



FEDERAL ELECTION COMMISSION
WASHINGTON D C 20461

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MW003906

June 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: FINAL AUDIT REPORT ON DAVE EMERY FOR CONGRESS ("the
Committee)

Attached for your review and analysis is the subject audit report. In addition, a copy of the narrative portion of the Committee's response to the interim audit report has been included at Attachment I.

Included at Exhibit A, Apparent Excessive Contributions, and Exhibit B, Contributions Subject to 48 Hour Disclosure Notices, are matters addressed in the interim audit report which the Audit staff recommends, based on the Commission approved Materiality Thresholds, be referred to your Office.

Should you have any questions, or wish to review a copy of the amendments or documentation filed by the Committee please contact Alberta Archie or Alex Boniewicz at 219-3720.

Attachments:

- Report of the Audit Division on Dave Emery for Congress
- Exhibit A - Apparent Excessive Contributions (with attachment)
- Exhibit B - Contributions Subject to 48 Hour Disclosure Notices (with attachment)
- Attachment I - Committee Response to the Interim Audit Report (Narrative Portion Only)

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REPORT OF THE AUDIT DIVISION
ON
DAVE EMERY FOR CONGRESS

I. Background

A. Overview

This report is based on an audit of Dave Emery for Congress ("the Committee"), undertaken by the Audit Division of the Federal Election Commission in accordance with the provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The audit was conducted pursuant to Section 438(b) of Title 2 of the United States Code which states, in part, that the Commission may conduct audits and field investigations of any political committee required to file a report under section 434 of this title. Prior to conducting any audit under this section, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act.

The Committee registered with the Clerk of the U.S. House of Representatives on December 19, 1989 as the principal campaign committee for David F. Emery, Republican candidate for the U.S. House of Representatives from the state of Maine. The Committee maintains its headquarters in Waterville, Maine.

The audit covered the period from November 7, 1989, the date of the Committee's first recorded transaction, through December 31, 1990. The Committee reported a beginning cash balance of \$0; total receipts for the period of \$465,553.85;*/

*/ Total receipts and total disbursements were derived by summing the current period totals for each reporting period. This differs from the figures for total receipts and total disbursements (\$469,973.55 and \$462,333.95, respectively) derived by summing the amounts reported as calendar year-to-date for 1989 and 1990. The reported figures were determined to be misstated (See Finding II.A.).

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total disbursements for the period of \$453,876.86; and a closing cash balance on December 31, 1990 of \$1,676.99.

This report is based on documents and workpapers which support each of its factual statements. They form part of the record upon which the Commission based its decisions on the matters in the report and were available to the Commissioners and appropriate staff for review.

B. Key Personnel

The Treasurer of the Committee during the period covered by the audit was Mr. P. James Nicholson.

C. Scope

The audit included such tests as verification of total reported receipts and disbursements and individual transactions; review of required supporting documentation; analysis of Committee debts and obligations; and such other audit procedures as deemed necessary under the circumstances, except that although the Committee's recordkeeping with respect to receipts appears to be in compliance with 2 U.S.C. §432(c), much of the supporting documentation reviewed was internally generated.

II. Audit Findings and Recommendations

A. Misstatement of Financial Activity

Sections 434(b) (1), (2) and (4) of Title 2 of the United States Code require a political committee to report the amount of cash on hand at the beginning of each reporting period and the total amount of all receipts and disbursements for the reporting period and calendar year.

The Audit staff's reconciliation of the Committee's reported activity to its bank activity revealed the following misstatements:

Receipts

By summing the current period totals for each reporting period, it was determined that the Committee reported total receipts of \$449,711.85 for 1990.*/ The Audit staff's bank reconciliation determined that the Committee should have reported total receipts of \$431,511.79. Therefore, the Committee's reported receipts were overstated by a net amount of \$18,200.06.

*/ On its 1990 Year End Report the Committee reported calendar year to date receipts for 1990 of \$454,131.55. The difference is an apparent mathematical error within its 1990 Post-General Election report.

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The Audit staff's analysis of Committee bank deposits by reporting period identified a significant discrepancy with respect to the 1990 Post-General Election report within which receipts were overstated by \$15,537.64. This resulted mainly from the inclusion of: a deposit (\$8,635) which had been included on the Pre-General Election report; and, a portion of a deposit (\$6,102.64) recorded by the Committee on 10/18/90 which was also included in its entirety on the Pre-General Election report. In the absence of workpapers which detail the preparation of its disclosure reports, the Audit staff was unable to explain the remaining differences.

Disbursements

The Committee reported total disbursements of \$448,376.76 for 1990.*/ The Audit staff's bank reconciliation determined that the Committee should have reported total disbursements of \$431,694.69. Therefore, the Committee's reported disbursements were overstated by a net amount of \$16,682.07. The Audit staff's analysis of Committee disbursements by reporting period indicated the largest discrepancies occurred with respect to the 1990 October Quarterly and Pre-General Election reports within which disbursements were overstated by \$6,198.83 and \$11,537.14 respectively. The difference (\$6,198.83) with respect to the October Quarterly report resulted mainly from the inclusion of disbursements from outside the reporting period (\$26,472.66), an apparent overstatement of unitemized disbursements (\$1,697.69) and an understatement with respect to reporting the amount of two disbursements (\$21,531). In the absence of workpapers which detail the preparation of its disclosure reports, the Audit staff was unable to explain the remaining \$440.52 difference in the October Quarterly Election Report or any of the \$11,537.14 difference in the Pre-General Election report.

Ending Cash on Hand Balance

The Committee reported an ending cash on hand balance on December 31, 1990 of \$1,676.99. The Audit staff determined this was overstated by a net amount of \$1,507.77 which resulted from the misstatements detailed above. The correct ending balance was determined by the Audit staff to be \$169.22.

Copies of workpapers detailing the above noted differences were provided to Committee representatives at the exit conference.

In the interim audit report, the Audit staff recommended that, within 30 calendar days of service of that report, the

*/ On its 1990 Year End Report the Committee reported calendar year to date disbursements for 1990 totaling \$446,833.85. The difference is an apparent mathematical error within its 1990 Post General report.

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Committee file amendments for calendar year 1990 correcting the misstatements of financial activity noted above.

The Committee responded and submitted documentation on January 30, February 10, March 10, and March 19, 1992 ("the response"). In its response to the interim audit report, the Committee provided amended disclosure reports that materially corrected the above noted misstatements.

Recommendation #1

The Audit staff recommends no further action with respect to this matter.

B. Failure to Itemize Contributions from Individuals

Section 434(b)(3)(A) of Title 2 of the United States Code states that each report shall disclose 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 a calendar year, or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution.

Section 431(13)(A) of Title 2 of the United States Code states that the term "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.

The Audit staff's review of the available records for contributions from individuals indicated that a material number of these contributions were not itemized as required. Our analysis determined that the majority of contributions from individuals which were not itemized, related to the 1990 October Quarterly report. The Audit staff reviewed contributions from individuals within this time frame and noted that the Committee failed to itemize 33 contributions totaling \$20,650.

Committee representatives were provided with schedules of the contributions from individuals requiring itemization at the exit conference. A Committee representative stated that the Committee's computer had "crashed" twice and that was probably the reason for so many errors.

In the interim audit report, the Audit staff recommended that, within 30 calendar days of service of that report, the Committee file amended Schedules A (Itemized Receipts) for the 1990 October Quarterly report as part of a comprehensive amendment to disclose the contributions not itemized as noted above.

In its response to the interim audit report, the Committee submitted amended Schedules A which disclosed the above noted contributions.

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Recommendation #2

The Audit staff recommends no further action with respect to this matter.

C. Itemization of Receipts from Political Committees

Section 434(b)(3)(B) of Title 2 of the United States Code states that each report shall disclose the identification of each political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution.

Section 431(13)(B) of Title 2 of the United States Code states the term "identification" means, in the case of any other person, the full name and address of such person. In addition, 2 U.S.C. §431(11) defines "person" to include an individual, partnership, association, corporation, labor organization or committee.

The Audit staff's review of the available records for contributions from political committees determined that the Committee failed to itemize 25 such contributions totaling \$18,550.

Committee representatives were provided with a schedule of the contributions at the exit conference. They stated that they had believed that the contributions had been reported, but agreed to file the necessary amended reports.

In the interim audit report, the Audit staff recommended that, within 30 calendar days of service of that report, the Committee file amended Schedules A (Itemized Receipts) by reporting period, as part of a comprehensive amendment, to disclose the contributions noted above.

In its response to the interim audit report, the Committee submitted Schedules A to amend its reports which materially disclosed the above noted contributions.

Recommendation #3

The Audit staff recommends no further action with respect to this matter.

D. Itemization of Disbursements

Section 434(b)(5)(A) of Title 2 of the United States Code states, in part, that each report under this section shall disclose the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee

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to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure.

The Audit staff's review of those Committee disbursements required to be itemized indicated that 49 disbursements totaling \$43,634.63, were not itemized.

In addition, the Audit staff's review of itemized disbursements identified 29 disbursements totaling \$43,893.23, for which the proper disclosure information was either incomplete or omitted. Most of the errors resulted from either an incomplete address being disclosed or, no purpose, or an inadequate purpose being disclosed.

At the exit conference Committee representatives were made aware of the above problems and stated that they would amend their disclosure reports.

In the interim audit report, the Audit staff recommended that within 30 calendar days of service of that report, the Committee file amended Schedules B by reporting period as part of a comprehensive amendment to correct the disclosure of disbursements as noted above.

In its response to the interim audit report, the Committee submitted Schedules B to amend its reports which materially corrected the above noted disclosure problems.

Recommendation #4

The Audit staff recommends no further action with respect to this matter.

E. Debts and Obligations

Section 434(b)(8) of Title 2 of the United States Code, in part, requires each report filed under this section, by the treasurer of a political committee to disclose the amount and nature of outstanding debts and obligations owed by the Committee.

Section 104.11(a) of Title 11 of the Code of Federal Regulations states, in relevant part, that debts and obligations owed by a political committee which remain outstanding shall be continuously reported until extinguished. In addition, 11 C.F.R. §104.11(b) states, in part, that a debt which is \$500 or less shall be reported as of the time payment is made or no later than 60 days after such obligation is incurred and that any debt in excess of \$500 shall be reported as of the time of the transaction.

The Audit staff performed a review of all Committee disbursements to identify debts and obligations which required disclosure on Schedule D of reports filed by the Committee during

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the audit period. The auditor's review indicated that reportable debts with respect to three vendors were understated by \$50,974.35 on disclosure reports filed for the latter half of 1990.

At the exit conference, Committee representatives were provided copies of the auditor's workpapers detailing these discrepancies. Committee representatives stated that they would amend their reports to properly disclose the above noted debts.

In the interim audit report, the Audit staff recommended that, within 30 calendar days service of that report, the Committee file amendments to correct the disclosure of debts on Schedule D and line 10 of the Summary Page by reporting period as part of a comprehensive amendment.

In its response to the interim audit report, the Committee submitted Schedules D to amend its reports which materially disclosed the debts and obligations noted above.

Recommendation #5

The Audit staff recommends no further action with respect to this matter.

F. Failure to Maintain Receipts Records

Sections 432(c)(1), (2), (3) and (d) of Title 2 of the United States Code state that the treasurer of a political committee shall keep an account of all contributions received by or on behalf of such political committee; the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person; and, the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution. The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed.

Section 431(13) of Title 2 of the United States Code states that the term "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; and in the case of any other person, the full name and address of such person.

Section 431(8)(A)(i) of Title 2 of the United States Code states that the term "contribution" includes any gift, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.

The Audit staff's analysis of Committee receipt records indicated that 13.6% of correct reportable receipts lacked

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adequate documentation. Further, the Audit staff was able to identify 89 deposits totaling \$60,716.77 for which no records that identified the source of the funds were maintained. A significant number of these undocumented deposits occurred during the period January to April 17, 1990. This was the period during which the records were maintain by Maine-ly Marketing (a marketing firm hired by the Committee).

Further, the Audit staff reviewed available records and determined that 69% were externally generated (ie. copies of checks or response devices) and 31% were internally generated (ie. by a card file or computer listing). The incompleteness of the receipt records limited the extent of the testing the Audit staff was able to perform.

At the exit conference, Committee representatives were provided with a schedule listing the deposits for which receipts documentation was considered incomplete or unavailable.

Committee representatives stated that they would contact the bank and explore other possibilities for satisfying the documentation requirements for the receipts noted above.

In the interim audit report, the Audit staff recommended that, within 30 calendar days of service of that report, the Committee provide for the Audit staff's review, receipt documentation to fully support the deposits noted above.

The Audit staff also noted that, further recommendations may be forthcoming based on a review of the records provided.

In its response to the interim audit report the Committee stated that the anticipated cost of obtaining the documentation requested above is in excess of \$5,000. In addition, the Committee stated that faced with the \$36,000 worth of debt */ , the need to refund the excessive contributions, and no cash **/; it was not in a position to use the services of the bank, to obtain the documentation requested above. However, as part of its response, the Committee provided a contributor listing ("the list") detailing \$410,639.57 in receipts for the period 1989-1990.

In addition, the Committee provided contributor printouts, deposit batches and miscellaneous bank documentation.

The Audit staff's review of the list indicated that with respect to 1990, the list contained entries for receipts totaling \$401,839.57, which represents 93% of correct reportable receipts and appears to be materially complete. The Audit staff was able to reconcile the dollar total (\$401,839.57) of the list to the

*/ At year-end 1991, the Committee reported \$35,498.88 of debt.

**/ At year-end 1991, the Committee reported ending cash of \$77.65.

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correct reportable amount for 1990. This analysis indicated that the difference appears to result mainly from the exclusion of seven specific deposits and an unidentifiable portion of April, 1990 receipts. Further analysis confirmed that information on the list could not have been solely obtained from Committee disclosure reports. When contacted a Committee representative indicated the information on the list had been assembled from various Committee records and compiled to create the list. The Committee representative also stated that no new information had been received since the audit fieldwork.

In the opinion of the Audit staff, the comprehensive contributor list provided by the Committee is materially complete and representative of the Committee's receipts for the audit period.

Recommendation #6

The Audit staff recommends no further action with respect to this matter.

G. Matters Referred to the Office of General Counsel

Other matters noted during the audit have been referred to the Commission's Office of General Counsel.

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Apparent Excessive Contributions

Section 441a(a)(1)(A) of Title 2 of the United States Code states that no person shall make contributions to any candidate with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

Under 11 C.F.R. § 110.1(b), "with respect to any election" means, in the case of a contribution designated in writing by the contributor for a particular election, the election so designated. In the case of a contribution not designated in writing by the contributor for a particular election, the next election for that Federal office after the contribution is made. A contribution designated in writing for a particular election, but made after that election, shall be made only to the extent that the contribution does not exceed net debts outstanding from such election.

Section 110.1(k) of Title 11 of the Code of Federal Regulations states, in part, that any contribution made by more than one person, except for a contribution made by a partnership, shall include the signature of each contributor on the check, money order, or other negotiable instrument or in a separate writing. A contribution made by more than one person that does not indicate the amount to be attributed to each contributor shall be attributed equally to each contributor. If a contribution to a candidate on its face or when aggregated with other contributions from the same contributor exceeds the limitations on contributions, the treasurer may ask the contributor whether the contribution was intended to be a joint contribution by more than one person. A contribution shall be considered to be reattributed to another contributor if the treasurer of the recipient political committee 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 the return of the excessive portion of the contribution if it was not intended as a joint contribution; and within sixty days from the date of the treasurer's receipt of the contribution, the contributors provide the treasurer with a written reattribution of the contribution, which is signed by each contributor, and which indicates the amount to be attributed to each contributor if equal attribution is not intended.

Section 110.1(l) of Title 11 of the Code of Federal Regulations states, in part, that if a political committee receives a written redesignation or reattribution of a contribution the treasurer shall retain the written redesignation or reattribution signed by each contributor. If a political committee does not retain the written records concerning reattribution or redesignation required, the redesignation or reattribution shall not be effective and the original designation or attribution shall control.

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Section 103.3(b)(3) of Title 11 of the Code of Federal Regulations states, in part, that contributions which exceed the contribution limitation may be deposited into a campaign depository. If any such contributions are deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor in accordance with 11 CFR 110.1(b) or 110.1(k) as appropriate. If a redesignation or reattribution is not obtained, the treasurer shall, within 60 days of the treasurer's receipt of the contribution, refund the contribution to the contributor.

The Audit staff's limited review of contributions from individuals indicated the Committee received contributions from six individuals which exceeded their contribution limitation by \$4,500. The contributor records with respect to these individuals, which were available to the Audit staff for review, did not contain a signature other than that of the contributor's nor were letters authorizing reattribution or redesignation available.

A schedule detailing the excessive contributions was provided to Committee representatives at the exit conference. The Committee representatives stated that a portion of each contribution was supposed to be reattributed to the spouse or redesignated for the primary or general election. Committee representatives stated that they did not have funds available to refund the excessive portions of the contributions.

In the interim audit report, the Audit staff recommended that, within 30 calendar days of service of that report, the Committee take the following action:

- Present evidence that the contributions are not excessive; or
- Present evidence that timely reattributions or redesignations were secured.
- Refund the excessive portions of the contributions to the contributors and present evidence of such refunds (copies of the front and back of the negotiated refund checks).
- If funds are not available to make such refunds, disclose the excessive contributions as debts owed by the Committee on Schedule D (Debts and Obligations) until such time that funds are available.

In its response to the interim audit report, the Committee filed amendments and submitted documentation that addressed the above noted excessive contributions (\$4,500) as follows:

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- ° For one item (Monks \$1,000), the Committee provided evidence that the contribution was not excessive.
- ° With respect to the excessive from Ival Cianchette, the Committee indicates the \$250 contribution was from Mrs. Cianchette. Further, the Committee provides a letter from Mr. Cianchette, dated 6-17-91, stating the entire \$1,250 contributed was intended to be a joint contribution from his wife and himself. However, the Committee has filed a Schedule D listing the refund due. The Audit staff notes this reattribution was not accomplished timely and Mrs. Cianchette's signature did not appear on any of the available receipts records or reattribution letter;
- ° The Committee acknowledges the excessive contributions from Richard E. Dyke and Clifford Holdsworth; and, discloses the refunds due on its amended Schedules D;
- ° With respect to Howard G. Davis, the Committee believes the second \$1,000 was intended to be from Mrs. Davis thereby precluding its automated system from identifying this excessive and seeking written clarification. The Committee notes that it understands the Commission may require a refund and does disclose this item on its amended Schedules D.
- ° For Alexander Armentrout, the Committee "...intends to seek clarification as to the contributors intent and requests that it not be required to refund the contribution, notwithstanding its apparent failure to follow the precise procedures set forth in §110.1(k)(3) of the Regulations." However, the Committee does include this refund payable on its amended Schedules D.

Based upon the Committee's response, the Audit staff notes that excessive contributions totaling \$3,500 were not resolved timely.

Recommendation

The Audit staff recommends that this matter be referred to the Office of General Counsel.

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DAVE EMERY FOR CONGRESS
Apparent Excessive Contributions

| <u>Contributor</u> | <u>Contribution Date</u> | <u>Contribution Amount</u> | <u>Excessive Portion</u> |
|----------------------|------------------------------|--------------------------------|------------------------------|
| Mr. Ival Cianchette | October 7, 1989 | \$ 250 | \$ 250 |
| | December 18, 1989 | 1,000 | |
| Mr. Richard E. Dyke | December 8, 1989 | 500 | 1,000 |
| | July 12, 1990 | 1,000 | |
| | July 12, 1990 | 1,000 | |
| | August 23, 1990 | 500 | |
| Howard G. Davis | September 28, 1990 | 1,000 | 1,000 |
| | November 2, 1990 | 1,000 | |
| Alexander Armentrout | August 23, 1990 | 2,000 | 1,000 |
| Clifford Holdsworth | August 11, 1990 | 1,000 | 250 |
| | September 25, 1990 | 50 | |
| | November 23, 1990 | 200 | |
| | | TOTAL | <u>\$3,500</u> |

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Contributions Subject to 48 Hour Disclosure Notices

Section 434(a)(6) of Title 2 of the United States Code requires that each treasurer of the principal campaign committee of a candidate shall notify the Clerk, the Secretary, or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of \$1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

The Audit staff reviewed all Committee deposits made within two and twenty days of either the primary or general election date to identify and schedule all contributions greater than or equal to \$1,000. It appears the Committee did not file the required notices for 17 contributions totaling \$37,171.61.

At the exit conference, Committee representatives were provided with a schedule of items for which the required notices were not filed.

In the interim audit report, the Audit staff recommended that, within 30 calendar days of service of that report, the Committee provide an explanation, including an account of any mitigating circumstances, as to why these notices were not filed. The Audit staff also stated that further recommendations may be forthcoming.

The Committee responded and submitted documentation on January 30, February 10, March 10, and March 19, 1992 ("the response"). In its response to the interim audit report the Committee addressed all contributions subject to the 48 hour notice except for one contribution from US Team PAC for \$5,000. The Committee's response provides additional information and discussion with respect to six of these contributions, as follows:

- 1) The Committee believes the Howard Davis (\$1,000) contribution was intended to be from Ms. Davis. The Audit staff submits in either instance a notice would have been required to be filed;

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- 2) The Committee states that the Donald Folkers contribution (\$1,000) was a redeposit of a previously reported contribution. No documentation was provided by the Committee and the Audit staff's review of Committee bank statements fails to support this explanation;
- 3) Based on the Audit staff's review of the Committee's limited receipt records, there appeared to have been two contributions received from CONTEL within the 48 hour notice period. The required notice had been filed for only one of these contributions. The Committee's response indicates the only CONTEL contribution (\$2,000) was received on 9-19-90 outside of the notice period, but not deposited until 10-22-90. Documentation provided by the Committee confirms this;
- 4) The Committee states that the contribution from NRA Political Victory Fund (\$4,950) was deposited on 10-15-90, outside the notice period. Documentation provided by the Committee confirms this;
- 5) The Committee states that for Martin Marietta PAC (\$1,000) it has no record of the contribution, but it may have been included in one of the deposit batches for which back-up documentation was not maintained; and
- 6) For Sportsman's Alliance of Maine (\$1,221.61) the Committee submits the required notice was filed, however it disclosed the amount incorrectly as \$1,000.

Finally, the Committee states that the failure to file 48 hour notices was inadvertent and that the Committee was under the impression that the requirements were for disclosure of contributions in the amount of \$1,000 or greater received within 48 hours of the election. The Audit staff finds this explanation to be without merit, since timely notices were made with respect to other contributions as required.

Based on the Audit staff's review of the Committee's response as noted above, the Audit staff accepts the Committee's representations with respect to items 3), 4) and 6) above. For the FMC Good Government Program (\$1,000) contribution, it was determined that the Committee had submitted the required notice and the Audit staff has revised its results to exclude this item. As a result, the Audit staff notes thirteen contributions totaling \$29,000 for which the required notices were not filed.

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DAVE EMERY FOR CONGRESS
FAR MATTER REFERRED TO OGC

EXHIBIT B
PAGE 3 OF 3

Recommendation

The Audit staff recommends that this matter be referred to the Office of General Counsel.

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DAVE EMERY FOR CONGRESS
Contributions Subject to 48 Hour Disclosure Notices

| <u>Reported Contributor</u> | <u>Reported Date (Schedule A)</u> | <u>Amount</u> |
|---|-----------------------------------|-----------------|
| 1. Voluntary Contributor For Better Government | June 8, 1990 | \$5,000 |
| 2. Donald Folkers | October 25, 1990 | 1,000 |
| 3. Linda Folkers | October 26, 1990 | 1,000 |
| 4. Howard Davis | November 1, 1990 | 1,000 |
| 5. Massachusetts Republican State Congressional Committee | October 19, 1990 | 5,000 |
| 6. Rhode Island Republican Fund Raising | October 25, 1990 | 5,000 |
| 7. AOPA | October 22, 1990 | 1,000 |
| 8. Connecticut Mutual Life Insurance Co. PAC | October 22, 1990 | 1,000 |
| 9. Martin Marietta Corp. PAC | October 26, 1990 | 1,000 |
| 10. Friends of Congressmen Bill Clinger | October 31, 1990 | 1,000 |
| 11. Pepsico | October 31, 1990 | 1,000 |
| 12. US Team PAC | June 3, 1990 | 5,000 |
| 13. Lockheed Employees PAC | October 26, 1990 | 1,000 |
| | TOTAL | <u>\$29,000</u> |

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

LRA #417/AR 92-37
STAFF MEMBER: Delanie DeWitt Painter

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

RESPONDENTS: Dave Emery for Congress and
P. James Nicholson, as Treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)
2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(f)

I. GENERATION OF MATTER

This matter was generated by an audit of Dave Emery for Congress ("the Committee") and P. James Nicholson, as Treasurer, undertaken in accordance with 2 U.S.C. § 438(b). The Audit Division's two referrals of matters from the audit are attached. Attachment 1. Dave Emery won the 1990 Primary Election with 62 percent of the vote, but lost the 1990 General Election with 39.74 percent of the vote in the 1st Congressional District in the State of Maine.

II. FACTUAL AND LEGAL ANALYSIS

A. Excessive Contributions

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person may make contributions to any candidate and his or her 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). The Act

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prohibits candidates and their political committees from knowingly accepting any contributions in excess of the Section 441a(a) limitations. 2 U.S.C. § 441a(f). Pursuant to 11 C.F.R. § 103.3(b), the treasurer of a political committee shall be responsible for examining all contributions received for evidence of illegality and for ascertaining whether the contribution, when aggregated with other contributions from the same contributor, exceeds the contribution limitations. Contributions which on their face exceed the contribution limitations of the Act and contributions which do not exceed the limits on their face, but which exceed the contribution limits when aggregated with other contributions from the same contributor, may either be deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If a redesignation or reattribution is not obtained, the treasurer shall, within sixty (60) days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

The first audit referral ("Exhibit A") notes that five individuals made contributions in excess of their individual contribution limitations:

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| <u>Contributor</u> | <u>Contribution Date</u> | <u>Amount</u> | <u>Excessive Portion</u> |
|----------------------|--------------------------|---------------|--------------------------|
| Ival Cianchette | October 7, 1989 | \$ 250 | \$ 250 ^{1/} |
| | December 18, 1989 | 1,000 | |
| Richard E. Dyke | December 8, 1989 | 500 | 1,000 ^{2/} |
| | July 12, 1990 | 1,000 | |
| | July 12, 1990 | 1,000 | |
| | August 23, 1990 | 500 | |
| Howard G. Davis | September 28, 1990 | 1,000 | 1,000 ^{3/} |
| | November 2, 1990 | 1,000 | |
| Alexander Armentrout | August 23, 1990 | 2,000 | 1,000 ^{4/} |
| Clifford Holdsworth | August 11, 1990 | 1,000 | 250 |
| | September 25, 1990 | 50 | |
| | November 23, 1990 | 200 | |

1/ The Committee contends that the \$250 excessive portion of the two contributions from Ival Cianchette was a contribution from Mrs. Cianchette. The Committee provided a letter from Ival Cianchette which states that the entire \$1,250 contribution was intended to be a joint contribution from his wife and himself. However, the reattribution is ineffective because Mrs. Cianchette's signature is not on any of the available receipts records or the reattribution letter. Moreover, the Committee has filed a Schedule D listing the refund as due.

2/ Mr. Dyke made both primary and general election contributions: the December 8, 1989 \$500 contribution was for the primary election; one of the July 12, 1990 contributions was designated by the contributor for the general election, and the other was designated to retire primary election debts; and the remaining \$500 contribution was for the general election.

3/ The Committee contends that the \$1,000 excessive contribution from Howard G. Davis was intended to be from his spouse.

4/ In its response to the Interim Audit Report, the Committee states that it intends to seek clarification of the contributor's intent for this contribution, and that it had allocated the contribution between retirement of primary election related debt and the general election.

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Each contribution was signed only by the individual contributor and the excessive portions of the contributions were not refunded, properly reattributed or redesignated in a timely manner by the Committee. Therefore, there is reason to believe that Dave Emery for Congress and P. James Nicholson, as Treasurer ("Respondents"), accepted contributions from 5 individuals, which exceeded their individual contribution limitations by a total of \$3,500, in violation of 2 U.S.C. § 441a(f).

B. Failure to File 48 Hour Disclosure Notices

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

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Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

The Respondents failed to file 48 Hour notifications ("48 Hour Notices") for contributions totaling \$29,000. See Exhibit B. The 1990 Primary Election in the state of Maine was held on June 12, 1990, and the General Election was held on November 6, 1990. Pursuant to the Act, the Respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from May 24 to June 9, 1990, and from October 18 to November 3, 1990 within 48 hours of their receipt. The Audit Division's review of Committee records identified 13 contributions of \$1,000 or more received during the 48 hour notice periods for which the Committee did not submit 48 Hour Notices.

Therefore, there is reason to believe that Dave Emery for Congress and P. James Nicholson, as Treasurer violated 2 U.S.C. § 434(a)(6) by failing to report campaign contributions of \$1,000 or more, received after the 20th day, but more than 48 hours before the primary and general elections, within 48 hours of receipt of the contributions.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Dave Emery for Congress and P. James Nicholson, as Treasurer violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

12/3/92
Date

BY: Kim Bright-Coleman
Kim L. Bright-Coleman
Associate General Counsel

Attachments:

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

93030961753

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) LRA #417
Dave Emery for Congress --) (3724)
Matters Referable to the Office of)
General Counsel)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on December 15, 1992, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions with respect to the above-captioned matter:

1. Open a MUR.
2. Find reason to believe that Dave Emery for Congress and P. James Nicholson, as treasurer, violated 2 U.S.C. § 441a(f) and § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter as recommended in the General Counsel's report dated December 3, 1992

Commissioners Aikens, Elliott, Potter, and Thomas voted affirmatively for the decision; Commissioners McDonald and McGarry were not present.

Attest:

12-18-92
Date

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

9300961754



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 6, 1993

P. James Nicholson, Treasurer
Dave Emery for Congress
P.O. Box 140
Maskell Point Road
Tenants Harbor, Maine 04860

RE: MUR 3724
Dave Emery for Congress
and P. James Nicholson, as
Treasurer

Dear Mr. Nicholson:

On December 15, 1992, the Federal Election Commission found that there is reason to believe Dave Emery for Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 434(a)(6), two provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if

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To P. James Nicholson
Page 2

you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

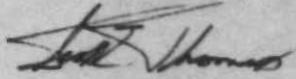
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Delanie DeWitt Painter, 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 & LEGAL ANALYSIS

MUR 3724

RESPONDENTS: Dave Emery for Congress and
P. James Nicholson, as Treasurer,

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).

I. EXCESSIVE CONTRIBUTIONS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person may make contributions to any candidate and his or her 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). The Act prohibits candidates and their political committees from knowingly accepting any contributions in excess of the section 441a(a) limitations. 2 U.S.C. § 441a(f). Pursuant to 11 C.F.R. § 103.3(b), the treasurer of a political committee shall be responsible for examining all contributions received for evidence of illegality and for ascertaining whether the contribution, when aggregated with other contributions from the same contributor, exceeds the contribution limitations. Contributions which on their face exceed the contribution limitations of the Act and contributions which do not exceed the limits on their face, but which exceed the contribution

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

Five individuals made contributions to the Committee in excess of their individual contribution limitations:

| <u>Contributor</u> | <u>Contribution Date</u> | <u>Amount</u> | <u>Excessive Portion</u> |
|----------------------|--------------------------|---------------|--------------------------|
| Ival Cianchette | October 7, 1989 | \$ 250 | \$ 250 |
| | December 18, 1989 | 1,000 | |
| Richard E. Dyke | December 8, 1989 | 500 | 1,000 |
| | July 12, 1990 | 1,000 | |
| | July 12, 1990 | 1,000 | |
| | August 23, 1990 | 500 | |
| Howard G. Davis | September 28, 1990 | 1,000 | 1,000 |
| | November 2, 1990 | 1,000 | |
| Alexander Armentrout | August 23, 1990 | 2,000 | 1,000 |
| Clifford Holdsworth | August 11, 1990 | 1,000 | 250 |
| | September 25, 1990 | 50 | |
| | November 23, 1990 | 200 | |

Each contribution was signed only by the individual contributor and the excessive portions of the contributions were not refunded, or properly reattributed or redesignated in a timely manner by the Committee. Therefore, there is reason

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to believe that Dave Emery for Congress and P. James Nicholson, as Treasurer ("Respondents"), accepted contributions from 5 individuals, which exceeded their individual contribution limitations by a total of \$3,500, in violation of 2 U.S.C. § 441a(f).

B. FAILURE TO FILE 48 HOUR DISCLOSURE NOTICES

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

Respondents failed to file 13 48 Hour notifications ("48 Hour Notices") for contributions totaling \$29,000. The 1990 Primary Election in the state of Maine was held on June 12, 1990, and the General Election was held on November 6, 1990.

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Pursuant to the Act, the Respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from May 24 to June 9, 1990, and from October 18 to November 3, 1990 within 48 hours of their receipt. The Audit Division's review of Committee records identified 13 contributions of \$1,000 or more received during the 48 hour notice periods totaling \$29,000 for which the Committee did not submit 48 Hour Notices. A list of the contributions is attached. Attachment.

Therefore, there is reason to believe that Dave Emery for Congress and P. James Nicholson, as Treasurer violated 2 U.S.C. § 434(a)(6) by failing to report campaign contributions of \$1,000 or more, received after the 20th day, but more than 48 hours before the primary and general elections, within 48 hours of receipt of the contributions.

Attachment

Contributions Subject to 48 Hour Disclosure Notices

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Attachment

DAVE EMERY FOR CONGRESS

Contributions Subject to 48 Hour Disclosure Notices

| | <u>Reported Contributor</u> | <u>Reported Date (Schedule A)</u> | <u>Amount</u> |
|-----|--|-----------------------------------|-----------------|
| 1. | Voluntary Contributor For Better Government | June 8, 1990 | \$5,000 |
| 2. | Donald Folkers | October 25, 1990 | 1,000 |
| 3. | Linda Folkers | October 26, 1990 | 1,000 |
| 4. | Howard Davis | November 1, 1990 | 1,000 |
| 5. | Massachusetts Republican State Congressional Committee | October 19, 1990 | 5,000 |
| 6. | Rhode Island Republican Fund Raising | October 25, 1990 | 5,000 |
| 7. | AOPA | October 22, 1990 | 1,000 |
| 8. | Connecticut Mutual Life Insurance Co. PAC | October 22, 1990 | 1,000 |
| 9. | Martin Marietta Corp. PAC | October 26, 1990 | 1,000 |
| 10. | Friends of Congressmen Bill Clinger | October 31, 1990 | 1,000 |
| 11. | Pepsico | October 31, 1990 | 1,000 |
| 12. | US Team PAC | June 3, 1990 | 5,000 |
| 13. | Lockheed Employees PAC | October 26, 1990 | 1,000 |
| | | TOTAL | <u>\$29,000</u> |

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OGC 8270

Dave Emery for Congress Committee

Haskell Point Road
P. O. Box 140
Tenants Harbor, Maine 04860
(207) 372-8025
(207) 372-6642 FAX

Hon. David F. Emery

11 January, 1993

RECEIVED
FEDERAL ELECTION COMMISSION
93 JAN 21 PM 1:36

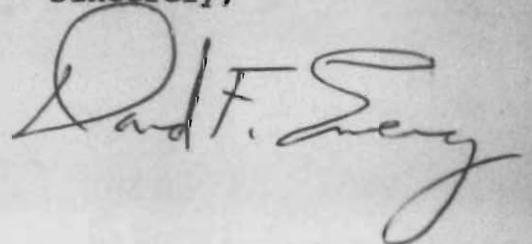
Federal Elections Commission
Office of the General Counsel
999 E Street, NW
Washington, DC 20463
RE: MUR 3724

Dear Sir/Madam:

Enclosed is an executed 'designation of counsel' form for the matter referred to above.

Mr. Mims is hereby authorized to receive all correspondence and other communications relating to this matter, and to act with full authority on my behalf and on behalf of the Dave Emery for Congress Committee.

Sincerely,



93080961960802

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTRICITY COMMISSION
93 JAN 21 PM 1:36

MUR 3724
NAME OF COUNSEL: STEPHEN H. MIMS
ADDRESS: 116 SAWGRASS BEND
VIRGINIA BEACH, VA. 23451
TELEPHONE: 804-428-5999

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

1/11/93
Date

David F. Emery
Signature

RESPONDENT'S NAME: DAVID F. EMERY (DAVE EMERY FOR
CONGRESS COMM.)
ADDRESS: PO BOX 140
HASKELL POINT RD,
TENANTS HARBOR, MAINE 04860
HOME PHONE: 207-372-8025
BUSINESS PHONE: SAME
207-372-6642 FAX

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Jan 25 12 14 PM '93

Stephen H. Mims
Attorney - At - Law
116 Sawgrass Bend
Virginia Beach, Virginia 23451
(804) 428-5999

January 21, 1993

Delanie DeWitt Painter, Esquire
Office of General Counsel
Federal Election Commission
Washington, DC 20463

RECEIVED
FEDERAL ELECTION COMMISSION
93 JAN 25 PM 3:43

Re: MUR 3724
Dave Emery for Congress Committee

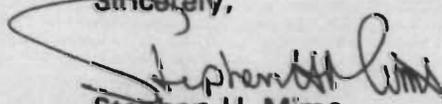
Dear Ms. Painter:

As you know, I have been retained to represent the Dave Emery for Congress Committee with regard to the above-referenced MUR. A designation of counsel form executed by Mr. Emery has been forwarded to you under separate cover.

Mr. Emery has asked that I extend to you his wish to negotiate probable cause conciliation. Due to the distance between me and my client, however, I request that you extend the time period for our reply by an additional ten (10) days. In view of the fact that the Commission's letter was not received by the Committee until January 11, the proposed ten day extension would require our reply by February 5, 1993.

I trust that this reasonable request will be granted. If you have any questions regarding this letter, please do not hesitate to call me. Thank you in advance for your cooperation.

Sincerely,



Stephen H. Mims
Counsel to the
Dave Emery for Congress Committee

93060961764

Stephen H. Mims
Attorney-At-Law
116 Sawgrass Bend
Virginia Beach, Virginia 23451
(804)428-5999

FEB 16 10 35 AM '93

February 12, 1993

RECEIVED
FEDERAL ELECTION COMMISSION
93 FEB 16 PM 3:08

Delanie DeWitt Painter, Esquire
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Dave Emery for Congress Committee and
P. James Nicholson, as Treasurer
MUR 3724

Dear Ms. Painter:

I represent the Dave Emery for Congress Committee ("the Committee") and have written this letter in response to the proposed conciliation agreement offered by the Commission in settlement of the above-referenced MUR. Please consider this letter as part of the pre-probable cause conciliation process especially inasmuch as portions of this letter relate to Mr. Emery's personal financial situation.

The allegations in the MUR arise from findings made by the Audit Division that resulted from the audit of Mr. Emery's 1990 campaign for Congress.

As the audit division has noted in its report, the Committee cooperated fully with the Commission notwithstanding the fact that the Committee had no financial resources available to assist it in its efforts. There has never been any question that the Committee intended to violate the Act and the Committee certainly understands that the Commission's position is not that a willful violation has occurred.

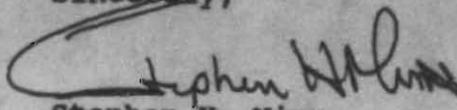
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Delanie DeWitt Pain... Esquire
MUR 3724
February 12, 1993
Page 2

In that regard,
please be advised that, effective February 20, 1993, my new address
will be:

1051 Hanson Way
Virginia Beach, Virginia 23454

Sincerely,



Stephen H. Mims
Counsel to
Dave Emery for Congress Committee

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92 JUN 25 PM 3:35

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
Dave Emery for Congress and) MUR 3724
P. James Nicholson,)
as Treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On December 15, 1992, the Commission found reason to believe that Dave Emery for Congress ("the Committee") and P. James Nicholson, as treasurer, violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 434(a)(6), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission also decided to enter into conciliation negotiations prior to a finding of probable cause to believe.

After requesting an extension of time to respond, the Committee responded to the reason to believe finding in a letter dated February 12, 1993, and agreed to enter into conciliation negotiations.

Attachment 1.

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II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Accept the counteroffer by Dave Emery for Congress and P. James Nicholson, as treasurer, to pay a civil penalty of two thousand two hundred and fifty dollars (\$2,250), in six monthly installments of \$375 each.

2. Approve the attached conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

7/26/93
Date

BY:

Kim Bright-Coleman
Kim Bright-Coleman
Associate General Counsel

Attachments

1. Letter dated February 12, 1993
2. Letter dated May 5, 1993
3. 1992 Year-End Report
4. Conciliation Agreement

Staff assigned: Delanie DeWitt Painter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dave Emery for Congress and P.) MUR 3724
James Nicholson, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 30, 1993, the Commission decided by a vote of 6-0 to take the following actions in MUR 3724:

1. Accept the counteroffer by Dave Emery for Congress and P. James Nicholson, as treasurer, to pay a civil penalty of two thousand two hundred and fifty dollars (\$2,250), in six monthly installments of \$375 each.
2. Approve the conciliation agreement and the appropriate letter, as recommended in the General Counsel's Report dated July 26, 1993.

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

Attest:

7-30-93
Date

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

Received in the Secretariat: Mon., July 26, 1993 3:35 p.m.
Circulated to the Commission: Tues., July 27, 1993 11:00 a.m.
Deadline for vote: Fri., July 30, 1993 4:00 p.m.

bjr

93080961770

OGC 9827

Stephen Hayden Mims, P.C.

1051 Hanson Way
Virginia Beach, Virginia 23454

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

(804) 496-2032

SEP 1 1 53 PM '93

93 SEP - 1 PM 2:35

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

August 12, 1993

Delanie DeWitt Painter, Esquire
Office of General Counsel
Federal Election Commission
Washington, DC 20463

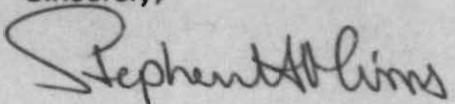
Re: MUR 3724
Dave Emery For Congress Committee and
P. James Nicholson, as Treasurer

Dear Ms. Painter:

Please find enclosed an executed copy of the proposed conciliation agreement in settlement of the above-referenced matter.

Mr. Emery has asked that I extend to you his appreciation for the cooperation that the Commission has extended during its consideration of this matter. If you have any further questions, please do not hesitate to call me.

Sincerely,



Stephen H. Mims
Counsel to
Dave Emery For Congress Committee and
P. James Nicholson, as Treasurer

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RECEIVED
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SECRETARIAT

93 SEP 16 PM 12: 58

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dave Emery for Congress and) MUR 3724
P. James Nicholson,)
as Treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Stephen H. Mims, Counsel to the Dave Emery for Congress Committee and P. James Nicholson, as treasurer.^{1/} Attachment 1.

The attached agreement contains no changes from the agreement approved by the Commission on July 30, 1993. The candidate, David F. Emery, sent the Commission a check for \$375, the first of six installment payments, on August 27, 1993. Attachment 2. Therefore, we recommend that the Commission accept the conciliation agreement with the Dave Emery for Congress Committee and P. James Nicholson, as treasurer, and close the file in this matter.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Dave Emery for Congress Committee and P. James Nicholson, as treasurer.

2. Close the file.

^{1/} The conciliation agreement and letter are dated August 12, 1993; however, they were not received by this Office until September 1, 1993.

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3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

9/15/93
Date

BY:

Kim Bright-Coleman
Kim Bright-Coleman
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check

Staff Assigned: Delanie DeWitt Painter

9300961773

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3724
Dave Emery for Congress and)
P. James Nicholson, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary for the Federal Election Commission, do hereby certify that on September 21, 1993, the Commission decided by a vote of 6-0 to take the following actions in MUR 3724:

1. Accept the conciliation agreement with the Dave Emery for Congress Committee and P. James Nicholson, as treasurer, as recommended in the General Counsel's report dated September 15, 1993.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's report dated September 15, 1993.

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

Attest:

9-21-93
Date

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

| | | |
|---------------------------|------------------------|------------|
| Received in Secretariat: | Thurs., Sept. 16, 1993 | 12:58 p.m. |
| Circulated to Commission: | Thurs. Sept. 16, 1993 | 4:00 p.m. |
| Deadline for vote: | Tues., Sept. 21, 1993 | 4:00 p.m. |

93080961774



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 12, 1993

Stephen H. Mims, Esq.
Counsel, Dave Emery for Congress Committee
1051 Hanson Way
Virginia Beach, VA 23454

RE: MUR 3724
Dave Emery for Congress
and P. James Nicholson, as
Treasurer

Dear Mr. Mims:

On September 21, 1993, the Federal Election Commission accepted the signed conciliation agreement and initial civil penalty installment payment submitted on your client's behalf in settlement of violations of 2 U.S.C. § 441a(f) and 2 U.S.C. § 434(a)(6), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

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.

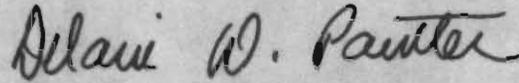
Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

93080961775

To Stephen H. Mims
Page 2

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

Sincerely,



Delanie DeWitt Painter
Attorney

Enclosure
Conciliation Agreement

930450961776

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Dave Emery for Congress and
P. James Nicholson, as Treasurer

) MUR 3724
)
)
)

RECEIVED
FEDERAL ELECTION COMMISSION
COUNSEL
93 SEP - 1 PH 2:30

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Dave Emery for Congress and P. James Nicholson, as Treasurer ("Respondents"), violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 434(a)(6).

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

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

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

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

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

930480961777

1. Dave Emery for Congress is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee for Dave Emery's 1990 congressional campaign.

2. P. James Nicholson is the treasurer of Dave Emery for Congress.

3. The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that no person may make contributions to any candidate and his or her 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).

4. The Act prohibits candidates and their political committees from knowingly accepting any contributions in excess of the section 441a(a) limitations. 2 U.S.C. § 441a(f). Pursuant to 11 C.F.R. § 103.3(b), the treasurer of a political committee shall be responsible for examining all contributions received for evidence of illegality and for ascertaining whether the contribution, when aggregated with other contributions from the same contributor, exceeds the contribution limitations. Contributions which on their face exceed the contribution limitations of the Act and contributions which do not exceed the limits on their face, but which exceed the contribution limits when aggregated with other contributions from the same contributor, may either be deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If a

93040961778

redesignation or reattribution is not obtained, the treasurer shall, within sixty (60) days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

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

6. Five individuals made contributions to the Committee which exceeded their individual contribution limitations by a total of \$3,500. Each contribution was signed only by the individual contributor. The Respondents did not refund or obtain redesignations or reattributions for the excessive portions of the contributions in a timely manner.

7. The 1990 Primary Election in the state of Maine was held on June 12, 1990, and the General Election was held on

93080961779

November 6, 1990. Pursuant to the Act, the Respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from May 24 to June 9, 1990, and from October 18 to November 3, 1990 within 48 hours of their receipt. The Respondents did not submit 48 hour notices for 13 contributions of \$1,000 or more totaling \$29,000, received during the 48 hour notice periods.

V. The Respondents knowingly accepted excessive contributions from five individuals in violation of 2 U.S.C. § 441a(f).

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

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of two thousand two hundred and fifty dollars (\$2,250), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

1. One initial payment of \$375 due on September 1, 1993;
2. Thereafter, five consecutive monthly installment payments of \$375 each;
3. Each such installment shall be paid on the first day of the month in which it becomes due;
4. The last installment shall be due on February 1, 1994.

93090961780

5. In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

VIII. Respondents shall make refunds of the excessive portions of the contributions from five individuals totaling \$3,500, and shall amend their reports to disclose that such refunds have been made within one year from the date of this agreement.

IX. 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.

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

XI. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the

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requirements contained in this agreement and to so notify the Commission, except that Respondents must comply with the requirements of sections VII. and VIII. of this agreement within the time periods set forth in those sections.

XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:

Kim Bright-Coleman
Kim Bright-Coleman
Associate General Counsel

10/12/93
Date

FOR THE RESPONDENTS:

Stephen H. ...

Counsel

(Name)
(Position)

August 12, 1993
Date

93040961782



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3724

DATE FILMED 10-27-93 CAMERA NO. 4

CAMERAMAN JMH

93000961783



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Microfilm
 Public Rcds
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3724.

11/2/93

93040962234

CLOSED

OGC 9841



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

93 SEP -3 11:10:40

Sept 3, 1993

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Philomena Brooks *PB*
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from *David Emery for Cong. Cmte*, check number *066*, dated *8/27/93*, and in the amount of \$ *375.00*. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: OGC, Docket *By RA*

In reference to the above check in the amount of \$ *375.00*, the MUR number is *3724* and in the name of *David Emery / Cong. Cmte*. The account into which it should be deposited is indicated below:

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

Retha L. Nipon
Signature

9-3-93
Date

93040962235

Dave Emery for Congress Committee

Haskell Point Road
P. O. Box 140
Tenants Harbor, Maine 04860
(207) 372-8025
(207) 372-6642 FAX

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

SEP 29 22 AM '93

Hon. David F. Emery

27 August, 1993

RECEIVED
FEDERAL ELECTION COMMISSION
93 SEP -3 AM 10:40

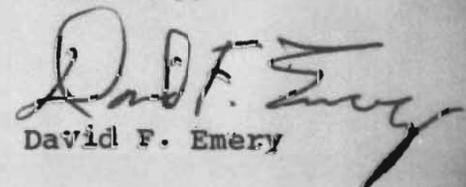
Federal Elections Commission
Office of the General Council
999 E Street, NW
Washington, DC 20463

ATTN: Delanie DeWitt Painter, Esq.
RE: MUR 3724

Dear Madam:

Enclosed is a check for \$375.00, as payment #1 of 6, according to the agreement reached between the FEC and the Dave Emery for Congress Committee (MUR 3724).

Sincerely,


David F. Emery

93040962236

93 SEP 10 10 40

RECEIVED
DIVISION

DAVID EMERY FOR CONGRESS COMMITTEE

482 CONGRESS
PORTLAND, ME 04101

666

73

52-38/112

PAY TO THE
ORDER OF

Federal Fleet

Three Hundred Fifty

375/100



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

Oct 7, 1993

TWO WAY MEMORANDUM

TO: OGC, Docket
FROM: Philomena Brooks *PB*
Accounting Technician
SUBJECT: Account Determination for Funds Received

RECEIVED
FEDERAL ELECTION COMMISSION
93 OCT -8 AM 10:30

We recently received a check from David Emery for Congress Cmte, check number 667 dated Sept 30, 1993, and in the amount of \$ 375.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician
FROM: OGC, Docket *By aa*

In reference to the above check in the amount of \$ 375.00, the MUR number is 3724 and in the name of David Emery for Congress Cmte. The account into which it should be deposited is indicated below:

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

Anita Alexander
Signature

10-08-93
Date

93040962239

Dave Emery for Congress Committee

Haskell Point Road
P. O. Box 140
Tenants Harbor, Maine 04860
(207) 372-8025
(207) 372-6642 FAX

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Oct 7 11 03 AM '93

Hon. David F. Emery

30 September, 1993

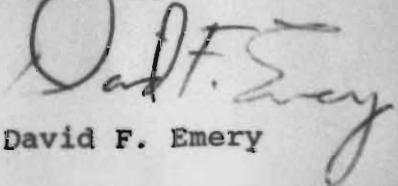
Federal Elections Commission
Office of the General Council
999 E Street, NW
Washington, DC 20463
ATTN: Delanie DeWitt Painter, Esq.
RE: MUR 3724

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
93 OCT -8 AM 10:30

Dear Madam:

Enclosed is a check for \$375.00, as payment #2 of 6, according to the agreement reached between the FEC and the David Emery for Congress Committee (MUR 3724).

Sincerely,


David F. Emery

93040962240

701
700

DAVID EMERY FOR CONGRESS COMMITTEE
482 CONGRESS
PORTLAND, ME 04101

2 2 4 1

668

9/30 19 93

52-36/112

PAY TO THE
ORDER OF

Federal Election Commission \$ 375^{xx}/₁₀₀
Three Hundred Seventy Five ^{xx}/₁₀₀ DOLLARS


Fleet Bank
MEMBER FLEET / NORSTAR FINANCIAL GROUP
AUGUSTA, MAINE 04332 371

MEMO

111K 3724, 3/6

D. Emery

⑆011200365⑆ 0008 339 996⑈ 0668

93 OCT -8 AM 10:30

RECEIVED
FEDERAL ELECTION COMMISSION



FEDERAL ELECTION COMMISSION

WASHINGTON, D. C. 20541

RECEIVED
 FILED
 INDEXED

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3724.

1/31/54

94030962850

OGC 0626
RECEIVED COMMISSION
FEDERAL ELECTION
93 DEC 20 4:12:05



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

December 20, 1993

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Philomena Brooks
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from David Emery For Congress Committee, check number 671, dated 12-13-93, and in the amount of \$375.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: OGC, Docket By OA

In reference to the above check in the amount of \$375.00, the MUR number is 5724 and in the name of David Emery for Congress Cmte. The account into which it should be deposited is indicated below:

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

Anita Alexander
Signature

12-20-93
Date

94030962851

Dave Emery for Congress Committee

Haskell Point Road
P. O. Box 140
Tenants Harbor, Maine 04860
(207) 372-8025
(207) 372-6642 FAX

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Dec: 17 9 49 AM '93

Hon. David F. Emery

13 December, 1993

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE
93 DEC 20 PM 12: 05

Federal Elections Commission
Office of the General Council
999 E Street, NW
Washington, DC 20463
ATTN: Delanie DeWitt Painter, Esq.
RE: MUR 3724

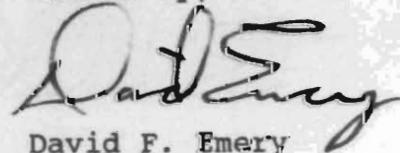
Dear Madam:

Enclosed is a check for \$375.00, as payment #3 of 6, according to the agreement reached between the FEC and the David Emery for Congress Committee (MUR 3724).

It is my hope to be able to send payment #4 very soon.

Additionally, I wish to inform you that two contribution refunds, totaling \$1250, have been made as directed.

Sincerely,



David F. Emery

94030962852

RECEIVED
FEDERAL ELECTION COMMISSION
ACCOUNTING OFFICE
93 DEC 17 PM 4: 35

DAVID EMERY FOR CONGRESS COMMITTEE
482 CONGRESS
PORTLAND, ME 04101

671

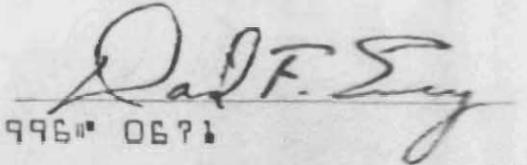
12/13 1993

PAY TO THE
ORDER OF

Federal Electric Commission \$ 375.00
Three Hundred Seventy Five & ⁰⁰/₁₀₀ DOLLARS


Fleet Bank
MEMBER FLEET / NORSTAR FINANCIAL GROUP
AUGUSTA, MAINE 02802

MEMO: MUR 3724, PNT #3



⑆011200365⑆ 0008 339 996⑈ 0671

94030962853

93DEC 20 PM 12:05

OGC 0708

FEDERAL RECEIVED COMMISSION

94 JAN -4 PM 10:09



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Jan 3, 1994

TWO WAY MEMORANDUM

TO: OGC, Docket
FROM: Philomena Brooks *PB*
Accounting Technician
SUBJECT: Account Determination for Funds Received

We recently received a check from David Emery for Congress Committee, check number 672, dated 12-30-93, and in the amount of \$375.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician
FROM: OGC, Docket

In reference to the above check in the amount of \$375.00, the MUR number is 3724 and in the name of David Emery for Congress Cmt. The account into which it should be deposited is indicated below:

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

Anita Alexander
Signature

01-04-94
Date

94030962854

Dave Emery for Congress Committee

Haskell Point Road
P. O. Box 140
Tenants Harbor, Maine 04860
(207) 372-8025
(207) 372-6642 FAX

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Jan 3 11 34 AM '94

Hon. David F. Emery

30 December, 1993

Federal Elections Commission
Office of the General Council
999 E Street, NW
Washington, DC 20463
ATTN: Delanie DeWitt Painter, Esq.
RE: MUR 3724

94 JAN -4 PH 10:09

RECEIVED
FEDERAL ELECTION COMMISSION

Dear Madam:

Enclosed is a check for \$375.00, as payment #4 of 6, according to the agreement reached between the FEC and the David Emery for Congress Committee (MUR 3724).

Sincerely,

David F. Emery
David F. Emery

94030962855

94030962856
DAVID EMERY FOR CONGRESS COMMITTEE 672
482 CONGRESS
PORTLAND, ME 04101

12/30 19 93 52-36/112

PAY TO THE ORDER OF Federal Election Commission \$ 375^{XX}/₁₀₀
Three Hundred Seventy Five & ^{XX}/₁₀₀ DOLLARS



MEMO MUR 3724, #4

David F. Emery

⑆011200365⑆ 0008 339 996⑈ 0672

94 JAN -4 PM10:09
FEDERAL RECEIVED
DIVISION



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

Microfilm
 Public Rcds
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3724.

5/10/94

94030973261

RECEIVED
GENERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION
11 12 AM '94

Dave Emery for Congress Committee
Haskell Point Road
P. O. Box 140
Tenants Harbor, Maine 04860
(207) 372-8025 TEL
(207) 372-6642 FAX

Hon. David F. Emery

4 April, 1994

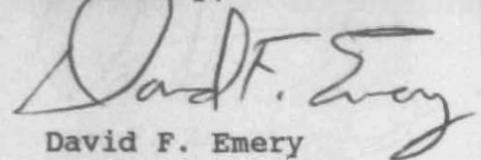
Federal Elections Commission
Office of the General Council
999 E Street, NW
Washington, DC 20463
ATTN: Delanie DeWitt Painter, Esq.
RE: MUR 3724

Dear Madam:

Enclosed is a check for \$375.00, as payment #5 of 6, according to the agreement reached between the FEC and the David Emery for Congress Committee (MUR 3724).

The final penalty payment will be forthcoming shortly.

Sincerely,


David F. Emery

94030973262

OGC 1000

CLOOED

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

APR 18 2 27 PM '94



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 15, 1994

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Philomena Brooks
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from David Emery For Congress Committee, check number 702, dated April 14, 1994, and in the amount of \$375.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: OGC, Docket JDB/PA.A.

In reference to the above check in the amount of \$ 375.00, the MUR number is 3724 and in the name of David Emery for Congress Comtee. The account into which it should be deposited is indicated below:

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

John D. Bourzoin
Signature

4/18/94
Date

94030973263

DAVID EMERY FOR CONGRESS COMMITTEE
P.O. BOX 140, HASKELL POINT ROAD
TENANTS HARBOR, ME 04860
TEL: (207) 372-8025

52-36
112 443

702

4/4 19 94

PAY TO THE ORDER OF Federal Election Commission \$ 375.00
Three Hundred Seventy Five & xx/100 DOLLARS



MEMO MUR 3724 (5/6) David F. Emery
⑆0⑆⑆200365⑆00083 39996⑆0702

94030973264



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

Microfilm
 Public Rcds
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3724.

5/11/94

94030974113



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

05/10/94

MAY 11 12 19 PM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

TWO WAY MEMORANDUM

TO: OGC, Docket
FROM: Rosa Swinton
Accounting Technician
SUBJECT: Account Determination for Funds Received

We recently received a check from David Emery for Congress Committee, check number 705, dated MAY 06, 1994, and in the amount of \$ 375.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa Swinton
Accounting Technician
FROM: OGC, Docket

In reference to the above check in the amount of \$ 375.00, the MUR number is 3724 and in the name of David Emery for Congress Committee. The account into which it should be deposited is indicated below:

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

Anita Alexander
Signature

5-11-94
Date

94030974114

Dave Emery for Congress Committee
Haskell Point Road
P. O. Box 140
Tenants Harbor, Maine 04860
(207) 372-8025 TEL
(207) 372-6642 FAX

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION
MAY 10 11 02 AM '94

Hon. David F. Emery

6 May, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 11 12 19 PM '94

Federal Elections Commission
Office of the General Council
999 E Street, NW
Washington, DC 20463
ATTN: Delanie DeWitt Painter, Esq.
RE: MUR 3724

Dear Madam:

Enclosed is a check for \$375.00, as payment #6 of 6, according to the agreement reached between the FEC and the David Emery for Congress Committee (MUR 3724).

Sincerely,

David F. Emery
David F. Emery

9403097415

DAVID EMERY FOR CONGRESS COMMITTEE
P.O. BOX 140, HASKELL POINT ROAD
TENANTS HARBOR, ME 04860
TEL: (207) 372-8025

52-26 143
112

705

5/6 12 94

PAY TO THE ORDER OF *Federal Election Commission* \$ *375*⁰⁰/₁₀₀
Three Hundred Seventy Five & 00/100 001... 88



MEMO *MUR 3724 (6/6)* *David F. Emery*

⑆0⑆⑆200365⑆ 00083 39996⑆ 0705

94030974116

MAY 11 12 20 PM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL