



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3769

DATE FILMED 9-14-93 CAMERA NO. 4

CAMERAMAN J.N.H.

93040954894

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: April 1, 1993

ANALYST: Jack MacDonald

I. COMMITTEE: Anthony For Congress
(C00265777)
Orlin Trego, Treasurer
P.O. Box 54598
Oklahoma City, OK 73154

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(6)
11 CFR §104.5(f)

III. BACKGROUND:

Failure to File Forty-Eight Hour Notifications

The Anthony For Congress committee ("the Committee") has failed to file one (1) 48-Hour Notification ("48-Hour Notice") for a candidate loan of \$25,000 which represents 100% of the candidate loans requiring 48-Hour Notices prior to the 1992 General Election.

The candidate was involved in the 1992 General Election held on November 3, 1992. Prior Notice was sent to the Committee on September 28, 1992 (Attachment 2). The Notice includes a section titled "48 Hour Notices on Contributions". This section reads "Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of \$1,000 or more, during the period of October 15 through October 31. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s)."

Schedule C of the 30 Day Post-General Report indicates that the Committee failed to file one (1) 48-Hour Notice for a candidate loan of \$25,000 received during the aforementioned period (Attachment 3). The following is the candidate loan for which no 48-Hour Notice was filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Robert H. Anthony (candidate loan)	10/26/92	\$25,000

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On March 5, 1993, an Informational Notice ("IN") was sent to the Committee (Attachment 4). The IN notes on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice requests the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice states that although the Commission may take legal steps, any response would be taken into consideration.

The Committee's response of March 15, 1993 does not address the failure to file a 48-Hour Notice for the candidate loan (Attachment 5).

93040954896



CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	GENERAL			
ANTHONY, BOB	HOUSE 06 REPUBLICAN PARTY				1992 ELECTION	104	REC06027
1. STATEMENT OF CANDIDATE							
1992 STATEMENT OF CANDIDATE					21APR92	1	92HSE/449/4161
STATEMENT OF CANDIDATE - AMENDMENT					17AUG92	2	92HSE/464/0675
2. PRINCIPAL CAMPAIGN COMMITTEE							
ANTHONY FOR CONGRESS					JD #C00265777		HOUSE
1992 STATEMENT OF ORGANIZATION					21APR92	1	92HSE/449/4162
STATEMENT OF ORGANIZATION - AMENDMENT					4MAY92	1	92HSE/450/4327
STATEMENT OF ORGANIZATION - AMENDMENT					21JUL92	1	92HSE/461/3886
MISCELLANEOUS NOTICE FROM FEC					7AUG92	1	92FEC/772/4708
STATEMENT OF ORGANIZATION - AMENDMENT					10AUG92	1	92HSE/464/0473
STATEMENT OF ORGANIZATION - AMENDMENT					17AUG92	2	92HSE/464/0673
48 HOUR CONTRIBUTION NOTICE					17AUG92	2	92HSE/464/0352
MISCELLANEOUS REPORT TO FEC					18AUG92	4	92HSE/464/0782
48 HOUR CONTRIBUTION NOTICE					24AUG92	1	92HSE/464/4250
MISCELLANEOUS REPORT TO FEC					30OCT92	2	92HSE/482/0026
JULY QUARTERLY	47,850		36,202		24OCT91 - 30JUN92	17	92HSE/462/0370
REQUEST FOR ADDITIONAL INFORMATION					24OCT91 - 30JUN92	1	92FEC/772/4283
PRE-PRIMARY	34,027		16,685		1JUL92 - 5AUG92	18	92HSE/464/0633
NOTICE OF FAILURE TO FILE					1JUL92 - 5AUG92	1	92FEC/774/0718
OCTOBER QUARTERLY		128,632		146,425	6AUG92 - 30SEP92	18	92HSE/476/0547
OCTOBER QUARTERLY - AMENDMENT					6AUG92 - 30SEP92	4	92HSE/483/0713
REQUEST FOR ADDITIONAL INFORMATION					6AUG92 - 30SEP92	2	92FEC/800/4992
PRE-GENERAL		109,479		103,862	1OCT92 - 14OCT92	8	92HSE/481/5327
PRE-GENERAL AMENDMENT					1OCT92 - 14OCT92	2	92HSE/481/4932
NOTICE OF FAILURE TO FILE					1OCT92 - 14OCT92	1	92FEC/800/1886
POST-GENERAL		38,257		51,595	15OCT92 - 23NOV92	12	92HSE/488/2291
POST-GENERAL AMENDMENT					15OCT92 - 23NOV92	1	92HSE/495/3206
1 ST LETTER INFORMATIONAL NOTICE					15OCT92 - 23NOV92	1	92FEC/830/5393
YEAR-END		19,932		21,025	24NOV92 - 31DEC92	11	92HSE/491/0876 *
TOTAL		81,877	296,320	52,887	322,907	113	TOTAL PAGES
3. AUTHORIZED COMMITTEES							
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN							

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All Reports Have Been Reviewed Except For *

Cash-On-Hand As of 12/31/92: \$2,401.10

Debts owed as of 12/31/92: \$241,550

REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL

September 28, 1992

1992 GENERAL ELECTION CANDIDATE COMMITTEES

REPORT	REPORTING PERIOD*	REG./CERT.	FILING
		MAILING DATE**	DATE
Pre-General	10/01/92 - 10/14/92	10/19/92	10/22/92
Post-General	10/15/92 - 11/23/92	12/03/92	12/03/92

WHO MUST FILE

All 1992 general election principal campaign committees of congressional candidates (including unopposed candidates) who seek election in the November 3, 1992 General Election must file the Pre- and Post-General Election Reports.

WHO NEED NOT FILE

Principal campaign committees of candidates not active in the 1992 elections (i.e., committees active in past or future elections) and 1992 campaign committees not participating in the general election do not file the Pre- and Post-General Reports.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of \$1,000 or more, during the period of October 15 through October 31. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s).

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

COMPLIANCE

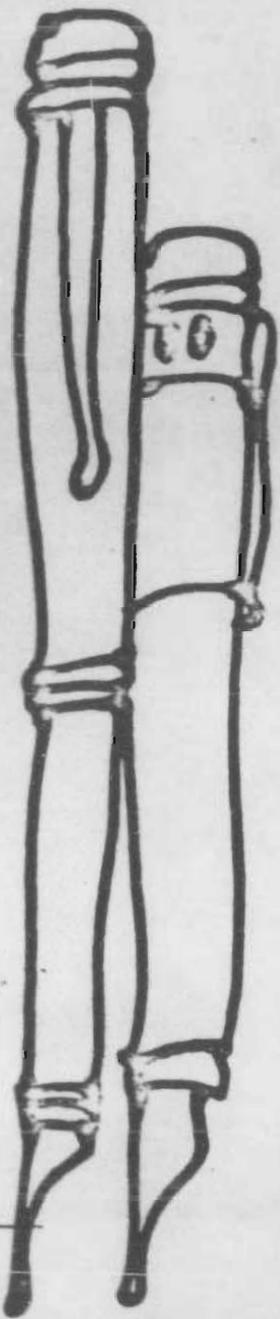
TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

*The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

**Reports sent by registered or certified mail must be post-marked by the mailing date; otherwise, they must be received by the filing date.

FOR INFORMATION, Call: 800/424-9530 or 202/219-3420

93040954898



SCHEDULE C
(Revised 3/88)

LOANS

Page 2 of 2 for
LINE NUMBER 118
Use separate schedules
for each numbered line!

Loan by Candidate from Personal Funds

Name of Committee (in Full) Anthony for Congress Committee		C00265777	
A. Full Name, Mailing Address and ZIP Code of Loan Source Robert H. Anthony Post Office Box 54598 Oklahoma City, OK 73154		Original Amount of Loan 100000.00	Cumulative Payment To Date -0-
		Balance Outstanding at Close of This Period 100000.00	
Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>10-6-92</u> Date Due <u>NONE</u> Interest Rate <u>0</u> % (ap) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
2. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
3. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
B. Full Name, Mailing Address and ZIP Code of Loan Source Robert H. Anthony Post Office Box 54598 Oklahoma City, OK 73154		Original Amount of Loan 25000.00	Cumulative Payment To Date -0-
		Balance Outstanding at Close of This Period 25000.00	
Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>10-26-92</u> Date Due <u>NONE</u> Interest Rate <u>0</u> % (ap) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
2. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
3. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
SUBTOTALS This Period This Page (optional)			224050.00
FC 77LF This Period (last page in this line only)			
Copy outstanding balance only to LINE 2, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

2302

MAR 11 1993

REGULAR MAIL

MAR 15 11 46 AM '93

Anthony for Congress

March 10, 1993

STERLING CAMPAIGNS

Campaign Co Chairmen

Belle Anderson
Anadarko

Logan Brown
Sayre

Dr. Ed L. Callahan
Brewer

Ann F. Cong Tang
Tulsa

Wayman Corns
Forsyth

Frank L. Davies, Jr.
Enid

Danny Cox
Haskell

M. Rev. Wilbur B. Henry
Clinton

H. C. "Ladd" Hitch
Geyman

Eddie W. Jackson
Forest Park

Dr. A. C. A. Wheeler, Jr.
Lawton

Treasurer

L. Orin Topp
Woodward

Co-Treasurer

Kay Dudley
Oklahoma City

P. O. Box 54598
Oklahoma City, OK 73154
16031557-0092

Mr. Jack MacDonald
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

RE: ID #C00265777
30 Day Post-General Report (10/15/92-
11/23/92)

147494

RECEIVED
OFFICE OF RECORDS & REGISTRATION
203 MAR 16 PM 1:59
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

Dear Mr. MacDonald:

Pursuant to your communication dated March 5, 1993, concerning our failure to report "last minute" contributions of \$1,000 or more, we regret that we did evidently fail to report in a timely manner two contributions received on 10/22/92 of \$1,000 each from Joe and Mary Ann Mayer; a later contribution by Tom Anthony on 10/30/92 was reported (by FAX) within the 48-hour time frame; and the other \$1,000 contribution from the above referenced report was received post-election.

Unfortunately, some reports and notifications were mistakenly sent to the FEC rather than the Clerk of the House. This may have been the case in this instance; however, our campaign was indeed at fault.

We apologize for the oversight, as it has always been imperative to Mr. Anthony that our campaign endeavor to conform to the rules set forth by the Federal Election Commission at all times. If any further action is necessary concerning this problem, please notify us and we will be happy to comply.

Sincerely,
Linda Pitt
Linda Pitt
Assistant Treasurer
Anthony for Congress

RECEIVED
F.E.C.
SECRETARIAT

93 APR 15 AM 10:10

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral: #93L-15
Staff Member: Tamara Kapper

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Anthony for Congress and Orlin Trego, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(6)

INTERNAL REPORTS CHECKED: Disclosure Reports
Referral Material

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on April 2, 1993. Attachment 1. The basis for the attached referral is the failure of Anthony for Congress and Orlin Trego, as treasurer ("Anthony Committee"), to file one forty-eight hour notification ("48 Hour Notice") for a contribution in the form of a loan from the candidate, Bob Anthony. The Anthony Committee received the contribution prior to the 1992 general election. Mr. Anthony lost the November 3, 1992, general election in the Sixth Congressional District in the State of Oklahoma with thirty-two percent (32%) of the vote.

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II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 2, this Office recommends the Commission find reason to believe the respondents violated 2 U.S.C. § 434(a)(6).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

IV. RECOMMENDATIONS

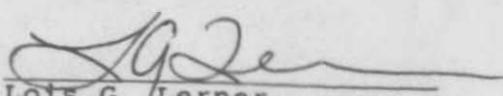
1. Open a MUR.
2. Find reason to believe Anthony for Congress and Orlin Trego, as treasurer, violated 2 U.S.C. § 434(a)(6) and enter into conciliation prior to a finding of probable cause to believe.

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

Lawrence M. Noble
General Counsel

4/14/93
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Factual and Legal Analysis
3. Proposed agreement

93040954904

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Anthony for Congress and Orlin Trego,)
as treasurer.)

RAD Referral #93L-15

MUR 3769

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 20, 1993, the Commission decided by a vote of 4-0 to take the following actions with respect to RAD Referral #93L-15:

1. Open a MUR.
2. Find reason to believe Anthony for Congress and Orlin Trego, as treasurer, violated 2 U.S.C. § 434(a)(6) and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis, conciliation agreement and the appropriate letter, as recommended in the General Counsel's Report dated April 14, 1993.

Commissioners Aikens, Elliott, McGarry, and Potter voted affirmatively for the decision; Commissioners McDonald and Thomas did not cast votes.

Attest:

4-20-93
Date

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

Received in the Secretariat:
Circulated to the Commission
Deadline for vote:

Thurs., April 15, 1993 10:10 a.m.
Thurs., April 15, 1993 11:00 a.m.
Tues., April 20, 1993 4:00 p.m.

dr

93040954905



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

APRIL 23, 1993

Orlin Trego, Treasurer
Anthony for Congress
P.O. Box 54598
Oklahoma City, OK 73154

RE: MUR 3769
Anthony for Congress and
Orlin Trego, as treasurer

Dear Mr. Trego:

On April 20, 1993, the Federal Election Commission found that there is reason to believe Anthony for Congress (the "Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign

93040954906

Orlin Trego
Page 2

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

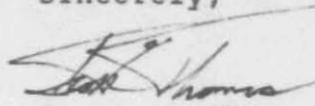
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,


Scott E. Thomas
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

cc: Bob Anthony

93040954907

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Anthony for Congress
and Orlin Trego, as
treasurer

MUR: 3769

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

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The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify, in writing, either the Secretary of the Senate, the Clerk of the U.S. House of Representatives or the Commission, as appropriate, and the Secretary of State, of each contribution totaling \$1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

Pursuant to 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(i)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid.

According to its statement of organization filed with the Commission, Anthony for Congress is the principal campaign committee of Bob Anthony. Orlin Trego is the treasurer of Anthony for Congress.

The general election was held on November 3, 1992. Pursuant to the Act, Respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from October 15 to October 31, 1992, within 48 hours of their receipt. On September 28, 1992, the Anthony Committee was reminded by the Commission, in writing, that the receipt of contributions (including contributions from the candidate, loans from the candidate's personal funds, and endorsements or guarantees of bank loans by the candidate) of \$1,000 or more must be reported within 48 hours if received during the period of October 15 through October 31, 1992. The notice further stated that these notices must reach the appropriate federal and state offices within 48 hours of the committee's receipt.

A review of the Anthony Committee's 1992 30 Day Post-General Report identified one contribution received on October 26, 1992, of \$1,000 or more, in the form of a loan from the candidate, totaling \$25,000. The contribution was reported on Schedule C with the candidate, Robert H. Anthony, listed as the contributor of a \$25,000 loan to the Anthony Committee. The

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Anthony Committee did not submit a 48 Hour Notice for this contribution.

Therefore, there is reason to believe that Anthony for Congress and Orlin Trego, as treasurer, violated 2 U.S.C. § 434(a)(6) by failing to report a campaign contribution of \$1,000 or more, received after the 20th day, but more than 48 hours before the general election, within 48 hours of receipt of the contribution.

93040954910



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 10, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Orlin Trego, Treasurer
Anthony for Congress
P.O. Box 54598
Oklahoma City, OK 73154

RE: MUR 3769
Anthony for Congress and
Orlin Trego, as treasurer

Dear Mr. Trego:

On April 23, 1993, you were notified that the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreement. The 30 day period for negotiations will soon expire. Unless we receive a response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in cursive script that reads "Tamara K. Kapper".

Tamara K. Kapper
Paralegal

93040954911

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

93 MAY 13 PM 3:24

BOB ANTHONY
P. O. Box 54598
Oklahoma City, OK 73154

May 7, 1993

The Honorable Scott E. Thomas
Chairman
Federal Election Commission
Washington, D. C. 20463

RE: MUR 3769
Anthony for Congress and
Orlin Trego, as treasurer

Dear Mr. Thomas:

Pursuant to your communication of April 23, 1993, received April 28, 1993, concerning findings by your Commission that Anthony for Congress violated the 48-hour reporting rule, we regret that we inadvertently neglected to report the October 26, 1992 candidate loan of \$25,000 within the acceptable period. It was subsequently reported in the Post General Report.

Throughout the campaign, our committee made a very diligent effort to comply with all FEC rules and regulations on a daily basis. However, as none of us had any prior experience with a U.S. Congressional campaign, we must acknowledge that we sometimes failed to report in a timely manner. The fact that we had to maintain two campaign offices contributed to the problem -- bookkeeping and recordkeeping functions were performed in one office, while the main campaign office took care of daily affairs, collection of contributions, mail, bank deposits, etc. As a result, in the normal confusion that occurs so close before the general election, the candidate loan in question was not reported until after the election.

Also, some reports were unfortunately faxed to the FEC rather than the Clerk of the House, as required.

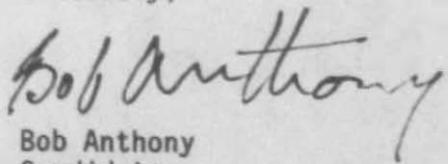
As the Post General Report reflects, the Anthony for Congress campaign was not able to raise sufficient contributions to defray expenses. As a result, it was necessary for me to loan the campaign many thousands of dollars, which will likely never be recoverable.

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MUR 3769
May 7, 1993
Page 2

We await your decision on this matter. Thank you for your consideration.

Sincerely,



Bob Anthony
Candidate
Anthony for Congress
P. O. Box 54598
Oklahoma City, OK 73154

93040954913

RECEIVED
F.E.C.
SECRETARIAT

93 MAR 24 PM 4:55

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Anthony for Congress and)
Orlin Trego, as treasurer)

MUR 3769"

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 20, 1993, the Federal Election Commission (the "Commission") found reason to believe that Anthony for Congress and Orlin Trego, as treasurer, ("Anthony Committee"), violated 2 U.S.C. § 434(a)(6) for the failure to file timely a forty-eight hour notification ("48 Hour Notice") for the receipt of a \$25,000 contribution in the form of a loan from the candidate, Robert Anthony. On that same date, the Commission determined to enter into conciliation with the Anthony Committee prior to a finding of probable cause to believe and approved a proposed conciliation agreement.

On May 13, 1993, Mr. Anthony submitted a response to the Commission's reason to believe finding

II. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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Therefore, the Office of the General Counsel recommends that the Commission accept the counterproposal submitted by Anthony for Congress and Orlin Trego, as treasurer, and close the file.

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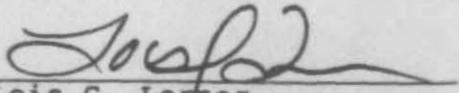
III. RECOMMENDATIONS

1. Accept the counterproposal submitted by Anthony for Congress and Orlin Trego, as treasurer.
2. Close the file.
3. Send the appropriate letter.

Lawrence M. Noble
General Counsel

8/24/93
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response to Reason to Believe Finding, dated 5/7/93
2. Counterproposal, dated 7/22/93
3. Amended 1992 12 Day Pre-General Report, dated 10/30/92

Staff Assigned: Tamara Kapper

93040954917

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Anthony for Congress and) MUR 3769
Orlin Trego, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 30, 1993, the Commission decided by a vote of 6-0 to take the following actions in MUR 3769:

1. Accept the counterproposal submitted by Anthony for Congress and Orlin Trego, as treasurer, as recommended in the General Counsel's Report dated August 24, 1993.
2. Close the file.
3. Send the appropriate letter, as recommended in the General Counsel's Report dated August 24, 1993.

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

Attest:

8/30/93
Date

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

Received in the Secretariat: Tues., August 24, 1993 4:55 p.m.
Circulated to the Commission: Wed., August 25, 1993 11:00 a.m.
Deadline for vote: Mon., August 30, 1993 4:00 p.m.

bjr

93040954918



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 3, 1993

Bob Anthony
Bob Anthony for Congress and
Orlin Trego, as treasurer
P.O. Box 54598
Oklahoma City, OK 73154

RE: MUR 3769
Bob Anthony for Congress and
Orlin Trego, as treasurer

Dear Mr. Anthony:

On August 30, 1993, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted by you on behalf of Bob Anthony for Congress and Orlin Trego, as treasurer, in settlement of a violation of 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

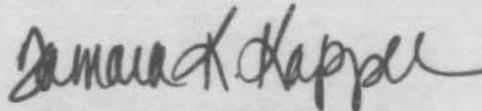
Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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Mr. Anthony
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Enclosed you will find a copy of the fully executed
conciliation agreement for your files. If you have any
questions, please contact me at (202) 219-3690.

Sincerely,



Tamara K. Kapper
Paralegal

Enclosure
Conciliation Agreement

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RECEIVED
FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Anthony for Congress and) MUR 3769
Orlin Trego, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Anthony for Congress and Orlin Trego, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6).

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

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(1).

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

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

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

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1. Anthony for Congress is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee for Bob Anthony's 1992 congressional campaign.

2. Orlin Trego is the treasurer of Anthony for Congress.

3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify, in writing, either the Secretary of the Senate, the Clerk of the U.S. House of Representatives or the Commission, as appropriate, and the Secretary of State, of each contribution totaling \$1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

4. According to 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(i)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid.

5. The Respondents received on October 26, 1992 one contribution of \$1,000 or more, in the form of a loan from the candidate, totaling \$25,000.

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6. The contribution was reported on Schedule C of the 1992 30 Day Post-General Report.

7. The Respondents did not submit a 48 Hour Notice for this contribution.

V. The Respondents failed to report a campaign contribution in excess of \$1,000 received after the 20th day, but more than 48 hours before the November 3, 1992 General Election, within 48 hours of receipt of the contribution, in violation of 2 U.S.C. § 434(a)(6).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of two thousand dollars (\$2,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:

L. G. Lerner
Lois G. Lerner
Associate General Counsel

Date

9/3/93

FOR THE RESPONDENTS:

Bob Anthony
(Name)
(Position)

CANDIDATE

Date

JULY 21, 1993

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3769

DATE FILMED 9-18-93 CAMERA NO. 4

CAMERAMAN J.M.W.

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