p. 5; Attachment 6, p. 8; Attachment 6, p. 10 to Interim Audit)

The literature distributed was consistent with the purpose of these events: supporters were asked to lend both organizational and financial support. As one affidavit of a high-ranking campaign official states, the campaign had "made the conscious decision to emphasize grass-roots fundraising." (Interim Audit Response Appendix 4; Attachment 6, p. 1 to Interim Audit)

Having established the multiple purposes of the events, the only question was whether the Committee's 50% allocation of fundraising costs has a "reasonable basis." The Committee believes the 50% allocation is well supported by the Glenn Final Audit and AO 1988-6. The only express fundraising appeal in the 30-minute Glenn advertisement was a voice over at the end which mentioned "financial help" (for probably 1 second) in the 30 minute advertisement. In AO 1988-6, the 60-second advertisement devoted three seconds to a combined organizational-fundraising appeal.

We think the relative amount of express fundraising appeal at the events in question exceeded by far the express fundraising appeal present in the two prior FEC cases. However, the principle

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at issue surely isn't counting words or seconds.⁴ Rather, if a substantial fundraising purpose is shown for the expenditure in question, then the Commission has followed the common sense rule that politics requires both money and workers, and has allowed an equal allocation between the two. The Committee believes it proceeded well within FEC precedent and its 50% allocation should stand. But whatever disagreement there may be in this murky area over what is a "reasonable basis," certainly the FEC should not cast the Committee's views as a "knowing" violation.

3. Iowa Expenses Allocated to National Headquarters

The Committee has been unable to locate copies of these two opinion polls. The polls at issue were the first two conducted by the Committee, and for several months, remained the only polls so conducted. As the Committee earlier stated to the FEC: "If copies of the polls could be found, from the memories of those involved we believe they would demonstrate the national scope of the questions asked." Response to Interim Audit, p.11. In addition, it is a logical inference that, as the only polls in existence for a period of several months, the data obtained were necessarily used in planning national strategy, in preparing advertising for other states, and in determining the issues on which the national issues staff concentrated their resources. For these reasons, the Committee properly allocated 50% of the Iowa and New Hampshire polls as national expenses. This judgment cannot be a "knowing" violation.

4. Allocation of State Offices' Overhead to National Campaign

The extended presence of Governor Dukakis in Iowa necessitated that the Committee "equip the Iowa headquarters similarly to the national headquarters." (Response to Interim Audit, Appendix 4; Attachment 4 to Interim Audit) In addition, a substantial amount of the Iowa staff's time was spent related to inquiries and matters unrelated to the Iowa caucus. For these reasons, the Committee believed that allocating 50% of overhead costs of the Iowa

4/ In deciding AO 1988-6, the Commission rejected a draft advisory opinion submitted by the FEC General Counsel dated February 23, 1988 which proposed a 5% fundraising allocation based on a formula of three seconds divided by 60 seconds.

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headquarters to the national headquarters was both justified and reasonable.

In addition, the Committee allocated 50% of the payroll costs of the Iowa press office to the national headquarters. The Iowa press staff spent much of its time -- and on occasions, virtually all its time -- addressing the questions and demands of the national press. Except for the networks and the four or five "national" newspapers and magazines (e.g., The New York Times, The Wall Street Journal, USA Today, Time magazine, and Newsweek magazine), the vast majority of the stories that emanated from Iowa were not seen or read by Iowa residents and thus had no effect on their votes. Counting both the journalists from organizations with a national scope and the hundreds of journalists from local newspapers, and radio and TV station the Committee's conservative estimate is that at least 50% of the coverage (more likely 75-80%) was viewed or heard in states other than Iowa. For this reason, the Committee believed that counting 50% of salaries of the state press staff against the national rather than state ceiling was justified and reasonable.

The other cost that the Committee deducted from Iowa expenditures was the cost of a fax machine that was used the vast majority of the time to transmit materials to the national headquarters. Given that this equipment was used almost exclusively for interstate communications, the Committee believed that the cost should not be counted against the Iowa state limit. These judgments, even if the audit staff believed otherwise, do not amount to "knowing" violations.

5. Payroll

The Committee had no written employment contracts with its senior or junior staff. As is the case in most political campaigns, salaries were extremely modest, and in some cases individuals worked on the condition that their compensation be payment of their expenses. The payment of travel expenses sometimes supplements salaries, particularly in the case of volunteers and employees who worked on a sporadic basis such as advance people who held other "regular" jobs. For these reasons, the Committee viewed the payment of expense reimbursements as "salary"; and the Committee so treated these costs. Such a judgment should not form the basis for a "knowing" violation.

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6. Democratic Party List

The Committee purchased a list of Iowa Democratic Party voters and activists from the Iowa State Democratic Party for \$10,000. As the affidavit of Vann Snyder, Director of Direct Mail Fundraising, stated, the Committee used this list for, among other things, fundraising letters directed to Iowa Democrats. Moreover, even if not fundraising letters per se, most mailings nevertheless included literature having a fundraising appeal of the kind described above. Snyder also states, "Considering that the Iowa list was well-maintained, updated, and accurate, it is my professional judgment that a fair valuation of this list should be approximately \$55 per 1000 names, for a total value for fundraising purposes of \$4,950." See Affidavit of Vann Snyder, Appendix 6 to Interim Audit. The Committee's treatment of this matter was not a "knowing" violation.

7. Phone Banks

The Committee made total payments to AFSCME of \$341,275.99. This amount was paid by the Committee for its proportionate use of telephone banks leased from AFSCME. The issue in the audit was whether or not the audit staff was correct in its assertion that the Committee had not furnished the required documentation. The gist of the audit staff's recommendation first was to disallow the disbursements in their entirety, as though the Committee received no value for its \$341,275.99 in expenditures.

The Committee made available to the audit staff, in addition to all the cancelled checks and invoices (for copies of invoices see Appendix 8 to Response to Interim Audit), an abundance of correspondence between the Committee and AFSCME (Appendix 9 to Response to Interim Audit). This correspondence described the locations, size, and number of phone banks, and explained in detail the method AFSCME used to arrive at the amounts charged. See, in particular, a letter dated May 9, 1989 from Girard P. Clark of AFSCME. (Appendix 9 to Response to Interim Audit) Mr. Clark noted that AFSCME provided essentially similar services to both the Jackson and the Dukakis campaigns on essentially the same terms and conditions. The Committee has never had any reason to doubt that the two campaigns were treated equally and fairly, and believes that they were.

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The audit staff subsequently reviewed internal AFSCME records and internal telephone company records which, to my knowledge, no responsible official of the Committee has ever seen. Except for the cursory discussion in this Analysis, the Commission has never attempted to justify its reallocation of Iowa and New Hampshire expenditures in any way whatsoever beyond the conclusory statements of the Final Audit.⁵ The Committee is wholly without the means to respond since it has no subpoena powers. If the Commission intends to rely on the telephone records it has subpoenaed, the Committee requests that it be afforded 90 days from delivery of such records and the Commission's theories and workpapers forming the basis for its conclusions noted above so that the Committee can respond. This is particularly important because, due to the FEC's tardiness in bringing this MUR forward at this late date, Girard P. Clark, the person at AFSCME with whom the Committee dealt in arranging the phone banks, is no longer living.

The Committee believes that it was warranted in paying the AFSCME invoices and relying for purposes of its allocations on the AFSCME billing allocations. Certainly its reliance did not rise to a "knowing" violation when the FEC was unable to ascertain a different allocation from the AFSCME records and apparently did so only after subpoenaing telephone company records. If AFSCME "knowingly" violated the law by misbilling the Committee, then a MUR should have been brought against AFSCME, but not against the Committee.⁶

5/ "A review of the [telephone company] bills and other related documents received as a result of the subpoenas disclosed that an additional \$15,561.88 is allocable to Iowa and an additional \$17,852.34."

6/ On page 7 of the Analysis the FEC does cite the "knowing" element of receiving labor organization contributions. Not even conclusory allegations are made that the Committee acted "knowingly." Instead, the Analysis says that it "appears" the Committee received phone banks and space for which it paid less than the usual and normal charge. Analysis, p.8-9.

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8. Miscellaneous

The Analysis apparently finds "knowing" violations in "(7) miscellaneous costs attributable to calculation errors and erroneous chargebacks of refunds." p.5-6. Although the Analysis also indicates at ftnt.5 on p.6 that the Committee filed amendments correcting these matters, it is unclear whether the FEC is relying on these matters as "knowing" violations. Certainly nothing in either the Final Audit or Analysis suggests that this element was present.

C. Joint Escrow Account

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The Analysis is overreaching and unfair in purporting to treat the entirety of the \$1.4 million joint escrow contribution as violations when the Commission itself has already allowed a substantial portion of this total to be treated as redesignated contributions to GELAC. Of the \$1.4 million total, \$500,000 were received after July 20, 1988, and not "deemed" contributions to the Committee which must be redesignated within 60 days. Of the approximately \$900,000 pre-July 20, 1988 joint escrow contributions, the FEC has already ruled that \$258,000 were properly redesignated to GELAC in a timely fashion. The FEC could not have reached these conclusion if it believed that the redesignated funds were, in fact, received in violation of the law. While the Analysis notes the foregoing, it implies that the entire \$1.4 million joint escrow deposits were in violation.

Either the Committee or GELAC reported all of these contributions in their entirety. Although the analysis states, "Finally, it appears that some of the joint escrow contributions have never been reported by the Committee," p.17, no documentation of what those unreported contributions are is included. Certainly it has always been the intent of the Committee (and the GELAC) to properly account for and report all contributions in their entirety.

With respect to the Analysis' treatment of "excessive contributions" at p. 18 et seq, the Committee believes it has fully mitigated whatever inadvertent problems may have occurred. With respect to "excessive" primary contributions from the same

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individuals, these were only "excessive" by virtue of their being "deemed" to be primary contributions because the contribution check was dated on or before July 20, 1988. Ascertaining the contributor's intent was the whole reason for following the procedures followed. Moreover, the Analysis notes that "For a majority of the untimely redesignated or reattributed contributions, redesignation or reattribution letters were contained in the Committee's files but did not bear a receipt date could". Contributions were rarely date-stamped when they were originally received at headquarters, nor were the signed authorization forms date-stamped upon receipt. (Nor, for that matter, was correspondence or other items received by the Committee date-stamped when received.) Therefore, the only two dates which are known with absolute precision to the Committee are (1) the date written on the check itself; and (2) the date when the Committee deposited the allocable funds into the GELAC account. As explained in the affidavit of the former Compliance Fund Director, Gemma Ward, (Appendix 13 to Response to Interim Audit), contributions were only transferred from the Joint Escrow Account after the proper contributor authorization form was received. Contributions were never transferred from the Joint Escrow Account until such a form was in the Committee's possession.⁷

7/ The Committee continues to believe that to the extent any period is relevant, 80 days is the most appropriate measuring period to use because, in addition to the 60-day period permitted by the Commission [by analogy to 11 C.F.R. 110.1(b)(5)(ii)(B)], the Regulations also allow 10 days for persons receiving contributions to forward them to the Committee, and another 10 days for the Committee Treasurer to deposit the contributions. In practical terms, many individuals write a check reflecting their contribution and then mail it to the host of the local fundraising event. Sometimes they do not mail the check until a day or two days after it is written. Often the mails require two or three days for delivery. 11 C.F.R. §102.8(a) provides a 10 day period from the date the contribution is received until the date it must be forwarded to the Treasurer. Thus, the time period does not start to run until the check is received by the Committee's agent. He or she then has 10 days to forward the contribution to the Treasurer. By use of the word "forward," the Regulations indicate that the receiver of a contribution discharges his or her duty by mailing checks to the Treasurer (Footnote 7 continued on next page)

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With respect to certain of the so-called excessive contributions, the Analysis states that "The Committee refunded or otherwise resolved excessive contributions totalling \$34,975." To the extent these did involve inadvertent violations, the violation has now been vitiated in full and in accordance with the Interim Audit recommendations.

Neither the Presidential Primary Matching Fund Regulations nor the Title 2 Regulations address the situation in which the nomination of a candidate is assured after the late spring primary elections (in Governor Dukakis' case, after the California primary election) and well before the actual date of the candidate's nomination at his or her party's convention. Given this situation, a donor who makes a contribution after the last primary election when a candidate's nomination is assured cannot reasonably be said to intend to "influence", and in fact does not "influence" the settled nomination. The Committee believes that it has, without the guidance of Regulations covering the point, acted prudently and

(Footnote 7 continued from previous page)

within 10 days of receiving them. Even allowing for prompt and expeditious handling, some, indeed many, checks will always bear a date more than 10 days earlier than the date they are received by a treasurer even though there has been full compliance with the 10 day forwarding requirement. Since the Regulations specifically allowed such a 10 day period for forwarding checks, the Committee believed it is appropriate to add this 10 day period to the 60 day period referred to in the Interim Report. This treatment perfects the analogy which the Commission has raised in the absence of specific regulations. And even so, it is a conservative analogy because with full compliance, the actual check date is often likely to be more than 10 days old when the treasurer receives it. The analogous 60-day reattribution Regulation used by the audit staff, 11 C.F.R. 110.1(b)(5)(ii)(B), measured the 60 day redesignation period "from the date of the Treasurer's receipt of the contribution..." (emphasis added). 11 C.F.R. 103.3(a) provides a second 10 day period from the time contributions are received by the Treasurer until the time they must be deposited. Again, the purpose of this second 10 day rule is to provide a

(Footnote 7 continued on next page)

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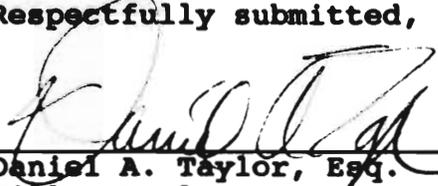
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reasonably to confirm what it reasonably believed to be the intentions of the post primary election donors whose contributions could "influence" only the general election. These contributions were, unlike those in MUR 2154, affirmatively re-attributed by the donors. Certainly the Committee's treatment of this matter did not constitute a "knowing" violation.

For the foregoing reasons the FEC should take no further action on this matter. If it does proceed on any of the matters for which time extensions have been requested, the FEC should grant those requests.

Respectfully submitted,



Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110
(617) 439-3555

cc: Kenneth Gross, Esq. (by Federal Express)
Honorable Michael S. Dukakis (by Regular Mail)

(Footnote 7 continued from previous page)
reasonable period for the processing of contributions; as a practical matter, overworked staff need time to process contributions before they can be deposited. By analogy, when the authorization forms were received by the Committee, as with checks, it is appropriate to allow a second 10 day period for processing and transfer of the funds to the GELAC Account.

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STATEMENT OF ACCOUNT

DELAC

DUKAKIS FOR PRESIDENT COMMITTEE INC
C/O MARY WONG
20 PARK PLAZA
BOSTON MA 02116

USTRUST
PO BOX 373
BOSTON MA 02101
(617) 576-4800

STATEMENT PERIOD 12-01-93
THROUGH 12-15-93
S.S./TAX ID #: 04-2958154

THIS YEAR GIVE YOURSELF A PRESENT.
OPEN A CHOICE CHECKING ACCOUNT TODAY.
HAPPY HOLIDAYS FROM USTRUST.

PAGE: 1

ACCOUNT NO. 003301557-9 **BUSINESS CHECKING ACCOUNT**

PREVIOUS STATEMENT DATE	BALANCE	CHECKS AND DEBITS NUMBER	AMOUNT	DEPOSITS AND CREDITS NUMBER	AMOUNT	CURRENT BALANCE
1-30-93	18,114.36	0	.00	0	.00	18,114.36

9
5
0
4
3
6
8
0
2
0

*DENOTES GAP IN CHECK NUMBER SEQUENCE. NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.
MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION.

USTRUST

STATEMENT OF ACCOUNT

GELAC

USTRUST
PO BOX 373
BOSTON MA 02101
(617) 576-4800

DUKAKIS/GELAC
C/O MARY WONG
483 WASHINGTON STREET
BROOKLINE MA 02146

STATEMENT PERIOD 12-01-93
THROUGH 12-31-93
S.S./TAX ID #: 04-2958154

THIS YEAR GIVE YOURSELF A PRESENT.
OPEN A CHOICE CHECKING ACCOUNT TODAY.
HAPPY HOLIDAYS FROM USTRUST.

PAGE: 1

ACCOUNT NO. 007303091-8 **BUSINESS CHECKING ACCOUNT**

PREVIOUS STATEMENT DATE	BALANCE	CHECKS AND DEBITS NUMBER	AMOUNT	DEPOSITS AND CREDITS NUMBER	AMOUNT	CURRENT BALANCE
12-30-93	21,645.31	0	.00	0	.00	21,645.31

9504368020

*DENOTES GAP IN CHECK NUMBER SEQUENCE. NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.
MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION.

11/23

THE DUKAKIS COMMITTEE
C/O LEONARD ARONSON
210 KENT RD
NEWTON MA 02168

State
BEST WISHES FOR A
HEALTHY AND HAPPY
HOLIDAY

U

600-15505

12/22/93	600-15505	CML 1ST RATE	1,586.15	2.52	5.00	1,583.63
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CML 1ST RATE ACCOUNT 600-15505 TRANSACTIONS

~~*****~~ PLEASE NOTE YOUR NEW ACCOUNT NUMBER IS 600-15505, FORMERLY, IT WAS 02-970-07705 ~~*****~~

DATE	AMOUNT	OTHER TRANSACTIONS TO CML 1ST RATE	DATE	BALANCE
12/22	5.00	TOTAL OF CHARGES BELOW MONTHLY SERVICE CHARGE 05.00	12/22	1,583.63

DATE	AMOUNT	DEPOSITS AND CREDITS TO CML 1ST RATE
12/22	2.52	INTEREST PAYMENT

INTEREST RATE 2.000 X FROM 11/24/93 THRU 12/22/93
STATEMENT PERIOD 11/24/93 THROUGH 12/22/93

6
0
2
8
0
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3
6
4
3
0
9

07/15/93

THE DUKAKIS COMMITTEE
C/O LEONARD ARONSON
210 KENT RD
NANTON MA

02168

MAXIMIZE LOANS--ASK
ABOUT SPECIAL RATES
ON PERSONAL LINES OF
CREDIT, HOME EQUITY
AND AUTO LOANS.

State

1865-02884

10/14/93	1865-02884	INVESTMENT	41,811.46	412.36	.00	42,223.82
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LONG TERM INVESTMENT ACCOUNT 1865-02884 AT 3.900% MATURING 08/29/1994

INVESTMENT BALANCE

DATE	AMOUNT	
07/31	138.49 INTEREST PAID THROUGH 07/31	41,949.95
08/31	138.95 INTEREST PAID THROUGH 08/31	42,088.90
09/30	134.92 INTEREST PAID THROUGH 09/30	42,223.82

***** PLEASE NOTE YOUR NEW ACCOUNT NUMBER IS 1865-02884; FORMERLY IT WAS 26600960 *****

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[REDACTED]						
[REDACTED]						
[REDACTED]						



STATEMENT OF ACCOUNT

State

USTRUST
PO BOX 373
BOSTON MA 02101
(617) 576-4800

THE DUKAKIS COMMITTEE
XXX HOLD AT ACCOUNTING DEPT XXX
XXX CINDY ALLEN XXX
40 COURT ST 8TH FLOOR
BOSTON MA 02108

STATEMENT PERIOD 12-01-93
THROUGH 12-15-93
S.S./TAX ID #: 04-2521370

THIS YEAR GIVE YOURSELF A PRESENT.
OPEN A CHOICE CHECKING ACCOUNT TODAY.
HAPPY HOLIDAYS FROM USTRUST.

HOLD

PAGE: 1

COUNT NO.		002430400-8		**BUSINESS CHECKING ACCOUNT**			1	
PREVIOUS STATEMENT		CHECKS AND DEBITS		DEPOSITS AND CREDITS		CURREN		
DATE	BALANCE	NUMBER	AMOUNT	NUMBER	AMOUNT	BALAN		
1-30-93	2,826.85	1	2,744.96	0	.00	81.89		
-- DAILY BALANCE SUMMARY --								
DATE	BALANCE	DATE	BALANCE	DATE	BALANCE			
12-15	81.89							
- CHECKS POSTED -		- CHECKS POSTED -		- CHECKS POSTED -				
DATE	CHECK NO.	AMOUNT	DATE	CHECK NO.	AMOUNT	DATE	CHECK NO.	AMOU
12-15	4907	2,744.96						

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*DENOTES GAP IN CHECK NUMBER SEQUENCE. NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.
MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION.



STATEMENT OF ACCOUNT

DUKAKIS TRANSITION '88 INC
C/O MARY WONG
483 WASHINGTON ST
BROOKLINE MA 02146

USTRUST
PO BOX 373
BOSTON MA 02101
(617) 576-4800

STATEMENT PERIOD 12-01-93
THROUGH 12-31-93
S.S./TAX ID #: 04-2958154

THIS YEAR GIVE YOURSELF A PRESENT.
OPEN A CHOICE CHECKING ACCOUNT TODAY.
HAPPY HOLIDAYS FROM USTRUST.

COUNT NO.	000301573-2	**BUSINESS CHECKING ACCOUNT**				
PREVIOUS STATEMENT DATE	BALANCE	CHECKS AND DEBITS NUMBER	AMOUNT	DEPOSITS AND CREDITS NUMBER	AMOUNT	CURRE BALAN
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Den,
we've never reported this to FEC.
Mary

STATEMENT OF DESIGNATION OF COUNSEL

NR 762

NAME OF COUNSEL: Kenneth A. Gross

ADDRESS: Stodden, Arps, Slets, Neagher & Flow

1440 New York Avenue

Washington, D.C. 20005

TELEPHONE: 202-371-7000

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

Dukakis For President Committee, Inc.

1/13/94
Date


Signature

RESPONDENT'S NAME: Dukakis For President Committee, Inc.

ADDRESS: c/o Daniel A. Taylor, Hill & Barlow

One International Place

Boston, MA 02110

HOME PHONE: 617-523-0615

BUSINESS PHONE: 617-439-3555

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January 14, 1994

Dukakis for President Committee
Dukakis/Bentsen Committee
Dukakis/Bentsen GELAC Committee
c/o Daniel Taylor
Hill and Barlow
One International Place
Boston, MA 02110

Dear Dan:

I am writing to submit by resignation as Treasurer of the Dukakis for President Committee, the Dukakis/Bentsen Committee and the GELAC Committee effective today, January 14, 1994.

As the general counsel to these committees, could you please forward my resignation to the appropriate officials at the Federal Election Commission.

Thanks.

Sincerely,



Edward S. Pliner

cc: Michael S. Dukakis

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HILL
&
BARLOW

A PROFESSIONAL CORPORATION

ONE INTERNATIONAL PLACE
BOSTON • MASSACHUSETTS 02110-2607
TELEPHONE (617) 499-3885 FACSIMILE (617) 499-3880

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Jan 24 9 58 AM '94

January 20, 1994

Dawn Odrowski, Esq.
General Counsel's Office
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

mur 3562

RECEIVED
FEDERAL ELECTION
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OFFICE
94 JAN 24 PM 4: 05

Dear Dawn:

I believe a Mr. Leonard Aronson will succeed Edward Pliner as treasurer of both the Dukakis Primary and GELAC Committees. I have never fully mastered how these are to be characterized, and I would be grateful if you could look over the enclosed draft Statement of Organization to see if I've got it right for your purposes. If it is okay, then I will proceed with getting it signed.

Many thanks.

Sincerely,

Daniel A. Taylor
Daniel A. Taylor

Enclosure

DAT/sd
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STATEMENT OF ORGANIZATION

(See reverse side for instructions)

DRAFT

1. (a) NAME OF COMMITTEE IN FULL <input type="checkbox"/> (Check if name is changed) Bukakis For President Committee, Inc.	2. DATE January 19, 1996
(b) Number and Street Address <input checked="" type="checkbox"/> (Check if address is changed) s/o Aronson, 210 Kent Road	3. FEC IDENTIFICATION NUMBER
(c) City, State and ZIP Code Newton, MA 02168	4. IS THIS STATEMENT AN AMENDMENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

5. TYPE OF COMMITTEE (Check one) *both primary and GELAC

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate Michael S. Bukakis	Candidate Party Affiliation Democratic	Office Sought 1988 President	State/District
--	--	--	----------------

- (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)
- (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)
- (e) This committee is a separate segregated fund.
- (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

Type of Connected Organization
 Corporation Corporation w/o Capital Stock Labor Organization Membership Organization Trade Association Cooperative

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Mary Weag	Mailing Address 483 Washington Street, Brookline, MA 02146	Title or Position Assistant
-------------------------------	--	---------------------------------------

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name Leonard Aronson	Mailing Address 210 Kent Road, Newton, MA 02168	Title or Position Treasurer
-------------------------------------	---	---------------------------------------

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc. Mailing Address and ZIP Code

The primary committee has no accounts; the GELAC committee has accounts with USTrust.

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER Leonard Aronson	SIGNATURE OF TREASURER	DATE
---	------------------------	------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

				For further information contact: Federal Election Commission Toll-free 800-424-9630 Local 202-376-3120
--	--	--	--	---

FEC FORM 1

(revised 4/87)

95043680213

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dukakis for President Committee,) MUR 3562
Inc.)

GENERAL COUNSEL'S REPORT

I. DISCUSSION

On November 30, 1993, the Commission found reason to believe that Dukakis for President Committee, Inc. and Edward Pliner, as treasurer ("the Committee"),¹ violated 2 U.S.C. §§ 441a(b)(1)(A), 441b(a), 434(b)(2), 434(b)(3)(A), 441a(f), and 26 U.S.C. § 9035(a). The Commission also offered to enter into pre-probable cause conciliation with these respondents and approved a conciliation agreement in settlement of this matter. Counsel for the Committee received notification of the Commission's action on December 14, 1993. Counsel requested and received an extension of time in which to reply to January 20, 1994.

The Committee filed a timely response in which it notified this Office that it had designated local co-counsel.

Attachment 1. Although the Committee states it "desires to enter into conciliation of this matter" and suggests a meeting between this Office and co-counsel, the Committee also requests that the Commission "exercise its prosecutorial discretion" and take no further action. See Id. at 3 and 18. The Committee

1. Counsel has notified this Office that Mr. Pliner has resigned as treasurer and has indicated that the Committee is in the process of appointing a new treasurer.

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bases its request on the delay in initiating this enforcement matter which the Committee contends has prejudiced it in responding to the apparent violations at issue. Id. at 2-3. The Committee also points out that it has had one part-time staff person in the past three years and asserts that searching through its records at this late date for relevant information would be overburdensome. Id. at 3. Moreover, the Committee requests that it be given an additional 90 days in which to supplement its response in the event the Commission denies its request to take no further action and proceeds in this matter. Id.

Without addressing the Committee's response in depth, much of it repeats arguments raised during the audit process. The few additional points raised, such as its argument that the Committee did not "knowingly" make excessive expenditures (see Id. at 4), do not warrant a dismissal of this matter at this time. Based on this response and the Commission's prior rejection of many of the Committee's arguments, this Office recommends that the Commission deny the Committee's request to take no further action in this matter.

With regard to the Committee's request for a 90-day extension in which to supplement its response, we note that the Committee has already received a 22-day extension in which to more adequately respond to the factual and legal analysis and has had an additional week in which to offer a conciliation

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proposal.² However, given the Committee's asserted difficulty in locating knowledgeable persons and records and to permit its newly-designated co-counsel opportunity to familiarize himself with this matter, this Office recommends that the Commission grant the Committee additional time, until March 15

This time frame corresponds to the time extensions recently recommended by this Office with regard to the respondents in MURs 3360 and 3492, two other 1988 presidential matters.

II. RECOMMENDATIONS

1. Deny the Committee's request to take no further action in this matter.
2. Deny the Committee's requested 90-day extension but grant the Committee an extension until March 15, 1994, to supplement its response to the Commission's reason-to-believe findings and to submit a signed pre-probable cause conciliation proposal for the Commission's consideration.
3. Approve the appropriate letter.

2/2/94
Date

LM Noble (JF2)
Lawrence M. Noble
General Counsel

Attachment
Committee's Response

Staff Assigned: Dawn M. Odrowski

2. The Committee's response to the factual and legal analysis was due on December 29, 1993. The 30-day conciliation period in this matter ended on January 13, 1994.

3. The Committee has also requested additional documents used in the audit process. See Attachment 1 at 13. This Office will review and respond to this request expeditiously.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3562
 Dukakis for President Committee,)
 Inc.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission do hereby certify that on February 3, 1994, the Commission decided by a vote of 5-0 to take the following actions in MUR 3562:

1. Deny the Committee's request to take no further action in this matter.
2. Deny the Committee's requested 90-day extension but grant the Committee an extension until March 15, 1994, to supplement its response to the Commission's reason-to-believe findings and to submit a signed pre-probable cause conciliation proposal for the Commission's consideration.

(continued)

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3. Approve the appropriate letter, as recommended in the General Counsel's Report dated February 2, 1994.

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

Attest:

February 4, 1994
Date

Delores Hardy
for Marjorie W. Emmons
Secretary of the Commission

Received at in the Secretariat: Wed., Feb. 2, 1994 11:14 a.m.
Circulated to the Commission: Wed., Feb. 2, 1994 4:00 p.m.
Deadline for vote: Thurs., Feb. 3, 1994 4:00 p.m.

dh

95043680218



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

FEBRUARY 7, 1994

Daniel A. Taylor, Esq.
Hill & Barlow
One International Plaza
Boston, MA 02110

RE: MUR 3562
Dukakis for President
Committee, Inc.

Dear Mr. Taylor:

This is in response to your letter, dated January 19, 1994, responding to the Commission's reason-to-believe-findings in this matter. In that letter, you also requested that the Commission take no further action in this matter or, in the alternative, grant you a 90-day extension in which to file a supplemental response.

On February 3, 1994, the Commission considered your request to take no further action and denied it. The Commission also considered your request for a 90-day extension, and, in light of the previous extension already granted the Committee, denied it. However, given the circumstances set forth in your letter, the Commission granted the Committee an additional extension of time, until March 15, 1994, in which to submit both a supplemental response to the Commission's findings and a signed conciliation proposal for its consideration. Accordingly, any supplemental response to the reason-to-believe findings and a signed conciliation proposal for the Commission's consideration are due by the close of business on March 15, 1994. In the meantime, we will be happy to meet with you and co-counsel to discuss the Commission's conciliation proposal.

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

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

cc: Kenneth A. Gross, Esq.

95043680219



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

February 24, 1994

BY FACSIMILE & EXPRESS MAIL

Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

RE: MUR 3562
Dukakis for President
Committee, Inc.

Dear Mr. Taylor:

As we discussed earlier this month, enclosed are workpapers showing the basis for Audit's computations of the cost of phone bank services provided by AFSCME to the Dukakis for President Committee in Iowa and New Hampshire. I believe these documents, together with the enclosed workpapers explanation, will provide you with a more detailed breakdown of the phone bank costs discussed in the Factual and Legal Analysis mailed to you on December 9, 1993. The assumptions underlying Audit's computations are set forth in the Factual and Legal Analysis.

Apparently, AFSCME mailed the Committee copies of the Committee leases for each phone bank location along with its billings. However, for your convenience, I am sending you, via express mail, copies of those leases as well as AFSCME's underlying leases for those locations.

Should you have any additional questions, please don't hesitate to call me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

Attachments

Workpapers (2) and explanation
Lease documents (via express mail only)

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&
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ONE INTERNATIONAL PLACE
BOSTON • MASSACHUSETTS 02110-2607
TELEPHONE (617) 489-3888 FACSIMILE (617) 489-3880

Mar 15 11 35 AM '94

VIA FEDERAL EXPRESS

March 14, 1994

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3562

Dear Mr. Noble:

This letter supplements our previous response in this matter.

I must be in Washington over the weekend of April 16 and 17. Co-counsel on this matter, Ken Gross, and I would welcome the opportunity to meet with you to discuss this, if possible, at 9:30 a.m., on the morning of Monday, April 18.

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Lawrence M. Noble, Esq.

March 14, 1994

Page 2

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While all of the overspending items have been addressed in our January 19, 1994 response, I'd like to call your attention to two in particular. Consistent with past FEC advisory opinions and audits, the FEC has never questioned the Committee's 50% allocation of its media expenses to fundraising because of the fundraising pitch contained in the "trailer" to all TV ads. We have argued that that same rationale should apply to the Committee's event costs because a more substantial fundraising appeal was made at events than can be found in the equivalent fundraising "trailer" attached to all TV ads. The Committee also used the "trailer" fundraising appeals on its TV ads during the last 28 days before the primaries in Iowa and New Hampshire. We have challenged application of the "presumption" in 11 C.F.R. §100.8(b)(21) to bar this 50% fundraising allocation in the Committee's case. (We have shown that substantial funds were, in fact, raised in both Iowa and New Hampshire after the beginning of the 28 day presumption period.) If the Committee's position on these issues alone prevailed in a judicial proceeding, some \$169,000 -- or half of the alleged overspending -- would be eliminated. Moreover, on all \$336,000 of the alleged overspending, the Commission has already assessed a repayment requirement (equal to the Committee's matching fund percentage), which gives rise to a repayment obligation of some \$100,000.

With respect to the alleged AFSCME phone bank in-kind services (\$33,000 of the overspending), these numbers were derived by FEC auditors spending weeks of time auditing AFSCME internal phone records as well as AFSCME's records subpoenaed from the telephone companies, none of which the Committee has yet seen! The Committee received AFSCME invoices which on their face were reasonable and appropriate, (it, in fact, contested certain of the invoices as being excessive but eventually paid them). AFSCME was

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Lawrence M. Noble, Esq.
March 14, 1994
Page 3

paid a total of \$341,275.99 by the Committee. Only by letter dated February 24, 1994 did the Committee (through the undersigned) receive the auditor's "work papers" purporting to show the basis for audits' computations of the cost of phone bank services provided by AFSCME.

The committee has still not been provided copies of the individual phone charge records which the auditors reviewed. And without the original records, the auditors' "workpapers" are only their summary conclusions and, in some cases, an "explanation" someone said was followed by the auditors in going through the data. The "workpapers" themselves are indecipherable. They do not appear to acknowledge that in many cases the Committee could only use the "rented" phones at night because AFSCME used the phones during the day. In some cases I understand Reverend Jackson's campaign and others also used these phones. All of the AFSCME "agreements" note that the Committee will be invoiced "for the actual use of the facilities and equipment... in an amount based on the normal and usual rental charge for such facilities and equipment in this community and including any actual telephone charges incurred by the lessee." That is what the Committee believed (and believes) it got. If the auditor's after-the-fact reconstruction suggests otherwise, that should not be the basis of the Committee's "willful" violation even if the indecipherable "workpapers" proved to be an alternative cost accounting analysis.

The FEC should move against AFSCME as its target for a "knowing" violation if, indeed, there is a "knowing" violation." There has never been a shred of suggestion (or evidence) that the "rate" AFSCME charged the Dukakis Committee was any different than its "rate" charged to Reverend Jackson or any other candidates it assisted.

The Statement implies a kind of wholesale wrongdoing as to some \$1.5 million in contributions deposited into the joint escrow account pending reattribution. In fact, this is solely an issue of timeliness. In considering the Final Audit, the Commission allowed the Committee a certain time period (not explicitly found in the Regs) to reattribute the joint escrow contributions even though none were "timely" reported.

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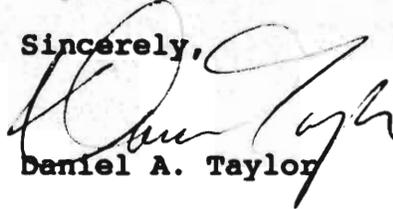
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&
BARLOW**

Lawrence M. Noble, Esq.
March 14, 1994
Page 4

The fact that almost six years since these events occurred should also be taken into account. Nothing has changed; but the Committee now exists only as a legal skeleton. It has no staff, it has no office, its records are in deep storage with no one to ascertain how to retrieve them or how to look through them. And the hundreds of individuals involved in the alleged violations are dispersed with no possible hope of locating them to mount an appropriate defense.

Please confirm the meeting on April 18th.

Sincerely,



Daniel A. Taylor

cc: Scott Thomas, Chairman
Dawn Odrowski, Esq. Michael S. Dukakis
Kenneth Gross, Esq.
Leonard Aronson

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

March 21, 1994

BY FACSIMILE & FIRST CLASS MAIL

Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

RE: MUR 3562
Dukakis for President
Committee, Inc.

Dear Mr. Taylor:

This confirms our meeting with you and Ken Gross at 3 p.m. on Thursday, March 31, 1994, to discuss this matter. In addition to myself and General Counsel Lawrence Noble, Associate General Counsel Lois Lerner and Assistant General Counsel Lisa Klein may also attend the meeting.

We look forward to meeting with you. Please call should you have any questions before that time.

Sincerely,

Dawn M. Odrowski
Attorney

cc: Mr. Ken Gross
(first-class mail only)

95043680225

BEFORE THE FEDERAL ELECTION COMMISSION

AUG 30 4 37 PM '94

MURs 3562, 3449,
3089 and 2715

In the Matters of)
)
Dukakis for President Committee, Inc.)
and Leonard Aronson, as treasurer;)
Dukakis/Bentsen General Election)
Legal and Accounting Compliance Fund)
and Leonard Aronson, as treasurer;)
Dukakis/Bentsen Committee, Inc.;)
The Senator Lloyd Bentsen Election)
Committee and Marc L. Irvin, as)
treasurer; and)
Fried, Frank, Harris, Shriver and)
Jacobson)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

During conciliation agreement negotiations in MUR 3562, an enforcement matter arising out of the audit of the Dukakis for President Committee ("Committee"), counsel proposed resolving all open Matters Under Review ("MURS") involving the various Dukakis committees in a single conciliation agreement. Counsel submitted a counter-proposal to that effect together with a Motion to Dismiss on the grounds that these matters are time-barred by the statute of limitations set forth at 28 U.S.C. § 2462. Attachments 1, 2, and 3. Counsel has asked that the Committee's counter-proposal be considered in the event the Commission denies the Motion to Dismiss.

We recommend that the Commission deny the Committee's

1. Edward Pliner resigned as treasurer of all three Dukakis committees in January 1994. Leonard Aronson has succeeded him as treasurer to the Dukakis for President Committee and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund. The Dukakis/Bentsen Committee currently has no treasurer and has had no cash on hand since June 1992.

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Motion to Dismiss for the reasons set forth in Section II.

The Committee's substantive responses to the reason to believe findings in MUR 3562 are also discussed in that Section.

Although we also recommend rejecting the Committee's most recent counter-proposal, we find merit in counsel's proposal to attempt settlement of all the open Dukakis MURs in a single conciliation agreement. Thus, Section III discusses the open Dukakis MURs individually. The necessary recommendations in light of the FEC v. NRA decision are set forth in Section IV. Finally, our recommendations for a combined conciliation agreement with the Dukakis committees and a proposed conciliation agreement with Fried, Frank, the remaining respondent in MUR 3449, are discussed in Section V.

II. DISCUSSION OF MOTION TO DISMISS AND RESPONSES IN MUR 3562

A. Motion to Dismiss

Like the respondents in MUR 3360 (Jack Kemp for President), the Committee vigorously argues that the Commission should dismiss MUR 3562 because it is time-barred by the general federal statute of limitations found at 28 U.S.C. § 2462.² See Attachments 1 and 2. Moreover, as the Committee's most recent submissions make clear, the Committee believes that Section 2462 requires the Commission to not only initiate MUR proceedings,

2. 28 U.S.C. § 2462 provides:

Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued. . .

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but to initiate judicial enforcement within five years of the date a violation occurs. Attachments 1 at 4 and 2 at 4. Thus, the Committee requests that all of the open Dukakis MURs be dismissed. Attachments 2 at 1 and 3 at 2.³

The Committee contends that Section 2462 applies since the Act has no statute of limitations relating to the initiation of a MUR proceeding. Attachment 2 at 3. It further argues that, in cases where an administrative proceeding is required prior to commencing an enforcement suit, courts apply Section 2462 differently depending on whether the required administrative proceeding is adjudicative or prosecutorial in nature. See Attachment 2 at 4-9. According to the Committee, where adjudicative proceedings are required, courts have held that an agency's cause of action under Section 2462 does not accrue until the conclusion of the agency adjudication. In contrast, where the required proceeding is essentially a decision to prosecute, the Committee says courts have held that the cause of action accrues from the date of an alleged violation. Accordingly, the Committee contends that because a MUR proceeding "leads only to an agency decision to prosecute" and is not an administrative adjudication of a violation, the FEC

3. Counsel for the Committee submitted a motion to dismiss on March 31, 1994 (Attachment 1) at a meeting with members of this Office after having submitted an initial counterproposal. On April 11, counsel submitted what appears to be a revised motion to dismiss together with a second counterproposal (Attachment 2). Counsel renewed the motion via a letter on May 4, 1994 in which counsel cites "additional authority" that 28 U.S.C. § 2462 bars these matters (Attachment 3). The Committee has not withdrawn its April 11 counterproposal, although it asks that the Commission first consider the motion to dismiss.

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must initiate judicial enforcement within five years from the date of the alleged violations. Attachment 2 at 4.

The Committee relies chiefly upon U.S. v. Meyer, 808 F.2d. 912 (1st Cir. 1987), to support its position. Meyer involved a civil penalty enforcement suit brought more than five years from the date an individual allegedly violated provisions of the Export Administration Act. The First Circuit held that when a statutory prerequisite to the bringing of a civil penalty enforcement action exists, Section 2462 "does not begin to run, so long as administrative proceedings have been seasonably initiated, until the same have been concluded and a final (administrative) decision has resulted." Meyer at 922. In distinguishing cases relied upon by the Fifth Circuit to reach the opposite conclusion, the Meyer court opined that where prosecutorial decisions rather than adjudicatory proceedings constitute the statutory precondition to suit, Section 2462 runs from the date a violation occurred. Meyer at 920.

To a lesser degree, the Committee also relies on 3M v. Browner, 17 F.3d 1453 (D.C. Cir. 1994); rehearing denied on May 9, 1994. See Attachment 2 at 5 and 9. There, the D.C. Circuit held that Section 2462 barred assessment of civil penalties for any violations committed by 3M more than five years before the EPA commenced its proceedings under the Toxic Substances Control Act. The 3M court held that Section 2462 begins to run when the underlying violations occurred. The Committee cites to the policy considerations discussed by the 3M court in favor of a general five year statute of limitations for

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government penalty actions, in arguing that its ability to effectively defend itself has been hampered by the passage of time. Attachment 2 at 9-13.

The Commission has previously considered the applicability of 28 U.S.C. § 2462 to its proceedings in MURs 3360, 2619 (Antonovich for Senate), and 3492 (Jesse Jackson for President '88) and the case analyses discussed in those matters is incorporated herein. See First General's Report in MUR 3360, dated April 12, 1994 at 3-11, General Counsel's Report in MUR 2619 dated June 22, 1994 at 3-6, and General Counsel's Report in MUR 3492 dated July 8, 1994 at 10-11. Additionally, this Office has specifically addressed the applicability of Section 2462 to civil actions brought by the Commission in district court. See e.g., FEC's Memorandum in Opposition to Defendant's Motion for Summary Judgment in FEC v. National Right to Work, Civil Action No. 90-0571 (D.D.C. filed March 1, 1991) at 31-42 and FEC's Opposition to the Defendant's Motion to Dismiss in FEC v. Larry R. Williams, No. CV-93-6321-ER(BX) (C.D. Cal. filed May 3, 1994). As we concluded in each of those matters, Section 2462 does not apply to Commission investigations and conciliation proceedings. These matters are not adjudicatory and the Commission neither assesses nor imposes civil penalties. Section 2462 is also inapplicable to civil enforcement actions because Congress provided a special statutory scheme in FECA favoring resolution of FECA violations through "informal methods of conciliation, conference and persuasion" before a civil action can be filed. 2 U.S.C. § 437g(a)(4). See also, Occidental Life Ins. v. Equal

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Employment Opportunity Commission, 432 U.S. 355 (1977) (outside statute of limitations held inapplicable where conciliation is mandated by statute, and Congress intended that informal resolution through conciliation be attempted before resort to federal courts). Even assuming that Section 2462 applies to the Commission's filing of civil actions, no claim has yet accrued in these matters since under the Act the Commission cannot file a civil action until after a probable cause finding and completion of the mandatory conciliation period.⁴

The Committee's reliance on distinctions drawn by the Meyer court between mandated administrative proceedings which are prosecutorial or adjudicative is misplaced. First, none of the cases cited by the Committee, except for Meyer, explicitly discusses such a distinction. See Attachment 2 at 4-6. Moreover, the critical distinction in Meyer was not whether an antecedent proceeding was adjudicatory or prosecutorial, but whether mandatory administrative proceedings are a prerequisite to a judicial action for enforcement of a civil penalty. Meyer at 922. Finally, assuming arguendo, that the nature of mandatory antecedent proceedings is critical to Meyer's holding, the FECA enforcement process cannot be equated with the type of wholly prosecutorial decision-making contemplated in Meyer. FECA enforcement proceedings consist of a multi-step process

4. Moreover, even if Section 2462 applied to the Commission's proceedings and begins to run from the date of the underlying violation, the Commission would only be precluded from seeking a civil penalty. It could still request a court to grant injunctive or declaratory relief.

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that includes investigation, a briefing stage, a Commission determination that there is probable cause to believe a violation occurred and a conciliation period. The Act requires that such steps be taken before a civil suit can be filed. In addition, the investigation may include the use of discovery devices such as interrogatories and subpoenas for documents and depositions which often lengthen enforcement proceedings. See 2 U.S.C. §§ 437g(a)(2), 437d(a)(1) and 437d(a)(4). The Meyer court considered the scope of mandated antecedent proceedings in its holding, opining that lengthy administrative proceedings could impair an agency's ability to bring an enforcement action within the time prescribed by Section 2462. See Meyer at 919.⁵

Finally, the Committee's contention that it is unable to mount an effective defense is less than compelling. The various Dukakis committees have long been notified of the Commission's reason to believe findings in MURs 2715, 3089 and 3449. In the case of MUR 3562, the Committee was notified throughout the audit process of various staff recommendations concerning the

5. Moreover, the Act provides certain procedural protections for alleged FECA violators which are apparently absent from the type of prosecutorial proceedings discussed in Meyer. The Act requires the Commission to notify respondents of the factual and legal basis of the Commission's reason to believe finding and later, requires the general counsel to notify respondents of any recommendations made to the Commission to find probable cause to believe a violation has occurred. 2 U.S.C. §§ 437g(a)(2) and (3). In the latter case, a brief must be sent to respondents stating the general counsel's position on the factual and legal issues of a case. Respondents are afforded opportunities to respond at both stages.

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potential violations which gave rise to that MUR.⁶ Thus, the Committee has had ample opportunity to gather and preserve evidence and cannot now claim surprise.

Based on the foregoing, this Office recommends that the Commission deny the Committee's motion to dismiss.⁷

B. Committee's Response to Reason to Believe Findings in MUR 3562

The Commission found reason to believe that the Committee violated various provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), and the Presidential Primary Matching Payment Account Act ("Matching Payment Act") by making excessive state expenditures; accepting a prohibited in-kind contribution; failing to report contributions upon receipt; and accepting excessive contributions which were not timely refunded, reattributed, or redesignated to a legal and accounting compliance fund. In an attempt to resolve this matter expeditiously, the Commission simultaneously approved a

6. The Committee was informed during the May 1989 audit exit conference of adjustments made to the Iowa and New Hampshire expenditure allocations. Additionally, the February 1990 Interim Audit Report detailed the potential violations involving the Iowa and New Hampshire spending limits and the joint escrow account (including both the reporting and excessive contributions violations). Finally, the Committee was notified through the Final Audit Report in December 1991 that the value of the additional Iowa and New Hampshire phone bank allocations was viewed as an in-kind contribution and that certain matters had been referred to the General Counsel.

7. In the event the Commission denies its motion to dismiss, the Committee also asks that this Office share "its brief" explaining why Section 2462 doesn't apply in this matter. This Office will not share this report with the Committee but will explain its view on the issue in a letter should the Commission deny the Motion to Dismiss.

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pre-probable cause conciliation

As noted, the Committee has moved to dismiss MUR 3562 and the other open Dukakis MURs on the grounds that Section 2462 bars further enforcement proceedings. The Committee also submitted two substantive responses to the Commission's findings in MUR 3562 together with a counter-proposal in the event the Commission denied its motion. Attachments 4 and 5.⁸ These responses are discussed below.

1. Excessive State Expenditures

The Committee makes two arguments in response to the Commission's reason to believe findings that it exceeded the state-by-state expenditure limits in Iowa and New Hampshire by \$279,013.84 and \$57,848.92, respectively.⁹ First, the Committee repeats its Interim Audit arguments, justifying its own allocations to these states. Second, the Committee argues that no facts have been asserted to show that it "knowingly" exceeded the state spending limits. Rather, the Committee asserts throughout its responses that even if it improperly allocated

8. The Committee filed its initial response to the Commission's reason to believe findings on January 19, 1994 (Attachment 4) and supplemented it on March 14 when it also submitted its first counter-proposal (Attachment 5). As noted earlier, a second counter-proposal was submitted on April 11 (Attachment 2 at 14-21).

9. Based on the Final Audit determination of the expenditures properly allocable to Iowa and New Hampshire, the Commission determined that the Committee should repay the U.S. Treasury a total of \$491,282, including \$98,607.83 for exceeding the Iowa and New Hampshire spending limits. The Committee has filed a lawsuit challenging the Commission's repayment determination. See footnote 22, infra.

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certain expenses, it did so based on differing interpretations of the relevant statutory and regulatory provisions which do not constitute a knowing violation. See e.g., Attachment 4 at 10 and 11.

The Committee's arguments in support of its allocations were previously considered and rejected by the Commission during the audit process. The Commission-approved Statement of Reasons in Support of Final Repayment Determination thoroughly discusses the reasons for rejecting the Committee's position on these allocations. See Statement of Reasons, approved February 25, 1993, at 14-39.

As for the Committee's argument that it did not "knowingly" exceed the limits, we note first that the Commission made reason to believe findings based on two statutory provisions -- 441a(b)(1)(A) and 26 U.S.C. § 9035(a), and only Section 9035(a) requires that a committee "knowingly" act.¹⁰ Even so, however, a "knowing" violation requires only that the committee or candidate know the facts which render its conduct unlawful. See Federal Election Commission v. California Medical Association, 502 F. Supp. 196, 203-204 (N.D.Cal.1980), aff'd on other grounds, 641 F.2d 619 (1980), aff'd. 453 U.S. 182 (1981)(holding that "knowledge of the facts. . . which rendered its conduct unlawful" was sufficient to create civil liability under Section

10. 26 U.S.C. § 9035(a) provides that "no candidate may knowingly incur qualified campaign expenses in excess of the expenditure limitation applicable under section 441a(b)(1)(A) of title 2..." Section 441a(b)(1)(A), on the other hand, provides only that "No candidate . . . may make expenditures in excess of [the state spending limits]."

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441a(f)). It does not require proving that respondents intentionally violated the Act. The Committee appears to confuse a "knowing" standard with a "knowing and willful" standard which would require "knowledge that one is violating a law . . ." Federal Election Commission v. Dranesi, 640 F. Supp. 985, 987 (D.N.J. 1986). Here, the Committee knew that it made and/or incurred the expenditures at issue in Iowa and New Hampshire which is all that is required to establish the violation of the state-by-state expenditure limit.¹¹

2. Prohibited In-Kind Contribution: Phone Bank Services (Iowa and New Hampshire)

The Commission found reason to believe that the Committee violated 2 U.S.C. § 441b by accepting a prohibited in-kind contribution from the American Federation of State, County and Municipal Employees (AFSCME), a labor organization, in the form of phone bank services and related rented office space. This finding was based on an audit review of Iowa and New Hampshire phone bank-related records at AFSCME headquarters and phone bills subpoenaed from phone companies which revealed that the costs incurred for these operations exceeded the amounts billed for these services by about \$33,000.

The Committee contends that it did not "knowingly" accept a prohibited in-kind contribution from AFSCME because it

11. In fact, all of the expenditure allocations at issue involve reductions from the allocations originally made and reported by the Committee. Moreover, even the Committee's reports reflect a final allocation to Iowa that exceeds the limit by \$60,455. See Form 3P of Committee's 1992 October Quarterly Report.

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justifiably relied upon AFSCME's invoices, "which on their face were reasonable and appropriate." See Attachments 5 at 2 and 4 at 13. In contrast, the Committee points out, the audit computations are based on internal AFSCME records and subpoenaed phone company bills, documents that "no responsible official of the Committee has ever seen." Attachment 4 at 13.¹² The Committee also challenges the audit figures for not taking into account that, "in some cases", the Committee had limited access to the phone banks because AFSCME and other campaigns, including Jesse Jackson's, used the same phones. The Committee notes that its leases with AFSCME provided that AFSCME would invoice it for the "actual use of the facilities and equipment . . . in an amount based on the normal and usual rental charge . . . and including any actual telephone charges incurred by the lessee" and believes the invoices reflect such usage. Attachment 5 at 3. Accordingly, the Committee concludes that if AFSCME misbilled it, the Commission should pursue AFSCME.

Although the Committee's argument appears to have some appeal on its face, a review of AFSCME's bills and the lease agreements suggest that the Committee may have had reason to question the accuracy and completeness of the Iowa and New

12. Pursuant to counsel's request, this Office produced the following additional phone bank documentation to the Committee: copies of audit's workpapers detailing the basis for its computations together with a written explanation explaining the workpapers; copies of the subleases between AFSCME and the committee (which AFSCME apparently mailed the committee with its invoices); and copies of the underlying leases (AFSCME's leases with the property owners). Although counsel was contacted to determine whether additional explanation or information was needed, no further requests were received.

Hampshire bills. A cover letter accompanying the first invoice that included most of the New Hampshire and Iowa phone bank operations states that a final bill would be sent for each location once all the actual bills were received from the phone companies involved. Attachment 6. None of AFSCME's subsequent bills, however, included additional charges for Iowa and New Hampshire. The only amounts billed for locations in those states were a rental charge for the office space and a flat \$50 deposit per phone. No "actual telephone charges" appear to have been included in AFSCME's bills for Iowa and New Hampshire contrary to the Committee's lease agreements.

Moreover, AFSCME's bills show that the Committee leased phone banks from AFSCME in more than 80 cities in eighteen states. Although the Committee and AFSCME have stated that "some" unidentified phone banks were leased to both the Dukakis and Jackson campaigns and both maintain that "in many cases" AFSCME used the phones for its own purposes precluding the Committee's use, neither the Committee nor AFSCME has ever demonstrated that the Committee actually shared the Iowa and New Hampshire phone bank facilities with anyone.

Finally, correspondence between AFSCME and the Committee undermines the Committee's present assertion that the invoices "on their face were reasonable and appropriate." In fact, the Committee questioned AFSCME's final phone bill and apparently met with AFSCME officials to discuss it in April 1989. See Attachment 7.

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3. Joint Escrow Account

The Commission found reason to believe that the Committee violated 2 U.S.C. §§ 434(b)(2) and 434(b)(3)(A) for failing to report when received about \$1.4 million in contributions deposited into its joint escrow account in 1988 and to identify contributors making such contributions.¹³ The Commission also found reason to believe that the Committee violated 2 U.S.C. § 441a(f) by accepting excessive contributions totaling \$111,924.53, which were not refunded, reattributed or redesignated to GELAC in a timely manner. These excessive contributions consisted of contributions deposited into the joint escrow account which exceeded the Act's contribution limits when aggregated with other primary contributions from the same individuals.

The Committee regards the reporting violations as "solely an issue of timeliness" since GELAC or the Committee eventually reported these contributions. Attachments 5 at 3 and 4 at 14. It also protests the inclusion in the reporting violations of the entire \$1.4 million in 1988 joint escrow deposits. The

13. The joint escrow account was a checking account opened by the Committee after Mr. Dukakis won the June 1988 California primary. The Committee has said it opened the account because it was apparent then that it would raise more funds than it could legally spend. Contributions received thereafter, which were not payable to the Committee's GELAC account, were deposited in the joint escrow account. The Committee then requested that contributors redesignate their contributions to GELAC or request a refund. Contributions for which the Committee received redesignations were subsequently transferred to the GELAC and only then reported as receipts on GELAC's disclosure reports. The Committee did not initially report the receipt or refund of joint escrow contributions ultimately refunded.

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Committee apparently believes contributions received after July 20, 1988 and the pre-July 20 contributions which the Commission viewed as having been timely redesignated to GELAC when determining the Committee's cash on hand for NOCO purposes, should be excluded from the violation. Attachment 4 at 14.

The Committee attempts to trivialize the reporting violations by framing them as mere timeliness issues. However, timely reporting of contributions is critical to the effectiveness of public disclosure. Moreover, in this particular case, the failure to timely report was the result of an apparent attempt by the Committee to prevent a surplus and consequent repayment to the U.S. treasury by transferring primary contributions to the GELAC. The Committee's characterization also masks the fact that many of the joint escrow contributions went unreported until long after their receipt. For example, more than \$230,000 of joint escrow contributions received and ultimately refunded in 1988 and 1989 were not reported until September 1990 and approximately \$244,000 in contributions which had not been refunded or transferred to GELAC as of May 1989 were first reported in April 1990. Finally, the Committee's attempt to chip away at the \$1.4 million figure by arguing that some of the contributions were not included in the calculation of the Committee's cash on hand for NOCO purposes is immaterial to these reporting violations. The fact is, all of the contributions deposited into the joint escrow account should have been reported when received and they were not.

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As for the Committee's acceptance of excessive primary contributions, the Committee essentially argues that no excessives existed since the contributions deposited into the joint escrow account were not primary contributions. In its view, the whole purpose of the joint escrow account was to hold contributions while the Committee ascertained the contributors' intent which it has asserted was to benefit the general election through the GELAC. Id at 15. See also Committee's June 12, 1989 letter to the Commission included as part of Attachment 3 to the First General Counsel's Report dated November 5, 1993. In any case, the Committee contends that any "inadvertent" violation has been vitiated since it refunded or otherwise resolved the excessive contributions for which it had taken no action at the time of the Interim Audit Report. Id. at 16.

All of the contributions at issue were dated prior to July 20, 1988, the date of Governor Dukakis' nomination, and all were payable to "Dukakis for President" or a similar entity (i.e., none were payable to GELAC). Thus, they are properly considered primary contributions. See 11 C.F.R. § 110.1(b). Although the Committee mitigated its violation to the extent that it untimely refunded contributions for which it had not received written redesignations or reattributions, such mitigation does not nullify the violation.

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III. SUMMARY OF OTHER DUKAKIS MATTERS: NURS 3449, 3089 and 2715

**A. NUR 3449: Dukakis/Bentsen Committee, Inc.,
Dukakis/Bentsen General Election Legal and Accounting
Compliance Fund, and Fried, Frank, Harris, Shriver
& Jacobson**

This matter was generated from an audit of the Dukakis/Bentsen Committee, Inc. ("GEC"), and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund ("GELAC"), a separate account of the GEC. The Commission found reason to believe that the GEC violated 2 U.S.C. § 434(b)(4) by failing to timely report approximately \$3.1 million in draft account activity which cleared the account in November and December 1988. It also found reason to believe that the GEC violated 2 U.S.C. §§ 441a(f) and 441b(a)¹⁴ and 26 U.S.C. § 9003(b) by accepting an in-kind contribution from a law firm in the form of legal services provided to prepare a memo about the electoral college, and that the law firm, Fried, Frank, Harris, Shriver & Jacobson, violated 2 U.S.C. § 441a(a)(1)(A) and 441b(a) for providing such a contribution. Additionally, the Commission found reason to believe that the GEC(GELAC) violated 11 C.F.R. § 9003.3(a)(2) by improperly using private compliance fund contributions to pay for \$17,942 in expenses incurred by the law firm in preparing the electoral college memo, and 2 U.S.C. § 441f for accepting contributions in the form of sequential money orders which appeared to have been completed by someone other than the named contributor.

14. The law firm, Fried, Frank is a partnership which includes professional corporations.

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In response, the GEC asserts that its actions were either unintentional and have been corrected or do not constitute violations of the Act. Attachment 8. The law firm also asserts that its preparation and provision of the memo did not violate the Act. Attachment 9.

1. Untimely Reporting

The GEC argues that its failure to timely report all of its operating expenditure disbursements was inadvertent and resulted only because it was inadequately staffed after the election. Attachment 8 at 2. Since the GEC does not dispute that it untimely reported approximately \$3.1 million of these disbursements, but merely attempts to explain the untimeliness, this Office recommends that this issue be included in the consolidated conciliation agreement.

2. Electoral College Memorandum

Both the GEC and Fried, Frank ("the firm") vigorously argue that no violation occurred in connection with the electoral college memo. In their view, actions of electors and post-general election electoral college matters are outside the Commission's jurisdiction. The GEC elaborates on its audit arguments that work related to "actions of electors" is not a contribution because the electoral college is not an election as defined by the Act, the Presidential Election Campaign Fund Act ("Fund Act") or Commission regulations. Attachment 8 at 5-7. It also contends that the definition of presidential election at 26 U.S.C. § 9002(10), the legislative history of the Act, and the statutory and regulatory framework all confirm that the Act

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does not cover the actions of electors. Attachment 8 at 6-8. In particular, the GEC cites to regulations exempting from the definitions of expenditure and contribution monies spent on recounts or election contests, and regulations governing expenditures by convention delegates, but not electors, as evidence that "post-general election actions" are not intended to be regulated. Attachment 8 at 7-8. The GEC also continues to argue that it properly paid for the memo expenses with GELAC funds, arguing that Commission regulations permit use of surplus GELAC funds for any legal purpose.

The firm's response, in the form of an affidavit by William Josephson, the firm partner who coordinated the memo work, incorporates the GEC's arguments. Attachment 9 at 3-4. The firm also contends that the FEC's position is not "substantially justified" because neither the Act nor Commission regulations define general election to include electoral college activity. See Attachment 9 at 7-9. It also argues that if this issue is one of first impression, it should be addressed through rule-making and then articulates reasons why the Commission should not regulate electoral college matters even if it can, including the difficulty in determining what activities should be regulated. Attachment 9 at 9-12. The firm also reveals that it was asked to prepare the memo by a member of the National Lawyers' Council of the Democratic National Committee and that it had virtually no contact with the GEC until shortly before

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forwarding the memo to it. Attachment 9 at 5-6.¹⁵

Respondents raise thoughtful arguments about the Commission's ability to regulate activities relating to the electoral college. However, the unique nature of the Presidential general election must be considered in interpreting the relevant statutory and regulatory provisions. The general presidential election consists of two separate but integral steps -- the selection of electors in each state which is accomplished through a November popular election and the electoral college election. Electoral college votes are acquired by a candidate based upon the November election results and the Constitution mandates that a candidate prevail in the electoral college to become President. See U.S. Const., art. II §1 and amend XII. Commission regulations at 11 C.F.R. § 100.2(a) acknowledge the unique nature of the Presidential general election in defining election as "the process by which individuals . . . seek nomination for election, to Federal office."

Moreover, leaving activities relating to the electoral college unregulated would permit unlimited private funds to be spent on activities clearly meant to further the election of candidates to the Office of President and Vice President. Such a result would undermine the purposes of the Act and the Fund Act which are intended to limit the potentially corrupting

15. Since the memo was given to the GEC for the purpose of furthering Dukakis' election, however, it would not qualify for an exemption under 11 C.F.R. § 100.7(b)(13) as once suggested by the firm.

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effect of private contributions and influences in federal elections by ensuring disclosure of contributions and expenditures and, in the case of presidential elections, limiting spending.

Even if the Act, the Fund Act and Commission regulations were deemed not to encompass post-general election electoral college matters, the memo itself deals in part with "selection of electors" which clearly falls within the definition of "presidential election" found at 26 U.S.C. § 9002(10). As pointed out in the memo's nine-page narrative, the comprehensive summary of state laws (which comprises the remainder of and the bulk of the memo) addresses state requirements relating to the November "election of electors" including requirements for elector nomination, the form of the ballot for the November election and how the popular vote determines who is appointed electors. Attachment 8 at 14-15 and 23-122. Indeed, as the narrative further states, the purpose of the memo is to aid in preventing "mishaps in the electoral college process" from defeating the Dukakis/Bentsen ticket, whenever they occurred. Attachment 8 at 14.

Finally, since the memo was provided to influence and to further the election of the Dukakis/Bentsen ticket, the associated memo expenses were qualified campaign expenses which could be paid for only with federal funds since the memo was unrelated to compliance with the Act.

Based on the foregoing, this Office recommends that the violations relating to the electoral college memo and the

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payment of related expenses be included in the combined conciliation agreement. This Office also recommends that the Commission approve a conciliation agreement with the firm on this issue. A proposed agreement is attached and described in Section V.B.

3. Sequential Money Orders

The GEC(GELAC) denies that it knowingly accepted contributions made by persons in the name of another. Instead, the GEC(GELAC) explains the handwriting similarities on the sequential money orders at issue by positing that members of the Greek community made cash contributions which were then converted into money orders by an unnamed person or persons before being forwarded to campaign headquarters. Attachment 8 at 9-10. The facts asserted by the GEC(GELAC) in support of this explanation are minimal. It states that most of the money orders, which bear the name of individuals with Greek surnames, were associated with a mid-June 1988 GELAC fundraiser in Queens; that Mr. Dukakis' supporters in the Greek community tended to make cash contributions; and that campaign fundraisers discouraged cash contributions because they didn't like the responsibility of handling large amounts of cash and the campaign preferred the controls afforded by written instruments.

Information provided to the Audit division by a committee official concerning the code "FRONN" that appears on many of the Marine Midland money orders is consistent with the Committee's assertion that those money orders were associated with a June 1988 GELAC fundraiser. No other information is currently known

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about this fundraiser or the persons involved in soliciting or collecting the contributions. However, the GEC(GELAC)'s explanation for the money orders at issue -- that they are the result of cash contributions converted into money orders -- parallels the results of the investigation in MUR 3089.

MUR 3089 arose from another audit referral of one of the Dukakis committees (in this case, the Dukakis for President Committee) and also involved sequential money orders apparently purchased by one or two individuals rather than the named contributors. Discovery in MUR 3089, discussed more extensively below, revealed that the majority of the individuals whose names appeared on the money orders actually made cash contributions which were then converted into money orders in the amount of cash given, probably to facilitate transmittal of the funds to campaign headquarters.

Assuming the GEC(GELAC)'s explanation is accurate, however, the GEC(GELAC) instead violated 11 C.F.R. § 110.4(c) by accepting cash contributions in excess of \$100 and failing to promptly return the amounts over \$100 to the respective contributors. Fifteen of the money orders at issue, totaling \$4,900, were for amounts over \$100. The receipt of sequentially-numbered money orders drawn on the same institution, bearing similar dates and handwriting/typing patterns, should have alerted the Committee to inquire further

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into the circumstances surrounding the contributions as part of its duty to determine the legality of contributions. See 11 C.F.R. § 103.3(b). This is especially true since eight of the fifteen money orders at issue consisted of apparent "duplicate" contributions from four individuals.¹⁶ Moreover, the GEC(GELAC) was evidently aware cash contributions had been made at other fundraising events since it says that fundraisers discouraged cash contributions. Attachment 8 at 9. Thus, this Office recommends that the Commission find reason to believe that the GEC(GELAC) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c).

B. MUR 3089: Dukakis for President Committee, Inc.¹⁷

This matter involves the Committee's acceptance of contributions in the form of sequential money orders drawn on banks in Puerto Rico and New York. The Commission found reason to believe that the Committee and approximately 40 individuals violated 2 U.S.C. § 441f for making and accepting contributions made in the name of another.

16. These eight money orders, numbered sequentially from 0155634-0155641, consist of: two \$250 contributions from George Kafantaris dated 6/2/88; two \$250 contributions from Athena Marangoudakis dated 6/2/88; two \$250 contributions from Vasilios Marangoudakis dated 6/2/88; and two \$250 contributions from Anastasio Lekkas dated 5/31/88. Each pair of contributions is reported together on the Committee's disclosure reports.

17. The requisite NRA recommendations for this matter are included in Section IV.

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The investigation revealed that a majority of the individuals indeed made the contributions at issue at two separate fundraisers in New York and Puerto Rico. See General Counsel's Report in NUR 3089, dated January 14, 1992. However, nine contributions were made in cash.¹⁸ Since it appeared that all of these cash contributions were accepted by the Committee's fundraising agent, the Commission found reason to believe that the Committee violated 11 C.F.R. § 110.4(c) for failing to return the amounts in excess of \$100 to each contributor.

The Committee acknowledges that one \$150 cash contribution apparently slipped through its review process in connection with the New York fundraiser but denies that it accepted cash in connection with the eight other contributions -- all associated with the Puerto Rico fundraiser. Attachment 10 at 2. The Committee contends that the Puerto Rico contributions arrived at Committee headquarters in the form of money orders and were accompanied by completed contributor cards. It denies Committee staff knew the contributions were made in cash or participated in the conversion of cash into money orders. Attachment 10 at 1-2. The Committee acknowledges that a staff member was involved in the fundraiser but contends his involvement was limited to setting a date for the event, coordinating the scheduling details with an individual who organized the event, and ensuring the funds raised were promptly transmitted to

18. Eight of these contributions were for \$1,000 and one was for \$300.

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headquarters. Id.

Since the Committee acknowledges it accepted an excess cash contribution in one instance, this violation will be included in the combined conciliation agreement. Moreover, we believe the Committee should also be held accountable for having accepted excessive cash contributions in connection with the other eight Puerto Rico contributions. Although the Committee generally denies it accepted cash contributions, it acknowledges a cash contribution slipped through its review process on at least one occasion. Moreover, previously-submitted affidavits of Committee staff and the interrogatory responses of Hector Martinez, Jr., the person who solicited these contributions, leave open the possibility that the Committee knew or should have known the money orders resulted from excess cash contributions. Gary Barron, the Committee staffer charged with responsibility for organizing and overseeing fundraising for a region that included Puerto Rico, has stated this his involvement in this fundraiser included "ensuring that the funds raised were promptly transmitted to Boston." Attachment 10 at 3. However, Mr. Barron has not elaborated on his contacts with the fundraiser organizers regarding the transmittal of funds raised. Similarly, Hector Martinez, Jr.'s response is vague regarding the circumstances surrounding the subsequent money order conversion, stating only that he was "generally aware that cash contributions are illegal under federal law and should be made through a written instrument. . ." Attachment 11 at 15. He has not elaborated on the facts surrounding the transmittal

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of the contributions either, stating only that the money orders "were forwarded" to the Committee. Attachment 11 at 3 and 16. Finally, Charlotte McCormick, the Committee's Director of Administration for the Finance Department, has stated that she returned some Puerto Rico contributions to Barron or his assistant to gather additional information, although she does not specifically recall if it was in connection with this fundraiser. Attachment 10 at 4-5.

Even if the Committee was not made aware through its contact with local organizers that cash contributions were made, the arrival of the eleven Puerto Rico contributions at Committee headquarters in the form of sequential money orders drawn on the same institution on the same date, prepared in an identical manner, and all in amounts of \$1,000, should have alerted the Committee to inquire further into the circumstances surrounding these contributions as part of its duty to determine the legality of contributions. See 11 C.F.R. § 103.3(b).

We also recommend at this time that the Commission take no further action against the Committee and Leonard Aronson, as treasurer, with respect to the initial 441f finding.

With regard to the individual contributors, as noted, the Commission initially found reason to believe that each violated Section 441f. After responses were received, the Commission subsequently found reason to believe that seven individuals violated 2 U.S.C. § 441g by making excessive cash contributions.

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No further action was taken against one of these respondents, Mr. Jim Hetelekides, based on the small amount involved. The other six respondents, who all made cash contributions in connection with the Puerto Rico fundraiser, deny they violated Section 441g because no cash was actually tendered to the Committee. Rather, each of these respondents say they gave cash to Mr. Martinez, Jr., who was a friend of the individual at whose home the fundraiser was held. Attachment 11 at 2-3 and 6-7. Five of the respondents point out that cash contributions are lawful and commonly made in Puerto Rico and say they relied on Martinez to transmit them to the Committee "in any lawful manner." Attachment 11 at 2-3. The sixth respondent, Mr. Luis Sierra, asserts that Mr. Martinez specifically requested cash, and he too relied on Martinez to transmit the contribution to the Committee. Attachment 11 at 6-9.

We reject the argument that a Section 441g violation can be avoided by giving cash to an intermediary rather than directly to a political committee. However, in light of the fact that the Committee will be pursued for accepting these contributions and the relatively minimal amounts involved for each individual respondent, we recommend that the Commission take no further action with respect to the outstanding 441f and 441g findings against these individuals -- Hector Martinez Franco, Sol R. Martinez, Esteban Fuertes, Celeste Fuertes, Milton Mendez Orsini and Luis Sierra -- include an admonishment in each respondent's notification letter, and close the file with respect to them.

Questions remain regarding two individuals who deny making

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contributions to the Committee -- Mrs. Milton Mendes (Myrta Falcon de Mendes) and Mrs. Luis Sierra (Silmarie Montilla Sierra). As noted in the January 14, 1992 General Counsel's Report, Mrs. Mendes denies making any contribution although her husband, Mr. Milton Mendes Orsini stated that he made a \$1,000 contribution on her behalf. Both Mrs. Sierra and her husband deny that Mrs. Sierra made a \$1,000 contribution. However, Hector Martinez, Jr., states that he purchased money orders with the cash provided to him "in the name of the individual who actually provided me with the funds used to purchase that money order" and in some cases, he states that husbands provided funds for themselves and their wives. Attachment 11 at 16 and 19. Given the additional resources necessary to resolve these remaining discrepancies involving 1988 election activity and the minimal amounts involved, this Office recommends that the Commission exercise its prosecutorial discretion and take no further action with respect to the outstanding 441f findings against these -- Silmarie Montilla Sierra, Myrta Falcon de Mendes and Mr. Hector Martinez, Jr. -- and close the file with respect to them. See Heckler v. Chaney. 470 U.S. 821 (1985).

Given Mr. Sierra's sworn statement that Hector Martinez, Jr. specifically requested a cash contribution at issue, we also recommend that the Commission include an admonishment in his notification letter.

Finally, two of the remaining individual respondents -- Benjamin Torres Vazquez and Julieta Torres -- could not be located and have not been notified of the initial Section 441f

findings against them. Thus, this Office also recommends that the Commission take no further action and close the file as to them.

C. NUR 2715: Dukakis/Bentsen Committee, Inc. and The Senator Lloyd Bentsen Committee

This matter concerns issues arising from Lloyd Bentsen's dual candidacies for U.S. Senate and the Vice Presidency in 1988. The Commission found reason to believe that the GEC violated 2 U.S.C. §§ 441a(f) and 26 U.S.C. § 9003(b)(2) for accepting in-kind contributions from the Senator Lloyd Bentsen Election Committee ("Senate Committee") in connection with a Senate-financed phone bank and newsletter and that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) for making them. The Commission also approved discovery requests to both committees in connection with a Senate-financed mailgram referencing both candidacies. Additionally, the Commission found reason to believe that both the GEC and the Senate Committee violated 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) by sharing facilities and personnel, and by failing to allocate air travel, food and lodging expenditures during campaign tours that benefited both the Senate Committee and the GEC. Finally, the Commission found reason to believe that the GEC violated 2 U.S.C. §§ 441a(a)(1)(A) by making an excessive in-kind contribution to the Senate Committee as a result of its failure to allocate the aforementioned expenditures and that the

19. The requisite NRA recommendations for this matter are included in Section IV.

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Senate Committee violated 2 U.S.C. §§ 441a(f) by accepting such a contribution.

Following the investigation in this matter, this Office prepared and sent both committees a General Counsel's Brief and a revised General Counsel's Brief indicating that we were prepared to make recommendations to the Commission. The briefs recommended that the Commission: (1) find probable cause to believe that the GEC and the Senate Committee violated certain provisions of the Act and Fund Act in connection with the Senate mailgram; (2) find probable cause to believe but take no further action that the GEC and Senate Committee violated the Act and Fund Act in connection with the phone bank activity; and (3) find no probable cause to believe that the GEC and Senate Committee violated the Act and Commission regulations in connection with the newsletter, by sharing facilities and personnel or by failing to allocate air travel, food and lodging expenditures during dual campaign tours. Responses to the original briefs were received from both respondents in May and June 1992. Group Attachments 12 at 1-23 (GEC) and 13 at 7-9 (Senate Committee).²⁰ Only the Senate Committee responded to the

20. Included with the attached responses to the briefs are each committee's responses to interrogatories and reason to believe findings in both MURs 2715 and 2652 which were eventually merged. Attachments 12 at 28-63 (GEC) and 13 at 10-79 (Senate Committee). Given the already voluminous attachments to this report, most of the discovery documents produced by the GEC and the Senate Committee are not attached here but are available for review in the Docket division. Documents produced by the Senate Committee in regard to the mailgram and phone banks are attached, however, since probable cause findings are recommended as to those issues.

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revised brief. Attachment 13 at 1-6.

With two exceptions, this Office now makes the same recommendations as made in the revised General Counsel Briefs, incorporated herein by reference. First, the Briefs recommend pursuing both the GEC and the Senate Committee in connection with the mailgram. However, should the Commission concur with our recommendations, the mailgram issue would be the only probable cause finding outstanding against the Senate Committee. Although the GEC's liability on this issue is easily incorporated into a combined conciliation agreement with the GEC, pursuing this matter with the Senate Committee will require additional use of resources. Thus, we recommend that the Commission exercise its prosecutorial discretion and find probable cause but take no further action against the Senate Committee on this issue which involves less than \$5,000. Second, the Briefs recommend that the Commission find probable cause to believe that violations occurred with respect to the GEC's apparent payment for two plane trips that benefited the Senate campaign. In response, the GEC submitted documentation showing the DNC paid for these trips. Consequently, we recommend that the Commission find no probable cause to believe with respect to both committees on this issue. These and the other issues in MUR 2715 are summarily discussed below.

Phone Banks

As detailed in the General Counsel's Briefs, the Senate Committee contracted with a commercial vendor, '88 Texas, to conduct the phone bank and other campaign activity. Telephone

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scripts produced revealed only one reference to Bentsen's Vice-Presidential race in the form of a question about whether the call recipient would vote for the Dukakis/Bentsen or Bush/Quayle ticket. In its most recent response on this issue, the Senate Committee reiterates that the phone bank focused on voter identification and that voter identification surveys, like the one in question, frequently use questions regarding presidential contest preference given the high-profile nature of that election. Attachment 13 at 7-8. The Senate Committee also continues to argue that since none of the information from the phone bank operation was transferred or provided to the GEC, no benefit was received. It thus urges the Commission to make a no probable cause finding on this issue. Attachment 13 at 8. The Senate Committee's position has been echoed by the GEC in earlier responses. The GEC also adds that it did not enter into any agreement with any other candidate or political party or political committee for services rendered by the vendor for the general election. See Attachment 12 at 53-54 and 57-58.

As pointed out in the Briefs, Senator Bentsen's name is used often in the phone bank scripts. Moreover, persons called were encouraged to support the entire Democratic ticket. Thus, Senator Bentsen arguably could have benefited from the phone bank efforts as a Vice-Presidential candidate. However, given that only one in a series of questions conducted in the phone bank surveys actually referenced the Vice Presidential contest, this Office recommends that the Commission find probable cause to believe that the GEC violated 2 U.S.C § 441a(f) or 26 U.S.C.

§ 9003(b)(2) and that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) but take no further action with respect to both.

Mailgram

Discovery revealed that the Senate mailgram, described in detail in the revised GC Brief, was sent to 2,076 individuals including Senate Committee county coordinators, selected contributors who had given the Senate campaign more than \$1,000 and members of two Republican and Independent committees who had endorsed Bentsen's Senate re-election bid. The Senate Committee developed the mailgram mailing list from in-house lists and paid a commercial vendor \$9,964 to produce and distribute it.

In response to the revised GC Brief, the Senate Committee requests the Commission find no probable cause to believe a violation occurred on this issue and essentially repeats its earlier argument that the mailgram's focus was on the Senate race and its purpose was to promote Secretary Bentsen's Senate candidacy whether or not the mailgram recipients supported his Vice-Presidency bid. Thus, the Senate Committee contends it should be viewed as solely a Senate campaign expenditure. Attachment 13 at 3-6. The GEC has not responded to the General Counsel's recommendation to find probable cause on this issue. However, in its earlier responses, the GEC made the same argument as the Senate Committee and concluded the mailgram was not a presidential campaign expense. See GEC's August 28, 1988 response to complaint and Attachment 12 at 54-55 and 59-60. The GEC has also stated that it did not participate in the mailgram's preparation or distribution. Id.

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As discussed in the revised GC Brief, the mailgram, dated the day Governor Dukakis announced that Secretary Bentsen would be his running-mate, referenced the Vice Presidential nomination, and stated Secretary Bentsen's belief that "the Democratic ticket will prevail in November and that my nomination is of great importance to Texas and its future." Although the mailgram includes no request for contributions, it was sent to contributors who had given "more than" \$1,000 to the Senate Committee and seeks their continued support. Moreover, the use of a commercial vendor to produce and distribute the mailgram precludes it from qualifying for the coattails exception. Accordingly, this Office recommends that the Commission find probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) by accepting an excessive in-kind contribution as a result of the production and distribution of the mailgram. We also recommend that the Commission find probable cause to believe that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind to the GEC in connection with the mailgram, but take no further action for the reasons discussed on page 32.

Allocation of Food, Lodging and Travel Expenses/
Sharing of Personnel and Facilities

As detailed in the GC Brief, Lloyd Bentsen held approximately ten meetings/fundraisers with Senate campaign supporters while on Vice-Presidential campaign trips. It appeared from the investigation that the two campaigns did not share personnel or facilities and that each campaign paid for

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its own expenses for dual-purpose trips. Moreover, it initially appeared that GEC paid the airfare for two of the ten trips in question rather than the Democratic National Committee ("DNC"), as contended by the GEC. In response to the GC Brief, however, the GEC provided documentation that the DNC paid for these trips as well. Attachment 12 at 1-22. Thus, the GEC made no in-kind contribution to the Senate Committee in connection with the airfare for trips benefiting the Senate campaign. Accordingly, this Office recommends that the Commission find no probable cause to believe that the Senate Committee violated 2 U.S.C. § 441a(f) by accepting excessive in-kind contributions in the form of GEC-paid airfare. Similarly, this Office recommends that the Commission find no probable cause to believe that the GEC violated 2 U.S.C. §§ 441a(a)(1)(A) or 26 U.S.C. § 9004(c) for making such contributions. Additionally, this Office recommends that the Commission find no reason to believe that either the GEC or the Senate Committee violated 11 C.F.R. §§ 106.1, 110.8(d)(2) and 110.8(d)(3) by failing to allocate air travel, food and lodging expenses or by sharing personnel and facilities.

Senate Newsletter

The Senate Committee paid for the production and distribution costs of the newsletter, described in more detail in the GC Briefs, which volunteers labeled and mailed. Although a commercial vendor was paid to duplicate, stitch and hand fold the newsletter, it appears that sufficient volunteer activity was involved to qualify as exempt activity. See e.g., MUR 2270.

Because the revised GC Brief indicated that the General Counsel would make a no probable cause to believe recommendation in connection with this issue, neither committee addresses it in their responses to the Briefs. Accordingly, the Office of General Counsel recommends that the Commission find no probable cause to believe that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) or that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the newsletter.

IV. RECOMMENDATIONS IN LIGHT OF FEC v. NRA

Consistent with the Commission's November 9, 1993 decisions concerning compliance with the court's decision in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 62 U.S.L.W. 3842 (U.S. June 20, 1994), this Office recommends that the Commission take the following action in connection with MUR 2715: (1) ratify its November 13, 1989 determination to merge MUR 2652 into MUR 2715; (2) ratify its reason to believe findings that the Dukakis/Bentsen Committee, Inc., and its treasurer, violated 26 U.S.C. § 9003(b)(2), 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f), and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3); and (3) ratify its reason to believe findings that the Senator Lloyd Bentsen Election Committee, and its treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f) and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3).

Additionally, based on the original audit referrals in MUR 3089, this Office recommends that the Commission: (1) revoke reason to believe that the Dukakis for President Committee and

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its treasurer, Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Hector Martinez, Jr., Esteban L. Fuertes, Mrs. Esteban L. Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Mrs. Milton Mendez (Myrta Falcon de Mendez), Luis S. Sierra, Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vazquez and Julieta Torres violated 2 U.S.C. § 441f; and (2) approve the factual and legal analyses, samples of which were attached to the First General Counsel's Report dated January 25, 1991. Based on the subsequent responses received from respondents in MUR 3089, this Office further recommends that the Commission: (1) revoke reason to believe that the Dukakis for President Committee and its treasurer violated 11 C.F.R. § 110.4(c); (2) revoke reason to believe that Hector Martinez Franco, Mrs. Sol R. Martinez, Esteban L. Fuertes; Mrs. Celeste S. Fuertes, Milton Mendez Orsini and Luis S. Sierra each violated 2 U.S.C. § 441g; and (3) approve the factual and legal analyses attached to the General Counsel's Report dated January 14, 1992.

Attached are the relevant certifications in MURs 2715 and 3089 for the Commission's information. Attachment 14. NRA findings have already been made in MUR 3449 and none were necessary in MUR 3562 since the reconstituted Commission made those findings.

V. CONCILIATION

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VI. RECOMMENDATIONS

1. Deny the motion to dismiss MURs 3562, 3449, 3089 and 2715 put forward by counsel for the Dukakis for President Committee, the Dukakis/Bentsen Committee, and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund.
2. Reject the Dukakis for President Committee's counter-proposal dated April 11, 1994.
3. Find reason to believe that the Dukakis/Bentsen Committee, Inc. (Dukakis Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c) in MUR 3449 and approve the attached factual and legal analysis (Attachment 17).
4. Ratify the Commission's November 13, 1989 determination to merge MUR 2652 into MUR 2715.
5. Ratify reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer violated 26 U.S.C. § 9003(b)(2); 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.
6. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the mailgram in MUR 2715.
7. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee phone banks, but take no further action in MUR 2715.
8. Find no probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 2 U.S.C. § 441a(f) or 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(a)(1)(A), 26 U.S.C. § 9004(c), and 11 C.F.R.

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§§ 106.1(a) and 110.8(d)(2) in connection with the airfare, food and lodging shared with the Senate Committee; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715.

9. Ratify reason to believe that the Senator Lloyd Bentsen Election Committee and its treasurer violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.
10. Find probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the mailgram and phone banks in MUR 2715, but take no further action with respect to these issues.
11. Find no probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(f) and 11 C.F.R. §§ 106.1(a) and 110.8(d)(2) in connection with sharing airfare, food and lodging with the GEC; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715 and close the file with respect to the Senate Committee.
12. Revote reason to believe that the Dukakis for President Committee and its treasurer violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(c) in MUR 3089.
13. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Hector Martinez, Jr., Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Mrs. Milton Mendez (Myrta Falcon de Mendez), Luis S. Sierra, Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vazquez and Julieta Torres each violated 2 U.S.C. § 441f in MUR 3089.
14. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini and Luis S. Sierra each violated 2 U.S.C. § 441g in MUR 3089.
15. Approve the factual and legal analyses which were attached to the General Counsel's Report dated January 14, 1992 and samples of which were attached to the First General Counsel's Report dated January 25, 1991 in MUR 3089.
16. Take no further action against the Dukakis for President Committee, Inc., and Leonard Aronson, as

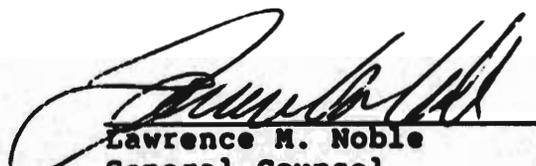
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treasurer, in connection with the 2 U.S.C. § 441f violation in MUR 3089.

17. Take no further action against Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Luis S. Sierra, Hector Martinez, Jr., Mrs. Milton Mendez (Myrta Falcon de Mendez), Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vasquez and Julieta Torres and close the file with respect to each of them in MUR 3089.
18. Enter into pre-probable cause conciliation with the Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer, in MUR 3089 and the Dukakis/Bentsen Committee, Inc. and the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund), and Leonard Aronson, as treasurer, in MUR 3449, and approve the attached proposed combined conciliation agreement for MURs 3562, 3449, 3089 and 2715.
19. Enter into pre-probable cause conciliation with Fried, Frank, Harris, Shriver and Jacobson and approve the attached proposed conciliation agreement in MUR 3449.
20. Approve the appropriate letters.

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8/30/94
Date


Lawrence M. Noble
General Counsel

Attachments

1. Committee's 3/31/94 motion to dismiss (MUR 3562)
2. Committee's 4/11/94 letter and second counterproposal (MUR 3562)
3. Committee's 5/5/94 letter renewing its motion to dismiss and enclosing "supplemental authority" (MUR 3562)
4. Committee's 1/19/94 RTB response (MUR 3562)
5. Committee's 3/14/94 supplemental RTB response and first counterproposal (MUR 3562)
6. 3/15/88 letter from AFSCME to Committee enclosing phone bank invoice
7. 4/25/89 letter from Committee to AFSCME re: payment of final bill for phone banks
8. GEC's RTB response in MUR 3449
9. Law Firm's RTB response in MUR 3449 (electoral college memo)
10. Committee's 2/18/92 Response to cash contribution issue in MUR 3089
11. (Group) Responses of individuals who made cash contributions in MUR 3089

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dukakis for President Committee, Inc.) MURS 3562,
and Leonard Aronson, as treasurer;) 3449, 3089,
Dukakis/Bentsen General Election) and 2715
Legal and Accounting Compliance Fund)
and Leonard Aronson, as treasurer;)
Dukakis/Bentsen Committee, Inc.;)
The Senator Lloyd Bentsen Election)
Committee and Marc L. Irvin, as)
treasurer; and)
Fried, Frank, Harris, Shriver and)
Jacobson)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on September 20, 1994, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions with respect to MURS 3562, 3449, 3089, and 2715:

1. Deny the motion to dismiss MURS 3562, 3449, 3089, and 2715 put forward by counsel for the Dukakis for President Committee, the Dukakis/Bentsen Committee, and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund.

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2. Reject the Dukakis for President Committee's counterproposal dated April 11, 1994.
3. Find reason to believe that the Dukakis/Bentsen Committee, Inc. (Dukakis Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c) in MUR 3449 and approve the factual and legal analysis designated Attachment 17 to the FEC General Counsel's report dated August 30, 1994.
4. Ratify the Commission's November 13, 1989 determination to merge MUR 2652 into MUR 2715.
5. Ratify reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer, violated 26 U.S.C. § 9003(b)(2); 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.
6. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc. violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003 (b)(2) in connection with the mailgram in MUR 2715.

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7. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 26 U.S.C. 9003(b)(2) in connection with the Senate Committee phone banks, but take no further action in MUR 2715.
8. Find no probable cause to believe that the Dukakis/Bentsen Committee, Inc. violated 2 U.S.C. § 441a(f) or 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(a)(1)(A), 26 U.S.C. § 9004(c), and 11 C.F.R. §§ 106.1(a) and 110.8(d)(2) in connection with the airfare, food and lodging shared with the Senate Committee; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715.
9. Ratify reason to believe that the Senator Lloyd Bentsen Election Committee and its treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.
10. Find probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the mailgram and phone banks in MUR 2715, but take no further action with respect to these issues.

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11. Find no probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(f) and 11 C.F.R. §§ 106.1(a) and 110.8(d)(2) in connection with sharing airfare, food and lodging with the GEC; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715 and close the file with respect to the Senate Committee.
 12. Revote reason to believe that the Dukakis for President Committee and its treasurer violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(c) in MUR 3089.
 13. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Hector Martinez, Jr., Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Mrs. Milton Mendez (Myrta Falcon de Mendez), Luis S. Sierra, Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vasquez and Julieta Torres each violated 2 U.S.C. § 441f in MUR 3089.
 14. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez) Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini and Luis S. Sierra each violated 2 U.S.C. § 441g in MUR 3089.

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15. Approve the factual and legal analyses which were attached to the General Counsel's Report dated January 14, 1992 and samples of which were attached to the First General Counsel's Report dated January 25, 1991 in MUR 3089.
16. Take no further action against the Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer, in connection with the 2 U.S.C. § 441f violation in MUR 3089.
17. Take no further action against Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Luis S. Sierra, Hector Martinez, Jr., Mrs. Milton Mendez (Myrta Falcon de Mendez), Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vazquez and Julieta Torres and close the file with respect to each of them in MUR 3089.
18. Enter into pre-probable cause conciliation with the Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer, in MUR 3089 and the Dukakis/Bentsen Committee, Inc. and the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund), and Leonard Aronson, as treasurer, in MUR 3449, and approve the proposed combined conciliation agreement for MURS 3562, 3449, 3089 and 2715 as recommended in the General Counsel's report dated August 30, 1994.

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19. Enter into pre-probable cause conciliation with Fried, Frank, Harris, Shriver and Jacobson and approve the proposed conciliation agreement in MUR 3449 as recommended in the General Counsel's August 30, 1994 report.
20. Approve the appropriate letters as recommended in the General Counsel's August 30, 1994 report.

Commissioners Aikens, McDonald, McGarry, and Thomas voted affirmatively for the decision. Commissioner Elliott was not present. Commissioner Potter noted that he was not participating with regard to these matters and he was not present.

Attest:

9-21-94
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 3, 1994

VIA EXPRESS MAIL

Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

HAND DELIVERED

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue
Washington, D.C. 20005

RE: MURs 3562, 3449, 3089 and 2715
Dukakis for President Committee,
and Leonard Aronson, as
treasurer
Dukakis/Bentsen Committee, Inc.
(Dukakis/Bentsen General
Election Legal and Accounting
Compliance Fund) and Leonard
Aronson, as treasurer, and
Dukakis/Bentsen Committee, Inc.

Dear Messrs. Taylor and Gross:

This letter is to advise you of the various actions taken by the Federal Election Commission (the "Commission") on September 20, 1994, in the above-referenced matters.

The Commission considered and denied your clients' Motion to Dismiss these matters. It also reviewed and rejected your clients' April 11th counter-conciliation agreement proposing to settle all of the above-referenced MURs. Although the Commission denied your counter-offer, it is amenable to your proposal that we attempt to settle all of these matters in a single conciliation agreement. Accordingly, the Commission took the actions described below with respect to MURs 3449, 3089 and 2715 and approved the enclosed combined conciliation agreement in an effort to expeditiously settle all of these matters. The combined conciliation agreement contains the factual bases for, and admissions of, violations at issue in all of the above-referenced MURs.

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With respect to MUR 2715 (for which Mr. Gross is designated counsel), the Commission ratified its prior determination to merge MUR 2562 into MUR 2715 and its findings of reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer ("GEC") violated 26 U.S.C. § 9003(b)(2); 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3).¹ It also found probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee mailgram; found probable cause to believe that the GEC violated 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee phone banks, but determined to take no further action; and found no probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee newsletter publication, and 2 U.S.C. § 441a(a)(1)(A), 26 U.S.C. § 9004(c), and 11 C.F.R. §§ 106.1(a), 110.8(d)(2), and 110.8(d)(3) in connection with the sharing of airfare, food, lodging, personnel and facilities with the Senate Committee.

With respect to MUR 3089, the Commission revoked its prior findings of reason to believe that the Dukakis for President Committee, Inc. and its treasurer ("the Committee") violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(c) and to approve the factual and legal analyses which were previously mailed to them.² After considering the circumstances of this matter, the Commission also determined to take no further action against the Committee, and Leonard Aronson as treasurer, in connection with the Section 441f finding. It also determined to enter into pre-probable cause conciliation with the Committee and Leonard Aronson, as treasurer, in settlement of the violation of 11 C.F.R. § 110.4(c).

1. This action was taken in accordance with specific procedures adopted by the Commission as a result of the D.C. Circuit decision in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 114 S.Ct. 2703 (1994). As you are aware, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. While awaiting the Supreme Court's consideration of the Commission's appeal, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees, and has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

2. See Footnote 1.

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With respect to MUR 3449, the Commission considered your clients' June 6, 1993 response to its reason to believe findings and determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. It also found reason to believe that the Dukakis Bentsen Committee, Inc. (Dukakis Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c) in connection with the sequential money order issue. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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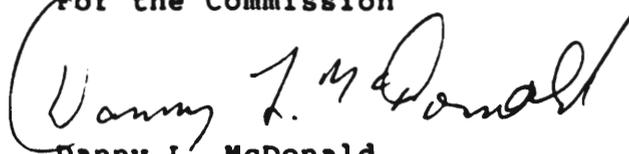
Finally, the Commission notes that Mr. Taylor requested that the General Counsel's Office share its reasoning as to why it believes 28 U.S.C. § 2462 does not preclude the Commission from proceeding in these matters. The General Counsel's Office ordinarily does not provide a written statement of its reasons for recommending motions to dismiss. However, the Commission's position on this particular issue has been set forth in several civil actions pending before various courts. Enclosed for your

information is a copy of a recently-filed brief addressing this issue in FEC v. National Republican Senatorial Committee, Civil Action No. 93-1612 (D.D.C. filed September 1, 1994).

The Commission is hopeful that these matters can be settled through conciliation negotiations. In light of the fact that pre-probable cause conciliation negotiations are limited to 30 days, you should respond to this agreement no later than 30 days of your receipt of this notification. If agreement is not reached within this period, MURs 3562, 3449 and 3089 will proceed to the next stage of the enforcement process. Similarly, since MUR 2715 is already in the probable cause stage, if we are unable to reach agreement on this matter within this time, the Commission may institute a civil suit in the United States District Court with respect to this matter and seek payment of a civil penalty. See 2 U.S.C. §§ 437g(a)(4) and (6).

If you have questions or suggestions for changes in the enclosed conciliation agreement, please contact Dawn M. Odrowski, the staff attorney assigned to these matters, at (202) 219-3400.

For the Commission



Danny L. McDonald
Vice Chairman

Enclosures

Conciliation Agreement
Factual and Legal Analysis in MUR 3449
Copy of brief in FEC v. NRSC

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

Apr 28 4 02 PM '95

In the Matter of

)
) 28 U.S.C. § 2462
) Statute of Limitations
)

GENERAL COUNSEL'S REPORT

SENSITIVE
MAY 16 1995
EXECUTIVE SESSION

I. INTRODUCTION¹

As the Commission is aware, on February 24, 1995, the U.S. District Court for the District of Columbia decided in Federal Election Commission v. National Republican Senatorial Committee, 1995 WL 83006 (D.D.C. 1995) ("NRSC"), that the statute of limitations set forth at 28 U.S.C. § 2462 ("Section 2462") applied to Commission enforcement suits seeking civil penalties, relying upon the D.C. Circuit's opinion in 3M Co. v. Browner, 17 F.3d 1453 (D.C. Cir. 1994). This Report discusses the statute of limitations generally, describes

enforcement matters potentially affected by the NRSC court's conclusion and makes recommendations for each of the potentially affected matters.²

1. This is a combined General Counsel's Report from the Enforcement and Public Financing, Ethics and Special Projects ("PFESP") areas of the Office of the General Counsel.

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In NRSC, Judge Pratt held that the Commission could not seek a civil penalty in conjunction with its civil enforcement action against the defendant for violations of 2 U.S.C. §§ 441a(h) and 434(b) because the 5-year federal catch-all statute of limitations found at 28 U.S.C. § 2462 applied to Commission-initiated enforcement suits seeking civil penalties. The court, however, allowed the Commission's suit to go forward notwithstanding this conclusion, ruling that Section 2462 did not apply to the declaratory and equitable relief also sought by the Commission. Therefore, the court so far has issued no final appealable decision.

On May 17, 1994, in FEC v. Williams, the U.S. District Court for the Central District of California reached the opposite conclusion about the applicability of 28 U.S.C. § 2462 to the Commission's enforcement actions. Mr. Williams' contributions in the name of another took place more than 5 years before the Commission filed its complaint and counsel raised 28 U.S.C. § 2462 as an affirmative defense. However, the court ruled at an oral hearing that the statute of limitations did not apply. Instead, the court awarded the Commission a \$10,000 civil penalty against Mr. Williams for violations of 2 U.S.C. § 441f. FEC v. Williams, No. 93-6321 (C.D. Cal. Jan. 31, 1995), appeal docketed, No. 95-55320 (9th Cir. 1995) ("Williams"). Mr. Williams has filed a notice of appeal regarding, inter alia, the district court's

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statute of limitations decision. Thus, whether and to what extent the statute of limitations at 28 U.S.C. § 2462 will apply to Commission enforcement cases will be before the 9th Circuit shortly, and could also be the subject of a later appeal before the D.C. Circuit in NRSC.³

In light of this conflict between the courts and the pendency of the appeal, this Office believes a decision to close enforcement cases based solely on a conclusion that the 5 year statute of limitations would apply to any potential enforcement suits would be unwarranted. This is especially true since neither 28 U.S.C. § 2462 nor the NRSC decision limits the Commission's authority to complete administrative investigations or seek civil penalties in voluntary conciliation prior to filing suit. Nonetheless, the Office of the General Counsel recognizes that until the statute of limitations is finally resolved by the courts, respondents are likely to raise it as a defense, making settlement more complicated. Thus, even though the Commission is not bound by the NRSC decision in other cases, the Office of the General Counsel believes the Commission should take this issue into consideration on a case-by-case basis when looking at its active and inactive enforcement cases -- particularly those with older activity -- and, in an exercise of its prosecutorial discretion, attempt to bring the matters most vulnerable to

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statute of limitations difficulties to an early administrative disposition.⁴

In order to give the Commission the broadest picture of the possible effect of a statute of limitations on its caseload, this Office has analyzed all enforcement cases where there is FECA-violative activity that will be 5 years old at some point during this year. Section II of this Report gives an overview of principles involved in analyzing the statute of limitations issue, with particular attention to determining when a Commission cause of action might accrue, and when the running of the statute may be tolled by equitable principles. Section III describes how this Office applied these principles to its active and inactive enforcement caseload and the approach used in making its recommendations for Commission action. Section IV includes descriptions of each of the potentially affected enforcement matters, outlines the statute of limitations difficulties this Office foresees for each, and recommends specific Commission action for each potentially affected matter.

II. THE LAW

This section discusses 28 U.S.C. § 2462, the federal catch-all statute of limitations, and issues relating to when the statute begins to run, under what circumstances it may be tolled

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and declaratory and equitable relief available to the Commission even if the statute of limitations has run completely.

A. Accrual

Section 2462 requires commencement of a suit for civil penalties within five years from the date when the claim first accrued.⁵ Thus, as a threshold matter, in considering the potential effect of the limitations period on a particular case, one must determine the complex issue of when the claim first accrued.

1. General Principles

A cause of action normally accrues when the factual and legal prerequisites for filing suit are in place, i.e., at the precise moment when the violation occurred.⁶ However, federal courts have generally applied the discovery rule of accrual, an equitable doctrine under which a claim is considered to have accrued at the time that a potential claimant knew, or through the exercise of reasonable diligence should have known, of the facts underlying the cause of action.⁷

5. 28 U.S.C. § 2462 provides:

Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued

6. United States v. Lindsay, 346 U.S. 568, 569 (1954).

7. See, e.g., Delaware State College v. Ricks, 449 U.S. 250, 259 (1980) (Court implicitly applied discovery rule to Title VII discrimination suit); United States v. Rubrick, 444 U.S. 111, 122-25 (1979) (court implicitly endorsed discovery rule of accrual, but limited it to discovery of facts underlying a claim,

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The substantial harm theory of accrual can be considered analytically as a particular application of the discovery rule. It is usually advanced in personal injury actions involving latent injuries or injuries difficult to detect, especially in cases of "creeping disease" such as asbestosis. The rule rests on the idea that plaintiffs cannot have a tenable claim for the recovery of damages unless and until they have been harmed. Under the substantial harm theory, therefore, damage claims in cases involving latent injuries or illnesses do not accrue until substantial harm matures or, in other words, until the harm becomes apparent.

The Supreme Court has cautioned against "attempting to define for all purposes when a cause of action first accrues. Such words are to be interpreted in light of the general purposes of the statute and of its other provisions, and with due regard to those practical ends which are to be served by any limitation of the time within which an action must be brought."⁸ Thus, in determining the time of accrual in cases arising under the FECA,

(Footnote 7 continued from previous page) rather than extending the rule to discovery of legal cause of action); see also Oshiver v. Levin, Fishbein, Sedran & Berman, 38 F.3d 1380, 1386 (3d Cir. 1994); Dixon v. Anderson, 928 F.2d 212, 215 (6th Cir. 1991); Cada v. Baxter Healthcare Corp., 920 F.2d 446, 450 (7th Cir. 1990); Corn v. City of Lauderdale Lakes, 904 F.2d 585, 588 (11th Cir. 1990); Alcorn v. Burlington Northern Railroad Co., 878 F.2d 1105, 1108 (8th Cir. 1989); Lavelle v. Listi, 611 F.2d 1129, 1131 (5th Cir. 1980); Cullen v. Margiotta, 811 F.2d 698, 725 (2d Cir. 1987); Cline v. Brusett, 661 F.2d 108, 110 (9th Cir. 1981); Bireline v. Seagondollar, 567 F.2d 260, 263 (4th Cir. 1977).

8. Crown Coat Front Co., Inc. v. United States, 386 U.S. 503, 517 (1967) (quoting Reading Co. v. Koons, 271 U.S. 58, 62 (1926)).

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courts will look to the nature and goals of the FECA versus the interests underlying the five-year limitations period.

2. Accrual in the Context of the FECA

While the discovery rule has been applied in a wide range of cases, originating in the tort context and extending to, inter alia, contract, Title VII, and RICO actions, to date, it appears that only the United States District Court for the District of Columbia has held that the Section 2462 statute of limitations is applicable to the FECA. The court also addressed the precise question of when a cause of action accrues under the FECA. Inasmuch as the district court in NRSC relied on the decision of the Court of Appeals for the District of Columbia in 3M Co. v. Browner, 17 F.3d 1453 (D.C. Cir. 1994) ("3M"), the latter case will be summarized first.

3M was an action brought by the Environmental Protection Agency ("EPA") to impose civil penalties against a company for violations of the Toxic Substances Control Act, wherein the EPA argued that in the exercise of due diligence it could not have discovered the violations earlier. In 3M, the defendant misstated and failed to include information on notices required by the EPA. The court acknowledged that the District of Columbia Circuit has adopted the discovery rule, under which, as discussed above, a claim is considered to have accrued at the time that a claimant knew or should have known of the facts underlying the cause of action. However, the 3M court found that the discovery rule had only been applied in limited circumstances -- those involving remedial, civil claims -- and specifically rejected the discovery

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rule under the circumstances presented, stating that the rule proposed by the EPA in that case was a "discovery of violation" rule. The court concluded that in civil penalty actions the running of the limitations period of Section 2462 is measured from the date of the violation.⁹

In NRSC, a suit arising from violations of the FECA involving excessive contributions and failure to report such contributions to the FEC, the court repeated the options for defining the time of accrual set forth in 3M, stating that a claim accrues "when the defendant commits his wrong or when substantial harm matures." Then, without pinpointing the exact time of accrual, and without specifically attempting to define accrual in the FECA context, the court held that the FECA claim accrued "considerably before the end of the [FEC's] administrative process." While the district court's accrual finding was imprecise, Judge Pratt's construction of 3M suggests that the discovery rule of accrual may be rejected in FECA claims brought in that Circuit.

On the other hand, the Court of Appeals for the Third Circuit, in considering a citizens' suit brought under the Clean

9. In 3M, the court cited the Supreme Court's decision in Unexcelled Chemical Corp. v. United States, 345 U.S. 59 (1953), which was a suit for liquidated damages against a government contractor for unlawfully employing child labor. As the 3M decision noted, in that case, the Supreme Court held that "a cause of action is created when there is a breach of duty owed the plaintiff. It is that breach of duty, not its discovery, that normally is controlling." However, the Supreme Court's focus was the question of whether the claim accrued at the time of the violation versus after it had been administratively determined that the contractor was liable. The Court was not concerned specifically with the question of whether the claim accrued at the time of the violation versus when the plaintiff knew or should have known of the facts underlying the claim.

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Water Act, which has statutory self-reporting requirements comparable to the FECA, held the Section 2462 statute of limitations applicable and embraced the discovery rule. There, the Third Circuit held that since the defendant was responsible for filing reports under the Act and the public could not reasonably be deemed to have known about any violation until the defendant filed the report, the cause of action did not accrue until the reports listing the violations were filed.¹⁰ A district court in Virginia¹¹ has also embraced this discovery rule for determining accrual under the Clean Water Act.¹²

B. EQUITABLE TOLLING

There are instances in which a court may determine that equitable considerations require the statute of limitations to be tolled. Such a determination is made on a case-by-case basis and

10. Public Interest Research Group v. Powell Duffryn Terminals, Inc., 913 F.2d 64, 75 (3d Cir. 1990), cert. denied, 498 U.S. 1109 (1991).

11. United States v. Hobbs, 736 F. Supp. 1406 (E.D. Va. 1990).

12. Various other circuit courts have grappled with the question of when the federal five-year statute of limitations of Section 2462 begins to run, but these cases, which have produced conflicting rulings, have all involved actions to recover civil penalties rather than actions to impose them. Compare United States Dept. of Labor v. Old Ben Coal Co., 676 F.2d 259 (7th Cir. 1982) (in action to recover civil penalty, claim accrues only after administrative proceeding has ended, penalty has been assessed, and violator failed to pay) and United States v. Meyer, 808 F.2d 912 (1st Cir. 1987) (in civil penalty enforcement action limitations period is triggered on date civil penalty is administratively imposed) with United States v. Core Laboratories Inc., 759 F.2d 480 (5th Cir. 1985) (in suit to recover civil penalty limitations period begins to run on date of underlying violation).

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is referred to as equitable tolling.¹³ Equitable tolling presumes claim accrual and steps in to toll, or stop, the running of the statute of limitations in light of established equitable considerations.¹⁴ The most fundamental rule of equity is that a party should not be permitted to profit from its own wrongdoing.

There are three principal situations in which equitable tolling may be appropriate: (1) where the defendant has actively misled the plaintiff regarding the plaintiff's cause of action; (2) where the plaintiff in some extraordinary way has been prevented from asserting his or her rights; and (3) where the

13. Some courts have pointed out that, in instances where the defendant has taken active steps to prevent the plaintiff from suing, e.g., in cases involving fraudulent concealment, the tolling of the statute of limitations is more appropriately referred to as equitable estoppel. See Cada v. Baxter Healthcare Corp., 920 F.2d 446, 450-51 (7th Cir. 1990).

14. Courts have held that statutes of repose cannot be extended by federal tolling principles, see Baxter Healthcare, 920 F.2d at 451; First United Methodist Church of Hyattsville v. United States Gypsum Company, 882 F.2d 862 (4th Cir. 1989). While statutes of repose and statutes of limitations have sometimes been referred to interchangeably, a statute of repose is legally distinguishable from a statute of limitations. Whereas a statute of limitations is a procedural device motivated by considerations of fairness to the defendant, a statute of repose is a substantive grant of immunity after a legislatively determined period of time and is based on the economic interest of the public as a whole and a legislative balance of the respective rights of potential plaintiffs and defendants. See First United Methodist Church, supra. To date, this Office's research has revealed no instances in which a court has held that Section 2462 is a statute of repose in the legal sense and, therefore, held tolling principles to be inapplicable. Indeed, in 3M, the court noted the potential applicability of the doctrine of fraudulent concealment to Section 2462. See 3M, 17 F.3d at 1461, n.15.

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plaintiff has timely asserted his or her rights mistakenly in the wrong forum.¹⁵

1. Doctrine of Fraudulent Concealment

The Supreme Court has defined the doctrine of fraudulent concealment as the rule that "where a plaintiff has been injured by fraud and remains in ignorance of it without any fault or want of diligence or care on his part, the bar of the statute does not begin to run until the fraud is discovered, though there be no special circumstances or efforts on the part of the party committing the fraud to conceal it from the knowledge of the other party." Holmberg v. Arabrecht, 327 U.S. 392, 397 (1946). The Court went on to state that this equitable doctrine is read into every federal statute of limitation. Id.

The doctrine, as applied by the circuit courts of appeal, requires the plaintiff to plead¹⁶ and prove three elements:

15. School District of City of Allentown v. Marshall, 657 F.2d 16, 19-20 (3d Cir. 1981) (quoting Smith v. American President Lines, Ltd., 571 F.2d 102, 109 (2d Cir. 1978)). It should also be noted that statutes of limitations are subject to waiver and may be tolled by agreement of the parties. See Zipes v. Trans World Airlines, Inc., 455 U.S. 385, 393 (1982).

16. Pleading requirements for fraudulent concealment are very strict. Some courts invoke Fed. R. Civ. P. 9(b) and require a plaintiff to meet the pleading requirements for fraud. See Dayco Corp. v. Goodyear Tire & Rubber Co., 523 F.2d 389, 394 (6th Cir. 1975). Other courts, while not specifically invoking Rule 9, still require specificity and particularity in pleading. See Rutledge v. Boston Moven Hose & Rubber Co., 576 F.2d 248, 250 (9th Cir. 1978); Weinberger v. Retail Credit Co., 498 F.2d 552, 555 (4th Cir. 1974).

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- (1) use of fraudulent means by the defendant;
- (2) plaintiff's failure to discover the operative facts that are the basis of his cause of action within the limitations period; and
- (3) plaintiff's due diligence until discovery of the facts.

State of Colorado v. Western Paving Construction, 833 F.2d 867, 874 (10th Cir. 1987).

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The first prong of the plaintiff's burden under the doctrine - the use of fraudulent means by the defendant - warrants some elaboration. The courts have generally held that to establish this element of the doctrine one of two facts must be shown: 1) that fraud is an inherent part of the violation so that the violation conceals itself; or 2) that the defendant committed an affirmative act of concealment - a trick or contrivance intended to exclude suspicion or prevent inquiry.¹⁷ These approaches to establishing the first element of the doctrine of fraudulent concealment have been referred to, respectively, as the self-concealing theory and the subsequently concealed theory. By contrast, the courts have pointed out that silence, without some fiduciary duty, never satisfies this element.¹⁸

17. See Riddell v. Riddell Washington Corp., 866 F.2d 1480, 1491 (D.C. Cir. 1989); State of Colorado v. Western Paving Construction, 833 F.2d at 876-78.

18. See Rutledge v. Boston Woven Hose & Rubber Co., 576 F.2d 248, 250 (9th Cir. 1978); Dayco Corp. v. Firestone Tire & Rubber Co., 386 F. Supp. 546, 549 (N.D. Ohio 1974), aff'd sub. nom., Dayco Corp. v. Goodyear Tire & Rubber Co., 523 F.2d 389 (6th Cir. 1975). Some courts have also held that a denial of an accusation of wrongdoing does not constitute fraudulent concealment. See King & King Enters. v. Champlin Petroleum Co., 657 F.2d 1147, 1155 (10th Cir. 1981), cert. denied, 454 U.S. 1164 (1982); but see Rutledge, supra ("denying wrongdoing may constitute fraudulent concealment where the circumstances make the plaintiff's reliance upon the denial reasonable").

Where the plaintiff establishes all three of the required elements, the doctrine provides the plaintiff with the full statutory limitations period, starting from the date the plaintiff discovers, or with due diligence could have discovered, the facts supporting the plaintiff's cause of action.

2. Inducement Due to Intentional or Unintentional Misrepresentation

In cases where the plaintiff has refrained from commencing suit during the period of limitation because of inducement by the defendant, the Supreme Court has found the statutory period tolled because of the conduct of the defendant. See Glus v. Brooklyn Eastern Terminal, 359 U.S. 231 (1973). Under the facts of Glus, supra, the plaintiff averred that the defendant had fraudulently or unintentionally misstated information upon which the plaintiff relied in withholding suit.

3. Subpoena Enforcement

Several district courts have tolled other statutes of limitations in circumstances where the plaintiff was forced to initiate subpoena enforcement proceedings to uncover facts underlying the cause of action.¹⁹ While research to date has not revealed specific instances in which a court has tolled the Section 2462 statute of limitations because the plaintiff was

19. EEOC v. Gladioux Refinery, Inc., 631 F. Supp. 927, 935-36 (N.D. Ind. 1986) (Court held that the statute of limitations was tolled during the time between issuance of subpoena and enforcement because defendant did not have valid basis for not complying with subpoena); EEOC v. City of Memphis, 581 F. Supp. 179, 182 (W.D. Tenn. 1983) (Court held that the statute of limitations was tolled until documents sought in subpoena were made available to EEOC).

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forced to initiate subpoena enforcement proceedings, Section 2462 is sufficiently similar to those statutes which courts have tolled to suggest that the same result would be appropriate. Further, a good argument could be made for equitably tolling Section 2462 in such circumstances because defendants' refusal to comply with the Commission's subpoenas, whether that refusal is reasonable or otherwise, frustrates the Commission's ability to bring the action within the limitations period. Not tolling the statute of limitations in such circumstances while allowing defendants to plead the statute of limitations as an affirmative defense to actions brought by the Commission would allow defendants to profit from refusing to comply with subpoenas, and thus "offer a tempting method of defeating the basic purpose of [the Act]."²⁰

4. Continuous Violation Theory

The continuous violation theory is another theory that operates to toll statutes of limitations. In the case of a continuing violation, the violation is not complete for purposes of the statute of limitations as long as the proscribed course of conduct continues, and the statute of limitations does not begin to run until the last day of the continuing offense.²¹

The Supreme Court has cautioned that continuing offenses are not to be too readily found, explaining in the criminal context that "such a result should not be reached unless the

20. See Hodgson v. International Printing Press, 440 F.2d 1113, 1119 (6th Cir. 1973).

21. See Fiswick v. United States, 329 U.S. 211, 216 (1946); United States v. Butler, 792 F.2d 1528, 1532-33 (11th Cir. 1986).

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explicit language of the substantive criminal statute compels such a conclusion, or the nature of the crime involved is such that Congress must assuredly have intended that it be treated as a continuing one." Toussie v. United States, 397 U.S. 112, 115 (1970). Thus, the question of whether a violation is a continuing one is largely a matter of statutory interpretation involving the precise statutory definition of the violation.

Courts will generally not find that a violation is continuous absent clear language in the statute.²²

C. Declaratory Relief and Equitable Remedies

The limitations period set forth in 28 U.S.C. § 2462 applies only to suits for civil penalties. Section 2462, by its own terms, has no bearing on suits in equity.²³ The following is a purely exemplary, non-exhaustive list of various forms of equitable relief that may be available. It should be noted that it is within the discretion of the courts to grant or withhold

22. Compare Toussie, 397 U.S. 112 (1970) (Court held that failure register for draft was not continuing violation where draft statute contained no language that clearly contemplated continuing offense, and regulation under Act referring to continuing duty to register was insufficient, of itself, to establish continuing offense) with United States v. Cores, 356 U.S. 405 (1958) (statute prohibiting alien crewmen from remaining in United States after permits expired contemplated continuing offense where conduct proscribed is the affirmative act of willfully remaining, and crucial word "remains" permits no connotation other than continuing presence). See also Keystone Insurance Company v. Boughton, 863 F.2d 1125 (3d Cir. 1988) (In RICO action, court held that language of the Act, which makes a pattern of conduct the essence of the crime, "clearly contemplates a prolonged course of conduct."); West v. Philadelphia Electric Co., 45 F.3d 744 (3d Cir. 1995) (Court applied continuing violation theory where cause of action required showing of intentional, pervasive, and regular racial discrimination).

23. See Hobbs, 736 F. Supp. at 1410; NRSC, 1995 WL 83006, at *4.

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equitable remedies and courts will exercise that discretion on a case-by-case basis in light of the particular circumstances of each case.

o **Declaratory Judgment** - A declaratory judgment is a court judgment which establishes the rights of parties or expresses the opinion of the court on a question of law without the court necessarily ordering anything to be done. While a declaratory judgment is similar in some respects to an advisory opinion, unlike the latter, a declaratory judgment is rendered in an adversarial proceeding and is legally binding on all the parties involved.

o **Disgorgement** - Disgorgement is aimed at preventing the unjust enrichment of a wrongdoer. The disgorgement remedy takes away "ill-gotten gains," thereby depriving a respondent of wrongfully obtained proceeds and returning the wrongdoer to the position the wrongdoer was in before the proceeds were wrongfully obtained.

o **Injunction** - A prohibitory injunction is a court order that requires a party to refrain from doing or continuing a particular act or activity. Prohibitory injunctions are generally considered preventative measures which guard against future acts rather than affording remedies for past wrongs.

By contrast, a mandatory injunction is a type of injunction that requires some positive action. A mandatory injunction (1) commands the respondent to do a particular thing; (2) prohibits the respondent from refusing (or persisting in refusing) to do or permit some act to which the plaintiff has a legal right; or (3) restrains the respondent from permitting his previous wrongful act to continue to take effect, thus virtually compelling him or her to undo it. A conciliation agreement provision that requires a committee to amend its reports in conformance with the Act is similar in effect to a mandatory injunction, albeit one entered into voluntarily and without court order. In addition, the creative forms of equitable relief listed below are examples of possible mandatory injunctions that the Commission might seek in court.

o **Creative Forms of Equitable Relief**

- require defendant(s) to notify the public that the defendant(s) violated the FECA, e.g., bulletin board posting.
- require additional reporting relevant to preventing future violations of the type committed.
- require defendant(s) to put different procedures in place to prevent future violations of the type committed.
- require defendant(s) to take courses to become familiar with the requirements of the FECA.

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III. ANALYSIS

This section outlines the underlying legal assumptions and other factors considered by this Office in evaluating and making recommendations for each of the potentially affected cases discussed in Section IV, infra. As a preliminary matter, this Office notes that it has reviewed all of the active and inactive enforcement matters where there appears to have been FECA-violative activity prior to January 1, 1991 that will thus be at least 5 years old by the end of this year. By selecting the cases in this manner, this Office has attempted to bring to the Commission's attention all of the matters where, were the NRSC decision applied, the statute of limitations might run this year.²⁴

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This Office has assumed for purposes of these recommendations the possibility of a uniform application of the Section 2462 statute of limitations to the FECA in all circuits

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This Office has further assumed that it is possible courts will deem claims arising under the FECA to have accrued at the precise moment that the violation occurred.

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In setting forth the case summaries, this Office has divided its discussion into three sections.

The third

section analyzes matters which this Office
recommends that the Commission not pursue.

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IV. CASE DISCUSSIONS

This section provides brief descriptions of enforcement matters assigned to the Public Financing, Ethics and Special Projects and Enforcement areas, including the Central Enforcement Docket.

3. Cases this Office Recommends the Commission Close

NRA 2984 (Robert Johnson et al.)

This matter involves 1988 corporate fundraising mailings for the 1988 Bush/Quayle campaign and a pattern of contributions made in the name of another, resulting in knowing and willful probable cause findings for violations of 2 U.S.C. §§ 441f, 441b(a), and 441d(a) against the individual and corporate actors.

Of the respondents still open in the matter, Robert G. Johnson and E. Kenneth Twichell were formally referred to the Department of Justice for criminal prosecution; Mr. Johnson pled guilty to felony perjury for lying under oath in a Commission deposition and Mr. Twichell pled guilty to obstructing the Commission's investigation. The corporate respondents, all closely tied to Mr. Johnson, were neither pursued nor prosecuted during the criminal proceeding. As this Office has reported, Mr. Johnson's remaining sentence was stayed based on NRA arguments

No action has taken place since the Supreme Court dismissed the Commission's appeal in NRA, and whether Mr. Johnson will have to serve the balance of his sentence is still unclear.

All of the transactions underlying FECA liability date from 1988, thus posing an obstacle under 28 U.S.C. § 2462 in the event the Commission chose to litigate this matter to obtain civil penalties. The Commission found probable cause in January of 1992, but then referred the matter to the Department of Justice, and resumed proceedings in late 1993 after resolution of the criminal proceedings. Prosecutorial discretion strongly counsels against further pursuing the remaining respondents in this matter. The

age of the activity as compared to other pending matters, and the desirability of making public the Commission's initiating role in the prosecution of Mr. Johnson argue in favor of closing this matter.

For the reasons outlined above, this Office recommends the Commission take no further action with respect to the remaining respondents in this matter and close the file.

Staff Assigned: Jonathan Bernstein and Colleen Sealander

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MUR 3182 (Kentucky Democratic Party, et al.)

This matter, a merger of MURs 3145 and 3182, involves television ads broadcast by the Kentucky Democratic Party during the 1990 general election campaign on behalf of the Democratic Party's Senatorial candidate, Dr. Harvey Sloane. The complaints allege that the ads were prepared by the Sloane campaign's media consultant, paid for by the Kentucky Democratic party's nonfederal account, and financed in part by contributions from the ATLA PAC and from Mary C. Bingham. Mrs. Bingham recently passed away.

Most of the outstanding issues in this matter occurred in the Fall of 1990, slightly less than five years ago. Thus, it does not appear that the Commission would presently be barred from seeking a civil penalty even under the strictest reading of Section 2462. In order for the Commission to obtain a judicially imposed civil penalty in this matter, civil suit must be filed by November of 1995. Yet, even if the Commission were to devote substantial resources to this matter, it is virtually inconceivable that the deadline would be met.

First, in order to proceed, the Commission must review and revoke its earlier determinations in this matter to comply with the NRA opinion. Second, this matter is still in the investigatory stage and further investigation appears necessary. Third, the issues are complex and the two staff attorneys previously assigned to this matter have been transferred to other areas of this agency. Moreover, the allocation regulations at issue in this matter are no longer in effect, having been revised in 1991

Finally, it does not appear that equitable relief would be appropriate here as the only feasible remedy we may obtain is injunctive relief on the misallocation issue: The Sloan Committee has virtually no money for disgorgement and Sloan has never been a candidate in any other federal election. In view of all the foregoing, this Office recommends the Commission take no further action and close this file.

Staff Assigned: Lisa Klein (pending reassignment)

95043680300

NUR 3228 (Dahlson for Congress, et al.)

This matter was generated by a referral from the Commission's Reports Analysis Division, and involves the subsidization of the campaign by a corporation associated with the candidate (§ 441b(a)) and the misreporting of one of the corporate loans (§ 434(b)). Specifically, the candidate funneled approximately \$47,000 in corporate funds to the campaign through his personal checking account, thus concealing the true source of the funds. The candidate/corporate loans took place from May to October 1990. Further, the committee misreported the source of a May 2, 1990 direct contribution from the corporation (\$10,000) in its 12-Day Pre-Primary report filed May 21, 1990. Consequently, assuming 28 U.S.C. § 2462 applies, the Commission might be unable to obtain a judicially imposed civil penalty for most of the violations as early as May of this year.

This matter is presently in the investigative stage after an unsuccessful attempt at pre-probable cause conciliation. Most recently, on March 2, 1995, this Office interviewed the campaign's treasurer. The interview established that the treasurer was not involved in the committee's receipt of the funneled corporate contributions and that the misreporting may have resulted from innocent error. Consequently, the available evidence suggests that the candidate Roy Dahlson was the individual chiefly responsible for the violations in this matter.

Additional investigation would be necessary -- including the taking of depositions -- to prove that the § 441b(a) violations by Mr. Dahlson are knowing and willful. This investigation and the subsequent procedural stages leading to litigation would have to be completed in the most expeditious fashion. This Office recommends that the Commission forgo this course. Mr. Dahlson was a one-time candidate who won the primary election but lost the general election with 35% of the vote. Mr. Dahlson is now retired. Accordingly, this matter does not warrant the expenditure of resources necessary for its most expeditious completion and resolution. Therefore, this Office recommends that the Commission take no further action in this matter and close the file.

Staff Assigned: Jonathan Bernstein and Jose Rodriguez

95043680301

**MUR 3787 (Georgia Republican Party)
Public Financing, Ethics and Special Projects**

This case involves violations committed during the 1988 election cycle. In particular, an audit of the Georgia Republican Party ("the Party") revealed that the Party accepted \$20,350 in excessive contributions from five individuals that were not resolved in a timely manner. Similarly, the Party accepted \$13,403 in prohibited contributions that were not resolved in a timely manner. The Party also did not properly document approximately \$333,270 in individual contributions. In addition, the Commission found reason to believe that the respondent violated 2 U.S.C. § 441a(f) by paying phone bank employees to conduct get-out-the-vote activities and voter identification on behalf of the Bush-Quayle campaign.

The Party admits that it erred in accepting the prohibited and excessive contributions, but urged the Commission to accept as a mitigating factor the fact that it rid its accounts of the impermissible amounts upon discovery. Similarly, the Party concedes that it failed to keep adequate records for certain contributions, but asserts that a large portion of those receipts were \$35 contributions which it did not believe it was required to document. Finally, this Office has concluded that documentation and affidavits furnished by the Party demonstrate that only \$26,700 of the more than \$300,000 in Party expenditures made for get-out-the-vote and voter identification activities amounted to impermissible contributions by the Party.

Although it may be possible to enjoin similar conduct in future elections, the Party has acknowledged that it violated the Act. Accordingly, assuming that the NRSC decision is followed and judicially-imposed civil penalties are time-barred then in light of the age of this case and the ordering of the Commission's priorities, we recommend that the Commission take no further action in this matter and close the file. If the Commission adopts this recommendation, the notification letter to the Party will contain appropriate admonishment language.

Staff Assigned: Kenneth E. Kellner and Jane Whang

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MUR 3973 (Bob Davis)

This matter stems from a House Bank Task Force referral indicating that former Representative Bob Davis used his committee's petty cash to make disbursements in excess of \$100. Between 1988 and 1992, the committee reported disbursing \$22,708 in petty cash disbursements, \$16,567 of which was reported as having been disbursed by Mr. Davis. In May of last year the Commission found reason to believe that Mr. Davis, his committee and its treasurer violated 2 U.S.C. § 432(h)(1), and that his committee and its treasurer additionally violated 2 U.S.C. § 432(h)(2) for failing to maintain a petty cash journal as required. However, because RAD had allowed the committee to terminate some months before, the Commission took no further action with respect to the committee's violations. Thus, only Mr. Davis remains a respondent in the case.

Of the \$22,708 in petty cash, all but approximately \$9,400 was disbursed prior to 1991. Thus, if 28 U.S.C. § 2462 applies, the Commission might be time-barred from obtaining a judicially imposed civil penalty for a substantial portion of the petty cash.

While our inquiries have confirmed that the committee kept no petty cash journal, that it possesses receipts for only a portion of its cash transactions, and that a small number of the disbursements exceeded \$100, it now appears that Mr. Davis' role in the committee's petty cash was de minimus. Affidavits from two members of Mr. Davis' congressional staff and one from his former campaign treasurer state that while Mr. Davis was the payee of many of the checks, and was reported as same, this was to enable the staff to easily cash the checks at the Wright-Patman Federal Credit Union. In fact, the affiants maintain, the majority of the petty cash was disbursed by the campaign and congressional staff and not Mr. Davis.

Given the age of these violations, the fact that Mr. Davis is no longer a candidate for federal office and his apparently limited personal involvement in his committee's petty cash violations, this Office recommends the Commission take no further action in MUR 3973 and close the file.

Staff Assigned: Jonathan Bernstein and Colleen Sealander

95043680303

**MUR 4013 (National Freedom PAC)
Public Financing, Ethics and Special Projects**

This matter involves chronic reporting violations and the apparent commingling of Committee funds with the personal funds of the Committee's treasurer, Rick Woodrow. The respondents are the Committee and Mr. Woodrow. The material events occurred in 1990.³¹

This is an inactive, internally generated matter. Assuming that the NRSC decision is followed and judicially-imposed civil penalties are time-barred then in light of the age of the violations at issue.

this Office recommends that the Commission take no further action with respect to this matter and close the file.

Staff Assigned: Kenneth E. Kellner and Delanie Dewitt Painter

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³¹. On July 20, 1994, MUR 3516 was merged with MUR 4013. In MUR 3516, which arose out of a RAD referral, the Commission found reason to believe that National Freedom PAC committed reporting violations.

MURs 3562, 3449, 3089 and 2715 (Dukakis for President, et al.)

MURs 3562, 3449 and 3089 were generated from Title 26 audits of the Dukakis 1988 presidential campaign; MUR 2715 is a complaint-generated matter arising out of Lloyd Bentsen's 1988 dual candidacy for the Vice-Presidency and the U.S. Senate. The Commission has found reason to believe that the Dukakis for President Committee, the Dukakis/Bentsen Committee, Inc. ("GEC") and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund (collectively "the Committees") violated various provisions of the FECA, the Presidential Primary Matching Payment Account Act and the Presidential Election Campaign Fund Act.²⁹ The Commission has also found probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) by accepting a \$4,980 in-kind contribution in the form of a mailgram concerning Bentsen's dual candidacy. Finally, the Commission found reason to believe that the law firm of Fried, Frank, Harris, Shriver & Jacobson ("the firm"), a partnership including corporations, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441b in connection with an electoral college memo provided to the GEC.

Last September, the Commission, inter alia, rejected the Committees' motion to dismiss these matters based on 28 U.S.C. § 2462 and approved a consolidated conciliation agreement with the Committees. Commission also approved a conciliation agreement with the law firm

Upon learning of the NRSC decision, counsel renewed his request for dismissal of these matters. Attachment 7.

In addition, the firm partner who oversaw preparation of the memo has filed a Petition for Rulemaking concerning the Commission's jurisdiction over disbursements relating to the electoral college.

29. The violations include making \$336,000 in excessive state expenditures, failing to report upon receipt \$1.4 million in contributions deposited into a joint escrow account and to timely report \$3.1 million in draft account activity, and accepting a \$65,000 excessive in-kind contribution from a law firm in the form of legal services provided to prepare an electoral college memo.

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(H)

It appears that virtually all of the violations at issue in this matter occurred over five years ago. Thus, assuming 28 U.S.C. § 2462 applies, the Commission would probably not be able to obtain a civil penalty if it litigated the matter. With respect to the Committees, this was a publicly funded campaign and the reporting violations alone involve large amounts. In addition, other remaining 1988 presidential audit respondents have been willing to continue negotiations and pay civil penalties despite the recent court cases interpreting Section 2462. Given the foregoing, we recommend that the Commission deny the Committees' latest request for dismissal and approve the attached counterproposal in an attempt to obtain a conciliation agreement with a civil penalty. Attachment 9.⁵⁰ With respect to the law firm, this Office recommends that the Commission take no further action and close the file as to it.

Staff Assigned: Lisa Klein and Dawn Odrowski

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V. RECOMMENDATIONS

Take no further action, close the file and approve the appropriate letters in the following matters:

- 1) MUR 2984
- 2) MUR 3182
- 3) MUR 3228
- 4) MUR 3787
- 5) MUR 3973
- 6) MUR 4013

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With regard to MUR 3492:

- 1) Accept the attached conciliation counteroffer.
- 2) Close the file.
- 3) Approve the appropriate letter.

(K)

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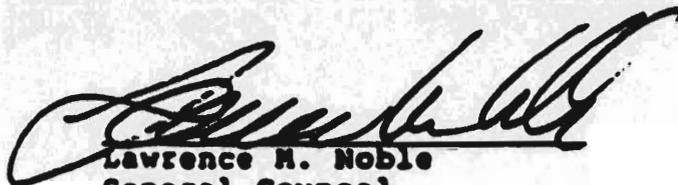
G. With regard to MoRs 3562, 3449, 3089 and 2715:

- 1) Take no further action and close the file as to Fried, Frank, Harris, Shriver & Jacobson.
- 2) Deny the Respondents' request for dismissal.
- 3) Approve the attached conciliation agreement for the remaining Respondents

(L)

4) Approve the appropriate letters.

4/28/95
Date


Lawrence M. Noble
General Counsel

Staff Assigned

Staff members assigned to each of the potentially affected matters prepared their respective case discussions; the PFESP cases were coordinated by Jim Portnoy; Tracey Ligon drafted the legal section; and Colleen Sealander combined the parts into one document.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dukakis for President Committee,) MURs 3562, 3449,
Inc., and Leonard Aronson,) 3089, and 2715
as treasurer;)
Dukakis/Bentsen Committee, Inc.,)
and,)
Dukakis/Bentsen Committee, Inc.)
(Dukakis/Bentsen Committee)
General Election Legal and)
Accounting Compliance Fund),)
and Leonard Aronson, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 16, 1995, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to the above-captioned matters:

1. Take no further action and close the file as to Fried, Frank, Harris, Shriver & Jacobson.
2. Deny the Respondents' request for dismissal.

(continued)

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3. Approve the conciliation agreement for the remaining Respondents

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision. Commissioner Potter recused himself from these matters and was not present during their consideration.

Attest:

5-19-95
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

May 23, 1995

Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue
Washington, D.C. 20005

RE: MURs 3562, 3449, 3089 and 2715
Dukakis for President Committee,
and Leonard Aronson, as
treasurer
Dukakis/Bentsen Committee, Inc.
(Dukakis/Bentsen General
Election Legal and Accounting
Compliance Fund) and Leonard
Aronson, as treasurer, and
Dukakis/Bentsen Committee, Inc.

Dear Messrs. Taylor and Gross:

On May 16,
1995, the Commission considered and rejected your request to
dismiss these matters. In a final effort to resolve these
matters at this stage of the proceedings, however, the
Commission approved the enclosed proposed agreement.

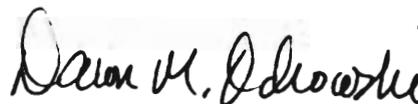
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Daniel A. Taylor Esq.
Kenneth A. Gross Esq.
MURs 3562, 3449, 3089 and 2715
Page 2

The Commission remains hopeful that this matter can be settled through a conciliation agreement. So that we may all soon put these matters behind us, we ask that you respond to this proposal within five days of your receipt of this letter.

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

Sincerely,



Dawn M. Odrowski
Attorney

Enclosure
Conciliation Agreement

95043680314

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matters of)
)
Dukakis for President Committee, Inc.) MURs 3562, 3449,
and Leonard Aronson, as treasurer;) 3089 and 2715
Dukakis/Bentsen Committee, Inc.;)
Dukakis/Bentsen Committee, Inc.)
(Dukakis/Bentsen General Election)
Legal and Accounting Compliance)
Fund) and Leonard Aronson,)
as treasurer;)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 16, 1995, the Commission considered recommendations for forty-five enforcement matters potentially affected by a D.C. District Court decision applying 28 U.S.C. § 2462, the general federal five year statute of limitations, to Commission enforcement actions. See FEC v. NRSC, 877 F. Supp 15 (D.D.C. 1995). Among the cases the Commission considered were the four above-referenced MURs, involving the presidential campaign committees of Michael Dukakis for the 1988 primary and general elections ("Respondents").

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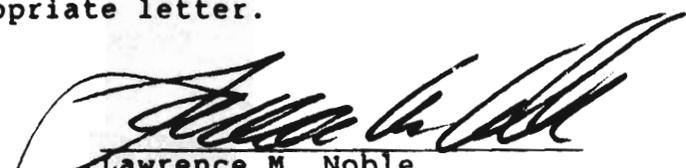
Before closing MUR 3449, we also recommend that the Commission take no further action as to the outstanding 2 U.S.C. § 441f reason to believe finding against the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) ("GELAC"). The Section 441f finding was based on similarities in handwriting and dates on a series of sequential money order contributions drawn on the same

banking institutions. Based on GELAC's response that the money orders represented "converted" cash contributions made by the individuals whose names appear on them, the Commission subsequently found reason to believe that the GELAC violated 11 C.F.R. § 110.4(c) for accepting excessive cash contributions. The Section 441f finding was left open pending investigation in the event pre-probable cause conciliation failed. Since the conciliation agreement includes admissions of violations of 11 C.F.R. § 110.4(c), it is appropriate to now take no further action as 2 U.S.C. § 441f.

III. RECOMMENDATIONS

1. Accept the combined conciliation agreement with the Dukakis for President Committee, Inc. and Leonard Aronson, as treasurer, Dukakis/Bentsen Committee, Inc., and Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, in MURs 3562, 3449, 3089 and 2715.
2. Take no further action against the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and its treasurer in connection with the 2 U.S.C. § 441f reason to believe finding in MUR 3449.
2. Close the files in MURs 3562, 3449, 3089 and 2715.
3. Approve the appropriate letter.

Date 6/22/95


 Lawrence M. Noble
 General Counsel

Attachments

1. Conciliation Agreement
2. Respondents' 6/7/95 letter
3. Respondents' 6/14/95 letter

Staff assigned: Dawn M. Odrowski

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matters of)
)
Dukakis for President Committee,) MURS 3562, 3449,
Inc. and Leonard Aronson, as) 3089 and 2715
treasurer;)
Dukakis/Bentsen Committee, Inc.;)
Dukakis/Bentsen Committee, Inc.)
(Dukakis/Bentsen General)
Election Legal and Accounting)
Compliance Fund) and Leonard)
Aronson, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 27, 1995, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to MURS 3562, 3449, 3089 and 2715:

1. Accept the combined conciliation agreement with the Dukakis for President Committee, Inc. and Leonard Aronson, as treasurer, Dukakis/Bentsen Committee, Inc., and Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, in MURS 3562, 3449, 3089 and 2715.

(continued)

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2. Take no further action against the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and its treasurer in connection with the 2 U.S.C. § 441f reason to believe finding in MUR 3449.
3. Close the files in MURs 3562, 3449, 3089 and 2715.
4. Approve the appropriate letter as recommended in the General Counsel's report dated June 22, 1995.

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

Attest:

6-28-95
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

July 10, 1995

Gerald W. McEntee, President
American Federation of State, County
and Municipal Employees
1108 K Street, N.W.
Washington, DC 20036

RE: MUR 3562
American Federation of State,
County, and Municipal Employees

Dear Mr. McEntee:

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

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

Sincerely,

Eric Brown
Paralegal Specialist

95043680321



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue
Washington, D.C. 20005

RE: MURs 3562, 3449, 3089 and 2715
Dukakis for President Committee,
and Leonard Aronson, as
treasurer
Dukakis/Bentsen Committee, Inc.
(Dukakis/Bentsen General
Election Legal and Accounting
Compliance Fund) and Leonard
Aronson, as treasurer, and
Dukakis/Bentsen Committee, Inc.

Dear Messrs. Taylor and Gross:

On June 27, 1995, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 441a(b)(1)(A), 441b(a), 434(b)(2), 434(b)(3)(A), 434(b)(4), 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"); 11 C.F.R. §§ 110.4(c) and 9003.3(a)(2), provisions of the Code of Federal Regulations implementing the Act; and 26 U.S.C. §§ 9003(b) and 9035(a), provisions of Chapters 95 and 96 of Title 26, U.S. Code. Accordingly, the files have been closed in these matters. Please be advised that the civil penalty in this agreement reflects the particular circumstances of these cases which relate to the 1988 presidential election cycle.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and these matters are now public. In addition, although the complete files 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 files may be placed on the public record before receiving your additional materials,

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

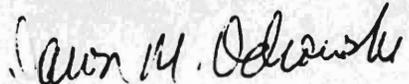
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any permissible submissions will be added to the public record upon receipt.

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date or within 5 days of your receipt of the repayment refund owed as a result of Dukakis v. FEC, No. 93-1219 (D.C. Cir. 1995), whichever occurs later. If you have any questions, please contact me at (202) 219-3400.

Sincerely,



Dawn M. Odrowski
Attorney

Enclosure
Conciliation Agreement

95043680323

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matters of)
)
Dukakis for President Committee,) MURs 3562, 3449,
Inc., and Leonard Aronson,) 3089 and 2715
as treasurer,)
Dukakis/Bentsen Committee, Inc.,)
and,)
Dukakis/Bentsen Committee, Inc.,)
(Dukakis/Bentsen Committee)
General Election Legal and)
Accounting Compliance Fund),)
and Leonard Aronson, as)
treasurer)

CONCILIATION AGREEMENT

Matters Under Review ("MURs") 3089, 3449, and 3562 were initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. MUR 2715 was initiated from complaints filed by Beau Boulter and Jann L. Olsten, on behalf of the National Republican Senatorial Committee.

In MUR 3562, the Commission found reason to believe that the Dukakis for President Committee, Inc., and its treasurer ("Primary Committee") violated 2 U.S.C. §§ 441a(b)(1)(A), 441b(a), 434(b)(2), 434(b)(3)(A), 441a(f), and 26 U.S.C. § 9035(a).

In MUR 3449, the Commission found reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer ("GEC"), violated 2 U.S.C. §§ 434(b)(4), 441a(f), 441b(a) and 26 U.S.C. § 9003(b). The Commission also found reason to believe the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund and its treasurer ("GEC/GELAC"), a

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separate account of the GEC, violated 11 C.F.R. §§ 110.4(c) and 9003.3(a)(2).

In MUR 3089, the Commission found reason to believe that the Primary Committee and its treasurer violated 11 C.F.R. § 110.4(c).

Finally, in MUR 2715, the Commission found probable cause to believe that the GEC violated 26 U.S.C. § 9003(b)(2).

NOW, THEREFORE, the Commission and the Primary Committee, the GEC, the GEC/GELAC and their treasurer (solely in his capacity as treasurer) (collectively, "Respondents") having participated in informal methods of conciliation prior to a finding of probable cause to believe with respect to MURs 3089, 3449 and 3562, and the Commission and the GEC, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) with respect to MUR 2715, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and with respect to MURs 3089, 3449 and 3562, this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i). No other MURs involving Respondents are currently pending or being processed.

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

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

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

1. The Dukakis for President Committee, Inc., is a political committee within the meaning of 2 U.S.C. § 431(4) and was the principal campaign committee of Michael Dukakis for the 1988 presidential primary elections.

2. The Dukakis/Bentsen Committee, Inc., was an authorized campaign committee of Michael Dukakis and Lloyd Bentsen, the Democratic Party nominees for President and Vice President in the 1988 general election, within the meaning of 26 U.S.C. § 9002.

3. The Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen Committee General Election Committee Legal and Accounting Compliance Fund) is a separate account of the GEC, established pursuant to 11 C.F.R. § 9003.3.

4. Robert Farmer was the treasurer of the Primary Committee, the GEC and GEC(GELAC) at the time the events herein occurred. Edward Pliner, succeeded Mr. Farmer as treasurer of each committee but resigned this position on January 14, 1994. Leonard Aronson is the current treasurer of the Primary Committee and (GEC)GELAC.

A. MUR 3562

5. Pursuant to 2 U.S.C. §§ 441a(b)(1)(A) and 441a(c) of the Federal Election Campaign Act of 1971, as amended (the "Act") and 26 U.S.C. § 9035(a) of the Presidential Primary Matching Payment Account Act ("Matching Payment Act"), no candidate for the office of President of the United States, who is eligible under 26 U.S.C. § 9033 to receive payments from the Secretary of the Treasury, may make expenditures in any one state aggregating in excess of the greater of 16 cents multiplied by the voting age

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population of the state, or \$200,000, as adjusted by changes in the Consumer Price Index. Except for expenditures exempted under 11 C.F.R. § 106.2, expenditures incurred by a candidate's authorized committee or committees for the purpose of influencing the nomination of that candidate for the office of President with respect to a particular state shall be allocated to that state. 11 C.F.R. § 106.2(a)(1).

6. For the 1988 presidential primary elections, the expenditure limitation for the State of Iowa was \$775,217.60. The Commission has determined that the Primary Committee exceeded this limitation by \$279,013.84.

7. For the 1988 presidential primary elections, the expenditure limitation for the State of New Hampshire was \$461,000. The Commission has determined that the Primary Committee exceeded this limitation by \$57,848.92.

8. Under the Act, the terms "contribution" and "expenditure" are broadly defined to include any gift, subscription, purchase, payment, distribution, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. §§ 431(8)(A)(i) and 431(9)(A). "Anything of value" includes in-kind contributions. 11 C.F.R. §§ 100.7(a)(1)(iii)(A) and 100.8(a)(1)(iv)(A). A contribution also includes the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose. 2 U.S.C. § 431(8)(A)(ii). However, legal and accounting services rendered to or on behalf of an authorized

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committee or a candidate are specifically excluded from the definition of contribution if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with the Act or with the public financing provisions (chapter 95 or 96 of Title 26). 2 U.S.C. § 431(8)(B)(ix). The value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee is also excluded from the definition of contribution under 2 U.S.C. § 431(8)(B)(i) and 11 C.F.R. § 100.7(b)(3).

9. Pursuant to 2 U.S.C. § 441b(a), it is prohibited for any candidate or political committee to knowingly accept or receive a contribution from any corporation or labor organization in connection with a federal election.

10. The American Federation of State, County and Municipal Employees ("AFSCME") is a labor organization within the meaning of 2 U.S.C. § 441b.

11. During the 1988 presidential campaign, the Primary Committee entered into an agreement with AFSCME for phone bank services and related space in various states. The Commission audit of the Primary Committee identified \$24,806.43 in phone bank and related space costs allocable to Iowa and \$25,004.84 in such costs allocable to New Hampshire.

12. The Primary Committee paid AFSCME \$9,244.55 for phone bank services and related space allocable to Iowa and \$7,152.50 for phone bank services and related space allocable to New Hampshire.

13. The Primary Committee accepted prohibited in-kind

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contributions from AFSCME for phone bank services and related space in Iowa and New Hampshire in the amounts of \$15,561.88 and \$17,852.34, respectively. The Primary Committee contends it justifiably relied upon AFSCME's billings statements in paying the phone bank-related expenses and in allocating them to the respective states in which they were conducted.

14. Pursuant to 2 U.S.C. § 434(b)(2), each report filed by a political committee must disclose the amount of cash on hand at the beginning of the reporting period, and for the reporting period and the calendar year, the total amount of all receipts and the total amount of contributions received from persons other than political committees. Pursuant to 2 U.S.C. § 434(b)(3)(A), each report must also disclose the identification of each person who makes a contribution to the committee during the reporting period whose contributions have an aggregate amount or value in excess of \$200 within the calendar year, together with the date and amount of any such contribution.

15. No person shall make contributions to any candidate and his or her authorized committees with respect to any election for Federal office which exceed \$1,000 in the aggregate. 2 U.S.C. § 441a(a)(1)(A). Similarly, no candidate or political committee shall knowingly accept any contribution in violation of the provisions of Section 441a. 2 U.S.C. § 441a(f). The term "person" includes a partnership. 2 U.S.C. § 431(11).

16. Pursuant to 11 C.F.R. § 103.3(b), the treasurer of a political committee shall ascertain whether a contribution, when aggregated with other contributions from the same contributor,

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exceeds the contribution limits of 2 U.S.C. § 441a(a). Contributions which on their face and contributions which, when aggregated with other contributions from the same contributor, exceed the contribution limits, may either be deposited into a campaign depository or returned to the contributor. If an excessive contribution is deposited, the treasurer may request that the contribution be redesignated or reattributed by the contributor in accordance with 11 C.F.R. §§ 110.1(b) or 110.1(k), as appropriate.

17. Pursuant to 11 C.F.R. § 9003.3, in the case of presidential elections, a major party candidate for president may accept contributions to a legal and accounting compliance fund if such contributions are received and disbursed in accordance with 11 C.F.R. § 9003.3. Contributions made after the beginning of the expenditure report period which are designated for the primary election, and contributions that exceed a contributor's limit for the primary election, may be deposited into the compliance fund if a candidate receives a contributor's redesignation or a reattribution in accordance with 11 C.F.R. § 110.1.

18. A contribution shall be considered redesignated to another election if: (1) the treasurer requests that the contributor provide a written redesignation of the contribution and informs the contributor that the contributor may request a refund as an alternative to providing a written redesignation, and (2) the contributor provides a signed, written redesignation to the treasurer within sixty days from the date of the treasurer's receipt of the contribution. 11 C.F.R. § 110.1(b)(5)(ii).

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19. A contribution shall be considered reattributed to another contributor if: (1) the treasurer asks the contributor whether the contribution is intended to be a joint contribution by more than one person, and informs the contributor that he or she may request a refund of the excessive portion of the contribution if it is not intended to be a joint contribution, and (2) within sixty days of the treasurer's receipt of the contribution, the contributor provides the treasurer with a signed, written reattribution indicating the amount to be attributed to each if other than equal attribution is intended. 11 C.F.R. § 110.1(k)(3)(ii).

20. The Primary Committee opened a checking account, known as the "Joint Escrow Account," on June 10, 1988. The Primary Committee deposited contributions received thereafter, payable to Dukakis for President and payees other than the General Election Legal and Accounting Compliance Fund ("GELAC"), into the joint escrow account. A total of \$1,447,570.42 was deposited into that account between June 10 and December 30, 1988. Once contributions were so deposited, the Primary Committee sent a form to contributors requesting them to redesignate their contributions to the GELAC or request a refund.

21. None of the contributions deposited into the joint escrow account was reported by the Primary Committee when received. Contributions subsequently transferred to the GELAC were reported in GELAC's disclosure reports only after the transfer. Contributions refunded, and contributions which had not been refunded or transferred to GELAC as of May 1989, were not reported until 1990. Additionally, certain contributions initially

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deposited into the joint escrow account were never reported in the Primary Committee's disclosure reports.

22. Additionally, the audit review of joint escrow account contributions attributable to the primary election revealed that the Primary Committee accepted a total of 259 excessive contributions, or portions thereof, totaling \$111,924. Of these, 143 contributions or portions thereof, totaling \$56,129.53, were reattributed or redesignated to GELAC in an untimely manner, and 116 contributions or portions thereof, totaling \$55,795, were refunded in an untimely manner.

B. MUR 3449

23-25. Paragraphs 8, 9 and 15 are repeated as Paragraphs 23, 24 and 25, respectively, as though fully set forth herein.

26. Under the Presidential Election Campaign Fund Act ("Fund Act"), to be eligible to receive public funding, candidates for President and Vice President must certify that neither they nor their authorized committees will accept contributions to defray qualified campaign expenditures. 26 U.S.C. § 9003(b)(2).

27. A contribution by a partnership shall be attributed to the partnership and to each partner either in direct proportion to his or her share of the partnership or by agreement of the partners under certain conditions. 11 C.F.R. § 110.1(e). A contribution by a partnership shall not exceed the contribution limitations of the Act and accompanying regulations. Id. No portion of such contribution may be made from the profits of a corporation that is a partner. Id.

28. The Act provides, in pertinent part, that an "election"

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means a general, special, primary or run-off election. 2 U.S.C. § 431(1)(A). Commission regulations further provide, in pertinent part, that "election" means "the process by which individuals, whether opposed or unopposed, seek nomination for election, or election, to Federal Office." 11 C.F.R. § 100.2(a).

29. The electoral college is an integral part of the general presidential election. Electoral college votes are acquired based on the results of the popular vote and candidates must prevail in the electoral college to become President and Vice President. See U.S. Const. art. II, §1 and amend. XII. Respondents contend that the procedures relating to the electoral college are not governed by the Act.

30. Commission regulations permit a major party candidate for president to accept private contributions to a legal and accounting compliance fund in addition to any public financing received. 11 C.F.R. § 9003.3(a)(1)(i). The use of compliance funds, however, is strictly regulated. Pursuant to 11 C.F.R. § 9003.3(a)(2)(i), compliance fund contributions shall be used only: to defray legal and accounting costs provided solely to ensure compliance with the Act and Title 26; to defray overhead costs related to ensuring compliance; to defray any civil and criminal penalties imposed under the Act; to make repayments to the Presidential Election Campaign Fund; to defray the cost of soliciting contributions to the compliance fund; and to make a loan to an account established pursuant to 11 C.F.R. § 9003.4 to defray qualified campaign expenses incurred prior to the expenditure report period or prior to receipt of federal funds

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provided loans are restored to the compliance funds. Compliance funds can also be used to reimburse a federal fund account in an amount equal to 10% of the payroll and overhead expenditures of a candidate's national campaign headquarters and state offices, and in an amount equal to 70% of the costs associated with computer services. 11 C.F.R. § 9003.3(a)(ii). Any excess compliance funds may be used for any purpose permitted under 2 U.S.C. § 439a and 11 C.F.R. § 113, et seq., only after payment of all general election-related expenses. See 11 C.F.R. § 9003.3(a)(iv).

31. Fried, Frank, Harris, Shriver & Jacobson, a New York law firm, is a partnership that includes professional corporations ("the firm").

32. In September 1988, the firm and the GEC formally agreed that the firm would update a 1980 legal memorandum ("memo") it had written concerning the electoral college. The firm billed the GEC \$17,942.41 for out-of-pocket disbursements it made in connection with its preparation of the memo ("memo expenses"). The firm also incurred \$76,905.50 in professional service fees preparing the memo for which it did not bill the GEC. Firm employees who worked on the memo received their ordinary compensation while doing so.

33. The GEC paid for the memo expenses in June 1989. It made no payments for the legal services. In January 1991, the GELAC "reimbursed" the GEC for the memo expenses.

34. The memo included comprehensive summaries of state laws that addressed procedures governing the selection of electors and procedures governing their post-selection electoral college duties. The purpose of the memo and the legal services rendered

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to prepare it, was to provide guidance to the GEC to ensure that "mishaps in the electoral college process" would not defeat the Dukakis/Bentsen ticket. The memo did not address compliance with the Act, Fund Act, or Matching Payment Act.

35. The GEC accepted excessive and prohibited in-kind contributions in the form of legal services rendered without charge to prepare the memo. Respondents contend that the legal services rendered do not constitute a contribution under the Act or Commission regulations.

36. GELAC funds were improperly used to pay for the memo expenses since they were unrelated to compliance with the Act, Fund Act, or Matching Payment Act. Respondents contend GELAC funds were properly used.

37. The Act requires each report filed by a political committee to disclose for the reporting period and the calendar year, the total amount of all disbursements and all disbursements made for specific categories, including operating expenditures. 2 U.S.C. § 434(b)(4). Moreover, each report must disclose the name and address of each person to whom a committee makes an expenditure in an aggregate amount or value in excess of \$200 within the calendar year to meet an operating expense, together with the date, amount, and purpose of such expenditure. 2 U.S.C. § 434(b)(5)(A). The principal campaign committee of a Presidential candidate shall file a post-general election report no later than the 30th day after a general election which shall be complete as of the 20th day after such election. 2 U.S.C. §§ 434(a)(3)(A)(i) and 434(a)(2)(A)(ii). A year-end report shall

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be filed no later than January 31 of the following calendar year.
2 U.S.C. §§ 434(a)(3)(A)(i).

38. During the 1988 election cycle, the GEC maintained a draft account used primarily by state campaign offices to pay office expenses. An audit review of this account revealed that drafts totaling \$3,153,346.34 which cleared the account during November and December, 1988, were not included in the Committee's disclosure reports for the relevant period. The Committee filed an amended report disclosing all of the previously unreported draft activity as operating expenditures on April 5, 1989.

C. MURs 3449 and 3089

39. Pursuant to 2 U.S.C. § 441g, it is unlawful for any person to make contributions of currency which exceed \$100 in the aggregate, with respect to any campaign for Federal office. Commission regulations require a candidate or committee receiving cash contributions in excess of \$100 to promptly return the amount over \$100 to the contributor. 11 C.F.R. § 110.4(c).

40. In connection with a June, 1988, GELAC fundraiser in Queens, New York, the GEC(GELAC) received approximately 15 cash contributions in sums between \$200 and \$500 which had been converted into sequentially-numbered money orders. The GEC(GELAC) failed to return the amounts in excess of \$100 to each contributor.

41. In connection with a January 9, 1988 fundraiser in San Juan Puerto Rico and an April, 1988, fundraiser in Rochester, New York, the Primary Committee received eight cash contributions of \$1,000 each which had been converted into sequentially-numbered

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money orders, and a \$300 cash contribution, half of which had been converted into money order form. The Primary Committee failed to return the amounts exceeding \$100 to each contributor.

D. MUR 2715

42. The Senator Lloyd Bentsen Election Committee (the "Senate Committee") is a political committee within the meaning of 2 U.S.C. § 431(4) and was the principal campaign committee of Senator Lloyd Bentsen for his 1988 election campaign for the United States Senate.

43-44. Paragraphs 8 and 26 are repeated as Paragraphs 43 and 44 as though fully set forth herein.

45. Expenditures by publicly financed Presidential candidates which further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a), and such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election of the Presidential/Vice Presidential candidates. See 11 C.F.R. § 9002.11(b)(3); 26 U.S.C. § 9002(11).

46. Pursuant to 11 C.F.R. § 106.1(a), expenditures made on behalf of two or more Federal candidates, shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived.

47. Payments by a candidate (or by the candidate's authorized committee) for campaign materials that include information on or reference to any other candidate for Federal office, and which are used in connection with volunteer activities (including handbills and brochures), are not a contribution to the candidate so

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referred to, so long as the communication is not disseminated by direct mail or similar types of general public communication or political advertising. 2 U.S.C. § 431(8)(B)(XI). See 11 C.F.R. §§ 100.7(b)(16) and 100.8(b)(17).

48. During the 1988 election, the Senate Committee produced and distributed a July 12, 1988, mailgram which, inter alia, advised recipients that Senator Bentsen had accepted Governor Dukakis' request to run as the Democratic vice-presidential nominee and that he would also continue to run for re-election to the U.S. Senate. The mailgram expressed Senator Bentsen's belief that the Democratic ticket would prevail in November and that his nomination was of great importance to Texas and its future. It also sought the recipients' continued advice and support.

49. The mailgram was dated the day of Governor Dukakis' announcement that Senator Bentsen would be his running mate. It was sent to 2,076 individuals, including all 254 of the Senate Committee county coordinators, members of two Republican and Independent committees who had endorsed Bentsen's Senate re-election bid, and selected contributors who had given more than \$1,000 to the Senate Committee.

50. The Senate Committee paid Western Union Electronic Mail, Inc., \$9,964.80 to produce and distribute the mailgram. Given the use of a commercial vendor to produce and disseminate the mailgram, it does not qualify for the "coattail exception" of 2 U.S.C. § 431(8)(B)(xi). Accordingly, the GEC accepted an in-kind contribution in the form of the mailgram. The GEC contends that the mailgram did not constitute an in-kind

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contribution to it.

V. 1. For the sole purpose of settling MUR 3562, the Primary Committee concedes that:

a. the Primary Committee exceeded the primary campaign expenditure limitations for the states of Iowa and New Hampshire by a total of \$279,013.84 and \$57,848.92, respectively, in violation of 2 U.S.C. § 441a(b)(1)(A) and 26 U.S.C. § 9035(a).

b. the Primary Committee accepted a prohibited in-kind contribution, totaling \$33,414, from AFSCME in the form of phone bank services and related office space in Iowa and New Hampshire, in violation of 2 U.S.C. § 441b(a).

c. the Primary Committee failed to report contributions deposited into the joint escrow account, and to identify contributors making such contributions, when those contributions were received, in violation of 2 U.S.C. §§ 434(b)(2) and 434(b)(3)(A).

d. the Primary Committee accepted excessive contributions totaling \$111,924, in violation of 2 U.S.C. § 441a(f).

2. The GEC(GELAC) and the Primary Committee received 24 cash contributions in excess of \$100 and failed to return the amounts over \$100 to the contributors in violation of 11 C.F.R. § 110.4(c).

3. The GEC(GELAC) improperly used compliance funds to pay for expenses related to the electoral college memo, in violation of 11 C.F.R. § 9003.3(a)(2).

4. The GEC accepted an excessive in-kind contribution from

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a law firm in the form of legal services provided to prepare a memo regarding the electoral college, in violation of 2 U.S.C. § 441a(f) and 26 U.S.C. 9003(b). Additionally, because the law firm is a partnership which includes professional corporations, the GEC accepted prohibited contributions from that portion of the services attributable to the firm's corporate partners, in violation of 2 U.S.C. § 441b.

5. The GEC failed to timely disclose approximately \$3.1 million in operating expenditures in violation of 2 U.S.C. § 434(b)(4).

6. The GEC accepted an in-kind contribution in the form of a mailgram from the Senator Lloyd Bentsen Election Committee in violation of 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of fifteen thousand dollars (\$15,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondent Dukakis for President Committee, Inc. and Michael S. Dukakis hereby waive any and all claims they might have for attorney's fees in Dukakis v. FEC, No. 93-1219 (D.C. Cir. 1995).

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

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

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective or five days from receipt of the the repayment refund due the Primary Committee and Michael Dukakis as a result of Dukakis v. FEC, supra, whichever last occurs, to comply with and implement the requirements contained in this agreement and to so notify the Commission.

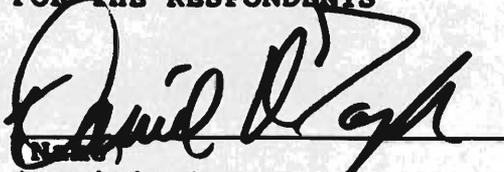
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable. The parties also agree that this Agreement concludes and settles these matters as to Respondents, all former treasurers and other officers, directors, employees and agents of the Committees and Michael S. Dukakis.

FOR THE COMMISSION:


Lawrence M. Noble
General Counsel


Date

FOR THE RESPONDENTS


David R. [unclear]
(Position)
Attorney


Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3562

DATE FILMED 8-7-95 CAMERA NO. 4

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