



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3814

DATE FILMED 10-8-94 CAMERA NO. 2

CAMERAMAN JM IV

94043585292

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: May 24, 1993

ANALYST: ANDREW ZEHE

I. COMMITTEE: Caulfield for Congress
(C00262451)
Burton J. Wilner, Treasurer
9909 Clayton Road, Suite LL5
St. Louis, MO 63124*

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 Caulfield for Congress committee ("the Committee") has failed to file 1 Forty-Eight (48) Hour Notification ("48-Hour Notice") for a candidate contribution/loan totalling \$19,000 which represents 100% of the candidate contributions/loans requiring 48-Hour Notices prior to the 1992 Primary Election.

The candidate was involved in the Primary Election held on August 4, 1992. Prior Notice was sent to the Committee on June 29, 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 July 16 through August 1. 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 1992 October Quarterly Report indicates that the Committee failed to file one (1) 48-Hour Notice for a candidate contribution/loan received during the aforementioned period (Attachment 3). The following is the contribution/loan for which no 48-Hour Notice was filed:

*Correspondence was sent to the former address of record.

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<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Joseph P. Caulfield (candidate guarantee of bank loan)	07/22/92	\$19,000

On February 23, 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.

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1993

CANDIDATE/COMMITTEE/DOCUMENT OFFICE SOUGHT/ PARTY RECEIPTS PRIMARY GENERAL DISBURSEMENTS PRIMARY GENERAL COVERAGE DATES # OF PAGES MICROFILM LOCATION TYPE OF FILER

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/ PARTY	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION	TYPE OF FILER
CAULFIELD, JOSEPH P	HOUSE 09 DEMOCRATIC PARTY					MISSOURI	1992 ELECTION	ID# H2M009032	
1. STATEMENT OF CANDIDATE									
1992 STATEMENT OF CANDIDATE						10MAR92		1 92HSE/443/4325	
2. PRINCIPAL CAMPAIGN COMMITTEE									
CAULFIELD FOR CONGRESS						ID #C00262451	HOUSE		
1991 REQUEST FOR ADDITIONAL INFORMATION						4MAR91 - 31MAR91		1 92FEC/757/1425	
1992 STATEMENT OF ORGANIZATION						10MAR92		1 92HSE/443/4324	
APRIL QUARTERLY		13,600		3,815		4MAR92 - 31MAR92		5 92HSE/450/1677	
APRIL QUARTERLY - AMENDMENT		-		-		4MAR92 - 31MAR92		1 92HSE/453/3978	
APRIL QUARTERLY - AMENDMENT		-		-		4MAR92 - 31MAR92		2 92HSE/453/4720	
JULY QUARTERLY		6,533		15,922		1APR92 - 30JUN92		7 92HSE/458/2160	
JULY QUARTERLY - AMENDMENT		6,533		15,922		1APR92 - 30JUN92		2 92HSE/466/3711	
REQUEST FOR ADDITIONAL INFORMATION						1APR92 - 30JUN92		1 92FEC/772/4396	
REQUEST FOR ADDITIONAL INFORMATION 2ND						1APR92 - 30JUN92		2 92FEC/777/2827	
PRE-PRIMARY		11,758		10,496		1JUL92 - 15JUL92		7 92HSE/462/2356	
PRE-PRIMARY - AMENDMENT		-		-		1JUL92 - 15JUL92		2 92HSE/463/3870	
PRE-PRIMARY - AMENDMENT		-		-		1JUL92 - 15JUL92		2 92HSE/466/3709	
PRE-PRIMARY - AMENDMENT		-		-		1JUL92 - 15JUL92		3 92HSE/481/2239	
REQUEST FOR ADDITIONAL INFORMATION						1JUL92 - 15JUL92		1 92FEC/772/4394	
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JUL92 - 15JUL92		1 92FEC/777/2619	
OCTOBER QUARTERLY		22,259		23,196		16JUL92 - 30SEP92		6 92HSE/477/9723	
REQUEST FOR ADDITIONAL INFORMATION						16JUL92 - 30SEP92		2 93FEC/830/0321	
REQUEST FOR ADDITIONAL INFORMATION 2ND						16JUL92 - 30SEP92		3 93FEC/831/5129	
YEAR-END		0		217		1OCT92 - 31DEC92		4 93HSE/493/4182	
YEAR-END - AMENDMENT		-		-		1OCT92 - 31DEC92		2 93HSE/496/8266	
REQUEST FOR ADDITIONAL INFORMATION						1OCT92 - 31DEC92		1 93FEC/830/0319	
REQUEST FOR ADDITIONAL INFORMATION 2ND						1OCT92 - 31DEC92		2 93FEC/831/5132	
REQUEST FOR ADDITIONAL INFORMATION						1OCT92 - 31DEC92		1 93FEC/839/2844	
1993 STATEMENT OF ORGANIZATION - AMENDMENT						31MAR93		1 93HSE/496/0387	
TOTAL		54,150	0	53,646	0			60 TOTAL PAGES	
3. AUTHORIZED COMMITTEES									
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

4043585295

All reports have been reviewed.
 Cash-on-hand as of 12/31/92: \$503.54
 Debts outstanding as of 12/31/92: \$39,000.00

REPORT NOTICE

FEDERAL ELECTION COMMISSION

MISSOURI
Congressional Committees

June 29, 1992

FOR COMMITTEES INVOLVED IN THE PRIMARY (08/04):

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-Primary	07/01/92 - 07/15/92**	07/20/92	07/23/92
48 Hour Notices	----See Below----		
October Quarterly	07/16/92 - 09/30/92	10/15/92	10/15/92

WHO MUST FILE

Principal campaign committees of congressional candidates (including unopposed candidates) who seek nomination in the primary must file the above reports and notices. If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 32.

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 July 16 through August 1. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s).

LABEL

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

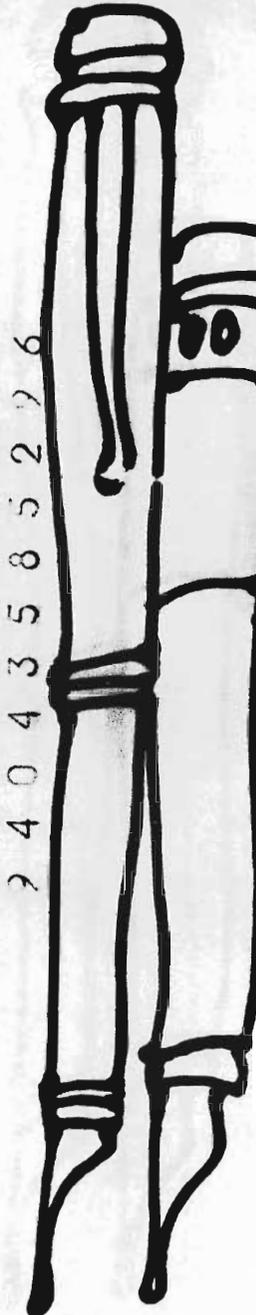
COMPLIANCE

TREASURERS ARE RESPONSIBLE FOR FILING ALL REPORTS AND 48 HOUR NOTICES ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES USING NON-FEC FORMS FOR REPORTS OR FILING ILLEGIBLE REPORTS OR NOTICES WILL BE REQUIRED TO REFILE.

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

**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.

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



24043585226

SCHEDULES
Schedule 3000

LOANS

Page 1 of 1 to
LIFE RUBEN 1111
Use appropriate schedule
for each numbered item.

Name of Guarantor to Full CALLFIELD FOR CONGRESS			
A. Full Name, Mailing Address and ZIP Code of Loan Source UNITED STATES NATIONAL BANK OF CUMBERLAND 8151 CLAYTON RD ST LOUIS, MO 63105		Original Amount of Loan 19000.00	Balance Outstanding at Close of This Period 19000.00
Name: Call Interest: 1-22-92 Date Due: 1-22-93 Interest Rate: 7 1/2 % <input type="checkbox"/> Variable <input checked="" type="checkbox"/> Fixed			
List All Endorsees or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code JOSEPH P. CALLFIELD 209 No 5TH ST. ST CHARLES, MO 63301		Name of Employer SELF Occupation REAL ESTATE Amount Guaranteed Outstanding: 19000.00	
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		Original Amount of Loan	Balance Outstanding at Close of This Period
Name: <input type="checkbox"/> Primary <input type="checkbox"/> Guarant <input type="checkbox"/> Other (Specify):			
Name: Call Interest: 1-22-92 Date Due: 1-22-93 Interest Rate: 7 1/2 % <input type="checkbox"/> Variable <input checked="" type="checkbox"/> Fixed			
List All Endorsees 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	
TOTALS This Period This Page Reported		19000.00	
TOTALS This Period Not Reported to this Schedule		19000.00	
Copy outstanding balances only to LINES 2, Schedule G, for this line. If on Schedule G, copy forward to appropriate line of Summary.			

924043587237



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

FE-3

Burton L. Wilner, treasurer
Caulfield for Congress
200 North 5th Street
St. Charles, MO 63301

FEB 23 1983

Identification Number: C00262451

Reference: October Quarterly Report (7/16/82-9/30/82)

Dear Mr. Wilner:

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:

-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):

United States National Bank -- \$10,000 (incurred 7/2/82)
United States National Bank -- \$10,000 (incurred 7/4/82)

(11 CFR §§104.3(d) and 104.11)

-Please provide a Schedule C-1 for the \$10,000 loan from United States National Bank.

-Schedule C 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-Primary 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 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. (11 CFR §104.5(f))

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, 1036 Longworth House Office Building, Washington, DC 20515 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 (302) 319-3200.

Sincerely,

Andrew Zehe

Andrew Zehe
Reports Analyst
Reports Analysis Division

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

93 SEP 14 PM 3:01

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral #93L-37
STAFF MEMBER: Helen J. Kim

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

RESPONDENTS: Caulfield for Congress and Burton J. Wilner, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)(A)
2 U.S.C. § 431(8)(A)

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on May 24, 1993.

Attachment 1. The basis for the attached referral is the failure of Caulfield for Congress and Burton J. Wilner, as treasurer, ("Committee" or "Respondents") to file a forty-eight hour notification ("48 Hour Notice") for a contribution in the form of a candidate loan guarantee totaling \$19,000. Joseph P. Caulfield lost the 1992 Primary Election in the Ninth Congressional District in the State of Missouri with 11.3 percent of the vote.

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)(A).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Open a NUR.
2. Find reason to believe that Caulfield for Congress and Burton J. Wilner, as treasurer, violated 1 U.S.C. § 434(a)(6)(A), 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

Date

9-14-93

BY:


Lois G. Lerner
Associate General Counsel

24043585301

Attachments:

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

94043585302

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Caulfield for Congress and)
Burton J. Wilner, as treasurer.)

) RAD Referral
) #93L-37

MUR 3814

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 17, 1993, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #93L-37:

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

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

Attest:

9-17-93
Date

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

Received in the Secretariat:	Tues., Sept. 14, 1993	3:01 p.m.
Circulated to the Commission:	Tues., Sept. 14, 1993	4:00 p.m.
Deadline for vote:	Fri., Sept. 17, 1993	4:00 p.m.

bjr

24043585303



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEPTEMBER 22, 1993

**Burton J. Wilner, Treasurer
Caulfield for Congress
9909 Clayton Road, Suite LL5
St. Louis, Missouri 63124**

**RE: MUR 3814
Caulfield for Congress and
Burton J. Wilner, as treasurer**

Dear Mr. Wilner:

On September 17, 1993, the Federal Election Commission found that there is reason to believe Caulfield for Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

24043585304

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 Helen J. Kim, the attorney 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: Joseph P. Caulfield

24043585305

FEDERAL ELECTION COMMISSION
FACTUAL & LEGAL ANALYSIS

RESPONDENTS: Caulfield for Congress
and Burton J. Wilner,
as treasurer

MUR 3814

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).

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

made and is a contribution to the extent that it remains unpaid. Furthermore, each guarantor or endorser of a loan shall be deemed to have contributed that portion of the total amount of the loan for which the guarantor or endorser agreed to be liable until the loan is repaid. 2 U.S.C. § 431(8)(B)(vii)(I) and 11 C.F.R. § 100.7(a)(1)(i)(C).

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The Primary Election in the state of Missouri was held on August 4, 1992. Pursuant to the Act, the Respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from July 16 to August 1, 1992, within 48 hours of their receipt. A review of the Committee's 1992 October Quarterly Report identified a contribution received on July 22, 1992, of \$1,000 or more in the form of a loan guarantee totaling \$19,000. The loan guarantee was reported on Schedule C, with the candidate, Joseph P. Caulfield, listed as the sole guarantor of a \$19,000 loan to the Committee. The Committee did not submit a 48 Hour Notice for this contribution.

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

OGC 0068

Hughes, Wilner & Wolfe

ACCOUNTANTS & TAX CONSULTANTS

8909 Clayton Road
St. Louis, Missouri 63124
Phone: (314) 993-6902
FAX: (314) 993-0059

R. E. HUGHES • B. J. WILNER • R. S. WOLFE
ENROLLED TO PRACTICE BEFORE THE INTERNAL
REVENUE SERVICE

ACCREDITATION
ACCREDITED IN ACCOUNTANCY & TAXATION BY
THE A.C.A. OF WASHINGTON, D.C.

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

OCT 5 10 59 AM '93
CORPORATE NAME
HUGHES ACCOUNTING & TAXES, INC.

MEMBERS
NATIONAL SOCIETY OF PUBLIC ACCOUNTANTS
INDEPENDENT ACCOUNTANTS SOCIETY OF MISSOURI
NATIONAL ASSOCIATION OF TAX PRACTITIONERS

October 2, 1993

Federal Election Commission
999 E Street NW
Washington, D.C. 20463

Attention: Helen J. Kim

RE: Caulfield for Congress
MUR 3814

Dear Ms. Kim:

Per our most recent telephone conversation I believe all alle-
gations in this matter should be dismissed and all penalties
abated.

The initial Form FEC Form 3 for the period covering March 4, 1992
through March 31, 1992 was submitted to the Federal Election
Commission as required by the required due date.

In this original form I inadvertently listed the dates as 1991
instead of 1992. This was later changed in an amended return.

In the original return we also listed a loan from Mr. Caulfield
to his own campaign for \$10,000.00. Subsequent to this I
received a letter from Andrew Zehe pertaining to an incorrect
listing of this loan. I in turn called him to verify what was
included on the letter so that a correction could be made via
an amended return.

I explained to Mr. Zehe that the loan was a personal loan from
Mr. Caulfield. Mr. Zehe insisted the money had to come from a
financial institution and it should be included in FEC Form 3
as a loan from that institution. This being my first experi-
ence with campaign procedures I acceded to his wishes although
I told him I felt it was a matter not consistent with the
directions as prescribed in the instructional manual.

Mr. Caulfield, a proprietor, has an open line of credit with
the U.S. National Bank of Clayton, Missouri using certificates
of deposit as collateral.

The following is a schedule of various loans made between
Mr. Caulfield and the U.S. National Bank of Clayton:

October 28, 1991	\$ 50,000.00
December 20, 1991	30,000.00
April 13, 1992	35,000.00
August 14, 1992	17,000.00

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OCT 5 11 5 1000

January 14, 1993
June 10, 1993
June 21, 1993

\$ 16,000.00
81,000.00
109,500.00

If necessary, copies of these notes can be furnished you on request.

In the correspondence dated September 22, 1993, signed by Scott E. Thomas and also stated by you in our telephone conversation that all loans from candidates to their own campaign should be shown as a contribution. I have to disagree and I enclose for your information a copy of page eleven (11) of the instructions noting that if the loan was shown as a contribution Mr. Caulfield would never be able to have that loan repaid to him from the campaign committee. That loan, incidently is still owed Mr. Caulfield and should be listed as an obligation of the campaign committee.

Because of Mr. Zehe's incorrect instructions a subsequent loan was also listed incorrectly.

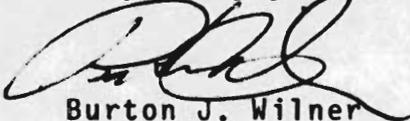
Mr. Zehe instructed me to show the loan as paid because the bank was paid. Of course the bank was paid. Mr. Caulfield is constantly and consistently repaying all obligations with the bank in a timely fashion.

I am enclosing with this letter copies of the initial FEC Form 3 and also the subsequent form amending it.

An additional enclosure is a copy of a letter dated July 12, 1993 addressed to Mr. Zehe trying but evidently not succeeding in convincing the powers that be that the campaign committee borrowed money from Mr. Caulfield and not from the bank.

I sincerely hope that this explains the miscommunication and the misinformation from Mr. Zehe as reflected in most of my reports.

Very truly yours,



Burton J. Wilner

encl

copy: Joseph P. Caulfield

24043585309

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL

TYPE OR PRINT

1. NAME OF COMMITTEE (in full) CINFIELD FOR CONGRESS		2. FEC IDENTIFICATION NUMBER C00262451
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. 209 NO 5TH STREET		3. IS THIS REPORT AN AMENDMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
CITY, STATE and ZIP CODE ST. CHARLES, MO 63301	STATE/DISTRICT MO/9	

4. TYPE OF REPORT

- | | |
|---|---|
| <input checked="" type="checkbox"/> April 15 Quarterly Report | <input type="checkbox"/> Twelfth day report preceding _____
(Type of Election) |
| <input type="checkbox"/> July 15 Quarterly Report | election on _____ in the State of _____ |
| <input type="checkbox"/> October 15 Quarterly Report | <input type="checkbox"/> Thirtieth day report following the General Election on _____ |
| <input type="checkbox"/> January 31 Year End Report | _____ in the State of _____ |
| <input type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only) | <input type="checkbox"/> Termination Report |

This report contains activity for Primary Election General Election Special Election Runoff Election

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>3-4-91</u> through <u>3-31-91</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	3600.00	3600.00
(b) Total Contribution Refunds (from Line 20(d))		
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	3600.00	3600.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	3815.37	3815.37
(b) Total Offsets to Operating Expenditures (from Line 14)		
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	3815.37	3815.37
8. Cash on Hand at Close of Reporting Period (from Line 27)	9784.63	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	10000.00	

For further information contact:
Federal Election Commission
900 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-376-3120

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer	
Signature of Treasurer	Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

94043585310

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DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3)

Name of Committee (in full) **COULFIELD FOR CONGRESS** Report Covering the Period:
From: **3-4-91** To: **3-31-91**

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	3000.00	
(ii) Unitemized	600.00	
(iii) Total of contributions from individuals	3600.00	3600.00
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) The Candidate		
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	3600.00	3600.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.		
13. LOANS:		
(a) Made or Guaranteed by the Candidate	10000.00	10000.00
(b) All Other Loans		
(c) TOTAL LOANS (add 13(a) and (b))	10000.00	10000.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
15. OTHER RECEIPTS (Dividends, Interest, etc.)		
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	13600.00	13600.00
II. DISBURSEMENTS		
17. OPERATING EXPENDITURES	3815.37	3815.37
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.		
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate		
(b) Of All Other Loans		
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))		
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))		
21. OTHER DISBURSEMENTS		
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21).	3815.37	3815.37

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$	--
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$	13600.00
25. SUBTOTAL (add Line 23 and Line 24)	\$	13600.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).	\$	3815.37
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25).	\$	9784.63

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11(a)
11(b)
11(c)
11(c)
11(e)
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13(a)
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18(c)
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20(d)
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SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the detailed Summary Page

PAGE 2 OF 1
FOR LINE NUMBER 17(a)(1)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

COURFIELD FOR CONGRESS

24043585312

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
ALLEN H SURINSKY 225 SO MERAMEL SUITE 510 CLAYTON, MISSOURI 63105	SELF ATTORNEY	3-16-91	300.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$ 300.00		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
CYNTHIA USERY 1126 FEISE ROAD O'FALLON, MISSOURI 63366	SELF HOMEMAKER	3-4-91	200.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$ 200.00		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
ART RUEK 13011 TIGER LILLY G ST LOUIS, MISSOURI 63146	W A WARREN GROUP EXECUTIVE	3-4-91	500.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$ 500.00		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
JERRY KRAMER 9154 CRESCENT DRIVE ST. LOUIS, MISSOURI 63129	KRAMER, PH EXECUTIVE	3-4-91	1000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$ 1000.00		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
NORTON BERENSON 7777 DONHOUE SUITE 1910 CLAYTON, MISSOURI 63105	SELF ATTORNEY	3-25-91	1000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$ 1000.00		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > \$		

SUBTOTAL of Receipts This Page (optional) 3000.00

TOTAL This Period (last page this line number only) 3000.00

SCHEDULE B

ITEMIZED DISBURSEMENTS

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
CAULFIELD FOR CONGRESS

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A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
KUPPER ADVERTISING 1401 SO BRANTWOOD BLVD ST LOUIS, MO 63144	ADVERTISING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2-16-91	292.00
B. Full Name, Mailing Address and ZIP Code JOHN GILLUBSAN 10607 VILLINGER ON LAMINA CT ST LOUIS, MO. 63123	CONSULTANT Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-16-91	50.00
C. Full Name, Mailing Address and ZIP Code STUE MIZERANY 137 LEMAY FERRY RD ST LOUIS, MO. 63125	CONSULTANT TRAVEL EXPENSE Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-16-91 3-20-91	50.00 50.00
D. Full Name, Mailing Address and ZIP Code WILLIAM RUSSELL 2206 SO HAWLEY RD. ST. LOUIS, MO. 63144	CAMPAIGN MANAGER Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-16-91	375.00
E. Full Name, Mailing Address and ZIP Code BURTON WILLEN 9909 CLAYTON RD LLC ST. LOUIS MO 63124	TREASURER Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-16-91	150.00
F. Full Name, Mailing Address and ZIP Code COTY CARON 2206 SO HAWLEY RD ST. LOUIS, MO 63144	AIR WORK Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-16-91	420.00
G. Full Name, Mailing Address and ZIP Code CREATOR LTD, INC 3021 CHEROKEE ST. LOUIS, MO. 63118	CAMPAIGN LITERATURE Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-29-91	334.62
H. Full Name, Mailing Address and ZIP Code 1ST NATIONAL BANK 7707 FANSYTH BLVD CLAYTON, MO 63105	BANK CHARGES Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-31-91	10.75
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional) 3816.37

TOTAL This Period (last page this line number only) 3815.37

Name of Committee (in Full) CAULFIELD FOR CONGRESS			
A. Full Name, Mailing Address and ZIP Code of Loan Source JOSEPH CAULFIELD 209 NO 5TH STREET ST CHARLES, MO. 63301	Original Amount of Loan 10 000.00	Cumulative Payment To Date ---	Balance Outstanding at Close of This Period 10 000.00
Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred 3-4-91 Date Due ON DEMAND Interest Rate 0 % (apr) <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			
		Original Amount of Loan	Balance Outstanding at Close of This Period
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ % (apr) <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)			
TOTALS This Period (last page in this line only)			
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

24043585314

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL ON TYPE OR PRINT

1. NAME OF COMMITTEE (in full) CAULFIELD FOR CONGRESS		2. FEC IDENTIFICATION NUMBER C00262451
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. 209 NO 5TH STREET		3. IS THIS REPORT AN AMENDMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
CITY, STATE and ZIP CODE ST. CHARLES, MO 63301	STATE/DISTRICT MO/9	

4. TYPE OF REPORT

<input checked="" type="checkbox"/> April 15 Quarterly Report	<input type="checkbox"/> Twelfth day report preceding _____ (Type of Election)
<input type="checkbox"/> July 15 Quarterly Report	election on _____ in the State of _____
<input type="checkbox"/> October 15 Quarterly Report	<input type="checkbox"/> Thirtieth day report following the General Election on _____
<input type="checkbox"/> January 31 Year End Report	_____ in the State of _____
<input type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only)	<input type="checkbox"/> Termination Report

This report contains activity for Primary Election General Election Special Election Runoff Election

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>3-4-92</u> through <u>3-31-92</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	3600.00	3600.00
(b) Total Contribution Refunds (from Line 20(d))		
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	3600.00	3600.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	3815.37	3815.37
(b) Total Offsets to Operating Expenditures (from Line 14)		
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	3815.37	3815.37
8. Cash on Hand at Close of Reporting Period (from Line 27)	9784.63	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	10000.00	

For further information contact:
Federal Election Commission
909 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-376-3120

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer	
Signature of Treasurer	Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

24043585315

Name of Committee (in Full) CRUFIPO FOR CONGRESS			
A. Full Name, Mailing Address and ZIP Code of Loan Source UNITED STATES NATIONAL BANK OF CLAYTON PISI CLAYTON RD ST. LOUIS, MO 63105	Original Amount of Loan 10 000.00	Cumulative Payment To Date ---	Balance Outstanding at Close of This Period 10 000.00
Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>3-4-91</u> Date Due <u>12-1-92</u> Interest Rate <u>7 1/2</u> % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code JOSEPA P. COULFIELD 709 No 5TH ST ST. CHARLES, MO. 63301	Name of Employer SELF		
	Occupation INS ACQUISER		
	Amount Guaranteed Outstanding: \$ 10 000		
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			
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ % (apr) <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)			
TOTALS This Period (last page in this line only)			
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

94043585316

What Are Not Considered Personal Funds

Personal Gifts and Loans

If any person, including a relative or friend of the candidate, gives or loans the candidate money in connection with his or her campaign, the funds are not considered personal funds of the candidate.¹⁵ Instead, the gift or loan is considered a contribution from the donor to the campaign, subject to the per-election limit and reportable by the campaign. This is true even if the candidate uses the funds for personal living expenses while campaigning. See, for example, AOs 1985-33 and 1982-64; see also AO 1987-1.

Unearned Income and Fringe Benefits

A candidate's salary or wages are considered his or her personal funds as long as there is a bona fide employment relationship between the candidate and the employer that is independent of the campaign. However, compensation paid to a

candidate in excess of actual hours worked is generally considered a contribution from the employer. If the employer is a corporation or other prohibited source, the excess payment would result in a prohibited contribution. 100.7(a)(3) and 110.10(b)(2). See also, for example, AOs 1980-115 and 1979-74.

Note that when a candidate is on leave without pay, the continued payment of fringe benefits (such as health insurance and retirement) may also result in contributions from the employer to the campaign. 114.12(c).

Reporting Contributions from the Candidate

Contributions from the candidate must be reported by the campaign as follows:

- Personal funds donated to the campaign are reported as contributions from the candidate;
- Campaign expenditures from personal funds are reported as in-kind contributions from the candidate;
- Personal funds loaned to the campaign are reported as loans from the candidate from the outset. This is necessary if the candidate wishes to be repaid; funds reported as contributions from the candidate may not later be converted into loans. AOs 1987-1, 1986-45 and 1977-58.

Note that if a candidate obtains a bank loan for campaign-related purposes, the campaign reports the bank as the source of the loan, rather than the candidate, although the candidate is listed as the guarantor or endorser. 104.3(a)(3)(vii)(B). For further details on reporting, see the chapter "Completing FEC Reports."

¹⁵ Bank loans obtained by a candidate are not considered contributions from the bank if certain rules are followed (see page 13). However, they must be reported, as discussed below. 100.7(a)(11).

CHAPTER 4

Prohibited Contributions

Candidate campaigns are prohibited from accepting contributions¹ from certain types of organizations and individuals. 110.9(a) and 114.2(c). These prohibited sources are listed below.²

If a committee is uncertain whether a contribution comes from a prohibited source, it should follow the procedures described under "Questionable Contributions," below.

1. Prohibited Sources

Corporations, Labor Organizations, National Banks

Campaigns may not accept contributions made from the general treasury funds of corporations, labor organizations and national banks.³ 114.2(a) and (b). This prohibition applies to any incorporated organization, profit or nonprofit, including a non-stock corporation, an incorporated membership organization and an incorporated cooperative.⁴

For example, the owner of an incorporated "mom and pop" grocery store is not permitted to use a business account to make contributions. Instead, the owner would have to use a personal account. As another example, a corporate employee may make contributions through a personal account or a nonrepayable corporate drawing account, which allows the individual to draw personal funds against salary, profits or other compensation.

¹ *Italicized terms are defined in Appendix I.*

² *These organizations and persons are, in turn, prohibited from making contributions in connection with, or for the purpose of influencing, Federal elections.*

³ *National banks and Federally chartered corporations may not make contributions in connection with any election—Federal, State or local. 114.2(a).*

⁴ *However, a political committee that has incorporated for liability purposes only is not considered a prohibited source. 114.12(a).*

Hughes, Wilner & Wolfe

ACCOUNTANTS & TAX CONSULTANTS

9909 Clayton Road
St. Louis, Missouri 63124
Phone: (314) 993-6902
FAX: (314) 993-0055

R. E. HUGHES • B. J. WILNER • R. S. WOLFE
ENROLLED TO PRACTICE BEFORE THE INTERNAL
REVENUE SERVICE

CORPORATE NAME
HUGHES ACCOUNTING & TAXES, INC.

ACCREDITATION
ACCREDITED IN ACCOUNTANCY & TAXATION BY
THE A.C.A. OF WASHINGTON, D.C.

July 12, 1993

MEMBERS
NATIONAL SOCIETY OF PUBLIC ACCOUNTANTS
INDEPENDENT ACCOUNTANTS SOCIETY OF MISSOURI
NATIONAL ASSOCIATION OF TAX PRACTITIONERS

RE: Caulfield for Congress
Id # C00262451

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Attention: Andrew Zehe

Dear Mr. Zehe:

All loans to Joe Caulfield were relegated to business interests only and not related at all to "Caulfield for Congress" activities. Through a miscommunication these loans were erroneously listed as political obligations.

Per our conversation on July 9, 1993 the Federal Election Commission should delete all matters pertaining to the aforementioned loans transacted by Joe Caulfield.

Very truly yours,

Burton Wilner
Treasurer

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRET
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SENSITIVE

February 4, 1994

MEMORANDUM

To: The Commission
From: Lois G. Lerner *LL*
Associate General Counsel
Subject: MUR 3814

Recommended Actions in Light of FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert. filed, (U.S. No. 93-1151, Jan. 18, 1994).

I. BACKGROUND

On November 5, 1993, the Office of the General Counsel forwarded to the Commission a memorandum regarding the recent appellate decision in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert. filed, (U.S. No. 93-1151, Jan. 18, 1994) and advised the Commission on the effects and implications of that decision on the pending enforcement caseload. This Office has again reviewed the Commission's pending enforcement docket and now makes recommendations with respect to MURs in which the Commission found reason to believe, entered into pre-probable cause to believe conciliation, and mailed a proposed conciliation agreement to the respondents prior to the court's decision in NRA.

The recommendations put forth as to each of these matters are consistent with the Commission's November 9, 1993, decisions concerning compliance with the NRA opinion.

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II. RECOMMENDED ACTIONS IN LIGHT OF FEC v. WRA

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MUR 3014 (formerly 93L-37)

This Office recommends that the Commission, consistent with its November 9, 1993, decisions concerning compliance with the NRA opinion, and based on the original referral from the Reports Analysis Division, revote to: open a Matter Under Review; find reason to believe that Caulfield for Congress and Burton J. Wilner, as treasurer, violated 2 U.S.C. § 434(a)(6)(A); and, enter into conciliation prior to a finding of probable cause to believe. This Office also recommends that the Commission revote to approve the Factual and Legal Analysis and proposed conciliation agreement that were attached to the General Counsel's Report dated September 14, 1993. Attached are copies of the certification reflecting the Commission's previous vote

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and the respondents' response (Attachment 4).

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III. RECOMMENDATIONS

MUR 3814 (formerly 93L-37)

- a. Open a Matter Under Review.
- b. Find reason to believe that Caulfield for Congress and Burton J. Wilner, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
- c. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated September 14, 1993.
- d. Approve the appropriate letter.

94043585324

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Caulfield for Congress and Burton J.)
Wilner, as treasurer.)

) NUR 3814
) (Formerly RAD
) Referral #93L-37)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 9, 1994, the Commission decided by a vote of 5-0 to take the following actions in NUR 3814:

1. Open a Matter Under Review.
2. Find reason to believe that Caulfield for Congress and Burton J. Wilner, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated September 14, 1993.

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4. Approve the appropriate letter, as recommended in the General Counsel's Report dated February 4, 1994.

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

Attest:

2-9-94
Date

Delores Hardy
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Fri., Feb. 4, 1994 9:55 a.m.
Circulated to the Commission: Fri., Feb. 4, 1994 12:00 p.m.
Deadline for vote: Wed., Feb. 9, 1994 4:00 p.m.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

FEBRUARY 14, 1994

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Burton J. Wilner, Treasurer
Caulfield for Congress
9909 Clayton Road, Suite LL5
St. Louis, MO 63124

RE: MUR 3814
Caulfield for Congress and
Burton J. Wilner, as treasurer

Dear Mr. Wilner:

On September 17, 1993, the Federal Election Commission found reason to believe that Caulfield for Congress and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and entered into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. A proposed conciliation agreement was mailed to you.

As you may be aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. PEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert. filed, (U.S. No. 93-1151, Jan. 18, 1994). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on February 9, 1994, the Commission revoted to find reason to believe that Caulfield for Congress and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and to approve the Factual and Legal Analysis previously mailed to you. You should refer to that document for the basis of the Commission's decision. If you need an additional copy, one will be provided upon request.

24043585327

Mr. Burton J. Wilner
MUR 3814
Page 2

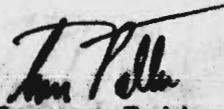
In addition, the Commission also revoted to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe, and revoted to approve the enclosed proposed conciliation agreement previously mailed to you.

If you agree with the provisions of the enclosed agreement, please sign and return it to the Commission within ten days. Please make the check for the civil penalty payable to the Federal Election Commission.

Given the unique circumstances engendered by the NRA decision, conciliation negotiations, prior to a finding of probable cause to believe, will be limited to a maximum of 30 days.

If you have any questions, please contact Colleen Sealander, the attorney assigned to this matter, at (202) 219-3690.

For the Commission,


Trevor Potter
Chairman

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION

Suite LL3
9909 Clayton Road
St. Louis, Missouri 63124

Mar 14 16 29 AM '94

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Colleen Sealander

RE: Mur 3814
Caulfield for
Congress

Dear Ms. Sealander:

Please excuse the delay in this correspondence but I had been
sidelined for several days because of sickness.

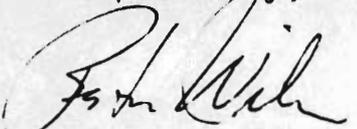
Your rule on last minute contributions appears to be extremely
vague. As a rookie in political undertakings I relied heavily
upon Andrew Zehe to direct me in so far as proper reporting
procedures. His advice proved faulty on more than one occasion
and although he knew of the personal loans Mr. Caulfield had
given his campaign not once did he state a report was required.

In your manual on page 24 the rule states information pertaining
to last minute procedures in regards to contributions but no
mention of a candidate's loan necessitating a special 48 hour
report.

Only in a communique/form from your department dated February 25,
1994 is a loan mentioned. How would I know anything to the contrary
without proper guidance from personnel within the Federal Election
Commission.

For your information I'm enclosing copies of extracts taken from
the publications discussed above.

Respectfully,


Burton J. Wilner

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other than the principal campaign committee submit their reports and statements to the principal campaign committee. The principal campaign committee, in turn, files these reports and statements, along with its own, with the appropriate Federal and State offices. When filing reports of receipts and disbursements (FEC Form 3), the principal campaign committee must also file a consolidated report (FEC Form 3Z), which summarizes information included in its own report and those filed by other authorized committees. 102.1(b) and 104.3(f).

3. When to Report

Committee treasurers must file reports on time (the Commission cannot grant extensions). General rules on when to file reports are outlined below. The FEC sends treasurers more detailed information and blank forms.²

Election Year Reporting

Election years are years in which there are regularly scheduled Federal elections (even-numbered years).

Post-General Election Reports⁴

There is no requirement for post-primary reports, but a committee must file a post-general election report if the candidate runs in the general election. A post-general election report covers activity through the 20th day after the election and is due 30 days after the election. 104.5(a)(1)(ii).

Last-Minute Contributions

A principal campaign committee must file special notices on contributions of \$1,000 or more received after the 20th day, but more than 48 hours, before an election in which the candidate is running. Within 48 hours of receiving such a contribution, the committee must report the following information in writing to the Clerk of the House or the Secretary of the Senate, as appropriate:

- The candidate's name and the office he or she is seeking;
- The *identification* of the contributor; and
- The amount and date of receipt of the contribution.

A last-minute contribution must also be itemized on the committee's next scheduled report. 104.5(f).

mark (except in the case of pre-election reports, as noted above).

- If a statement or report is sent by first class mail, it is considered filed on the date it is received by the Secretary of the Senate or the Clerk of the House. 104.5(e).

4. Public Inspection of Reports

All reports filed by political committees are available for public inspection and copying in the FEC's Public Records Office. Copies of reports may also be purchased by mail. For more information, call 800/424-9530 or 202/376-3140.

² Presidential committees must file reports with the FEC and a copy of each report in each State in which the campaign makes an expenditure during the reporting period. 105.3 and 106.2.

³ Presidential committees file reports according to a different schedule than the one presented in this section. See 104.5(b).

⁴ Authorized committees must file appropriate pre and post-election reports even if the candidate is unopposed or if the election is not held. Advisory Opinion 1986-21. See also page 7.

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48 HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL	
ADDRESS (number and street)	
CITY, STATE, and ZIP CODE	
2. NAME OF CANDIDATE	3. OFFICE SOUGHT

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

4. FEC IDENTIFICATION NUMBER

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		

SIGNATURE (optional)	DATE	For further information contact: Federal Election Commission 900 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-219-3420
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Hughes, Wilner & Wolfe

ACCOUNTANTS & TAX CONSULTANTS

8909 Clayton Road
St. Louis, Missouri 63124
Phone: (314) 993-6902
FAX: (314) 993-0059

R. E. HUGHES • S. J. WILNER • R. S. WOLFE
ENROLLED TO PRACTICE BEFORE THE INTERNAL
REVENUE SERVICE

ACCREDITATION
ACCREDITED IN ACCOUNTANCY & TAXATION BY
THE A.C.A. OF WASHINGTON, D.C.

June 15, 1994

CORPORATE NAME
HUGHES ACCOUNTING & TAXES, INC.

MEMBERS
NATIONAL SOCIETY OF PUBLIC ACCOUNTANTS
INDEPENDENT ACCOUNTANTS SOCIETY OF MISSOURI
NATIONAL ASSOCIATION OF TAX PRACTITIONERS

RE: MUR 3814

Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Attention: Colleen T. Sealander

Dear Ms. Sealander:

I apologize for the delay in responding to your letter dated April 6, 1994. But as explained during our recent telephone conversation I was involved in an accident the result of which was a fracture of a bone in my wrist. Needless to say most things took a back-seat as I was slowed considerably in my every day operations.

As stated in previous communications my only contact with the Federal Election Commission was through Mr. Andrew Zehe and I endeavored to provide his office with all records and information required. I had no previous experience with congressional elections and I relied on him heavily to provide assistance so that all obligations would be fulfilled.

Ms. Sealander, you stated in your letter that the Caulfield for Congress committee received a loan from the United States National Bank of Clayton; That is not correct. Mr Caulfield has an open line of business credit with the above bank and receives money from time to time to facilitate a proper cash flow in his public adjuster business. Consequently the receipt of money during the period in question was a loan from Mr. Caulfield, personally, to his campaign fund.

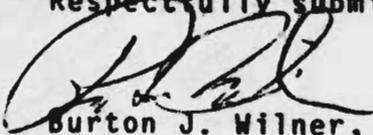
Ms. Sealander, once again I have to reiterate that as a rookie in campaign procedures I find the campaign guide extremely ambiguous and therefore open to various interpretations. I sincerely hope that this fault was corrected with the publication of the Code of Federal Regulations, Title 11 Federal Elections as revised January 1, 1994.

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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Respectfully submitted,



Burton J. Wilner, Treasurer
Caulfield for Congress.

CC: J.A.

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COUNSEL
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BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
Caulfield for Congress and)
Burton J. Wilner, as treasurer)

MUR 3814

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter involves the Caulfield for Congress ("Caulfield Committee") committee's failure to file one forty-eight hour notification just prior to the primary election in Missouri's Ninth Congressional District, held during August, 1992.

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II. ANALYSIS

The signed conciliation agreement contains no textual changes and the \$500 civil penalty has been paid by the Caulfield Committee. Accordingly, the Office of the General Counsel recommends the Commission accept the attached agreement, approve the appropriate letter and close the file in this matter.

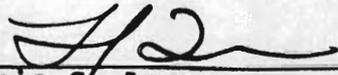
III. RECOMMENDATIONS

- 1. Accept the attached conciliation agreement.
- 2. Approve the appropriate letter.
- 3. Close the file.

Lawrence M. Noble
General Counsel

9/2/94
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

- 1. Signed Conciliation Agreement
- 2. \$500 Civil Penalty Check

Staff Assigned: Colleen Sealander

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Caulfield for Congress and)
Burton J. Wilner, as treasurer.) MUR 3814

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 9, 1994, the Commission decided by a vote of 6-0 to take the following actions in MUR 3814:

- 1. Accept the conciliation agreement, as recommended in the General Counsel's Report dated September 2, 1994.
- 2. Approve the appropriate letter, as recommended in the General Counsel's Report dated September 2, 1994.
- 3. Close the file.

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

Attest:

9-9-94
Date

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

Received in the Secretariat: Fri., Sept. 02, 1994 9:42 a.m.
Circulated to the Commission: Fri., Sept. 02, 1994 12:00 p.m.
Deadline for vote: Fri., Sept. 09, 1994 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 23, 1994

Mr. Burton J. Wilner, Treasurer
Caulfield for Congress
9909 Clayton Road, Suite LL5
St. Louis, MO 63124

RE: MUR 3814
Caulfield for Congress and
Burton J. Wilner, as treasurer

Dear Mr. Wilner:

On September 9, 1994, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. § 434(a)(6)(A), a provisions of the Federal Election Campaign Act of 1971, as amended. 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.

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,

Colleen T. Sealander
Attorney

Enclosure
Conciliation Agreement

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COMMISSION
ADMINISTRATIVE DIVISION

BEFORE THE FEDERAL ELECTION COMMISSION
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In the Matter of)
Caulfield for Congress and) MUR 3814
Burton J. Wilner, as treasurer)

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OFFICE OF GENERAL
COUNSEL
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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 Caulfield for Congress and Burton J. Wilner, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6)(A).

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

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

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

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

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

1. Caulfield for Congress is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized

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principal campaign committee for Joseph P. Caulfield's 1992 congressional campaign.

2. Burton J. Wilner is the treasurer of Caulfield 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)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid. Each guarantor or endorser of a loan shall be deemed to have contributed that portion of the total amount of the loan for which the guarantor or endorser agreed to be liable until the loan is repaid. 2 U.S.C. § 431(8)(B)(vii)(I) and 11 C.F.R. § 100.7(a)(1)(i)(C).

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5. On July 22, 1992, the Respondents received a contribution of \$1,000 or more in the form of a loan guarantee totaling \$19,000.

6. The loan guarantee was reported on Schedule C, of the 1992 October Quarterly Report, with the candidate, Joseph P. Caulfield, listed as the sole guarantor of a \$19,000 loan to the Committee.

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 primary election, within 48 hours of receipt of the contribution, in violation of 2 U.S.C. § 434(a)(6)(A).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Hundred Dollars (\$500), 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.

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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.

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:

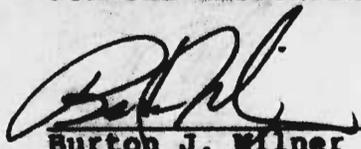
Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

9-22-94
Date

FOR THE RESPONDENTS:


Burton J. Wilner
Treasurer

8-23-94
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3814

DATE FILMED 10-3-54 CAMERA NO. 2

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