FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE BEGINNING OF MUR # 3816

DATE FILMED 5-11-94 CAMERA NO. 2

CAMERAMAN JMN

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: March 19, 1993

ANALYST: ELFI BLUM-PAGE

I. COMMITTEE: Gwen Margolis Campaign Fund
(C00256859)
Ann J. Gordon, Treasurer
13899 Biscayne Boulevard
Miami, FL 33181

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 Gwen Margolis Campaign Fund ("the Committee") has failed to file 48-Hour Notifications for candidate contributions/loans totalling $200,000 which represent 100% of the candidate contributions/loans requiring 48-Hour Notifications 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, 1992. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s)."

Schedules A and C of the 1992 30 Day Post-General Report indicate that the Committee failed to file two (2) 48-Hour Notices for candidate contributions/loans received during the aforementioned period (Attachment 3). The following is a list of the candidate contributions/loans for which no 48-Hour Notices were filed:

Contributor Name	Date	Amount
Gwen Margolis/Candidate loan	10/19/92	$ 75,000.00
Gwen Margolis/Candidate loan	10/29/92	$125,000.00

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On February 19, 1993, an Informational Notice ("IN") was sent to the Committee (Attachment 4). The IN notes on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of $1,000 or more. The notice requests the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice states that although the Commission may take legal steps, any response would be taken into consideration.

The Committee's response of May 11, 1993 acknowledges the failure to file required 48-Hour Notices for the candidate loans (Attachment 5).

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

DATE 11MAR93

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
							TYPE OF FILER		
MARGOLIS, GWEN	HOUSE 22	DEMOCRATIC PARTY			FLORIDA		1992 ELECTION	ID# H2FL21017	
1. STATEMENT OF CANDIDATE									
1991 STATEMENT OF CANDIDATE							25NOV91	2	91HSE/435/2353
1992 STATEMENT OF CANDIDATE	- AMENDMENT						29JUN92	1	92HSE/454/2019
2. PRINCIPAL CAMPAIGN COMMITTEE									
GWEN MARGOLIS CAMPAIGN FUND							ID #C00256859 HOUSE		
1991 STATEMENT OF ORGANIZATION							10DEC91	2	91HSE/435/3368
YEAR-END			20,177		5,655		15NOV91 -31DEC91	12	92HSE/461/2221
YEAR-END	- AMENDMENT		20,177		5,655		15NOV91 -31DEC91	12	92HSE/464/2002
YEAR-END	- AMENDMENT		20,177		5,655		15NOV91 -31DEC91	12	92HSE/469/2729
YEAR-END	- AMENDMENT		-		-		15NOV91 -31DEC91	2	92HSE/469/4463
REQUEST FOR ADDITIONAL INFORMATION							15NOV91 -31DEC91	2	92FEC/762/8806
1ST LETTER INFORMATIONAL NOTICE							15NOV91 -31DEC91	1	92FEC/750/3159
1992 48 HOUR CONTRIBUTION NOTICE							28AUG92	4	92HSE/465/1334
48 HOUR CONTRIBUTION NOTICE							28AUG92	2	92HSE/465/1334
48 HOUR CONTRIBUTION NOTICE							2SEP92	3	92HSE/465/3289
STATEMENT OF ORGANIZATION	- AMENDMENT						15SEP92	1	92HSE/466/5083
48 HOUR CONTRIBUTION NOTICE							22OCT92	4	92HSE/479/3915
48 HOUR CONTRIBUTION NOTICE							23OCT92	3	92HSE/480/4218
48 HOUR CONTRIBUTION NOTICE							26OCT92	6	92HSE/481/0833
48 HOUR CONTRIBUTION NOTICE							27OCT92	4	92HSE/481/2114
48 HOUR CONTRIBUTION NOTICE							29OCT92	4	92HSE/481/4345
48 HOUR CONTRIBUTION NOTICE							2NOV92	4	92HSE/482/0000
APRIL QUARTERLY			254,899		22,965		1JAN92 -31MAR92	67	92HSE/448/5085
APRIL QUARTERLY	- AMENDMENT		-		-		1JAN92 -31MAR92	9	92HSE/464/4802
APRIL QUARTERLY	- AMENDMENT		-		-		1JAN92 -31MAR92	10	92HSE/464/5350
REQUEST FOR ADDITIONAL INFORMATION							1JAN92 -31MAR92	3	92FEC/771/5173
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JAN92 -31MAR92	4	92FEC/776/0154
JULY QUARTERLY			87,088		67,333		1APR92 -30JUN92	54	92HSE/457/2400
JULY QUARTERLY	- AMENDMENT		-		-		1APR92 -30JUN92	11	92HSE/482/5227
REQUEST FOR ADDITIONAL INFORMATION							1APR92 -30JUN92	5	92FEC/800/0491
REQUEST FOR ADDITIONAL INFORMATION 2ND							1APR92 -30JUN92	6	92FEC/803/4063
PRE-PRIMARY			89,682		85,131		1JUL92 -12AUG92	85	92HSE/464/1379
OCTOBER QUARTERLY			111,157		291,696		13AUG92 -30SEP92	104	92HSE/469/4993
REQUEST FOR ADDITIONAL INFORMATION							13AUG92 -30SEP92	1	92FEC/829/2127
PRE-GENERAL				66,641		129,883	10OCT92 -14OCT92	49	92HSE/479/1939
POST-GENERAL				295,840		320,595	15OCT92 -22NOV92	93	92HSE/485/2302
1ST LETTER INFORMATIONAL NOTICE							15OCT92 -22NOV92	1	92FEC/829/5184
YEAR-END				2,926		14,593	24NOV92 -31DEC92	8	93HSE/491/0104
TOTAL			573,003	366,407	462,780	474,180		585	TOTAL PAGES

3. AUTHORIZED COMMITTEES
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

All reports have been reviewed*

Cash on Hand as of 12/31/1992: $ 2,448.82

Debts and Obligations owed by the Committee as of 12/31/1992: $ 207,000.00

* excluding the 1992 Year-End Report

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Attachment # 2

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 postmarked by the mailing date; otherwise, they must be received by the filing date.

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

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SCHEDULE A ITEMIZED RECEIPTS Page 1 of 1 for Line Number 13a

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from the comm.

Full Name of Committee: Gwen Margolis Campaign Fund

A. Full Name, Address, Zip	Employer/Occupation	Date	Receipts
Gwen Margolis 13899 Biscayne Boulevard N.Miami Beach FL 33181	State of Florida Senator	10/19/92 10/29/92	75000.00 125000.00

Receipt for: General Year-to-Date Total: $ 200000.00

SUBTOTAL of Receipts This Page 200000.00

TOTAL This Period 200000.00

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SCHEDULE C
(Revised 3.80)

LOANS

1 2

Name of Committee (In Full)
Gwen Margolis Campaign Fund C:256859

A. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
Gwen Margolis 13899 Biscayne Blvd. Miami, Florida 33181 Election: ☐ Primary ☐ General ☐ Other (specify):	5000.00	—	5,000.00

Terms: Date Incurred 11-15-91 Date Due None Interest Rate 0 % (apr) ☐ Secured

List All Endorsers or Guarantors (If any) to Item A

1. Full Name, Mailing Address and ZIP Code	Name of Employer		
This loan was from "personal funds"	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	Cumulative Payment To Date	Balance Outstanding at Close of This Period
Gwen Margolis 13899 Biscayne Blvd. Miami, Florida 33181 Election: ☐ Primary ☐ General ☐ Other (specify):	200,000.00		200,000.00

Terms: Date Incurred 10-25-92 Date Due None Interest Rate 0 % (apr) ☐ Secured

List All Endorsers or Guarantors (If any) to Item B

1. Full Name, Mailing Address and ZIP Code	Name of Employer		
This loan was from "personal funds"	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) .....

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9 2 0 1 4 3 5 3 3 8 3

Attachment # 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

FEB 19 1993

Ann J. Gordon, Treasurer
Gwen Margolis Campaign Fund
13899 Biscayne Boulevard
Miami, FL 33181

Identification Number: C00256859

Reference: 30 Day Post-General Report (10/15/92-11/23/92)

Dear Ms. Gordon:

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:

-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 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))

Any amendment or clarification should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Elfi Blum-Page

Elfi Blum-Page
Reports Analyst
Reports Analysis Division

P 34 03380 293 753 9 4 4

MAR 09 1993
REGULAR MAIL

GWEN MARGOLIS '92
FOR CONGRESS
Florida's NEW 22nd Congressional District
Serving Coastal Broward Dade & Palm Beach Counties

March 9, 1993

19/674

Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

RECEIVED
'93 MAR 11 PM 3 42
OFFICE OF THE CLERK
OFFICE OF REPRESENTATIVES

Attn.: Ms. Elfi Blum-Page, Report Analyst

Re: Gwen Margolis Campaign Fund
Identification No.: C00256859

Dear Ms. Blum-Page:

I am in receipt of your two letters dated February 19, 1993. With regard to your inquiry regarding the October quarterly report, I have been unable to find the discrepancy that you located. To resolve this problem, I have forwarded all of the computer discs to the computer programmer in Washington D.C., and have asked the programmer to review this situation so that we can locate and correct the discrepancy. I have asked the computer programmer to expedite the review of this matter, and I expect to have the answer and an amendment very shortly.

With regard to the thirty (30) day Post-General Report, I realize now that a reporting error was made. All of Gwen Margolis' campaign "contributions", as I understood the meaning of contribution, were reported on a timely basis. However, when Gwen Margolis made a loan to her campaign, I did not realize that the loan would be treated the same as a contribution for reporting purposes, and as a result I did not report that loan within the forty-eight (48) hour period. After speaking with you recently, I understand that loans are to be treated the same as contributions. I apologize for this error. If there is something that I need to report or amend to reflect the loan as a contribution, please let me know, and I would be happy to comply.

Sincerely,

ANN GORDON, Treasurer
Gwen Margolis Campaign Fund

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PLEASE RESPOND TO THE CAMPAIGN OFFICE AB

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SECRETARIAT

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SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

RAD Referral: #93L-11
STAFF MEMBER: Tamara Kapper

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

RESPONDENTS: Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer

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

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I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on March 23, 1993. Attachment 1. The basis for the attached referral is the failure of the Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer, ("Margolis Committee") to file two (2) forty-eight hour notifications ("48 Hour Notices") for contributions in the form of loans from the candidate, Gwen Margolis, totaling $200,000. Gwen Margolis lost the 1992 General Election in the twenty-second Congressional District in the State of Florida with forty-two percent (42%) 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 Margolis Committee violated 2 U.S.C. § 434(a)(6).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer violated 2 U.S.C. § 434(a)(6) and enter into conciliation prior to a finding of probable cause to believe.

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3. Approve the attached Factual and Legal Analysis, proposed Conciliation Agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

9-15-93
Date

BY: LGL
Lois G. Lerner
Associate General Counsel

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	RAD Referral
Gwen Margolis Campaign Fund and	)	#93L-11
Ann J. Gordon, as treasurer	)	MUR 3816

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 21, 1993, the Commission decided by a vote of 6-0 to take the following actions with respect to RAD Referral #93L-11:

1. Open a MUR.

2. Find reason to believe that Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer, violated 2 U.S.C. § 434(a)(6) and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the Factual and Legal Analysis, proposed Conciliation Agreement and the appropriate letters as recommended in the General Counsel's report dated September 15, 1992.

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

Attest:

9-21-93
Date

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

Received in Secretariat:	Wed., Sept. 15, 1993	5:01 p.m.
Circulated to Commission:	Thurs. Sept. 16, 1993	11:00 a.m.
Deadline for vote:	Tues. Sept. 21, 1993	4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 29, 1993

Ann J. Gordon, Treasurer
Gwen Margolis Campaign Fund
13899 Biscayne Blvd.
Miami, FL 33181

RE: MUR 3816
Gwen Margolis Campaign Fund and
Ann J. Gordon, as treasurer

Dear Ms. Gordon:

On September 21, 1993, the Federal Election Commission found that there is reason to believe the Gwen Margolis Campaign Fund ("the Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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 preprobable 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.

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

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

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at the local number (202) 219-3690 or the toll free number (800) 424-9530.

Sincerely,

Scott E. Thomas
Chairman

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

cc: Gwen Margolis

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FEDERAL ELECTION COMMISSION
FACTUAL & LEGAL ANALYSIS

RESPONDENTS: Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer

MUR: 3816

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).

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).

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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).

According to its Statement of Organization filed with the Commission, the Gwen Margolis Campaign Fund is the principal campaign committee of Gwen Margolis. Ann J. Gordon is the treasurer of the Gwen Margolis Campaign Fund.

The General Election in the state of Florida was held on November 3, 1992. Pursuant to the Act, Respondents were required to notify the Commission, in writing, of all contributions of $1,000 or more received from October 15 through October 31, 1992, within 48 hours of their receipt. A review of the Margolis Committee's 1992 30 Day Post-General Report identified two (2) contributions of $1,000 or more (in the form of a loan): a $75,000 loan from the candidate received on October 19, 1992, and a $125,000 loan from the candidate received on October 29, 1992, for a total of $200,000. The contributions were reported on Schedules A and C, with the candidate, Gwen Margolis, listed as the sole endorser for both of the loans to the Margolis Committee. The Margolis Committee did not submit 48 Hour Notices for these contributions.

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Therefore, there is reason to believe that the Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer, violated 2 U.S.C. § 434(a)(6) by failing to report, within 48 hours of their receipt, two (2) campaign contributions of $1,000 or more which were received after the 20th day, but more than 48 hours before the general election.

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

OCT 14 4 49 PM '93

ANN J. GORDON, TREASURER
GWEN MARGOLIS CAMPAIGN FUND
13899 Biscayne Boulevard
Miami, Florida 33181

October 13, 1993

VIA UPS OVERNIGHT TRACKING NO. 0478 7208 528

Federal Election Commission
Washington, D.C. 20463

Attn: Tamara Kapper, Esquire
General Counsel's Office

Re: MUR 3816
Gwen Margolis Campaign Fund and Ann J. Gordon, as Treasurer

Dear Ms. Kapper:

I am in receipt of your letter dated September 29, 1993 along with the accompanying materials which refer to a violation of the Federal Election Campaign Act of 1971. I initially received an inquiry concerning this matter several months ago, and I responded in writing at that time. As my earlier letter indicated, I was not aware of 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(B) which defines the fact that a loan to a campaign is treated the same as a contribution for purposes of the forty-eight (48) hour reporting requirement. Considering the interpretation in that rule, I acknowledged that an error was made in not reporting the two (2) loans that Gwen Margolis made to her campaign within forty-eight (48) hours after receipt of the same.

Apparently the Federal Election Commission has decided to pursue this matter further. In response thereto, I can basically reiterate my earlier position as well as try to explain the circumstances that resulted in this error.

I have been doing personal and business bookkeeping for Gwen Margolis for several years, and when she decided to run for a U.S. Congressional Seat, she asked that I handle the bookkeeping and accept the title of Treasurer. Even though I had no experience in handling bookkeeping for federal or state elections, Gwen Margolis had enough faith in my ability to ask me to assume this additional responsibility. I was given this role only shortly before the campaign began, and in the time that I had, and throughout the campaign I tried my best to learn and to follow the bookkeeping and

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reporting requirements of the Federal Elections Campaign Act of 1971.

Considering my lack of experience in this area, and the detailed reporting requirements that are involved in a federal election, I think I did a more than fair job. Without any guidance or supervision, and without the opportunity to dedicate myself to this job on a full-time basis (I have a regular full-time job as well as three (3) young children), I believe I handled my responsibilities competently and professionally.

I realized that a mistake was made with regard to not reporting these two (2) loans within the forty-eight (48) period. Unfortunately, I was not familiar with the rule or regulation which interpreted a loan to be the same as a contribution, and for that reason the two (2) loans were not reported on a timely basis. The mistake was an innocent one, for which I have already and again apologize. However, I think that you will find that on the whole the campaign contribution reporting for Gwen Margolis' campaign was handled properly and professionally, and I do not think that this innocent mistake deserves any further action or penalty on your part.

The failure to timely report these loans was clearly unintentional, as the same loans were in fact clearly reported and identified on the thirtieth day report following the General Election. There was certainly no ulterior purpose or motive in not reporting the loans on a timely basis, nor did any benefit inure to Gwen Margolis, nor did any disadvantage befall her opponent or the public by reason of this innocent mistake.

I recognize the importance of the rules and regulations of the Federal Election Campaign Act of 1971, and I do not mean to suggest that the rules should not be considered and followed seriously. However, I respectfully request that the Commission understand that I was serving in a part-time capacity, without any experience in campaign reporting procedures, and while I did my best to learn the "rights and the wrongs" of campaign reporting, the mistakes I made were innocent and unintentional, and were not intended to, and did not result in harm or disadvantage to anyone.

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Your sincere consideration of this response is appreciated.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged herein are true, accurate and correct, to the best of my knowledge and belief.

Sincerely,

ANN J. GORDON

AJG/llp
lp101393.1

cc: Gwen Margolis

STATE OF FLORIDA)
)ss.
COUNTY OF DADE)

The foregoing instrument was acknowledged, sworn to and subscribed before me by ANN J. GORDON this 13th day of October, 1993.

OFFICIAL NOTARY SEAL
VICKI R FINNELL
COMMISSION NUMBER
CC170132
MY COMMISSION EXP.
DEC. 25,1995

Vicki R. Finnell
VICKI R FINNELL, NOTARY PUBLIC

Commission/Serial Number (if any)

My Commission Expires:

Personally Known X OR Produced Identification _____
Type of Identification Produced _____

9403097736 87

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEBRUARY 22, 1994

Ann J. Gordon, Treasurer
Gwen Margolis Campaign Fund
13899 Biscayne Blvd.
Miami, FL 33181

RE: MUR 3816
Gwen Margolis Campaign Fund and
Ann J. Gordon, as treasurer

Dear Ms. Gordon:

On January 19, 1994, you requested that the Federal Election Commission permit the Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer ("Committee"), to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

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

Sincerely,

Tamara Kapper

Tamara Kapper
Paralegal

cc: Reports Analysis Division

9403097368 8

RECEIVED
F.E.C.
SECRETARIAT

94 MAR 11 AM 10:42

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3816
Gwen Margolis Campaign Fund	)	
and Ann J. Gordon, as	)	**SENSITIVE**
treasurer	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On September 21, 1993, the Federal Election Commission (the "Commission") found reason to believe that the Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer ("Margolis Committee"), violated 2 U.S.C. § 434(a)(6) for the failure to file forty-eight hour notifications ("48 Hour Notices") for two (2) contributions in the form of loans from the candidate, Gwen Margolis, totaling $200,000. On that same date, the Commission determined to enter into conciliation prior to a finding of probable cause to believe and approved a proposed conciliation agreement

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This report contains recommendations to assure that this matter conforms to the Court's opinion in FEC v. NRA Political Victory Fund, et al., No. 91-5360 (D.C. Cir. Oct. 22, 1993) ("NRA"). This report also includes the recommendation that the Commission approve the terms of the attached conciliation agreement

II. RECOMMENDED ACTIONS IN LIGHT OF FEC v. NRA

Based upon the original referral from the Reports Analysis Division and consistent with the Commission's November 9, 1993, decisions concerning compliance with the NRA opinion, this office recommends that the Commission revote its determinations to: 1) open a MUR; 2) find reason to believe that the Margolis Committee violated 2 U.S.C. § 434(a)(6); 3) approve the Factual and Legal Analysis that was attached to the First General Counsel's Report dated September 15, 1993; and 4) enter into preprobable cause conciliation with the Margolis Committee. For the convenience of the Commission, this Office has attached

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the certification in this matter dated September 21, 1993.

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V. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that the Gwen Margolis Campaign Committee and Ann J. Gordon, as treasurer, violated 2 U.S.C. § 434(a)(6).

3. Enter into conciliation prior to a finding of probable cause to believe with the Gwen Margolis Campaign Committee and Ann J. Gordon, as treasurer, regarding the violation of 2 U.S.C. § 434(a)(6).

4. Approve the Factual and Legal Analysis that was attached to the First General Counsel's Report dated September 15, 1993.

5. Approve the attached proposed conciliation agreement. Attachment 4.

9 4 0 3 0 9 7 3 6 9 3

6. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 3/10/94

BY: [signature]
Lois G. Lerner
Associate General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Gwen Margolis Campaign Fund and	)	MUR 3816
Ann J. Gordon, as treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 16, 1994, the Commission decided by a vote of 5-0 to take the following actions in MUR 3816:

1. Open a MUR.

2. Find reason to believe that the Gwen Margolis Campaign Committee and Ann J. Gordon, as treasurer, violated 2 U.S.C. § 434(a)(6).

3. Enter into conciliation prior to a finding of probable cause to believe with the Gwen Margolis Campaign Committee and Ann J. Gordon, as treasurer, regarding the violation of 2 U.S.C. § 434(a)(6).

(continued)

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4. Approve the Factual and Legal Analysis that was attached to the First General Counsel's Report dated September 15, 1993.

5. Approve the proposed conciliation agreement, as recommended in the General Counsel's Report dated March 10, 1994.

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

Attest:

3-17-94
Date

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

Received in the Secretariat: Fri., Mar. 11, 1994 10:42 a.m.
Circulated to the Commission: Fri., Mar. 11, 1994 12:00 p.m.
Deadline for vote: Wed., Mar. 16, 1994 4:00 p.m.

bjr

9403097336 96

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MARCH 21, 1994

Ann J. Gordon, Treasurer
Gwen Margolis Campaign Fund
13899 Biscayne Blvd.
Miami, FL 33181

RE: MUR 3816
Gwen Margolis Campaign Fund and
Ann J. Gordon, as treasurer

Dear Ms. Gordon:

On September 21, 1993, the Federal Election Commission found reason to believe that the Gwen Margolis Campaign Fund and you, as treasurer, ("Margolis Committee") violated 2 U.S.C. § 434(a)(6), and subsequently entered into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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. 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). 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 March 16, 1994, the Commission revoted to find reason to believe that the Margolis Committee violated 2 U.S.C. § 434(a)(6), and to approve the Factual and Legal Analysis previously mailed to you. You should refer to that

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document for the basis of the Commission's decision. If you need an additional copy, one will be provided upon request.

Furthermore, the Commission revoted to enter into conciliation negotiations prior to a finding of probable cause to believe

In view of the NRA decision, and the reconstitution of the Commission as a six member body, it is necessary that you sign the enclosed conciliation agreement reflecting those terms. Please sign and return the enclosed agreement with your initial payment within ten days. The checks for the civil penalty should be made payable to the Federal Election Commission.

If you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at (202) 219-3690.

For the Commission,

Trevor Potter
Chairman

Enclosure
Conciliation Agreement

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OGC 839

RECEIVED
FEDERAL ELECTION COMMISSION

94 APR 11 AM 9:40

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 8, 1994

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Philomena Brooks PB
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Owen Marcolis, check number 3419, dated April 4, 1994, and in the amount of $4,000.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $4,000.00, the MUR number is 3816 and in the name of Owen Marcolis Campaign Fund. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

4-11-94
Date

9403097369 9

3419

GWEN MARGOLIS 1-83
OPERATING ACCOUNT
13899 BISCAYNE BLVD.
NORTH MIAMI, FL 33181

April 4 19 94 63-724/670 01

PAY TO THE ORDER OF Federal Election Commission $ 4000.00/xx

Four thousand dollars DOLLARS

County National Bank OF SOUTH FLORIDA MAIN OFFICE NORTH MIAMI BEACH, FLORIDA 33162

FOR

⑈003419⑈ ⑆067007240⑆ 0100530732⑈12

RECEIVED
APR 11 1:45
FEC
MAIL ROOM

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RECEIVED
F.E.C.
SECRETARIAT

94 APR 13 AM 9:49

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3816
Gwen Margolis Campaign Fund	)	
and Ann J. Gordon, as treasurer	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement that has been signed by the treasurer of the Gwen Margolis Campaign Fund, Ann J. Gordon. Attachment 1.

The attached agreement contains no changes from the agreement approved by the Commission on March 16, 1994. The initial payment of the civil penalty has been received by the Commission.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Gwen Margolis Campaign Fund, and Ann J. Gordon, as treasurer.

2. Close the file in this matter.

3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 4/12/94

BY: LGL
Lois G. Lerner
Associate General Counsel

Attachment
Conciliation Agreement, dated 4/4/94

Staff Member: Tamara Kapper

9403097370 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Gwen Margolis Campaign Fund	)	MUR 3816
and Ann J. Gordon, as treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 18, 1994, the Commission decided by a vote of 6-0 to take the following actions in MUR 3816:

1. Accept the conciliation agreement with the Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer, as recommended in the General Counsel's Report dated April 12, 1994.

2. Close the file in this matter.

3. Approve the appropriate letter, as recommended in the General Counsel's Report dated April 12, 1994.

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

Attest:

4-18-94
Date

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

Received in the Secretariat: Wed., April 13, 1994 9:49 a.m.
Circulated to the Commission: Wed., April 13, 1994 11:00 a.m.
Deadline for vote: Mon., April 18, 1994 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1994

Ann J. Gordon, Treasurer
Gwen Margolis Campaign Fund
13899 Biscayne Blvd.
Miami, FL 33181

RE: MUR 3816
Gwen Margolis Campaign Fund and
Ann J. Gordon, as treasurer

Dear Ms. Gordon:

On April 18, 1994, the Federal Election Commission accepted the signed conciliation agreement and the initial payment of the civil penalty that you submitted in settlement of a violation of 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

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

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the second payment of the civil penalty is due within 30 days of the

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conciliation agreement's effective date. If you have any questions, please contact me at my local number (202) 219-3690 or the toll-free number (800) 424-9530.

Sincerely,

Tamara Kapper

Tamara Kapper
Paralegal

Enclosure
Conciliation Agreement

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

APR 7 9 01 AM '94

94 APR 11 AM 9:43
RECEIVED
FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR: 3816
Gwen Margolis Campaign Fund	)	
and Ann J. Gordon, as	)	
treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(6).

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

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(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. The Gwen Margolis Campaign Fund is a political committee within the meaning of 2 U.S.C. § 431(4) and is the authorized principal campaign committee for Gwen Margolis' 1992 congressional campaign.

2. Ann J. Gordon is the treasurer of the Gwen Margolis Campaign Fund.

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.

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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).

5. Respondents received on October 19, 1992, a contribution of $1,000 or more, in the form of a $75,000 loan from the candidate.

6. Respondents received on October 29, 1992, a contribution of $1,000 or more, in the form of a $125,000 loan from the candidate.

7. The contributions were reported on Schedules A and C of the 1992 30 Day Post-General Report, with the candidate, Gwen Margolis, listed as the contributor of the two loans totaling $200,000 to the Margolis Committee.

8. Respondents did not submit 48 Hour Notices for these contributions.

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

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of twenty thousand dollars ($20,000), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

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1. The initial payment of $4,000 shall be paid with the submission of Respondents' signed Conciliation Agreement;

2. A second payment of $1,000 is due thirty (30) days after the date on which the Conciliation Agreement is fully executed;

3. Thereafter, beginning thirty (30) days after the due date of the second payment, twenty (20) consecutive monthly installment payments of $750 each are due; and

4. Each such payment shall be paid no later than thirty (30) days after the due date of the previous payment.

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

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.

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

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission, except as provided above in Section VI, Paragraphs 3 through 5.

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

Date 4-15-94

FOR THE RESPONDENTS:

(Name) Ann S. Gordon
(Position) Treasurer

Date 4.4.94

9403097373709

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3816

DATE FILMED 5-11-94 CAMERA NO. 2

CAMERAMAN JMN

9403097371 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 11/17/94

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3816

9404359194 2

File

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOV 7 2 38 PM '94

11/07/94

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Gwen Margolis Operating Account, check number 1033, dated 11/02/94, and in the amount of $ 750.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket AF by JOB

In reference to the above check in the amount of $ 750.00, the MUR number is 3316 and in the name of Gwen Margolis Campaign Fund. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Signature

11/7/94
Date

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GWEN MARGOLIS
OPERATING ACCOUNT
13000 BISCAYNE BLVD., PH-1
NORTH MIAMI, FL 33181

1035

Nov. 2 94

PAY TO THE ORDER OF FEC $750.00

Seven hundred fifty & DOLLARS

INTERCONTINENTAL BANK

FOR

⑈001035⑈ ⑆067006063⑆ 2301009913⑈

9404359194 4

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

NOV 7 2 38 PM '94

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 6/18/96

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3816

9604373344994

GWEN MARGOLIS CAMPAIGN FUND
ANN J. GORDON, TREASURER
13899 BISCAYNE BOULEVARD
SUITE 103
MIAMI, FLORIDA 33181

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 20 10 17 AM '96

May 14, 1996

General Council
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3816

Dear Sir / Madam,

Enclosed please find a copy of a Conciliation Agreement between The Federal Election Commission and the Gwen Margolis Campaign Fund. Pursuant to part VI of the agreement, all civil penalties have been paid in full. I respectfully request a letter of satisfaction that indicates that this matter with the FEC is now closed. Thank you for your prompt attention to this matter.

Sincerely,

Ann J. Gordon
for the Gwen Margolis
Campaign Fund

cc: Gwen Margolis

Enc: Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

APR 7 9 01 AM '94

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR: 3816
Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer	)	

94 APR 11 AM 9:43

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 Gwen Margolis Campaign Fund and Ann J. Gordon, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(6).

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

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

9604373344996

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

1. The Gwen Margolis Campaign Fund is a political committee within the meaning of 2 U.S.C. § 431(4) and is the authorized principal campaign committee for Gwen Margolis' 1992 congressional campaign.

2. Ann J. Gordon is the treasurer of the Gwen Margolis Campaign Fund.

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.

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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).

5. Respondents received on October 19, 1992, a contribution of $1,000 or more, in the form of a $75,000 loan from the candidate.

6. Respondents received on October 29, 1992, a contribution of $1,000 or more, in the form of a $125,000 loan from the candidate.

7. The contributions were reported on Schedules A and C of the 1992 30 Day Post-General Report, with the candidate, Gwen Margolis, listed as the contributor of the two loans totaling $200,000 to the Margolis Committee.

8. Respondents did not submit 48 Hour Notices for these contributions.

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

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of twenty thousand dollars ($20,000), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

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1. The initial payment of $4,000 shall be paid with the submission of Respondents' signed Conciliation Agreement;

2. A second payment of $1,000 is due thirty (30) days after the date on which the Conciliation Agreement is fully executed;

3. Thereafter, beginning thirty (30) days after the due date of the second payment, twenty (20) consecutive monthly installment payments of $750 each are due; and

4. Each such payment shall be paid no later than thirty (30) days after the due date of the previous payment.

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

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.

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

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission, except as provided above in Section VI, Paragraphs 3 through 5.

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

4-15-94
Date

FOR THE RESPONDENTS:

(Name) Ann S. Gordon
(Position) Treasurer

4.4.94
Date

9604373450

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 21, 1996

Ann J. Gordon, Treasurer
Gwen Margolis Campaign Fund
13899 Biscayne Blvd., Suite 103
Miami, FL 33181

RE: MUR 3816
Gwen Margolis Campaign Fund
and Ann Gordon, as treasurer

Dear Ms. Gordon:

In response to your letter dated May 14, 1996, this Office confirms that the civil penalty in the above referenced matter was paid in full by the Respondents on January 19, 1996. As stated in the letter to you on April 20, 1994, this matter was closed by the Commission on April 18, 1994. Accordingly, this matter is currently on the public record.

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

Sincerely,

Tamara Kapper
Paralegal

9604373450 1