

LECTION COMMISSION

P.C. 2046.1



THIS IS THE BEGINNING OF MUR # 3777

DATE FILMED 6/9/93 CAMERA NO. 4

CAMERA MAN E.E.S.



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 3777

DATE FILMED 6/9/93 CAMERA NO. 4

CAMERAMAN E.E.S.

93040943564

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: February 17, 1993

ANALYST: Jack MacDonald

I. COMMITTEE: Committee to Elect Dr. James Lewis to Congress
(C00271304)
Margaret Z. Beard, Treasurer
1718 5th Avenue North
Birmingham, AL 35203

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 Committee to Elect Dr. James Lewis to Congress ("the Committee") has failed to file Forty-Eight (48) Hour Notifications ("48-Hour Notices") for candidate loans totalling \$18,000 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 Termination Report indicates that the Committee failed to file 48-Hour Notices for candidate loans totalling \$18,000 received during the aforementioned period (Attachment 3). The following is a list of the candidate loans for which no 48-Hour Notices were filed:

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COMMITTEE TO ELECT JAMES
LEWIS TO CONGRESS
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
James M. Lewis, M.D., J.D. (candidate loans)	10/15/92	\$5,000
	10/21/92	\$2,000
	10/29/92	\$1,000
	10/23/92	\$3,000
	10/27/92	\$4,000
	10/30/92	\$1,500
	10/31/92	\$1,500

On January 5, 1993, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI 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 received on February 4, 1993 states that the Committee misunderstood the 48 Hour reporting requirements (Attachment 5).

93040943566

FEDERAL ELECTION COMMISSION
1991-1992
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 10FEB93

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/ PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
		PRIMARY	GENERAL	PRIMARY	GENERAL			
LEWIS, JAMES DR	HOUSE 07 INDEPENDENT					ALABAMA 1992 ELECTION	ID# H2AL07108	
1. STATEMENT OF CANDIDATE								
1992 STATEMENT OF CANDIDATE						5JUN92	1	92HSE/453/3358
2. PRINCIPAL CAMPAIGN COMMITTEE								
COMMITTEE TO ELECT DR JAMES LEWIS TO CONGRESS						ID #C00271304 HOUSE		
1992 STATEMENT OF ORGANIZATION						2JUL92	1	92HSE/454/2210
JULY QUARTERLY		14,161		10,124		16JUN92 -15JUL92	13	92HSE/458/1927
JULY QUARTERLY - AMENDMENT		14,161		10,124		16JUN92 -15JUL92	11	92HSE/477/3650
JULY QUARTERLY - AMENDMENT		14,161		10,124		16JUN92 -15JUL92	7	92HSE/482/4890
REQUEST FOR ADDITIONAL INFORMATION						16JUN92 -15JUL92	2	92FEC/785/2768
REQUEST FOR ADDITIONAL INFORMATION 2ND						16JUN92 -15JUL92	1	92FEC/802/0760
OCTOBER QUARTERLY		15,915		19,242		15JUL92 -30SEP92	21	92HSE/468/3649
OCTOBER QUARTERLY - AMENDMENT		15,915		19,242		15JUL92 -30SEP92	27	92HSE/477/4188
OCTOBER QUARTERLY - AMENDMENT		15,915		19,242		15JUL92 -30SEP92	13	93HSE/490/3625
REQUEST FOR ADDITIONAL INFORMATION						15JUL92 -30SEP92	1	92FEC/818/4746
PPE-GENERAL - AMENDMENT		3,725		3,010		30SEP92 -14OCT92	6	92HSE/478/5356
PPE-GENERAL - AMENDMENT						-30SEP92 -14OCT92	1	92HSE/488/3630
REQUEST FOR ADDITIONAL INFORMATION						30SEP92 -14OCT92	1	92FEC/818/4744
POST-GENERAL - TERMINATED		24,675		26,094		14OCT92 -23NOV92	17	92HSE/488/3658
POST-GENERAL - AMENDMENT		24,675		26,094		14OCT92 -23NOV92	17	93HSE/490/3771
POST-GENERAL - AMENDMENT						-14OCT92 -23NOV92	17	93HSE/492/4660
REQUEST FOR ADDITIONAL INFORMATION						14OCT92 -23NOV92	2	92FEC/818/4741
REQUEST FOR ADDITIONAL INFORMATION 2ND						14OCT92 -23NOV92	1	92FEC/823/0295
TOTAL		0	58,476	0	58,470		159	TOTAL PAGES
2. AUTHORIZED COMMITTEES								
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN								

93040943567

All Reports Have Been Reviewed

Ending Cash-On-Hand As Of 11/23/92: \$3.94

Outstanding Debts As Of 11/23/92: \$0

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL

September 28, 1992

1992 GENERAL ELECTION CANDIDATE COMMITTEES

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING 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

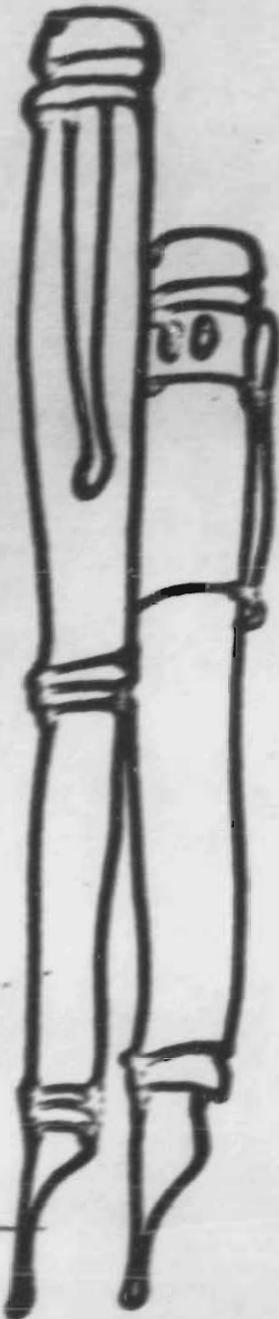
TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

*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

93040943568



SCHEDULE C
(Revised 3/88)

LOANS

Page 1 of 3
LINE NUMBER 13(c)
For source information
See instructions on page 1

Name of Committee (if Full)
COMMITTEE TO ELECT DR. JAMES LEWIS TO CONGRESS C00271304

A. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Guaranteed Payment To Date	Balance Outstanding at Close of This Period
James M. Lewis, M. D., J. D. 1704 - 5th Avenue, North Birmingham, Alabama 35203 Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	\$5,000.00	\$	\$5,000.00

Term: Date Incurred 10-15-92 Date Due 10-15-93 Interest Rate 0 % Fixed Variable

List All Endorsers or Guarantors (if any) to Item A (Personal Funds)

1. 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	Original Amount of Loan	Guaranteed Payment To Date	Balance Outstanding at Close of This Period
James M. Lewis, M. D., J. D. 1704 - 5th Avenue, North Birmingham, Alabama 35203 Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	\$2,000.00	\$	\$2,000.00

Term: Date Incurred 10-21-92 Date Due 10-21-93 Interest Rate 0 % Fixed Variable

List All Endorsers or Guarantors (if any) to Item B (Personal Funds)

1. Full Name, Mailing Address and ZIP Code	Name of Employer	Occupation	Amount Guaranteed Outstanding
			\$
			\$
			\$

SUBTOTALS This Period This Page (entered)	\$7,000.00
TOTALS This Period (not page to page) (do not enter)	\$22,000.00

Every outstanding balance only to LINE 2, Schedule B, for this line. If on Schedule B, carry forward to appropriate line of Summary.

00011349470

LOANS

Name of Creditor (or Full)

CREDIT TO ELECT DR. JAMES LEWIS TO CONGRESS C01271304

A. Full Name, Mailing Address and ZIP Code of Loan Borrower	Original Amount of Loan	Guarantee Payment To Date	Balance Outstanding at Close of This Period
James M. Lewis, M. D., J. D. 1704 - 5th Avenue, North Birmingham, Alabama 35203 Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	\$1,000.00	\$	\$1,000.00
Term: Date Issued <u>10-25-92</u> Date Due <u>10-29-93</u> Interest Rate <u>0</u> % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable			

List All Endorsers or Guarantors (if any) to Item A (Personal Funds)

1. Full Name, Mailing Address and ZIP Code	Name of Employer	Occupation	Amount Guaranteed Outstanding
			\$
			\$
			\$

B. Full Name, Mailing Address and ZIP Code of Loan Borrower	Original Amount of Loan	Guarantee Payment To Date	Balance Outstanding at Close of This Period
James M. Lewis, M. D., J. D. 1704 - 5th Avenue, North Birmingham, Alabama 35203 Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	\$3,000.00	\$	\$3,000.00
Term: Date Issued <u>10-23-92</u> Date Due <u>10-23-93</u> Interest Rate <u>0</u> % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable			

List All Endorsers or Guarantors (if any) to Item B (Personal Funds)

1. Full Name, Mailing Address and ZIP Code	Name of Employer	Occupation	Amount Guaranteed Outstanding
			\$
			\$
			\$

GRAND TOTALS This Period This Page (entered)	\$4,000.00
TOTALS This Period This Page in this file (entered)	\$22,000.00

Copy outstanding balance only to LINE 1, Schedule D, for this time. If on Schedule D, carry forward to appropriate line of Schedule D.

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3001110471

SCHEDULE C
(Revised 2/88)

LOANS

Page 3 of 5
OMB NUMBER 1545-0047
Use current edition
for all subsequent years

Name of Committee (or Full)			
CONGRESSIONAL TO HONOR DR. JAMES LEWIS TO CONGRESS C00271301			
A. Full Name, Mailing Address and ZIP Code of Lender Branch		Original Amount of Loan	Balance Outstanding at Close of This Period
James H. Lewis, M. D., J. D. 1704 - 5th Avenue, North Birmingham, Alabama 35203		\$4,000.00	\$4,000.00
Section: <input type="checkbox"/> Wholly <input type="checkbox"/> General <input type="checkbox"/> Other (Specify)		Guarantee Payment To Date	
Terms: Date Incurred <u>10-27-92</u> Date Due <u>10-27-93</u> Interest Rate <u>0</u> % <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A (Personal Funds)			
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 Lender Branch		Original Amount of Loan	Balance Outstanding at Close of This Period
James H. Lewis, M. D., J. D. 1704 - 5th Avenue, North Birmingham, Alabama 35203		\$1,500.00	\$1,500.00
Section: <input type="checkbox"/> Wholly <input type="checkbox"/> General <input type="checkbox"/> Other (Specify)		Guarantee Payment To Date	
Terms: Date Incurred <u>10-30-92</u> Date Due <u>10-30-93</u> Interest Rate <u>0</u> % <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B (Personal Funds)			
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	
SUBTOTAL (This Period This Page Reported)			\$5,500.00
TOTAL (This Period See page 1 of this form)			\$2,000.00

2001140472

Every outstanding balance only on LINE 2, Schedule C, for this year, if on Schedule C, carry forward to appropriate line of Schedule

SCHEDULE C
(Form 300)

LOANS

Page 4 of 5
LINE NUMBER 13(c)
Use address provided
for 1099-INT/1099-DIV

Name of Creditor (or Payer)

ORIGINATED TO JOHN H. JONES LOANS TO BUSINESS C00271304

A. For Name, Mailing Address and ZIP Code of Lender (Borrower)	Original Amount of Loan	Payments Made To Date	Balance Outstanding at Close of This Period
James H. Lewis, M. D., J. D. 1704 - 5th Avenue, North Birmingham, Alabama 35203 Status: <input type="checkbox"/> Other <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	\$1,500.00	0	\$1,500.00

Term: Due Maturity 12-31-93 See Sec. 12-31-93 Interest Rate 0 % Simple Compound

List All Debts or Guarantees (If any) in Item B (Personal Funds)

1. For Name, Mailing Address and ZIP Code	Name of Debtor	Amount Guaranteed Outstanding
	Debtor	0
	Amount Guaranteed Outstanding	0
	Debtor	0
	Amount Guaranteed Outstanding	0
	Debtor	0
	Amount Guaranteed Outstanding	0

B. For Name, Mailing Address and ZIP Code of Lender (Borrower)	Original Amount of Loan	Payments Made To Date	Balance Outstanding at Close of This Period
James H. Lewis, M. D., J. D. 1704 - 5th Avenue, North Birmingham, Alabama 35203 Status: <input type="checkbox"/> Other <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	\$1,000.00	0	\$1,000.00

Term: Due Maturity 11-01-92 See Sec. 11-01-92 Interest Rate 0 % Simple Compound

List All Debts or Guarantees (If any) in Item B (Personal Funds)

1. For Name, Mailing Address and ZIP Code	Name of Debtor	Amount Guaranteed Outstanding
	Debtor	0
	Amount Guaranteed Outstanding	0
	Debtor	0
	Amount Guaranteed Outstanding	0
	Debtor	0
	Amount Guaranteed Outstanding	0

TOTAL of This Period This Page (column 4)	\$2,500.00
TOTAL of This Period (See page 1 of this return)	\$22,000.00

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20542

EC-2

JAN 5 1993

Margaret S. Beard, Treasurer
Committee to Elect Dr. James Lewis
to Congress
1718 5th Avenue North
Birmingham, AL 35203

Identification Number: C00271304

Reference: 30 Day Post-General Termination Report (10/14/92-
11/23/92)

Dear Ms. Beard:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-You should provide a total on Line 10 of the Summary Page to accurately reflect all outstanding debts and obligations owed by your committee.

-Commission Regulations require the continuous reporting of all outstanding loans. This report omits the loan(s) itemized on your previous report(s). Please amend your report(s) to indicate the current status of the following loan(s): all previously reported loans totaling \$23,100 owed to James H. Lewis, M.D., J.D. (11 CFR §§104.3(d) and 104.11)

-On Schedule B of your report, you have itemized disbursements for which you have failed to include the address and purpose. Please amend your report to include the missing information for each of these entries. (11 CFR §104.3(b)(6))

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-General Report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions

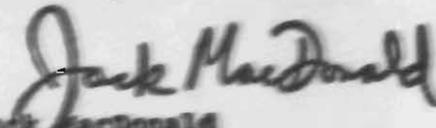
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of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to make concerning this matter will be taken into consideration. (31 CFR §104.5(f))

Your committee cannot terminate its reporting requirements because of an outstanding loan owed to the candidate. The loan must either be repaid or, if from "personal funds", the entire amount of the loan may be forgiven by the candidate. It is important to note that "personal funds" is strictly defined by Commission Regulations and may be found at 31 CFR §110.10. If the loan has been forgiven by the candidate, the Committee should file Schedule C showing a \$0 balance as well as submitting a letter signed by the candidate stating his/her forgiveness of the loan. Your committee must continue to report the loan until the entire amount is repaid or forgiven by the candidate.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1935 Longworth House Office Building, Washington, DC 20543 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3500.

Sincerely,



Jack MacDonald
Reports Analyst
Reports Analysis Division

23038131742

HAND DELIVERED

Attachment 5

003 FEB -4 AM 10:20

U.S. HOUSE OF REPRESENTATIVES

DR. JAMES ***
LEWIS
 For The U.S. Congress



151480

1704 - 5th Avenue, North
Birmingham, Alabama 35203
January 19, 1993

Mr. Jack Macdonald
Reports Analysis
Clerk of the House of Representatives
1036 Longworth House Office Building
Washington, D. C. 20515

Identification Number: C00271304
Reference: 30 Day Post General Termination Report (10/14/92-11/23/92)

Dear Mr. Macdonald:

The loan I made to my campaign (Campaign to Elect Dr. James Lewis to Congress) have been forgiven.

There was a mistaken belief that only those contributions from persons other than the candidate within 48 hours of the election were to be reported. Because of that \$8,000.00 which I contributed in the 48 hours prior to the election was not reported.

Hopefully, these addends will permit me to close the campaign records.

Sincerely,

James H. Lewis
 JAMES H. LEWIS, M.D., J.D.

97911314660

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral #93L-08
STAFF MEMBER: Jeffrey Long

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Committee to Elect Dr. James Lewis to Congress
and Margaret Z. Beard, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)
2 U.S.C. § 431(8)(A)
11 C.F.R. § 104.5(f)

I. GENERATION OF MATTER

23040943576
The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on February 19, 1993. Attachment 1. The basis for the attached referral is the failure of the Committee to Elect Dr. James Lewis to Congress and Margaret Z. Beard, as treasurer, ("Respondents") to file the required forty-eight hour notifications ("48 Hour Notices") for candidate loans totaling \$18,000.00. Dr. Lewis lost the 1992 General Election in the 7th Congressional District in the State of Alabama with less than one percent of the vote.¹

II. FACTUAL AND LEGAL ANALYSIS

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

1. This committee requested to be terminated on its 1992 30 Day Post-General Report, but has not been terminated pending disposition of this RAD Referral.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

93040243577

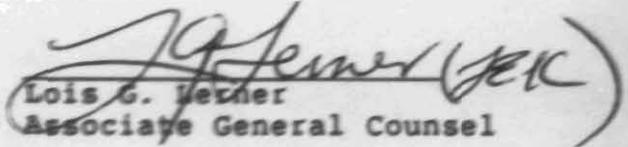
IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the Committee to Elect Dr. James Lewis to Congress and Margaret Z. Beard, 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 attached Factual and Legal Analysis, proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

May 6, 1993
Date

BY:


Lois G. Leher
Associate General Counsel

Attachments:

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE J. ROSS 
COMMISSION SECRETARY

DATE: MAY 11, 1993

SUBJECT: RAD REFERRAL #93L-08 - WITHDRAWAL OF FIRST GENERAL
COUNSEL'S REPORT DATED 5/4/93
AND RECIRCULATION OF FIRST
GENERAL COUNSEL'S REPORT DATED

The above-captioned document was circulated to the 5/6/93.

Commission on Thursday, May 6, 1993 at 11:00 a.m.

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

- Commissioner Aikens _____
- Commissioner Elliott _____
- Commissioner McDonald _____
- Commissioner McGarry _____
- Commissioner Potter _____
- Commissioner Thomas XXX

This matter will be placed on the meeting agenda
for Tuesday, May 18, 1993.

Please notify us who will represent your Division before
the Commission on this matter.

93040943578

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Elect Dr. James Lewis) RAD Referral
to Congress and Margaret Z. Beard,) #93L-08
as treasurer) 3777

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 18, 1993, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to RAD Referral #93L-08:

1. Open a MUR.
2. Find reason to believe that the Committee to Elect Dr. James Lewis to Congress and Margaret Z. Beard, as treasurer, violated 2 U.S.C. § 434(a)(6), but take no further action with respect to this violation.
3. Approve the Factual and Legal Analysis as recommended in the General Counsel's report dated May 6, 1993.

(continued)

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Federal Election Commission
Certification for RAD Referral
#93L-08
May 18, 1993

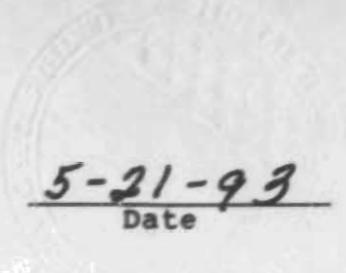
Page 2

4. Direct the Office of General Counsel to send a letter of admonishment to the respondents.
5. Close the file.

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

Attest:

5-21-93
Date


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

93040943580



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MAY 27, 1993

Margaret Z. Beard, Treasurer
Committee to Elect
Dr. James Lewis to Congress
1718 5th Avenue North
Birmingham, AL 35203

RE: MUR 3777
Committee to Elect
Dr. James Lewis to Congress and
Margaret Z. Beard, as treasurer

Dear Ms. Beard:

On May 18, 1993, the Federal Election Commission found reason to believe that the Committee to Elect Dr. James Lewis to Congress ("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."). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the General Election in the state of Alabama was held on November 3, 1992. Pursuant to the Act, the Committee and you, as treasurer 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. A review of the Committee's Schedule C of the 30 Day Post-General Report identified seven (7) contributions received between October 15 and October 31, 1992, of \$1,000 or more (in the form of loans) totaling \$18,000.00. The contributions were reported on Schedule C, with the candidate, James M. Lewis, M.D., J.D., listed as the sole guarantor of \$18,000.00 in loans to the Committee. The Committee did not submit 48 Hour Notices for these contributions which appear to be a violation of 2 U.S.C. § 434(a)(6). You should take immediate steps to insure that this activity does not occur in the future.

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,

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Margaret I. Beard, Treasurer
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please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Phillip L. Wise, the attorney assigned to this matter, at (101) 219-3690.

Sincerely,



Scott E. Thomas
Chairman

Enclosure
Factual and Legal Analysis

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