



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

December 20, 1977

Mr. David Frazer
Lewis and Roca
First National Bank Plaza
One Hundred West Washington St.
Phoenix, Arizona 85003

Re: MUR 375(77)

Dear Mr. Frazer:

Enclosed is a copy of the conciliation agreement signed by all parties. This is to keep for your records.

This matter is now officially closed and a matter of public record.

Thank you for your cooperation in this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker
General Counsel

Enclosure



Mr. David Frazer
Lewis and Roca
First National Bank Plaza
One Hundred West Washington St.
Phoenix, Arizona 85003

Re: MUR 375(77)

Dear Mr. Frazer:

Enclosed is a copy of the conciliation agreement signed by all parties. This is to keep for your records.

This matter is now officially closed and a matter of public record.

Thank you for your cooperation in this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

WCO

78040054727

BEFORE THE FEDERAL ELECTION COMMISSION
July 11, 1977

In the Matter of)
) MUR 375 (77)
Dr. and Mrs. Robert S. Flinn)

Conciliation Agreement

This matter having been initiated by the Respondents,
Dr. and Mrs. Robert S. Flinn, 34 Biltmore Estates, Phoenix,
Arizona, desiring voluntary compliance with the Federal Election
Campaign Act of 1971, as amended (hereinafter "the Act")
pursuant to 2 U.S.C. §437g(a) (5) (A).

NOW, THEREFORE, THE PARTIES HEREIN AGREE TO THE FOLLOWING:

1. That the Federal Election Commission ("the Commission")
has jurisdiction over the respondents and the subject matter
of this proceeding.
2. That Dr. and Mrs. Flinn ("the Flinns"), having voluntarily
approached the Commission, enter voluntarily into this
agreement with the Commission.
3. That the pertinent facts in this matter are as follows:
 - (a) During the calendar year 1976, the Flinns gave \$98,000
in political contributions in excess of contributions limitations
contained in 2 U.S.C. §441a(a) (3), to the following candidates
and committees:

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78040054700

| 1976 DATE | PAYEE | AMOUNT |
|--------------|--|-----------------|
| Jan. 6 | Republican National Committee | 250.00 (RNC) |
| Jan. 30 | Republican Senate House Dinner | 1,000.00 |
| Feb. 3 | 1976 Conservative Political Action Conference | 250.00 |
| Feb. 20 | Emergency Campaign Fund | 2,000.00 (NRCC) |
| Feb. 20 | Ron Paul for Congress | 100.00 |
| Feb. 28 | Committee for the Survival of a Free Congress | 2,000.00 |
| Mar. 10 | National Convervative Political Committee | 500.00 |
| Mar. 12 | Citizens against Kennedy | 500.00 |
| Apr. 5 | Goldwater Committee to Elect Barry G. Jr. | 500.00 |
| Apr. 20 | Republican National Committee | 10,000.00 (RNC) |
| Apr. 26 | CSFC Primary Fund Committee | 1,000.00 |
| Apr. 26 | National Conservative Political Committee | 500.00 |
| May 5 | Friends of Jim Buckley | 1,000.00 |
| May 7 | Conlan for Senator | 1,000.00 |
| May 14 | Fund to Defeat Big Labor Politicians | 500.00 |
| May 14 | Committee to Elect Samuel Cavnar | 500.00 |
| May 14 | Citizens against Kennedy | 500.00 |
| May 14 | Young Americans Campaign Committee | 500.00 |
| May 26 | A.C.U. Reagan Campaign | 3,000.00 |
| May 26 | Hayakawa for U.S. Senator | 1,000.00 |
| May 28 | G.O.P. Victory Fund | 5,000.00 (NRCC) |
| May 28 | Glen Jones for Congress | 1,000.00 |
| June 6 | Republican Senate Campaign Fund | 1,000.00 |

| 1976 DATE | PAYEE | AMOUNT |
|--------------|---|------------------|
| June 14 | Republican National Committee | 5,000.00 (RNC) |
| June 14 | Hayakawa for U.S. Senator | 500.00 |
| July 9 | G.O.P. Victory Fund | 2,000.00 (NRCC) |
| July 26 | Glen Jones Committee - pay debts | 2,500.00 |
| July 26 | Fund for a Conservative Majority | 2,000.00 |
| Aug. 4 | Republican National Committee | 10,000.00 (RNC) |
| Aug. 6 | Committee for the Survival of a Free Congress | 150.00 |
| Aug. 10 | Orrin Hatch for Senate | 1,000.00 |
| Aug. 15 | 1976 G.O.P. Victory Fund | 20,000.00 (NRCC) |
| Aug. 20 | Burger for U.S. Senate Committee | 1,000.00 |
| Aug. 25 | Conservatives for Buckley | 2,000.00 |
| Aug. 30 | Glen Jones Committee | 2,500.00 |
| Sept. 7 | Conservatives for Buckley | 1,000.00 |
| Sept. 29 | John Heinz for Senator | 500.00 |
| Sept. 29 | Committee for Survival of a Free Congress | 1,000.00 |
| Sept. 29 | Public Service Political Action Committee | 100.00 |
| Oct. 1 | Conservatives for Buckley | 2,500.00 |
| Oct. 4 | Ford for President | 400.00 |
| Oct. 5 | G.O.P. Victory Fund | 250.00 (NRCC) |
| Oct. 5 | Republican Senate Campaign Fund | 500.00 |
| Oct. 9 | National Conservative Political Action Committee | 1,000.00 |
| Oct. 11 | Hatch for Senate Committee | 1,000.00 |
| Oct. 11 | Black Voters for Republican Congress | 500.00 |
| Oct. 12 | Friends of Jim Buckley | 1,000.00 |
| Oct. 12 | Republican Campaign Fund | 1,000.00 |

78040754750

| | | |
|---------|--|--------------------|
| Oct. 13 | 1976 G.O.P. Victory Fund | 500.00 (NRCC) |
| Oct. 15 | Citizens for Senator Brock Committee | 500.00 |
| Oct. 16 | 1976 G.O.P. Victory Fund | 1,000.00 (NRCC) |
| Oct. 17 | Republican Congressional Boosters Club | 1,000.00 |
| Oct. 26 | Ford for President | 1,000.00 |
| Oct. 28 | John Heinz for Senate Committee | 500.00 |
| Dec. 3 | American Conservative Union - Reagan project | <u>500.00</u> |
| | | <u>\$98,000.00</u> |

(b) That all checks signed by Mrs. Flinn were intended to be joint contributions with Dr. Flinn to the various candidates and committees listed herein.

WHEREFORE, THE RESPONDENTS AGREE:

1. That the Flinns will not contribute in the aggregate more than \$ 2,000 to federal candidates, authorized political committees, and any other political committee with respect to a federal election pursuant to 2 U.S.C. §441a(a) during the calendar year 1977, thus bringing their joint contributions over a two year period to \$50,000 per year, in accordance with 2 U.S.C. §441a(a) (3).

7 8 0 4 0 2 5 4 7 5 1

2. That the Flinns contact all recipients of their 1976 contributions and notify them that their contributions were intended to be joint as per the Commission's regulation §104.5(e), which at the time was in the proposed stage.

3. That the respondents pay a civil penalty in the amount of \$1,000 pursuant to 2 U.S.C. §437g(a)(6)(B).

4. That the respondents agree at all times to adhere to the requirements of the Federal Election Campaign Act.

GENERAL CONDITIONS:

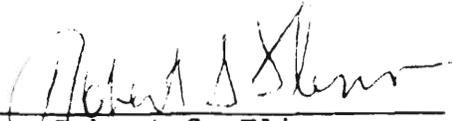
A. That the Federal Election Commission retain jurisdiction over this matter for three years subsequent to the general election of November 2, 1976 to assure compliance with the Act. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

B. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. §437g(a)(5)(A), and that this agreement shall constitute a complete bar to any further action by the Commission including referral to the U.S. Department of Justice, with regard to the matter set forth in this agreement.

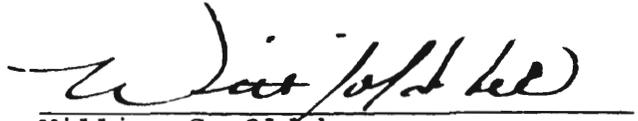
C. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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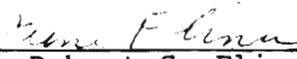
This agreement made and entered into this day of ,
1977.



Dr. Robert S. Flinn



William C. Oldaker
General Counsel



Mrs. Robert S. Flinn

780400547

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dr. and Mrs. Robert S. Flinn)

MUR 375 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 15, 1977, the Commission determined by a vote of 5-0 to take the following actions:

1. Rescind its previous determination of probable cause to believe that Dr. and Mrs. Flinn violated 2 U.S.C. Section 441a(a).
2. Accept the conciliation agreement appended to the General Counsel's report of December 7, 1977, in the above-captioned matter.

Voting for this determination were Commissioners Aikens, Harris, Springer, Thomson, and Tiernan. Commissioner Staebler was not present at the time of the vote.



Marjorie W. Emmons
Secretary to the Commission

78040054731

December 8, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 375 Team #2 Van Gelder

Please have the attached General Counsel's Report on MUR 375 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of December 15, 1977.

Thank you.

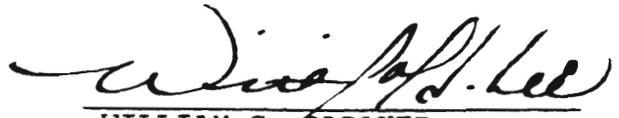
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RECOMMENDATION:

We recommend that the Commission rescind its previous determination of probable cause to believe that Dr. and Mrs. Flinn violated 2 U.S.C. §441a(a) and accept the conciliation agreement attached hereto.

12/2/77

DATE



WILLIAM C. OLDAKER
GENERAL COUNSEL

78040051737

BEFORE THE FEDERAL ELECTION COMMISSION
July 11, 1977

In the Matter of)
) MUR 375 (77)
Dr. and Mrs. Robert S. Flinn)

Conciliation Agreement

This matter having been initiated by the Respondents, Dr. and Mrs. Robert S. Flinn, 34 Biltmore Estates, Phoenix, Arizona, desiring voluntary compliance with the Federal Election Campaign Act of 1971, as amended (hereinafter "the Act") pursuant to 2 U.S.C. §437g(a)(5)(A).

NOW, THEREFORE, THE PARTIES HEREIN AGREE TO THE FOLLOWING:

1. That the Federal Election Commission ("the Commission") has jurisdiction over the respondents and the subject matter of this proceeding.
2. That Dr. and Mrs. Flinn ("the Flinns"), having voluntarily approached the Commission, enter voluntarily into this agreement with the Commission.
3. That the pertinent facts in this matter are as follows:
 - (a) During the calendar year 1976, the Flinns gave \$98,000 in political contributions in excess of contributions limitations contained in 2 U.S.C. §441a(a)(3), to the following candidates and committees:

78040054753

| 1976 DATE | PAYEE | AMOUNT |
|--------------|--|-----------------|
| Jan. 6 | Republican National Committee | 250.00 (RNC) |
| Jan. 30 | Republican Senate House Dinner | 1,000.00 |
| Feb. 3 | 1976 Conservative Political Action Conference | 250.00 |
| Feb. 20 | Emergency Campaign Fund | 2,000.00 (NRCC) |
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78040054737

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| Oct. 12 | Republican Campaign Fund | 1,000.00 |

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| | | |
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| | | <u>\$98,000.00</u> |

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2. That the Flinns contact all recipients of their 1976 contributions and notify them that their contributions were intended to be joint as per the Commission's regulation §104.5(e), which at the time was in the proposed stage.

3. That the respondents pay a civil penalty in the amount of \$1,000 pursuant to 2 U.S.C. §437g(a)(6)(B).

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GENERAL CONDITIONS:

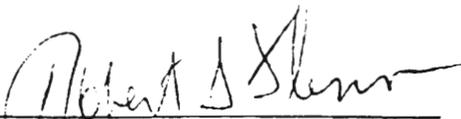
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B. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. §437g(a)(5)(A), and that this agreement shall constitute a complete bar to any further action by the Commission including referral to the U.S. Department of Justice, with regard to the matter set forth in this agreement.

C. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

78040054712

This agreement made and entered into this day of ,
1977.



Dr. Robert S. Flinn

William C. Oldaker
General Counsel



Mrs. Robert S. Flinn

78040754743

LRC 2192

ORME LEWIS
JOHN P. FRANK
CHARLES CREHORE
ROBERT C. KELSO
LYMAN MANSER
A. GORDON OLSEN
JEREMY E. BUTLER
DAVID L. GROUNDS
JOHN L. HAY
JOHN A. MILLER
DOUGLAS L. IRISH
WILLIAM ISAACSON
EDWARD M. LEWIS (ON LEAVE)
P. ROBERT MOYA
JOHN C. MASON
THOMAS C. HORNE
JAY S. RUFFNER
PETER A. WINKLER
ANDREW S. GORDON
R. KENT KLEIN
STEVEN R. LEE
JUDITH M. BAILEY
SUSAN M. FREEMAN
RICHARD S. COHEN

PAUL M. ROCA
WALTER CHEIFETZ
PAUL R. MADDEN
JOSEPH E. MCGARRY
DAVID R. FRAZER
D. W. GRAINGER
GERALD K. SMITH
ROGER W. KAUFMAN
PAUL G. ULRICH
PETER D. BAIRD
MERTON E. MARKS
BRIAN GOODWIN
RICHARD A. HILLHOUSE
DAVID L. COGANOWER
DOUGLAS R. CHANDLER
KIMBALL J. CORSON
TOM GALBRAITH
MARTY HARPER
RICHARD N. GOLDSMITH
NEAL L. WOLF
ANTHONY R. LUCIA
CHARLES G. CASE II
JAMES B. LONG
RICHARD W. BOWERS

LEWIS AND ROCA
LAWYERS

FIRST NATIONAL BANK PLAZA
ONE HUNDRED WEST WASHINGTON STREET
PHOENIX, ARIZONA 85003
602/262-5311

December 2, 1977

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 DEC 6 AM 9:13

EDWIN BEAUCHAMP
(1916-1964)
WALTER LINTON
OF COUNSEL

WASHINGTON OFFICE
326 K STREET, N. W.
WASHINGTON, D. C. 20006
202/783-6590

OUR FILE NUMBER
14000-001

78040754744

Ms. Barbara Van Gelder
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: Dr. & Mrs. Robert S. Flinn
MUR 375(77)

Dear Ms. Van Gelder:

Enclosed is the Conciliation Agreement along with a check for \$1,000.00 pursuant to our oral agreement. The Flinns are not pleased about this result nor am I.

Sincerely,

David R. Frazer
DAVID R. FRAZER

DRF:ib
Enclosures

cc: Mrs. Irene Flinn

78010051715

Valley National Bank

16th St & Camelback Office
Phoenix, Arizona

295

November 22 19*77*

91-226
1221

Pay to the order of *Federal Election Commission* \$*1000⁰⁰*

One thousand 00/100 Dollars

IRENE FLINN
34 BILTMORE ESTATES
PHOENIX, ARIZONA 85016

Memo *Irene Flinn*

⑆ 1221 ⑆ 02261 ⑆ 0295 ⑆ 0373 ⑆ 5766 ⑆

AF

78040751715

Valley National Bank

16th St. & Camelback Office
Phoenix, Arizona

295

November 22 19*77*

91-226
1221

Pay to the order of *Federal Election Commission* \$*1000⁰⁰*

One thousand ⁹²/₁₀₀

Dollars

IRENE FLINN
34 BILTMORE ESTATES
PHOENIX, ARIZONA 85016

Memo

Irene Flinn

⑆⑆22⑆⑆0226⑆⑆0295⑆⑆0373⑆⑆5766⑆⑆

AF

78040054747



ELPSCE CLASS MAIL

DRF

To

LAW OFFICES
LEWIS AND ROCA
 FIRST NATIONAL BANK PLAZA
 ONE HUNDRED WEST WASHINGTON STREET
 PHOENIX, ARIZONA 85003

To

Ms. Barbara Van Gelder
 Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20463

ELPSCE CLASS MAIL

77 DEC 6 AM 9:12

RECEIVED
FEDERAL ELECTION

FEDERAL ELECTION COMMISSION

Washington, D.C. 20543

October 12, 1977

Mr. David R. Frazer
Lomb and Bond
First National Bank Plaza
160 West Washington Street
Phoenix, Arizona 85003

Re: MUR 375 (77)

Dear Mr. Frazer:

This is to acknowledge your letter of August 17, 1977 in which you request the Commission to formally reconsider its findings that there is probable cause to believe that Dr. and Mrs. Robert S. Flinn violated the annual contribution limits of 2 U.S.C. §441a(a)(3).

On September 8, 1977 the Commission formally reconsidered its determination and voted to reaffirm its original decision to institute suit.

Sincerely yours,

Thomas E. Harris

Thomas E. Harris
Chairman

COMMISSION
COPY
GENERAL COUNSEL

78040054713

Mr. David R. Fraser
Lewis and Roca
First National Bank Plaza
100 West Washington Street
Phoenix, Arizona 85003

Re: MUR 375 (77)

Dear Mr. Fraser:

This is to acknowledge your letter of August 17, 1977, in which you request the Commission to formally reconsider its findings that there is probable cause to believe that Dr. and Mrs. Robert S. Flinn violated the annual contribution limits of 2 U.S.C. §441a(a)(3).

On September 8, 1977, the Commission formally reconsidered its determination and voted to reaffirm its original decision to institute suit.

Sincerely yours,

Thomas E. Harris
Chairman

avh:10/11/77

W. J. P. 10/11/77

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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MUR 375 Van Gelder

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered. _____ \$
 Show to whom, date, and address of delivery. _____ \$
 RESTRICTED DELIVERY
 Show to whom and date delivered. _____ \$
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Mr. David R. Frazer
 Lewis + Roca

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | 438191 | |

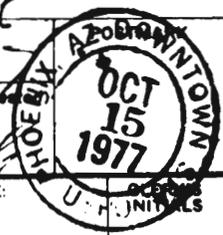
(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Sat Shell

4. DATE OF DELIVERY
 10-15-77

5. ADDRESS (Complete only if required)
 100 W. Wash

6. UNABLE TO DELIVER BECAUSE:





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 12, 1977

MEMORANDUM TO: ELISSA T. GARR
FROM: PEGGY CHANEY
SUBJECT: MUR 375 - Revised letter

Attached is the revised letter submitted for signature of Chairman Harris. It has been signed and is returned to your office for mailing.

Attachment



73010054751

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dr. and Mrs. Robert S. Flinn)

MUR 375 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 6, 1977, the Commission determined by a vote of 6-0 to reaffirm its decision to find there is probable cause to believe that Dr. and Mrs. Robert S. Flinn violated the annual contribution limits of 2 U.S.C. Section 441a(a)(3) and to institute suit in this matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

78040754752

COMMISSION
RE COPY
COUNSEL



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

September 29, 1977

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS
SUBJECT: MUR 375 (77)

MWE

The above-mentioned document was transmitted to the Commissioners at 11:30 on September 29, 1977.

Commissioner Aikens submitted an objection to the letter at 4:00.

MUR 375 (77) has been placed on the Compliance Agenda for October 6, 1977.

FEDERAL ELECTION COMMISSION
SEP 29 1977
WASHINGTON, D.C.

78040751753





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

DATE AND TIME OF TRANSMITTAL Sept 29-11:30

Commissioner Auburn

RETURN TO OFFICE OF COMMISSION SECRETARY BY: 11:30 - Sept 30

MUR No. 375 (77)

() I object to the letter recommendation in the attached report.

COMMENTS:

Date 9/29/77 Signature [Signature]

OBJECTIONS, SIGNED AND DATED, MUST BE RECEIVED IN THE COMMISSION SECRETARY'S OFFICE NO LATER THAN THE DATE AND TIME SHOWN ABOVE OR THE MATTER WILL BE DEEMED APPROVED. PLEASE RETURN ALL PAPERS TO THE OFFICE OF THE SECRETARY TO THE COMMISSION.

78040754754





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

September 28, 1977

MEMORANDUM TO: The Commission

FROM: Charles N. Steele *CS*

SUBJECT: MUR 375 (77)

Attached is a proposed letter to Mr. David Frazer which notifies him of the Commission's determination on his motion for reconsideration. Since the letter was directly addressed to the Commission and does contain allegations involving the General Counsel, I believe it should be sent out with the Chairman's signature.

78040054753





FEDERAL ELECTION COMMISSION

1101 SHAW WALK
WASHINGTON, D.C. 20541

Mr. David R. Frazer
Lewis and Roca
First National Bank Plaza
100 West Washington Street
Phoenix, Arizona 85003

Re: MUR 375 (77)

Dear Mr. Frazer:

This is to acknowledge your letter of August 17, 1977, in which you request the Commission to formally reconsider its finding that there is probable cause to believe that Dr. and Mrs. Robert S. Flinn violated the annual contribution limits of 2 U.S.C. §441a(a)(3).

On September 8, 1977, the Commission formally reconsidered its determination and voted to reaffirm its original decision to institute suit.

With regard to your allegation that the Flinns were misled into conciliation by members of the Commission's staff, the Commission notes that neither the Flinns nor you had any direct contact with any staff member prior to commencement of the Commission action. While the Commission of course views with concern allegations about misleading information being given by its staff, the statute requires that all decisions in compliance matters be made by the affirmative vote of four members of the Commission. 2 U.S.C. §437c(c).

Sincerely,

Thomas E. ...
Chairman

[Faint stamp or signature area]

78040754755

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dr. and Mrs. Robert S. Flinn)

MUR 375 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 8, 1977, the Commission determined by a vote of 4-1 to find Probable Cause to Believe that the respondents have jointly violated the contribution limitations of 2 U.S.C. section 441a(a)(3) and to institute civil suit to recover the penalty. Voting for this finding were Commissioners Harris, Springer, Thomson, and Tiernan. Commissioner Aikens voted against the finding; Commissioner Staebler abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7804005177

August 22, 1977

MEMORANDUM TO: Marjorie Runous
FROM: Elissa T. Carr
SUBJECT: MUR 375

Please have the attached letter pertaining to MUR 375
distributed to the Commission on an informational basis.

Thank you.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

78040054758

ORME LEWIS
JOHN P. FRANK
CHARLES CREHORE
ROBERT C. KELSO
LYMAN MANSER
A. GORDON OLSEN
JEREMY E. BUTLER
DAVID L. GROUNDS
JOHN L. MAY
JOHN A. MILLER
DOUGLAS L. IRISH
WILLIAM ISAACSON
EDWARD M. LEWIS (ON LEAVE)
P. ROBERT MOYA
JOHN C. MASON
THOMAS C. MORNE
JAY S. RUFFNER
PETER A. WINKLER
ANDREW S. GORDON
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STEVEN R. LEE
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JOSEPH E. MCGARRY
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KIMBALL J. CORSON
TOM GALBRAITH
MARTY HARPER
RICHARD N. GOLDSMITH
NEAL L. WOLF
ANTHONY R. LUCIA
CHARLES G. CASE II
JAMES B. LONG
RICHARD W. BOWERS

LEWIS AND ROCA

LAWYERS

FIRST NATIONAL BANK PLAZA
ONE HUNDRED WEST WASHINGTON STREET
PHOENIX, ARIZONA 85003

602/262773

August 17, 1977

FEDERAL ELECTION COMMISSION
AUG 22 AM 8:36

EDWIN BEAUCHAMP
(1916-1964)

WALTER LINTON
OF COUNSEL

WASHINGTON OFFICE
1625 K STREET, N. W.
WASHINGTON, D. C. 20006
202/783-6590

OUR FILE NUMBER

14000-001

Joan Aiken
Thomas Harris
Vernon Thomson
Robert Tiernan
Neil Staebler
William L. Springer
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Re: Dr. and Mrs. Robert S. Flinn
MUR 375(77)

Dear Members of the Federal Election Commission:

I have been informed that the Federal Election Commission has decided to file a suit against Dr. and Mrs. Robert S. Flinn in order to collect a \$1,000.00 fine which was set forth in Mr. William C. Oldaker's letter to me dated July 14, 1977. In this regard, I would like to review with you the facts with which you may be unaware relating to the voluntary action taken by Dr. and Mrs. Flinn in coming to the Federal Election Commission to disclose their inadvertent funding of certain Republican candidates, National Republican Committees and other Federal political action committees.

In November of 1976, Dr. and Mrs. Flinn were contacted by Wyatt Stewart, Director of Finance of the National Republican Congressional Committee. Mr. Stewart had indicated to the Flinns that under the Federal Election Campaign Act of 1975, there was a possibility that they had over-contributed to Federal candidates and committees during 1976. At that time, Mrs. Flinn indicated that she was not aware of the \$25,000 annual limitation and referred Mr. Stewart to me as her legal counsel.

Very shortly thereafter, Mr. Stewart and Jan Baran, legal counsel for the National Republican Congressional Committee, conferred with me by telephone to indicate that once an accurate

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Federal Election Commission
August 17, 1977
Page Two --

list of all the gifts by Dr. and Mrs. Flinn to Federal candidates and committees was scheduled, the National Republican Congressional Committee and the National Republican Committee would be happy to return any excessive contributions to the donors. This was subsequently confirmed by letter dated November 23, 1976 and signed by Wyatt Stewart. It was also agreed at that time that Dr. and Mrs. Flinn would communicate with all of the donees to indicate that the contributions were made one-half by Mrs. Flinn and one-half by Dr. Flinn.

7 8 0 4 0 7 5 1 7 3 0

At the beginning of January 1977, I was again contacted by Wyatt Stewart who indicated that his office, through Jan Baran, had had discussions with William Oldaker, as general counsel of the Federal Election Commission, regarding the possibility of carrying over the excess 1976 contributions of Dr. and Mrs. Flinn to the year 1977. I was informed at that time that a Conciliation Agreement could be signed with the Federal Election Commission which would constitute compliance and there would be no finding nor any allegation of wrongdoing on the part of the Flinns with respect to the excess contributions. We were also informed that the Conciliation Agreement involved would be the first of its kind signed by the Federal Election Commission and that a draft of the Agreement would be sent to me for my review. On January 18, 1977, I received a copy of a draft prepared by Jan Baran and which also was sent to William Oldaker with a covering letter. I am enclosing both the covering letter and the initial Conciliation Agreement. On January 25th, I wrote to Jan Baran indicating that the proposed Conciliation Agreement was completely satisfactory to Dr. and Mrs. Flinn.

During my communication in December and January with Jan Baran and in the draft prepared by Jan Baran which was reviewed by William Oldaker, there was no suggestion nor discussion of a penalty to be asserted against Dr. and Mrs. Flinn. As a matter of fact, you will notice from the initial draft, it is specifically provided in Paragraph 3 "that the Federal Election Commission makes no finding nor any allegation of any wrongdoing on the part of the Flinns with respect to the facts and transactions described in this agreement." It is my understanding that this specific language was suggested by William Oldaker.

In February 1977, additional correspondence and telephone discussions took place between myself and Barbara Van Gelder relating to the submission by Dr. and Mrs. Flinn of a statement

Federal Election Commission
August 17, 1977
Page Three --

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

indicating that it was the intention of Dr. and Mrs. Flinn that the contributions to the various political committees listed on a schedule were intended to be given half by Robert Flinn and half by his wife, Irene Flinn.

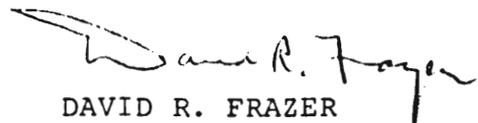
It was not until April that we were informed by Charles N. Steele, associate general counsel, that the Federal Election Commission had redrafted the Conciliation Agreement to provide, among other things, for a \$5,000 civil penalty. By letter dated April 29th to Mr. Steele, I objected to the civil penalty since it was inconsistent with prior discussions and correspondence between Jan Baran, Wyatt Stewart, William Oldaker and myself. On July 14, 1977, by letter from William Oldaker, I was informed that the Commission had reduced the civil penalty from \$5,000 to \$1,000. On July 28th, I strongly objected to the assertion of the \$1,000 penalty in a letter to Mr. Oldaker.

My purpose in writing this recitation of facts is to let you know that in my opinion Dr. and Mrs. Flinn were led down a primrose path by misrepresentations made by representatives of your office. If Dr. and Mrs. Flinn had any idea that a voluntary disclosure was going to result in a civil penalty and a conclusion that they had violated 2 U.S.C. 441a(3), they would not have agreed to pursue a Conciliation Agreement with the Federal Election Commission, but rather would have agreed to a refund of the excess contributions in 1976. While the policy of the Federal Election Commission may have developed over the first five months of 1977 into a pattern of issuing civil penalties, that clearly was not the policy at the time that Jan Baran communicated with William Oldaker in regard Dr. and Mrs. Flinn. For this reason, it is both unfair and improper for the Federal Election Commission to reverse the understanding between Mr. Baran, Mr. Oldaker and myself in regard to the Conciliation Agreement prepared by Mr. Baran at the request of Mr. Oldaker.

I am sure that the facts set forth in this communication can be confirmed by both Mr. Oldaker and Mr. Baran.

As a result of the above facts, we would like to request a reconsideration of your decision regarding Dr. and Mrs. Flinn.

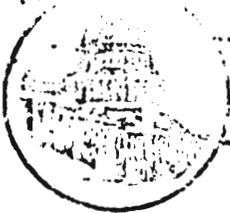
Sincerely,



DAVID R. FRAZER

DRF:ib
Enclosures
cc: William C. Oldaker (with enclosures)
Jan Baran

7 9 0 4 0 9 5 1 7 5 1



National Republican Congressional Committee

512 HOUSE OFFICE BLDG. ANNEX • WASHINGTON, D.C. 20515 • TELEPHONE (202) 225-1800

CHAIRMAN
Guy Vander Jagt, M.C., Michigan
EXECUTIVE DIRECTOR
Steven Steckmeyer

January 18, 1977

**FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL**

Dear Bill:

Enclosed you will find a draft of a conciliation agreement which I drew up subsequent to our telephone conversation. I feel that the facts are sufficiently outlined in the draft. However, I would be glad to provide to you and the record any additional data which you may desire.

The personal attorney for the Flinns is Mr. David Frazer with the firm of Lewis and Roca, Phoenix, Arizona, (602-262-5311). Mr. Frazer, with his clients' permission, has requested that I initiate these preliminary steps towards a mutually acceptable conciliation agreement. I have sent him a copy of the attached draft for his review. Naturally, you should feel free to call Mr. Frazer, although I will initially handle this matter.

Both the Flinns and the National Republican Congressional Committee are bringing these facts to the attention of the Commission in order to obtain assurances that the provisions of the Federal Election Campaign Act, as amended, have been complied with by all parties. This action is taken in the spirit of achieving voluntary compliance. After all, this is the admirable policy of the Commission and one which is greatly appreciated by a befuddled public.

With best regards, I remain

Sincerely yours,


Jan Baran
Legal Counsel

Mr. William Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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CONCILIATION AGREEMENT BETWEEN
THE FEDERAL ELECTION COMMISSION

AND

MR. AND MRS. ROBERT FLINN

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Pursuant to 2 U.S.C. §437g the Federal Election Commission (hereinafter "FEC") and Mr. and Mrs. Robert Flinn (hereinafter the "Flinns") of Phoenix, Arizona, hereby enter into the following conciliation agreement.

I. Statement of Facts

During the calendar year 1976 the Flinns sent to candidates for federal office and political committees which support such candidates contributions which totalled \$93,000 (see Attachment A). However, only \$50,000 of these contributions were made with respect to 1976. It was and is the intent of the Flinns that the remaining \$43,000 be treated as contributions in calendar year 1977 as required by 2 U.S.C. §441(a)(3). The recipients of the \$43,000 and their respective shares are as follows:

| | |
|---|-----------------|
| Republican National Committee | \$25,000 |
| National Republican Congressional Committee | <u>23,000</u> |
| Total 1977 Contributions | <u>\$48,000</u> |

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FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Within the 1976 annual contribution attribution is
as follows:

| | |
|---|-----------------|
| Republican National Committee | \$ 250 |
| National Republican Congressional Committee | 7,750 |
| All other candidates and committees | <u>42,000</u> |
| Total 1976 Contributions | <u>\$50,000</u> |

For purposes of the limitations on contributions in
2 U.S.C. §441a(a)(1)(B) the above 1976 and 1977 contributions
are divided between and attributed equally to Mr. Flinn and
Mrs. Flinn.

Both the Republican National Committee and the National
Republican Congressional Committee had surpluses on January 1,
1977. These surpluses were well in excess of all contributions
from the Flinns with respect to 1977.

II. Agreement

Based on the above facts and the list of contributions
contained in Attachment A, the FEC and the Flinns now agree
to the following:

1. The FEC under 2 U.S.C. §437d(a)(10) has the power "to
encourage voluntary compliance" with the provisions of the
Federal Election Campaign Act of 1971, as amended (hereinafter
"the Act").

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OFFICE OF GENERAL COUNSEL

2. The Flinns, wishing to ensure that their actions in 1976 regarding contributions covered by the Act were in compliance with the Act, have voluntarily approached the FEC and now voluntarily enter into this agreement with the FEC.
3. The FEC makes no finding nor any allegation of any wrongdoing on the part of the Flinns with respect to the facts and transactions described in this agreement.
4. The FEC agrees that the allocations and attribution of contributions as outlined in the Statement of Facts complies with the requirements of the Act, provided that Attachment A constitutes an accurate and complete list of 1976 and 1977 contributions, and provided further that additional 1977 contributions do not exceed \$2,000.
5. The FEC agrees that neither Mr. Flinn nor Mrs. Flinn has exceeded the annual contributions limits of 2 U.S.C. §441a(a)(3) with respect to years 1976 and 1977.
6. Unless violated, this agreement constitutes a complete bar to any administrative or judicial action by the FEC in regards to the transactions listed herein.

This agreement made and entered into this _____ day of _____, 1977.

General Counsel
Federal Election Commission
Washington, D.C.

Mr. Robert Flinn
34 Biltmore Estates
Phoenix, Arizona

Mrs. Robert Flinn
34 Biltmore Estates
Phoenix, Arizona

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ATTACHMENT A

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

| <u>1976</u> <u>DATE</u> | <u>PAYEE</u> | <u>AMOUNT</u> |
|----------------------------|---|-----------------|
| Jan. 6 | Republican National Committee | \$ 250.00 (RNC) |
| Jan. 30 | Republican Senate House Dinner | 1,000.00 |
| Feb. 3 | 1976 Conservative Political Action Conference | 250.00 |
| Feb. 20 | Emergency Campaign Fund | 2,000.00 (NRCC) |
| Feb. 20 | Ron Paul for Congress | 100.00 |
| Feb. 28 | Committee for the Survival of a Free Congress | 2,000.00 |
| Mar. 10 | National Conservative Political Committee | 500.00 |
| Mar. 12 | Citizens against Kennedy | 500.00 |
| Apr. 5 | Goldwater Committee to Elect Barry G. Jr. | 500.00 |
| Apr. 20 | Republican National Committee | 10,000.00 (RNC) |
| Apr. 26 | CSFC Primary Fund Committee | 1,000.00 |
| Apr. 26 | National Conservative Political Committee | 500.00 |
| May 5 | Friends of Jim Buckley | 1,000.00 |
| May 7 | Conlan for Senator | 1,000.00 |
| May 14 | Fund to Defeat Big Labor Politicians | 500.00 |
| May 14 | Committee to Elect Samuel Cavnar | 500.00 |
| May 14 | Citizens against Kennedy | 500.00 |
| May 14 | Young Americans Campaign Committee | 500.00 |
| May 26 | A.C.U. Reagan Campaign | 3,000.00 |
| May 26 | Hayakawa for U.S. Senator | 1,000.00 |
| May 28 | G.O.P. Victory Fund | 5,000.00 (NRCC) |
| May 28 | Glen Jones for Congress | 1,000.00 |
| June 6 | Republican Senate Campaign Fund | 1,000.00 |

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| | | | |
|----------|--|-------------|--------|
| June 14 | Republican National Committee | \$ 5,000.00 | (RNC) |
| June 14 | Hayakawa for U.S. Senator | 500.00 | |
| July 9 | G.O.P. Victory Fund | 2,000.00 | (NRCC) |
| July 26 | Glen Jones Committee - pay debts | 2,500.00 | |
| July 26 | Fund for a Conservative Majority | 2,000.00 | |
| Aug. 4 | Republican National Committee | 10,000.00 | (RNC) |
| Aug. 6 | Committee for the Survival of a Free Congress | 150.00 | |
| Aug. 10 | Orrin Hatch for Senate | 1,000.00 | |
| Aug. 15 | 1976 G.O.P. Victory Fund | 20,000.00 | (NRCC) |
| Aug. 20 | Burger for U.S. Senate Committee | 1,000.00 | |
| Aug. 25 | Conservatives for Buckley | 2,000.00 | |
| Aug. 30 | Glen Jones Committee | 2,500.00 | |
| Sept. 7 | Conservatives for Buckley | 1,000.00 | |
| Sept. 29 | John Heinz for Senator | 500.00 | |
| Sept. 29 | Committee for Survival of a Free Congress | 1,000.00 | |
| Sept. 29 | Public Service Political Action Committee | 100.00 | |
| Oct. 1 | Conservatives for Buckley | 2,500.00 | |
| Oct. 4 | Ford for President | 400.00 | |
| Oct. 5 | G.O.P. Victory Fund | 250.00 | (NRCC) |
| Oct. 5 | Republican Senate Campaign Fund | 500.00 | |
| Oct. 9 | National Conservative Political Action Committee | 1,000.00 | |
| Oct. 11 | Hatch for Senate Committee | 1,000.00 | |
| Oct. 11 | Black Voters for Republican Congress | 500.00 | |
| Oct. 12 | Friends of Jim Buckley | 1,000.00 | |
| Oct 12 | Republican Campaign Fund | 1,000.00 | |

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 OFFICE OF GENERAL COUNSEL

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| | | |
|---------|--|--------------------|
| Oct. 13 | 1976 G.O.P. Victory Fund | 500.00 (NRCC) |
| Oct. 15 | Citizens for Senator Brock Committee | 500.00 |
| Oct. 16 | 1976 G.O.P. Victory Fund | 1,000.00 (NRCC) |
| Oct. 17 | Republican Congressional Boosters Club | 1,000.00 |
| Oct 26 | Ford for President | 1,000.00 |
| Oct. 28 | John Heinz for Senate Committee | 500.00 |
| Dec. 3 | American Conservative Union - Reagan project | <u>500.00</u> |
| | | <u>\$98,000.00</u> |

**FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL**

78040751768



FEDERAL ELECTION COMMISSION

1155 K STREET N.W.
WASHINGTON, D.C. 20463

August 22, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Mr. David Frazer
Lewis and Roca
First National Bank Plaza
One Hundred West Washington Street
Phoenix, Arizona

Re: MUR 375 (77)

Dear Mr. Frazer:

This is to acknowledge your letter of July 28, 1977, and to notify you that the Federal Election Commission has determined there is probable cause that Dr. and Mrs. Robert S. Flinn have violated 2 U.S.C. section 441a (a) (3) with respect to excessive contributions made during 1976.

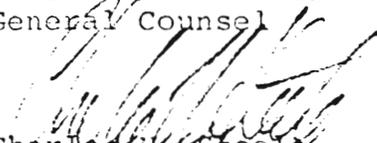
It should be noted that the Commission may now institute a civil action in the United States District Court in Phoenix to recover the penalty levied against the Flinns pursuant to section 437g(a) (5) (B).

If at any time prior to our filing of such a complaint, the Flinns decide to reconsider their position and enter into the conciliation agreement proposed by the Commission, we would be amenable to this.

Should you have any questions regarding the Commission's action and the pending suit, please contact Biz Van Gelder, (telephone no. 202/523-4175), the attorney assigned to this case.

Sincerely yours,

William E. Oldaker
General Counsel


Charles H. Steele
Acting General Counsel



78040754769

FEDERAL ELECTION COMMISSION
ORIGINAL FILE COPY
GENERAL COUNSEL

MUR 375

KG

PS Form 3811, Mar. 1976

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

Show to whom and date delivered..... 15¢

Show to whom, date, & address of delivery.. 35¢

RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢

RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Mr David Hager
Phoenix, Ariz

3. ARTICLE DESCRIPTION:

| REGISTERED NO. | CERTIFIED NO. | INSURED NO. |
|----------------|---------------|-------------|
| | | |

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

Robert Hager

4. DATE OF DELIVERY
8-26-77

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

PHOENIX, ARIZ. 87 D.C. POSTMAN'S AUG 26 1977

OFFICIAL INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

78040054770

August 10, 1977

MEMORANDUM TO: Marjorie Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 375 (77)

Please have the attached General Counsel's Report on MUR 375 (77) distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of August 10, 1977.

Thank you.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

78040054772

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR #375(77)
)
Dr. and Mrs. Robert S. Flinn)

GENERAL COUNSEL'S REPORT

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

I. STATUS:

This matter was initiated by Dr. and Mrs. Robert S. Flinn who desired voluntary compliance with the Federal Election Campaign Act, as amended.

On April 7, 1977, the Commission found Reason to Believe and Reasonable Cause to Believe that the Flinns had violated 2 U.S.C. §441a(a)(3), finding specifically that the Flinns gave Ninety eight thousand (\$98,000) Dollars in political contributions during the calendar year, 1976. If these contributions were to be considered joint contributions, the Flinns had contributed \$48,000 in excess of their annual limitations. If the contributions are to be ascribed to Mrs. Flinn, she would be \$73,000 in excess of the annual limitations as set out in 2 U.S.C. §441a(a)(3).^{1/}

The Flinns had originally sent the Commission a proposed Conciliation Agreement on January 24, 1977. Absent in this

^{1/}Since the Flinns have been anxious to conciliate, the General Counsel's Office has not questioned the fact that the majority of all recipients of contributions from the Flinns have entered Mrs. Flinn as the sole donor. In conciliation, the Flinns have notified the Commission that all contributions were intended as joint contributions and that the Flinns would contact all recipients and so notify them.

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Agreement was any mention of a civil fine or of an admission of any wrongdoing. On April 8, 1977, the Commission sent the Flinn's counsel a redraft which included an admission of guilt and a \$5,000 fine. The Flinns replied, through counsel on May 5, 1977, that the fine was excessive and contrary to any previous expectations from the Commission.

A General Counsel's report was sent to the Commission on May 26, 1977 which compared both drafts of the Conciliation Agreement between the Commission and the Flinns. At that time, the Commission decreased the amount of the proposed fine from \$5,000 to \$1,000 to reflect the mitigating circumstances which the Flinns presented, i.e., that the Flinns brought this matter to the Commission sua sponte. At that time, the Commission directed this Office to "Proceed to write its usual conciliation agreement, name a minimum penalty of \$1,000 to be levied. . . and to recommend that if the penalty is not paid that they proceed to litigation."

On August 1, 1977, the Commission received a response from the Flinn's attorney, Mr. David Frazer, (see attached letter). As evidenced by the letter, the Flinns were of the opinion that if they entered into a voluntary conciliation with the Commission all the Commission desired was a public record which would evidence the effectiveness of the Act and that there was never a mention of any civil penalty until Reason to Believe and Reasonable Cause to Believe were found.

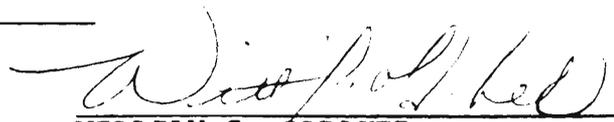
Considering the Flinn's inflexibility in this matter, the General Counsel's Office recommends that the Commission

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OFFICE OF GENERAL COUNSEL

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find Probable Cause to Believe that the Flinns have jointly violated the contribution limitations of 2 U.S.C. §441a(a)(3) and institute suit to recover the penalty.

DATED: 8/10/77


WILLIAM C. OLDAKER,
General Counsel

1 Attachment a/s

78040054775

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

YCC 1035

ORME LEWIS
JOHN P. FRANK
CHARLES CREHORE
ROBERT C. KELSO
LYMAN MANSER
A. GORDON OLSEN
JEREMY E. BUTLER
DAVID L. GROUNDS
JOHN L. HAY
JOHN A. MILLER
DOUGLAS L. IRISH
WILLIAM ISAACSON
EDWARD M. LEWIS (ON LEAVE)
P. ROBERT MOYA
JOHN C. MASON
THOMAS C. HORNE
JAY S. RUFFNER
PETER A. WINKLER
ANDREW S. GORDON
R. KENT KLEIN
STEVEN R. LEE
JUDITH M. BAILEY
SUSAN M. FREEMAN
RICHARD S. COHEN

PAUL M. ROCA
WALTER CHEIFETZ
PAUL R. MADDEN
JOSEPH E. MCGARRY
DAVID R. FRAZER
D. W. GRAINGER
GERALD K. SMITH
ROGER W. KAUFMAN
PAUL G. ULRICH
PETER D. BAIRD
MERTON E. MARKS
BRIAN GOODWIN
RICHARD A. HILLHOUSE
DAVID L. COCANOWER
DOUGLAS R. CHANDLER
KIMBALL J. CORSON
TOM GALBRAITH
MARTY HARPER
RICHARD N. GOLDSMITH
NEAL L. WOLF
ANTHONY R. LUCIA
CHARLES G. CASE II
JAMES B. LONG
RICHARD W. BOWERS

LEWIS AND ROCA
LAWYERS
FIRST NATIONAL BANK PLAZA
ONE HUNDRED WEST WASHINGTON STREET
PHOENIX, ARIZONA 85003
602/262-5311

EDWIN BEAUCHAMP
(1916-1984)
WALTER LINTON
OF COUNSEL
WASHINGTON OFFICE
1625 K STREET, N.W.
WASHINGTON, D.C. 20006
202/783-6590
OUR FILE NUMBER
14000-001

July 28, 1977

79010754775

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
ORIGINAL FILE COPY
OFFICE OF GENERAL COUNSEL

Re: Dr. & Mrs. Robert S. Flinn
MUR 375 (77)

Dear Mr. Oldaker:

Receipt is acknowledged of your letter of July 14th in response to my earlier letter to your office of April 29th.

The tentative decision of the Commission in regard to my redraft of the Conciliation Agreement is unsatisfactory on three counts. First, I would like included in the Agreement, Paragraph 2 (page 2) of my redraft which provides as follows:

"The Commission makes no finding nor any allegation of wrongdoing on the part of the Flinns with respect to the facts and transactions described in this agreement."

Secondly, I would like to include Paragraph 3 (on page 2) to the effect that:

"The Commission agrees that neither Dr. Flinn nor Mrs. Flinn has exceeded the annual contributions limits of 2 U.S.C. Section 441a(a)(3) with respect to the years 1976 and 1977."

LEWIS AND ROCA
LAWYERS

Mr. William C. Oldaker
July 28, 1977
Page 2 --

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Lastly, Dr. and Mrs. Flinn do not agree that a civil penalty of any amount should be assessed in this case. The Flinns brought this matter, via the Republican Congressional Committee, to the attention of the Commission and it was never implied or suggested in any way that a civil penalty would be asserted. If you insist on asserting a penalty under these circumstances, you will have to file a lawsuit to get it. If the latter is the Commission's decision, we shall enter into evidence not only the facts described above but also a copy of the June 1976 compilation of Federal Election Campaign Laws which a court or jury will have at least as much difficulty understanding as your typical contributor to political causes. It is my judgment that there is not a court in the country that would uphold a decision by the Commission to assert a penalty under these circumstances.

Very truly yours,

David R. Frazer
DAVID R. FRAZER

DRF:ib

cc: Mrs. Irene Flinn
Ms. Barbara Van Gelder
Mr. Wyatt A. Stewart, III

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

1100 STREET NW
WASHINGTON, DC 20542

JUL 11 1977

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Mr. David Frazer
Lewis and Roca
First National Bank Plaza
100 West Washington Street
Phoenix, AZ 85003

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Re: MUR 375(77)

Dear Mr. Frazer:

This is to acknowledge receipt of your proposed redraft of the conciliation agreement between Doctor and Mrs. Robert S. Flinn and the Federal Election Commission, and to advise you of the Commission's views regarding such a settlement.

After considering your proposed redraft and the arguments in support, the Commission directed the General Counsel's Office to proceed with the version it had first proposed, with these modifications:

First, the Commission has instructed us to include a penalty provision of \$1,000, instead of the penalty of \$5,000 originally proposed. The Commission considers this amount a minimal one to be imposed where, as here, the respondents have demonstrated voluntary compliance. In this regard, the proposed agreement also acknowledges the fact that the Flinns have come forth voluntarily. You should also be aware of the Commission's firm belief that if the Act is to be effective, some penalty must be imposed.

Next, we have deleted the clause appearing in the original proposal which stated "that, specifically, respondents understand the annual and individual contribution limits entered in 2 U.S.C. §441a(a)(1) and (3)."

Finally, we have combined the jurisdictional and venue clauses of the original proposal into the following:



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[The Federal Election Commission's jurisdiction over this matter for two years subsequent to the Federal Election Act of November 2, 1976 to ensure compliance with the Act. 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.

Attached is the complete conciliation agreement with all redrafts discussed above. We hope you find these changes acceptable and we look forward to a quick resolution of this matter. If you have any questions, please contact Biz Van Gelder (telephone no. 202/523-4175), the attorney assigned to this case.

Sincerely yours,

William C. Oldaker

William C. Oldaker
General Counsel

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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MUR 375 BIZ

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered..... 15¢
 Show to whom, date, & address of delivery.. 35¢
 RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
 David Frazer
 First Natl. Bank Plaza
 Phoenix, Arizona

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 1943609 CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE Addressee Authorized agent
Subject to [unclear]

4. DATE OF DELIVERY 7/18/77 POSTMARK

5. ADDRESS (Complete only if requested)
 1500 W. 14th Street
 Phoenix, Arizona 85003

6. UNABLE TO DELIVER BECAUSE: _____ CLERK'S INITIALS

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

1976
DATE

PAYEE

AMOUNT

| | | |
|---------|---|-----------------|
| Jan. 9 | Republican National Committee | 250.00 (RNC) |
| Jan. 30 | Republican Senate House Dinner | 1,000.00 |
| Feb. 3 | 1976 Conservative Political Action Conference | 250.00 |
| Feb. 20 | Emergency Campaign Fund | 2,000.00 (NRCC) |
| Feb. 20 | Ron Paul for Congress | 100.00 |
| Feb. 23 | Committee for the Survival of a Free Congress | 2,000.00 |
| Mar. 10 | National Conservative Political Committee | 500.00 |
| Mar. 12 | Citizens against Kennedy | 500.00 |
| Apr. 5 | Goldwater Committee to Elect Barry G. Jr. | 500.00 |
| Apr. 23 | Republican National Committee | 10,000.00 (RNC) |
| Apr. 24 | CSFC Primary Fund Committee | 1,000.00 |
| Apr. 26 | National Conservative Political Committee | 500.00 |
| May 5 | Friends of Jim Buckley | 1,000.00 |
| May 7 | Conlan for Senator | 1,000.00 |
| May 14 | Fund to Defeat Big Labor Politicians | 500.00 |
| May 14 | Committee to Elect Samuel Cavnar | 500.00 |
| May 14 | Citizens against Kennedy | 500.00 |
| May 14 | Young Americans Campaign Committee | 500.00 |
| May 26 | A.C.U. Reagan Campaign | 3,000.00 |
| May 26 | Hayakawa for U.S. Senator | 1,000.00 |
| May 28 | G.O.P. Victory Fund | 5,000.00 (NRCC) |
| May 28 | Glen Jones for Congress | 1,000.00 |
| June 6 | Republican Senate Campaign Fund | 1,000.00 |

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

1976
DATE

PAYEE

AMOUNT

| | | |
|----------|--|------------------|
| June 14 | Republican National Committee | 5,000.00 (RNC) |
| June 14 | Hayakawa for U.S. Senator | 500.00 |
| July 9 | G.O.P. Victory Fund | 2,000.00 (NRCC) |
| July 26 | Glen Jones Committee - pay debts | 2,500.00 |
| July 26 | Fund for a Conservative Majority | 2,000.00 |
| Aug. 4 | Republican National Committee | 10,000.00 (RNC) |
| Aug. 6 | Committee for the Survival of a Free Congress | 150.00 |
| Aug. 10 | Orrin Hatch for Senate | 1,000.00 |
| Aug. 15 | 1976 G.O.P. Victory Fund | 20,000.00 (NRCC) |
| Aug. 20 | Burger for U.S. Senate Committee | 1,000.00 |
| Aug. 25 | Conservatives for Buckley | 2,000.00 |
| Aug. 25 | Glen Jones Committee | 2,500.00 |
| Sept. 7 | Conservatives for Buckley | 1,000.00 |
| Sept. 29 | John Heinz for Senator | 500.00 |
| Sept. 29 | Committee for Survival of a Free Congress | 1,000.00 |
| Sept. 29 | Public Service Political Action Committee | 100.00 |
| Oct. 1 | Conservatives for Buckley | 2,500.00 |
| Oct. 4 | Ford for President | 400.00 |
| Oct. 5 | G.O.P. Victory Fund | 250.00 (NRCC) |
| Oct. 5 | Republican Senate Campaign Fund | 500.00 |
| Oct. 9 | National Conservative Political Action Committee | 1,000.00 |
| Oct. 11 | Hatch for Senate Committee | 1,000.00 |
| Oct. 11 | Black Voters for Republican Congress | 500.00 |
| Oct. 12 | Friends of Jim Buckley | 1,000.00 |
| Oct. 12 | Republican Campaign Fund | 1,000.00 |

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| | | |
|---------|--|--------------------|
| Oct. 13 | 1976 G.O.P. Victory Fund | 500.00 (NRCC) |
| Oct. 15 | Citizens for Senator Brock Committee | 500.00 |
| Oct. 16 | 1976 G.O.P. Victory Fund | 1,000.00 (NRCC) |
| Oct. 17 | Republican Congressional Boosters Club | 1,000.00 |
| Oct. 26 | Ford for President | 1,000.00 |
| Oct. 28 | John Heinz for Senate Committee | 500.00 |
| Dec. 3 | American Conservative Union - Reagan project | <u>500.00</u> |
| | | <u>\$98,000.00</u> |

(b) That all checks signed by Mrs. Flinn were intended to be joint contributions with Dr. Flinn to the various candidates and committees listed herein.

WHEREFORE, THE RESPONDENTS AGREE:

**FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL**

1. That the Flinns will not contribute in the aggregate more than \$ 2,000 to federal candidates, authorized political committees, and any other political committee with respect to a federal election pursuant to 2 U.S.C. §441a(a) during the calendar year 1977, thus bringing their joint contributions over a two year period to \$50,000 per year, in accordance with 2 U.S.C. §441a(a)(3).

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2. That the Elians contact all recipients of their 1976 contributions and notify them that their contributions were intended to be joint as per the Commission's regulation 9104.5(a), which at the time was in the proposed stage.

3. That the respondents pay a civil penalty in the amount of \$1,000 pursuant to 2 U.S.C. §437g(a)(6)(B).

4. That the respondents agree at all times to adhere to the requirements of the Federal Election Campaign Act.

GENERAL CONDITIONS:

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

A. That the Federal Election Commission has jurisdiction over this matter for three years subsequent to the general election of November 2, 1976 to assure compliance with the Act. 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.

B. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. §437g(a)(5)(A), and that this agreement shall constitute a complete bar to any further action by the Commission including referral to the U.S. Department of Justice, with regard to the matter set forth in this agreement.

C. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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This agreement made and entered into this day of
1977.

Dr. Robert S. Flinn

William C. Oldaker
General Counsel

Mrs. Robert S. Flinn

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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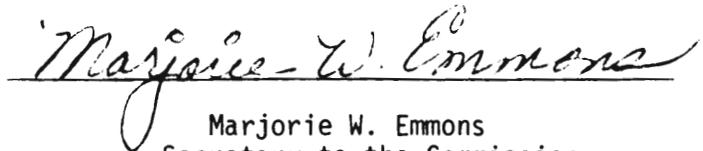
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dr. and Mrs. Robert S. Flinn)

MUR 375 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 9, 1977, the Commission determined by a vote of 4-0 to direct the staff to proceed with its usual form of conciliation agreement and to name a minimum penalty of \$1,000 to be levied in the above-captioned matter, and to recommend to the staff that if the penalty is not paid that they proceed to litigation.



Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

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4. Respondents have deleted from the Commission's draft, a clause which states "that, specifically, respondents understand and review the annual and individual contribution limitations entered in 2 U.S.C. §441a(a)(1) & (3). We agree that this is redundant in light of other provisions in the draft.

5. Respondents have deleted a "Wherefore" clause which states that the Commission retain jurisdiction over this matter for three years subsequent to the general election of November 3, 1976, to assure compliance with Act. Respondents contend that this clause is unnecessary in light of respondents agreement to at all times adhere to the requirements of the FECA. This office feels that this clause is necessary to specifically insure that this agreement is enforceable.

6. Respondents have deleted from the "General Conditions," the clause in which Respondents understand that the Commission may review Compliance of this action, and if it believes the agreement of 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. This clause is necessary to insure proper venue if the agreement is violated. If not, Respondents could have venue be in Phoenix, Arizona, the situs of the Respondents as well as the "center of gravity" of the contributions.

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OFFICE OF GENERAL COUNSEL

Recommendation:

That this office amend its original draft to exclude the clause referred to in ¶4 above; to combine ¶'s 5 & 6 into the following:

General Conditions:

That the Federal Election Commission retain jurisdiction over this matter for three years subsequent to the general election of November 2, 1976 to assure compliance with the Act. If the Commission believes 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.

and to retain the rest of the original draft with the exception that the Commission determine a bottom line amount in a civil penalty, if it desires a penalty at all.

6/3/77
Date



William C. Oldaker
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF) MUR 375 (77)
)
Dr. and Mrs. Robert S. Flinn)

FEDERAL ELECTION COMMISSION
GENERAL FILE COPY
OFFICE OF GENERAL COUNSEL

Conciliation Agreement

This matter having been initiated by the Respondents, Dr. and Mrs. Robert S. Flinn, 34 Biltmore Estates, Phoenix, Arizona, desiring voluntary compliance with the Federal Election Campaign Act of 1971, as amended (hereinafter "the Act") pursuant to 2 U.S.C. §437g(a)(5)(A).

NOW, THEREFORE, THE PARTIES HEREIN AGREE TO THE FOLLOWING:

1. That the Federal Election Commission ("the Commission") has jurisdiction over the respondents and the subject matter of this proceeding.
2. That Dr. and Mrs. Flinn ("the Flinns") having voluntarily approached the Commission and now enter voluntarily into this agreement with the Commission.
3. That the pertinent facts in this matter are as follows:
 - (a) During calendar year 1976, the Flinns gave \$98,000 in political contributions in excess of contributions limitations contained in 2 U.S.C. §441a(a)(3), to the following candidates and committees:

Attachment I

78040754739

BEFORE THE FEDERAL ELECTION COMMISSION

May 26, 1977

IN THE MATTER OF)
) MUR 375 (77)
Dr. and Mrs. Robert S. Flinn)

Interim Conciliation Report

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

I. Status:

On April 7, 1977, the Commission found reasonable cause to believe that Dr. and Mrs. Robert S. Flinn (hereinafter referred to as the Flinns) violated 2 U.S.C. 441a(a)(3) by contributing \$98,000 during 1976 to Federal Candidates and Committees. We sent Respondents notification of the Commission's action and included a proposed conciliation agreement. (See attachment 1).

On May 5, 1977, Mr. David Frazer, Attorney for the respondents submitted a redraft of the Commission's proposed conciliation agreement. (See attachment 2). The redraft illustrates the two areas in which the Flinns are most adamant. They strongly object to the imposition of any fine and any innuendo of misfeasance attached to their contributions. This redraft differs from the Commission's version in the following areas:

1. On page 2 of the redraft, Respondents have inserted into the "Agreement of the Parties" a clause which states that the Commission makes no finding nor any allegation of any wrongdoing on the part of the Flinns" This clause was not in the Commission approved draft and is inconsistent with both drafts "statement of facts" which concede that "During calender

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year 1976, the Flinns gave \$98,000 in political contributions in excess of contribution limitations contained in 2 U.S.C. 441a(a)(3)..."

2. Also on page 2, Respondents included a clause which states "the Commission agrees that neither Dr. Flinn nor Mrs. Flinn has exceeded the annual contribution limitations of 2 U.S.C. Section 441a(a)(3) with respect to the years 1976 and 1977. This clause is also inconsistent with the statement of facts.

3. Respondents have deleted the \$5,000 penalty which was included in the Commission's draft. Respondent's maintain that any fine is excessive in light of the fact the Flinns desire to voluntarily comply with the Act. They cite the proposition that penalizing those who voluntarily come forth with negligent violations would "chill" one's desire to seek voluntary compliance.

While the fact that Respondents came forward before the Commission discovered these matters may validly be taken as evidence of their desire to conciliate and is therefore a consideration in mitigation of the amount of the penalty, the scope of the violation is such that we would recommend the imposition of some penalty. This office seeks the guidance of the Commission as to what amount should be finally allocated.

78040354701

| 1976 DATE | PAYEE | AMOUNT |
|--------------|--|-----------------|
| Jan. 6 | Republican National Committee | \$ 250.00 (RNC) |
| Jan. 30 | Republican Senate House Dinner | 1,000.00 |
| Feb. 3 | 1976 Conservative Political Action Conference | 250.00 |
| Feb. 20 | Emergency Campaign Fund | 2,000.00 (NRCC) |
| Feb. 20 | Ron Paul for Congress | 100.00 |
| Feb. 28 | Committee for the Survival of a Free Congress | 2,000.00 |
| Mar. 10 | National Conservative Political Committee | 500.00 |
| Mar. 12 | Citizens against Kennedy | 500.00 |
| Apr. 5 | Goldwater Committee to Elect Barry G. Jr. | 500.00 |
| Apr. 20 | Republican National Committee | 10,000.00 (RNC) |
| Apr. 26 | CSFC Primary Fund Committee | 1,000.00 |
| Apr. 26 | National Conservative Political Committee | 500.00 |
| May 5 | Friends of Jim Buckley | 1,000.00 |
| May 7 | Conlan for Senator | 1,000.00 |
| May 14 | Fund to Defeat Big Labor Politicians | 500.00 |
| May 14 | Committee to Elect Samuel Cavnar | 500.00 |
| May 14 | Citizens against Kennedy | 500.00 |
| May 14 | Young Americans Campaign Committee | 500.00 |
| May 26 | A.C.U. Reagan Campaign | 3,000.00 |
| May 26 | Hayakawa for U.S. Senator | 1,000.00 |
| May 28 | G.O.P. Victory Fund | 5,000.00 (NRCC) |
| May 28 | Glen Jones for Congress | 1,000.00 |
| June 6 | Republican Senate Campaign Fund | 1,000.00 |

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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OFFICE OF GENERAL COUNSEL

| 1976 DATE | PAYEE | AMOUNT | |
|--------------|---|-----------|--------|
| June 14 | Republican National Committee | 5,000.00 | (RNC) |
| June 14 | Hayakawa for U.S. Senator | 500.00 | |
| July 9 | G.O.P. Victory Fund | 2,000.00 | (NRCC) |
| July 26 | Glen Jones Committee - pay debts | 2,500.00 | |
| July 26 | Fund for a Conservative Majority | 2,000.00 | |
| Aug. 4 | Republican National Committee | 10,000.00 | (RNC) |
| Aug. 6 | Committee for the Survival of a Free Congress | 150.00 | |
| Aug. 10 | Orrin Hatch for Senate | 1,000.00 | |
| Aug. 15 | 1976 G.O.P. Victory Fund | 20,000.00 | (NRCC) |
| Aug. 20 | Burger for U.S. Senate Committee | 1,000.00 | |
| Aug. 25 | Conservatives for Buckley | 2,000.000 | |
| Aug. 30 | Glen Jones Committee | 2,500.00 | |
| Sept. 7 | Conservatives for Buckley | 1,000.00 | |
| Sept. 29 | John Heinz for Senator | 500.00 | |
| Sept. 29 | Committee for Survival of a Free Congress | 1,000.00 | |
| Sept. 29 | Public Service Political Action Committee | 100.00 | |
| Oct. 1 | Conservatives for Buckley | 2,500.00 | |
| Oct. 4 | Ford for President | 400.00 | |
| Oct. 5 | G.O.P. Victory Fund | 250.00 | (NRCC) |
| Oct. 5 | Republican Senate Campaign Fund | 500.00 | |
| Oct. 9 | National Conservative Political Action Committee | 1,000.00 | |
| Oct. 11 | Hatch for Senate Committee | 1,000.00 | |
| Oct. 11 | Black Voters for Republican Congress | 500.00 | |
| Oct. 12 | Friends of Jim Buckley | 1,000.00 | |
| Oct. 12 | Republican Campaign Fund | 1,000.00 | |

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| 1976 DATE | PAYEE | AMOUNT |
|--------------|--|--------------------|
| Oct. 13 | 1976 G.O.P. Victory Fund | 500.00 (NRCC) |
| Oct. 15 | Citizens for Senator Brock Committee | 500.00 |
| Oct. 16 | 1976 G.O.P. Victory Fund | 1,000.00 (NRCC) |
| Oct. 17 | Republican Congressional Boosters Club | 1,000.00 |
| Oct. 26 | Ford for President | 1,000.00 |
| Oct. 28 | John Heinz for Senate Committee | 500.00 |
| Dec. 3 | American Conservative Union - Reagan project | <u>500.00</u> |
| | | <u>\$98,000.00</u> |

(b) That all checks signed by Mrs. Flinn were intended to be joint contributions to the various candidates and committees listed herein.

WHEREFORE, THE RESPONDENT AGREES:

1. That the Flinns will not contribute in the aggregate more than \$2,000 to federal candidates, authorized political committees, and any other political committee with respect to a federal election pursuant to 2 U.S.C. §441a(a) during the calendar year 1977, thus bringing their joint contributions over a two year period to \$50,000 per year, in accordance with 2 U.S.C. §441(a)(3).

FEDERAL ELECTION COMMISSION
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 OFFICE OF GENERAL COUNSEL

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2. That the Flinns contact all recipients of their 1976 contributions and notify them that their contributions were intended to be joint as per the Commission's proposed regulation §104.5(e).

3. That the respondents pay a civil penalty in the amount of \$5,000 pursuant to 2 U.S.C. §437a(a)(6)(B).

4. That the respondents agree at all times to adhere to the requirements of the Federal Election Campaign Act.

5. That, specifically, respondents understand and review the annual and individual contribution limitations contained in 2 U.S.C. §441a(a)(1) and (3).

6. That the Federal Election Commission retain jurisdiction over this matter for three years subsequent to the general election of November 2, 1976, to assure respondents, Dr. and Mrs. Robert S. Flinn, compliance with the requirements of the Act.

GENERAL CONDITIONS:

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

A. Respondents understand that the Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter 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.

78040054705

B. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. §437g(a)(5)(A), and that this agreement shall constitute a complete bar to any further action by the Commission including referral to the U.S. Department of Justice, with regard to matters set forth in this agreement.

C. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

This agreement made and entered into this _____ day of _____, 1977.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

78010754725

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF)
) MOP 475 (77)
Dr. and Mrs. Robert S. Flinn)

Conciliation Agreement

This matter having been initiated by the Respondents, Dr. and Mrs. Robert S. Flinn, 34 Biltmore Estates, Phoenix, Arizona, desiring voluntary compliance with the Federal Election Campaign Act of 1971, as amended (hereinafter "the Act") pursuant to 2 U.S.C. Section 437g(a)(5)(A).

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Statement of Facts:

1. During calendar year 1976, the Flinns gave \$98,000 in political contributions in excess of contributions limitations contained in 2 U.S.C. 441a(a)(3), to the candidates and committees set forth in Attachment A.

2. That Dr. and Mrs. Flinn ("the Flinns"), wishing to insure that their actions in 1976 regarding contributions covered by the Act, were in compliance with the Act, have voluntarily approached the Commission and now voluntarily enter into this agreement with the Commission.

3. That all checks signed by Mrs. Flinn were intended to be joint contributions by Dr. and Mrs. Flinn to the various candidates and committees listed in Attachment A.

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[Handwritten signature]

Agreement of Parties:

1. That the Federal Election Commission ("the Commission") has jurisdiction over the respondents and the subject matter of this proceeding.

2. The Commission makes no finding nor any allegation of any wrongdoing on the part of the Flinns with respect to the facts and transactions described in this agreement.

3. The Commission agrees that neither Dr. Flinn nor Mrs. Flinn has exceeded the annual contributions limits of 2 U.S.C. Section 441a(a)(3) with respect to the years 1976 and 1977.

4. That the Flinns will not contribute in the aggregate more than \$2,000 to federal candidates, authorized political committees, and any other political committee with respect to a federal election pursuant to 2 U.S.C. 441a(a) during the calendar year 1977, thus bringing their joint contributions over a two year period to \$50,000 per year, in accordance with 2 U.S.C. 441a(1)

5. That the Flinns contact all recipients of their 1976 contributions and notify them that their contributions were intended to be joint as per the Commission's proposed regulation Section 104.5(e).

6. That the respondents agree at all times to adhere to the requirements of the Federal Election Campaign Act.

7. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. Section

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437g(a)(5)(A), and that this agreement shall constitute a complete bar to any further action by the Commission, including referral to the U.S. Department of Justice, with regard to matters set forth in this agreement.

8. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

This agreement made and entered into this ____ day of _____, 1977.

General Counsel
Federal Election Commission

Dr. Robert S. Flinn

Mrs. Robert Flinn

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OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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ATTACHMENT A

FEDERAL ELECTION COMMISSION
 PAYEE
OFFICIAL FILE COPY
 OFFICE OF GENERAL COUNSEL

| <u>1976</u> <u>DATE</u> | | <u>AMOUNT</u> | |
|----------------------------|---|---------------|--------|
| Jan. 6 | Republican National Committee | 250.00 | (RNC) |
| Jan. 30 | Republican Senate House Dinner | 1,000.00 | |
| Feb. 3 | 1976 Conservative Political Action Conference | 250.00 | |
| Feb. 20 | Emergency Campaign Fund | 2,000.00 | (NRCC) |
| Feb. 20 | Ron Paul for Congress | 100.00 | |
| Feb. 28 | Committee for the Survival of a Free Congress | 2,000.00 | |
| Mar. 10 | National Conservative Political Committee | 500.00 | |
| Mar. 12 | Citizens against Kennedy | 500.00 | |
| Apr. 5 | Collector Committee of West Barry G. Jr. | 500.00 | |
| Apr. 20 | Republican National Committee | 10,000.00 | (RNC) |
| Apr. 26 | CSFC Primary Fund Committee | 1,000.00 | |
| Apr. 26 | National Conservative Political Committee | 500.00 | |
| May 6 | Friends of Jim Buckley | 1,000.00 | |
| May 8 | Center for Senator | 1,000.00 | |
| May 11 | Fund to Defeat Bill Laker and Johnson | 500.00 | |
| May 14 | Committee to Elect Senate Democrats | 500.00 | |
| May 14 | Citizens against Kennedy | 500.00 | |
| May 14 | Young Americans Campaign Committee | 500.00 | |
| May 26 | A.C.U. Reagan Campaign | 3,000.00 | |
| May 26 | Bay Area for U.S. Senator | 1,000.00 | |
| May 28 | G.O.P. Victory Fund | 5,000.00 | (NRCC) |
| May 28 | Glen Jones for Congress | 1,000.00 | |
| June 6 | Republican Senate Campaign Fund | 1,000.00 | |

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| | | | |
|----------|--|-----------|--------|
| June 14 | Republican National Committee | 2,000.00 | (RNC) |
| June 14 | Hayakawa for U.S. Senator | 500.00 | |
| July 9 | G.O.P. Victory Fund | 2,000.00 | (NRCC) |
| July 26 | Glen Jones Committee - pay debts | 2,500.00 | |
| July 26 | Fund for a Conservative Majority | 2,000.00 | |
| Aug. 4 | Republican National Committee | 10,000.00 | (RNC) |
| Aug. 6 | Committee for the Survival of a Free Congress | 150.00 | |
| Aug. 10 | Orrin Hatch for Senate | 1,000.00 | |
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| Aug. 20 | Burger for U.S. Senate Committee | 1,000.00 | |
| Aug. 23 | Conservatives for Buckley | 2,000.00 | |
| Aug. 30 | Glen Jones Committee | 2,500.00 | |
| Sept. 7 | Conservatives for Buckley | 1,000.00 | |
| Sept. 29 | John Heinz for Senator | 500.00 | |
| Sept. 29 | Committee for Survival of a Free Congress | 1,500.00 | |
| Sept. 29 | Public Service Political Action Committee | 100.00 | |
| Oct. 1 | Conservatives for Buckley | 2,500.00 | |
| Oct. 4 | Ford for President | 400.00 | |
| Oct. 5 | G.O.P. Victory Fund | 250.00 | (NRCC) |
| Oct. 5 | Republican Senate Campaign Fund | 500.00 | |
| Oct. 9 | National Conservative Political Action Committee | 1,000.00 | |
| Oct. 11 | Hatch for Senate Committee | 1,000.00 | |
| Oct. 11 | Black Voters for Republican Congress | 500.00 | |
| Oct. 12 | Friends of Jim Buckley | 1,000.00 | |
| Oct. 12 | Republican Campaign Fund | 1,000.00 | |

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 OFFICE OF GENERAL COUNSEL

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| | | |
|---------|--|-------------------|
| Oct. 13 | 1976 G.O.P. Victory Fund | 500.00 (NRCC) |
| Oct. 15 | Citizens for Senator Brock Committee | 500.00 |
| Oct. 16 | 1976 G.O.P. Victory Fund | 1,000.00 (NRCC) |
| Oct. 17 | Republican Congressional Boosters Club | 1,000.00 |
| Oct. 26 | Ford for President | 1,000.00 |
| Oct. 26 | John Heinz for Senate Committee | 500.00 |
| Dec. 3 | American Conservative Union - Reagan project | <u>500.00</u> |
| | | <u>\$8,000.00</u> |

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#124
5/20



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 20, 1977

MEMORANDUM TO: William C. Oldaker,
General Counsel

FROM: Jan W. Baran, Executive Assistant to
Commissioner Joan D. Aikens

SUBJECT: Notice of Possible Conflict of Interest

I wish to hereby notify you of my involvement in MUR 375(77) presently pending before the Commission.

Prior to my employment by the Commission, I was actively assisting the respondents in that matter.

For the above stated reason, I wish to inform you in your role as Ethics Counselor that I shall refrain from discussing any aspects of that MUR with any Commission employee. I have made this decision in order to eliminate any appearance of a conflict of interest.

Naturally, 2 U.S.C. 437g already imposes a confidentiality restriction on me with respect to communications with persons outside the Commission.

I respectfully request that this notice be made part of the record of MUR 375(77).

Before coming to the Commission, I notified the respondent's attorney that I would take this course of action. Furthermore, a copy of this memorandum will be sent to Ms. Biz Van Gelder, the attorney assigned to MUR 375(77).

JWB:jet

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dr. and Mrs. Robert S. Flinn)

MUR 375

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 7, 1977, the Commission adopted the recommendations of the General Counsel that it finds Reason to Believe and Reasonable Cause to Believe that a violation of the Federal Election Campaign Act, as amended, had been committed in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

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April 8, 1977

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS
RE: MUR 375 (77)

MWE

The above-mentioned document was transmitted to the Commissioners on April 6, 1977 at 11:00 a.m.

As of 10:00 a.m., April 8, 1977, no objections have been received to the staff recommendations in MUR 375(77).

Commissioner Aikens pointed out in her returned copy that Reagan's name had been misspelled several times in the Memorandum To the File attached to the MUR.

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OFFICE OF GENERAL COUNSEL

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file copy

DATE AND TIME OF TRANSMITTAL: _____

NO. MUR 375

REC'D: 1-24-77

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Sua Sponte

Respondent's Name: Dr. and Mrs. Robert S. Flinn

Relevant Statute: 2 U.S.C. §441a(3)

Internal Reports Checked: _____

Federal Agencies Checked: None

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SUMMARY OF ALLEGATION

During the calendar year 1976, Dr. and Mrs. Robert S. Flinn gave, by their own admission, a total of \$98,000.00 in political contributions. This is almost double the statutory limit, even if we assume, arguendo, that all contributions were joint.

PRELIMINARY LEGAL ANALYSIS

This case is sui generis. While the Flinns have made a blatant violation of §441a(a)(3), they have not committed violations of §441a(a)(1). See attached memo.

FEDERAL ELECTION COMMISSION
GENERAL FILE COPY
CHIEF OF BUREAU

RECOMMENDATION

Find reason to believe and reasonable cause to believe and authorize the staff to enter into conciliation discussions with the respondents. Proposed conciliation agreement attached.

MEMORANDUM TO: FILE

FROM: BIZ VAN GELDER

RE: MUR 375, Dr. & Mrs. Robert S. Flinn

DATE: April 4, 1977

On January 18, 1977, Mr. Jan Baran of the National Republican Congressional Committee sent the FEC a draft of a conciliation agreement on behalf of Dr. & Mrs. Robert S. Flinn of Phoenix, Arizona. (See attachment #1.) During the calendar year 1976, the Flinns gave a total of \$98,000.00 in political contributions in violation of 2 U.S.C. §441a(a)(3). This case is in the "mea culpa" category since the NFCC was the one to pick up the violation. The Flinns have also retained their own counsel.

The case brings out an interesting problem with the Act. The Flinns aggregated contributions are well in excess of the yearly limitation. This brings up the question of what sort of remedy should be fashioned in order to bring about compliance with the law.

There are two minor issues which should be discussed before addressing the question of a remedy. They involve (a) joint contributions; and (b) earmarking.

(a) Whether the Flinns contributions should be labeled "Joint".

Their attorney assured me that they always intend their contributions to be joint and that they would be amenable to writing all candidates and committees which they contributed to clarify the record. (Dr. & Mrs. Flinn are both in their mid-to-late 70's.) They have also written the Commission clarifying their intention that all contributions should be labeled "joint". (See attachment #3.)

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MUR 375; Dr. & Mrs. Robert S. Flinn

(b) Whether certain contributions made by the Flinns were earmarked to individual candidates thus pushing the Flinns over the limits described in §441a(a).

The earmarking question is pertinent with two of the committees which received monies from the Flinns. They are the American Conservative Union and Conservatives for Buckley; the Flinns gave \$3,500.00 to the former and \$5,500.00 to the later.

The regs deal with earmarking in §110.6(a) which says:

All contributions by a person made on behalf of or for a candidate through an intermediary or conduit are contributions from the person to the candidate.

The checks for ACU were made payable to "ACU-Regan Campaign" and "ACU-Regan Project." Again, if we look at the check, this appears to be earmarked for Ronald Regan. If this is for Regan, they are \$1,000.00 over the limit imposed by 2 U.S.C. §441a(a). The ACU acknowledges the gift from the Flinns but does not list it as "earmarked." Furthermore, at the time of the larger check (May 26, 1976), there were three AO's which dealt tangentially with this issue. (They are AO 32-1975, AO 48-75 and AO 74-1975.)

I am inclined to leave the ACU issue in limbo for the moment since this exact issue is currently involved in a compliance matter under David Stein.

The second contribution deals with Conservatives for Buckley. The Flinns had given \$2,000 to Buckley's principal campaign committee (Friends of Jim Buckley) but they also gave \$5,000.00 to the Conservatives for Buckley.

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OFFICE OF GENERAL COUNSEL

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MUR 375; Dr. & Mrs. Robert S. Flinn

The issue of whether or not a contribution to Conservatives for Buckley is in fact a contribution to James Buckley and therefore raising the Flinns way over the §441a(a) limit is dealt with in the following manner.

Contributions from individuals to an unauthorized single candidate committee, such as the Committee, must not exceed \$1,000.00 per election. Although, the Conservatives for Buckley received several contributions aggregating in excess of \$1,000.00 and it may also have received contributions from individuals who had already given their maximum contribution to Mr. Buckley's authorized campaign committees, the Committee's activities occurred during the period when there was no definitive published position from the Commission. Due to the lack of wide-spread publication of the applicable limitation on contributions to committees making independent expenditures solely on behalf of one candidate, until less than one month before the date of the general election on November 2, 1976, the Committee cannot be said to have received adequate notice that its donors were limited to a maximum contribution of \$1,000.00.

Aside from these two problems, the rest of the individual contributions are within the limits of §441a(a).

CONTRIBUTION LIMITS

The Flinns, assuming that all contributions are joint, are \$48,000 over the contribution limit. This is a blatant violation but would not appear to be a "knowing and willful" violation.

REMEDY

Our choices could include:

(1) Accepting the RNCC's draft, (See Attachment #1). I am inclined to reject this because it does not address itself to the problem that the money spent by the Flinns

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MUR 375; Dr. & Mrs. Robert S. Flinn

on behalf of individual candidates had far more influence in 1976 than in any other year, and the Act talks about "influencing elections". Plus, the NRCC and RNC don't need the Flinns money anyway, so it is just a simple circumvention of the spirit of the law.

(2) Revamp proposal #1 to include a civil fine which would act as a deterrent to future violations and establish a forceful precedent. (See attachment #2.)

(3) Pick the point where the Flinns went over the \$50,000 mark and try to secure the best efforts to retrieve monies contributed over and above the \$50,000 yearly joint limit. The difficulty here is obvious. The donees received the monies legitimately and we don't address ourselves to the problems of those candidates with debts.

I recommend that we explore the viability of option 2. It is important that the \$25,000 limit be upheld in order to preserve the integrity of the FECA, but we must also recognize the fact that the Flinns desire voluntary compliance with the law and were the ones to approach us.

My immediate recommendation is that we make this a MUR and proceed pursuant to §437g into conciliation.

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OFFICE OF GENERAL COUNSEL

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National Republican Congressional Committee

512 HOUSE OFFICE BLDG. ANNEX • WASHINGTON, D.C. 20515 • TELEPHONE (202) 225-1800

CHAIRMAN
Guy Vander Jagt, M.C., Michigan
EXECUTIVE DIRECTOR
Steven Stockmayer

LC # 1255

January 18, 1977

770207

Dear Bill:

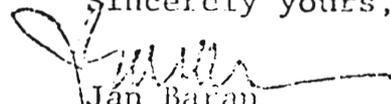
Enclosed you will find a draft of a conciliation agreement which I drew up subsequent to our telephone conversation. I feel that the facts are sufficiently outlined in the draft. However, I would be glad to provide to you and the record any additional data which you may desire.

The personal attorney for the Flinns is Mr. David Frazer with the firm of Lewis and Roca, Phoenix, Arizona, (602-262-5311). Mr. Frazer, with his clients' permission, has requested that I initiate these preliminary steps towards a mutually acceptable conciliation agreement. I have sent him a copy of the attached draft for his review. Naturally, you should feel free to call Mr. Frazer, although I will initially handle this matter.

Both the Flinns and the National Republican Congressional Commission are bringing these facts to the attention of the Commission in order to obtain assurances that the provisions of the Federal Election Campaign Act, as amended, have been complied with by all parties. This action is taken in the spirit of achieving voluntary compliance. After all, this is the admirable policy of the Commission and one which is greatly appreciated by a befuddled public.

With best regards, I remain

Sincerely yours,


Jan Baran
Legal Counsel

Mr. William Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
ORIGINAL FILE COPY
OFFICE OF GENERAL COUNSEL

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ATTACHMENT #1

CONCILIATION AGREEMENT BETWEEN
THE FEDERAL ELECTION COMMISSION
AND
MR. AND MRS. ROBERT FLINN

Pursuant to 2 U.S.C. §437g the Federal Election Commission (hereinafter "FEC") and Mr. and Mrs. Robert Flinn (hereinafter the "Flinns") of Phoenix, Arizona, hereby enter into the following conciliation agreement.

I. Statement of Facts

During the calendar year 1976 the Flinns sent to candidates for federal office and political committees which support such candidates contributions which totalled \$98,000 (see Attachment A). However, only \$50,000 of these contributions were made with respect to 1976. It was and is the intent of the Flinns that the remaining \$48,000 be treated as contributions in calendar year 1977 as required by 2 U.S.C. §441(a)(3). The recipients of the \$48,000 and their respective shares are as follows:

| | |
|---|------------------------|
| Republican National Committee | \$25,000 |
| National Republican Congressional Committee | <u>23,000</u> |
| Total 1977 Contributions | <u><u>\$48,000</u></u> |

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OFFICE OF GENERAL COUNSEL

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Within the 1976 annual limitations the attribution is
as follows:

| | |
|---|-----------------|
| Republican National Committee | \$ 250 |
| National Republican Congressional Committee | 7,750 |
| All other candidates and committees | <u>42,000</u> |
| Total 1976 Contributions | <u>\$50,000</u> |

For purposes of the limitations on contributions in
2 U.S.C. §441a(a)(1)(B) the above 1976 and 1977 contributions
are divided between and attributed equally to Mr. Flinn and
Mrs. Flinn.

Both the Republican National Committee and the National
Republican Congressional Committee had surpluses on January 1,
1977. These surpluses were well in excess of all contributions
from the Flinns with respect to 1977.

II. Agreement

Based on the above facts and the list of contributions
contained in Attachment A, the FEC and the Flinns now agree
to the following:

1. The FEC under 2 U.S.C. §437d(a)(10) has the power "to
encourage voluntary compliance" with the provisions of the
Federal Election Campaign Act of 1971, as amended (hereinafter
"the Act").

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OFFICE OF GENERAL COUNSEL

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2. The Flinns, wishing to ensure that their actions in 1976 regarding contributions covered by the Act were in compliance with the Act, have voluntarily approached the FEC and now voluntarily enter into this agreement with the FEC.

3. The FEC makes no finding nor any allegation of any wrongdoing on the part of the Flinns with respect to the facts and transactions described in this agreement.

4. The FEC agrees that the allocations and attribution of contributions as outlined in the Statement of Facts complies with the requirements of the Act, provided that Attachment A constitutes an accurate and complete list of 1976 and 1977 contributions, and provided further that additional 1977 contributions do not exceed \$2,000.

5. The FEC agrees that neither Mr. Flinn nor Mrs. Flinn has exceeded the annual contributions limits of 2 U.S.C. §441a(a)(3) with respect to years 1976 and 1977.

6. Unless violated, this agreement constitutes a complete bar to any administrative or judicial action by the FEC in regards to the transactions listed herein.

This agreement made and entered into this _____ day of _____, 1977.

General Counsel
Federal Election Commission
Washington, D.C.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
CHIEF OF GENERAL COUNSEL

Mr. Robert Flinn
34 Biltmore Estates
Phoenix, Arizona

Mrs. Robert Flinn
34 Biltmore Estates
Phoenix, Arizona

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF) MUR 375 (77)
)
Dr. and Mrs. Robert S. Flinn)

Conciliation Agreement

This matter having been initiated by the Respondents, Dr. and Mrs. Robert S. Flinn, 34 Biltmore Estates, Phoenix, Arizona, desiring voluntary compliance with the Federal Election Campaign Act of 1971, as amended (hereinafter "the Act") pursuant to 2 U.S.C. §437g(a)(5)(A).

NOW, THEREFORE, THE PARTIES HEREIN AGREE TO THE FOLLOWING:

1. That the Federal Election Commission ("the Commission") has jurisdiction over the respondents and the subject matter of this proceeding.
2. That Dr. and Mrs. Flinn ("the Flinns") having voluntarily approached the Commission and now enter voluntarily into this agreement with the Commission.
3. That the pertinent facts in this matter are as follows:
 - (a) During calendar year 1976, the Flinns gave \$98,000 in political contributions in excess of contributions limitations contained in 2 U.S.C. §441a(a)(3), to the following candidates and committees:

RECEIVED
FEDERAL ELECTION COMMISSION
MARCH 29 1977
U.S. GENERAL COUNCIL

Attachment 2

7301005481;

draft

| 1976 DATE | PAYEE | AMOUNT |
|--------------|--|-----------------|
| Jan. 6 | Republican National Committee | \$ 250.00 (RNC) |
| Jan. 30 | Republican Senate House Dinner | 1,000.00 |
| Feb. 3 | 1976 Conservative Political Action Conference | 250.00 |
| Feb. 20 | Emergency Campaign Fund | 2,000.00 (NRCC) |
| Feb. 20 | Ron Paul for Congress | 100.00 |
| Feb. 28 | Committee for the Survival of a Free Congress | 2,000.00 |
| Mar. 10 | National Conservative Political Committee | 500.00 |
| Mar. 12 | Citizens against Kennedy | 500.00 |
| Apr. 5 | Goldwater Committee to Elect Barry G. Jr. | 500.00 |
| Apr. 20 | Republican National Committee | 10,000.00 (RNC) |
| Apr. 26 | CSFC Primary Fund Committee | 1,000.00 |
| Apr. 26 | National Conservative Political Committee | 500.00 |
| May 5 | Friends of Jim Buckley | 1,000.00 |
| May 7 | Conlan for Senator | 1,000.00 |
| May 14 | Fund to Defeat Big Labor Politicians | 500.00 |
| May 14 | Committee to Elect Samuel Cavnar | 500.00 |
| May 14 | Citizens against Kennedy | 500.00 |
| May 14 | Young Americans Campaign Committee | 500.00 |
| May 26 | A.C.U. Reagan Campaign | 3,000.00 |
| May 26 | Hayakawa for U.S. Senator | 1,000.00 |
| May 28 | G.O.P. Victory Fund | 5,000.00 (NRCC) |
| May 28 | Glen Jones for Congress | 1,000.00 |
| June 6 | Republican Senate Campaign Fund | 1,000.00 |

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| 1976 DATE | PAYEE | AMOUNT |
|--------------|---|------------------|
| June 14 | Republican National Committee | 5,000.00 (RNC) |
| June 14 | Hayakawa for U.S. Senator | 500.00 |
| July 9 | G.O.P. Victory Fund | 2,000.00 (NRCC) |
| July 26 | Glen Jones Committee - pay debts | 2,500.00 |
| July 26 | Fund for a Conservative Majority | 2,000.00 |
| Aug. 4 | Republican National Committee | 10,000.00 (RNC) |
| Aug. 6 | Committee for the Survival of a Free Congress | 150.00 |
| Aug. 10 | Orrin Hatch for Senate | 1,000.00 |
| Aug. 15 | 1976 G.O.P. Victory Fund | 20,000.00 (NRCC) |
| Aug. 20 | Burger for U.S. Senate Committee | 1,000.00 |
| Aug. 25 | Conservatives for Buckley | 2,000.000 |
| Aug. 30 | Glen Jones Committee | 2,500.00 |
| Sept. 7 | Conservatives for Buckley | 1,000.00 |
| Sept. 29 | John Heinz for Senator | 500.00 |
| Sept. 29 | Committee for Survival of a Free Congress | 1,000.00 |
| Sept. 29 | Public Service Political Action Committee | 100.00 |
| Oct. 1 | Conservatives for Buckley | 2,500.00 |
| Oct. 4 | Ford for President | 400.00 |
| Oct. 5 | G.O.P. Victory Fund | 250.00 (NRCC) |
| Oct. 5 | Republican Senate Campaign Fund | 500.00 |
| Oct. 9 | National Conservative Political Action Committee | 1,000.00 |
| Oct. 11 | Hatch for Senate Committee | 1,000.00 |
| Oct. 11 | Black Voters for Republican Congress | 500.00 |
| Oct. 12 | Friends of Jim Buckley | 1,000.00 |
| Oct. 12 | Republican Campaign Fund | 1,000.00 |

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OFFICE OF GENERAL COUNSEL

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| 1976 DATE | PAYEE | AMOUNT |
|--------------|--|--------------------|
| Oct. 13 | 1976 G.O.P. Victory Fund | 500.00 (NRCC) |
| Oct. 15 | Citizens for Senator Brock Committee | 500.00 |
| Oct. 16 | 1976 G.O.P. Victory Fund | 1,000.00 (NRCC) |
| Oct. 17 | Republican Congressional Boosters Club | 1,000.00 |
| Oct. 26 | Ford for President | 1,000.00 |
| Oct. 28 | John Heinz for Senate Committee | 500.00 |
| Dec. 3 | American Conservative Union - Reagan project | <u>500.00</u> |
| | | <u>\$98,000.00</u> |

(b) That all checks signed by Mrs. Flinn were intended to be joint contributions to the various candidates and committees listed herein.

WHEREFORE, THE RESPONDENT AGREES:

1. That the Flinns will not contribute in the aggregate more than \$2,000 to federal candidates, authorized political committees, and any other political committee with respect to a federal election pursuant to 2 U.S.C. §441a(a) during the calendar year 1977, thus bringing their joint contributions over a two year period to \$50,000 per year, in accordance with 2 U.S.C. §441(a)(3).

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2. That the Flinns contact all recipients of their 1976 contributions and notify them that their contributions were intended to be joint as per the Commission's proposed regulation §104.5(e).

3. That the respondents pay a civil penalty in the amount of \$5,000 pursuant to 2 U.S.C. §437a(a)(6)(B).

4. That the respondents agree at all times to adhere to the requirements of the Federal Election Campaign Act.

5. That, specifically, respondents understand and review the annual and individual contribution limitations contained in 2 U.S.C. §441a(a)(1) and (3).

6. That the Federal Election Commission retain jurisdiction over this matter for three years subsequent to the general election of November 2, 1976, to assure respondents, Dr. and Mrs. Robert S. Flinn, compliance with the requirements of the Act.

GENERAL CONDITIONS:

A. Respondents understand that the Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter 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.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

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B. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. §437g(a)(5)(A), and that this agreement shall constitute a complete bar to any further action by the Commission including referral to the U.S. Department of Justice, with regard to matters set forth in this agreement.

C. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

This agreement made and entered into this _____ day of _____, 1977.

FEDERAL ELECTORAL COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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February 10, 1977
34 Biltmore Estates
Phoenix, Arizona 85016

Ms. Barbara Van Gelder
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Ms. Van Gelder:

Pursuant to recent discussions between your office and David R. Frazer, our attorney, I would like to comment on the nature of the donations made in my name during 1976 to various political committees.

It was both my intention and the intention of my husband, Dr. Robert S. Flinn, to make these contributions jointly to the various political committees listed on the schedule attached to the proposed Conciliation Agreement. Dr. Flinn's signature at the bottom of this letter will confirm that his intent was as represented in this letter.

Sincerely,

Irene Flinn

Irene Flinn

Robert S. Flinn

Robert S. Flinn

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Attachment 3

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