FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3818

DATE FILMED 11-8-84 CAMERA NO. 4

CAMERAMAN JMK

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: April 20, 1993

ANALYST: AUDREY-ANN SAWYER

I. COMMITTEE: Manton For Congress, Inc.
(C00188508)
Gerard J. Sweeney, Treasurer
46-12 Queens Boulevard
Sunnyside, NY 11104

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 Manton For Congress, Inc. committee ("the Committee") has failed to file twenty-one (21) of thirty-six (36) or 58% of the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for contributions totalling $39,000 received prior to the 1992 General Election.

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

Schedule A of the 30 Day Post-General Report indicates that the Committee failed to file twenty-one (21) 48-Hour Notices for contributions received during the aforementioned period (Attachment 3). The following is a list of the contributions for which no 48-Hour Notices were filed:

Contributor Name	Date	Amount
Edelman and Edelman (partnership)	10/15/92	$1,000
Air Transport Lodge 1056 PAC	10/22/92	$1,000

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Contributor Name	Date	Amount
American Bankrs Assn. PAC	10/30/92	$2,000
American Postl Wrkrs PAC	10/23/92	$1,000
AT&T PAC	10/15/92	$1,000
ATLA PAC	10/15/92	$5,000
Car Rental Coalition PAC	10/23/92	$1,000
District 2 MEBA AMO PAC	10/26/92	$2,000
Investment Management PAC	10/15/92	$1,000
Ironworkers Pol Action League	10/20/92	$2,000
Laborers' Pol League PAC	10/15/92	$1,000
Laborers' Pol League PAC	10/15/92	$1,000
Local 15, 15A-B-C-D IUOE PAC	10/21/92	$2,000
Locomotive Engineers PAC	10/21/92	$1,000
Machinists NPL PAC	10/23/92	$4,500
NALU PAC (Formerly LUPAC)	10/15/92	$2,500
NALU PAC (Formerly LUPAC)	10/15/92	$2,500
NARFE-PAC	10/15/92	$2,000
OPEIU PAC	10/15/92	$1,500
Realtors PAC	10/15/92	$3,000
UFCW Active Ballot PAC	10/21/92	$1,000

On February 8, 1993, an Informational Notice ("IN") was sent to the Committee (Attachment 4). The IN states 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.

To date, the Committee has not responded.

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

DATE 19APR93

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
							TYPE OF FILER		
HANTON, THOMAS J	HOUSE 07	DEMOCRATIC PARTY				NEW YORK	1992 ELECTION		IN# HNNY09059
1. STATEMENT OF CANDIDATE									
1991 DISAVOWAL NOTICE							22OCT91	1	91FEC/714/5120
1992 STATEMENT OF CANDIDATE							13MAR92	1	92HSE/443/4757
2. PRINCIPAL CAMPAIGN COMMITTEE									
HANTON FOR CONGRESS INC							IN# C00188508 HOUSE		
1991 MID-YEAR REPORT			173,970		33,472		1JAN91 -30JUN91	61	91HSE/433/3341
MID-YEAR REPORT		- AMENDMENT					1JAN91 30JUN91	23	91HSE/435/0524
MID-YEAR REPORT		AMENDMENT					1JAN91 -30JUN91	23	92HSE/442/4418
REQUEST FOR ADDITIONAL INFORMATION							1JAN91 -30JUN91	5	91FEC/714/5114
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JAN91 -30JUN91	6	91FEC/717/3005
YEAR-END			80,527		80,661		1JUL91 -31DEC91	51	92HSE/442/1861
YEAR-END		AMENDMENT	80,627		80,661		1JUL91 -31DEC91	54	92HSE/452/0412
REQUEST FOR ADDITIONAL INFORMATION							1JUL91 -31DEC91	2	92FEC/747/2427
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JUL91 -31DEC91	3	92FEC/754/0708
1992 STATEMENT OF ORGANIZATION - AMENDMENT							13MAR92	1	92HSE/443/4758
48 HOUR CONTRIBUTION NOTICE							9SEP92	3	92HSE/466/3883
48 HOUR CONTRIBUTION NOTICE							11SEP92	1	92HSE/466/4468
48 HOUR CONTRIBUTION NOTICE							1OCT92	1	92HSE/474/4856
48 HOUR CONTRIBUTION NOTICE							22OCT92	1	92HSE/479/3779
48 HOUR CONTRIBUTION NOTICE							26OCT92	1	92HSE/481/1278
48 HOUR CONTRIBUTION NOTICE							28OCT92	1	92HSE/481/3815
MISCELLANEOUS REPORT	TO FEC						29OCT92	2	92HSE/481/4548
MISCELLANEOUS REPORT	TO FEC						29OCT92	2	92HSE/482/3608
48 HOUR CONTRIBUTION NOTICE							30OCT92	1	92HSE/481/5437
48 HOUR CONTRIBUTION NOTICE							2NOV92	1	92HSE/482/0278
48 HOUR CONTRIBUTION NOTICE							4NOV92	1	92HSE/482/3069
48 HOUR CONTRIBUTION NOTICE							4NOV92	1	92HSE/482/3072
APRIL QUARTERLY			72,659		30,760		1JAN92 -31MAR92	42	92HSE/448/0217
APRIL QUARTERLY		AMENDMENT	72,710		30,760		1JAN92 -31MAR92	44	92HSE/452/0466
APRIL QUARTERLY		- AMENDMENT	72,710		30,760		1JAN92 -31MAR92	2	92HSE/461/0484
APRIL QUARTERLY		AMENDMENT					1JAN92 31MAR92	1	92HSE/462/4829
REQUEST FOR ADDITIONAL INFORMATION							1JAN92 -31MAR92	1	92FEC/771/4967
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JAN92 31MAR92	2	92FEC/776/0132
1'ST LETTER INFORMATIONAL NOTICE							1JAN92 -31MAR92	1	92FEC/782/4683
JULY QUARTERLY			71,097		90,919		1APR92 -30JUN92	54	92HSE/458/4649
1'ST LETTER INFORMATIONAL NOTICE							1APR92 -30JUN92	1	92FEC/772/0648
PRE-PRIMARY			6,445		97,060		1JUL92 -26AUG92	43	92HSE/464/0326
PRE-PRIMARY		- AMENDMENT					1JUL92 -26AUG92	5	92HSE/482/3237
1'ST LETTER INFORMATIONAL NOTICE							1JUL92 -30SEP92	1	92FEC/799/4789
OCTOBER QUARTERLY				77,886		94,173	27AUG92 -30SEP92	52	92HSE/472/0193
1'ST LETTER INFORMATIONAL NOTICE							27AUG92 -30SEP92	2	92FEC/803/3971
PRE-GENERAL				18,150		130,748	10CT92 -14OCT92	30	92HSE/481/0018
NOTICE OF FAILURE TO FILE							10CT92 -14OCT92	1	92FEC/800/1732
REQUEST FOR ADDITIONAL INFORMATION							10CT92 -14OCT92	1	92FEC/803/1232

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

DATE 19APR93

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
							TYPE OF FILER		
REQUEST FOR ADDITIONAL INFORMATION 2ND							10CT92 -14OCT92	2	92FEC/R15/4444
POST-GENERAL				121,456		298,661	15OCT92 -23NOV92	68	92NGC/485/2665
1'ST LETTER INFORMATIONAL NOTICE							15OCT92 -23NOV92	1	93FEC/027/4482
YEAR-END				21,439		47,173	24NOV92 -31DEC92	43	93NGC/492/3569
TOTAL			404,849	238,931	442,880	570,755		643	TOTAL PAGES

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

1) All reports have been reviewed except 1992 Year-End Report.

2) Debts owed to the Committee as of 12/31/92: $21,844.00

3) Debts owed by the Committee as of 12/31/92: $0.00

4) Cash on Hand as of 12/31/92 is $108,919.37

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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 4 OF 9
Contributions from Individuals/Persons — FOR LINE NUMBER 11(a)(i)

NAME OF COMMITTEE(in Full)
Manton for Congress Inc. C00188308

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.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
Louis Cruz 29-30 Union Street Flushing, NY 11354-	Self Attorney	10/15/92	$250.00
Receipt for [X]General	Aggregate YTD >	$250.00	
Louis Cruz 29-30 Union Street Flushing, NY 11354-	Self Attorney	10/21/92	$250.00
Receipt for [X]General	Aggregate YTD >	$500.00	
Louis Cruz 29-30 Union Street Flushing, NY 11354-	Self Attorney	10/22/92	$250.00
Receipt for [X]General	Aggregate YTD >	$750.00	
Emilia D'Urso 193 Bangerfield Drive East Williston, NY 11596-	Homemaker	11/02/92	$1000.00
Receipt for [X]General	Aggregate YTD >	$1000.00	
Michele D'Urso 193 Bangerfield Drive East Williston, NY 11596-	Self Contractor	11/02/92	$1000.00
Receipt for [X]General	Aggregate YTD >	$1000.00	
Mary Ehal Machell & Ass. 40-24A Douglaston Pkwy Douglaston, NY 11363-	Machell & Associates Attorney	10/16/92	$250.00
Receipt for [X]General	Aggregate YTD >	$250.00	
Edelman & Edelman Attorneys at Law 16 Court Street Brooklyn, NY 11241-	Edelman & Edelman P.C. Attorneys-Partnership	10/19/92	$1000.00
Receipt for [X]General	Aggregate YTD >	$1000.00	

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SUBTOTAL of Receipts This Page..... $4000.00

TOTAL This Period.....>

9 2 0 1 4 3 5 9 1 6 8 2

SCHEDULE A ITEMIZED RECEIPTS PAGE 1 OF 10
Contributions from other Political Committees FOR LINE NUMBER 11(c)

NAME OF COMMITTEE(in Full)
receipts

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.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
AETNA Life & Casualty PAC 151 Farmington Avenue Hartford, CT 06156-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $1500.00		
AFSCME PAC 1625 L Street NW Washington, DC 20036-		10/21/92	$5000.00
Receipt for [X]General	Aggregate YTD > $6000.00		
AFSCME PAC PO Box 5800 Lawrence, MA 01842-		10/21/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
Agway (AGPAC) PO Box 4899 Syracuse, NY 13221-		10/26/92	$250.00
Receipt for [X]General	Aggregate YTD > $250.00		
AHCA PAC American Health Care Assoc 1201 L Street NW Washington, DC 20005-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
Air Transport Lodge 1056 PAC PO Box 290 JFK Airport Jamaica, NY 11430-		10/22/92	$1000.00
Receipt for [X]General	Aggregate YTD > $1000.00		
American Bankers Assn PAC 1120 Connecticut Avenue NW Washington, DC 20036-		10/30/92	$2000.00
Receipt for [X]General	Aggregate YTD > $2000.00		
SUBTOTAL of Receipts This Page.....>			$9750.00
TOTAL This Period.....>			

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SCHEDULE A: ITEMIZED RECEIPTS PAGE 2 OF 10
Contributions from other Political Committees FOR LINE NUMBER 11(a)

NAME OF COMMITTEE(in Full)
receipts

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 committees.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
American Hosp Assn PAC 840 North Lake Shore Drive Chicago, IL 60611-		10/15/92	$1000.00
Receipt for [X]General	Aggregate YTD > $1500.00		
American Postal Workers PAC 1300 L Street NW Washington, DC 20005-		10/23/92	$1000.00
Receipt for [X]General	Aggregate YTD > $4000.00		
Anheuser-Busch PAC 1211 Connecticut Avenue NW Washington, DC 20036-		10/15/92	$1000.00
Receipt for [X]General	Aggregate YTD > $2000.00		
BCA PAC 1825 Prince Street Suite 300 Alexandria, VA 22314-		10/28/92	$1000.00
Receipt for [X]General	Aggregate YTD > $1000.00		
[illegible], Fox Civic PAC 1030 Connecticut Avenue NW Washington, DC 20036-		10/30/92	$300.00
Receipt for [X]General	Aggregate YTD > $300.00		
AT&T PAC 550 Madison Avenue New York, NY 10022-		10/15/92	$1000.00
Receipt for [X]General	Aggregate YTD > $3000.00		
ATLA PAC 1050 31st Street Washington, DC 20007-		10/15/92	$5000.00
Receipt for [X]General	Aggregate YTD > $9100.00		

Subtotal of Receipts This Page.....> $10300.00

Total This Period.....>

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SCHEDULE A ITEMIZED RECEIPTS PAGE 3 OF 10
Contributions from other Political Committees FOR LINE NUMBER 11(c)

NAME OF COMMITTEE(in Full)
receipts

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.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
Boilermakers-Blacksmiths (LEAP 753 State Avenue Suite 565 Kansas City, KS 66101-		10/23/92	$1000.00
Receipt for [X]General	Aggregate YTD > $1000.00		
Bristol-Myers Squibb PAC 345 Park Avenue Suite 43-27 New York, NY 10154-0037		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
Car Rental Coalition PAC 1819 H Street NW #750 Washington, DC 20006-3603		10/23/92	$1000.00
Receipt for [X]General	Aggregate YTD > $1000.00		
Columbia Gas Employees PAC 1250 Eye Street #703 Washington, DC 20005-		10/24/92	$500.00
Receipt for [X]General	Aggregate YTD > $1500.00		
Columbia Employees PAC 700 13th Street NW Washington, DC 20004		10/20/92	$1000.00
Receipt for [X]General	Aggregate YTD > $2500.00		
Consumer Power Employees PAC 212 West Michigan Avenue Jackson, MI 49201-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
Crowell & Moring PAC 1001 Pennsylvania Avenue NW Washington, DC 20004-2505		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		

SUBTOTAL of Receipts This Page.....> $5000.00

TOTAL This Period.....>

9 1 4 3 5 2 6 7 9

SCHEDULE A ITEMIZED RECEIPTS PAGE 4 OF 10
Contributions from other Political Committees FOR LINE NUMBER 11(a)

NAME OF COMMITTEE(in Full)
receipts

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.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
Dean Witter PAC 2 World Trade Center 66th Fl. New York, NY 10048-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
District 2 MEBA EBO PAC 650 Fourth Avenue Brooklyn, NY 11232-		10/26/92	$2000.00
Receipt for [X]General	Aggregate YTD > $2000.00		
DRIVE Political Fund PAC Mr. David Sweeney 25 Louisiana Avenue NW Washington, DC 20001-		10/30/92	$1000.00
Receipt for [X]General	Aggregate YTD > $1500.00		
Eli Lilly & Co. PAC Lilly Corporate Center Indianapolis, IN 46285-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $1000.00		
Firefighters Interested in Registration PAC 1750 New York Avenue NW Washington, DC 20006-5938		10/15/92	$1000.00
Receipt for [X]General	Aggregate YTD > $1000.00		
Florida Sugar Cane League PAC 25 South Lopez Street Clewiston, FL 33440-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $1000.00		
General Electric PAC Robert W. Nelson 1331 Pennsylvania Avenue NW Washington, DC 20004-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		

SUBTOTAL of Receipts This Page.....> $6000.00

TOTAL This Period.....>

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SCHEDULE A ITEMIZED RECEIPTS PAGE 5 OF 10
Contributions from other Political Committees FOR LINE NUMBER 11(a)

NAME OF COMMITTEE(in Full)
receipts

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.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
HARSCOPAC (Scaffolding) PO Box 8888 Camp Hill, PA 17001-8888		10/15/92	$250.00
Receipt for [X]General	Aggregate YTD > $250.00		
Health Insurance PAC 1825 Connecticut Avenue NW Washington, DC 20036-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
WHIPCO-Dow Chemical PAC 2020 Dow Center Midland, MI 48640-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
IBEW-COPE PAC 1125 15th Street NW Washington, DC 20005-		11/13/92	$300.00
Receipt for [X]Primary 94	Aggregate YTD > $300.00		
Intl Longshoremen's Assoc PAC 17 Battery Place New York, NY 10004-		10/15/92	$4000.00
Receipt for [X]General	Aggregate YTD > $4000.00		
Investment Management PAC 1900 M Street NW Washington, DC 20036-		10/15/92	$1000.00
Receipt for [X]General	Aggregate YTD > $1000.00		
Ironworkers Pol Action League 1750 New York Avenue NW Washington, DC 20006-		10/20/92	$2000.00
Receipt for [X]General	Aggregate YTD > $7000.00		

SUBTOTAL of Receipts This Page.....> $8550.00

TOTAL This Period.....>

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SCHEDULE A ITEMIZED RECEIPTS PAGE 6 OF 10
Contributions from Other Political Committees FOR LINE NUMBER 11(a)

NAME OF COMMITTEE(in Full)
receipts

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.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
Ironworkers Pol Action League 1750 New York Avenue NW Washington, DC 20006-		10/27/92	$500.00
Receipt for [X]General	Aggregate YTD > $7500.00		
Kellogg Better Govt PAC Mr. John P. Ford One Kellogg Square PO Box 3598 Battle Creek, MI 49016-		10/16/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
Harr-Hogan Corporation PAC 1147 K Street NW Washington, DC 20006-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
Laborers' Pol League PAC 905 16th Street NW Washington, DC 20006-		10/15/92 10/15/92	$1000.00 $1000.00
Receipt for [X]General	Aggregate YTD > $5000		
Letter Carriers PAC (CCLCPE) 100 Indiana Avenue NW Washington, DC 20001-		10/15/92	$1000.00
Receipt for [X]General	Aggregate YTD > $2500.00		
Local 15,15A-B-C-D IUOE PAC Mr. Thomas F. Maguire 265 West 14th Street New York, NY 10011-		10/21/92	$2000.00
Receipt for [X]General	Aggregate YTD > $2000.00		
Locomotive Engineers PAC 1370 Ontario Street Cleveland, OH 44113-		10/21/92	$1000.00
Receipt for [X]General	Aggregate YTD > $2000.00		

SUBTOTAL of Receipts This Page..... $7500.00

TOTAL This Period.....>

92011326825904359168 8

SCHEDULE A ITEMIZED RECEIPTS PAGE 7 OF 10
Contributions from other Political Committees FOR LINE NUMBER 11(c)

NAME OF COMMITTEE(in Full)
receipts

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.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
Local Corp-Civic Action Fund PAC 1210 Macsilion Road Akron, OH 44313-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
Machinists NPL PAC 1300 Connecticut Avenue Washington, DC 20036-		10/23/92	$4500.00
Receipt for [X]General	Aggregate YTD > $4000.00		
Merrill Lynch PAC 1828 L Street NW Suite 906 Washington, DC 20036-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $1000.00		
Mid Am Dairymen Adopt PAC Box 1237 S.S.S. Springfield, MO 65805-		10/21/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
Morgan Companies PAC 60 Wall Street New York, NY 10015-		10/15/92	$2500.00
Receipt for [X]General	Aggregate YTD > $4000.00		
Mutual of Omaha (INPAC) Mutual of Omaha Plaza Omaha, NE 68175-		10/26/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
NADA PAC Dealers Action Comm. 8400 Westpark Drive Mc Lean, VA 22102- Receipt for [X]General	Aggregate YTD > $1000.00	10/15/92	$500.00

SUBTOTAL of Receipts This Page..... $9500.00

TOTAL This Period.....>

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SCHEDULE A ITEMIZED RECEIPTS PAGE 8 OF 10
Contributions from other Political Committees FOR LINE NUMBER 11(c)

NAME OF COMMITTEE(in Full)
Receipts

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.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
WALB PAC (Formerly LAPAC) 1922 F Street NW Washington, DC 20006- Receipt for [X]General	Aggregate YTD > $2500.00	10/15/92	$2500.00
WALB PAC (Formerly LAPAC) 1922 F Street NW Washington, DC 20006- Receipt for [X]General	Aggregate YTD > $5000.00	10/15/92	$2500.00
[illegible] 2233 New Hampshire Avenue NW Washington, DC 20036- Receipt for [X]General	Aggregate YTD > $2000.00	10/15/92	$2000.00
The Natl Fed Processors Assoc NFPA PAC 2133 20th Street NW Washington, DC 20036- Receipt for [X]General	Aggregate YTD > $500.00	10/27/92	$500.00
[illegible] 535 New Jersey Avenue NW #718 Washington, DC 20001- Receipt for [X]General	Aggregate YTD > $1000.00	10/28/92	$1000.00
[illegible]-PAC 1201 16th Street NW Washington, DC 20036- Receipt for [X]General	Aggregate YTD > $2000.00	10/15/92	$2000.00
[illegible] Mercantile Exchange (NYMEX) 4 World Trade Center #744 New York, NY 10048- Receipt for [X]General	Aggregate YTD > $500.00	10/15/92	$500.00
SUBTOTAL of Receipts This Page.....			$11000.00
TOTAL This Period.....			

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SCHEDULE A. ITEMIZED RECEIPTS PAGE 9 OF 10
Contributions from other Political Committees FOR LINE NUMBER 11(c)

NAME OF COMMITTEE(in Full)
receipts

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.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
CFTUPAC 1101 Vermont Avenue NW #200 Washington, DC 20005-3570		10/15/92	$1000.00
Receipt for [X]General	Aggregate YTD > $1000.00		
PCA PAC 1445 New York Avenue 9th Flr Washington, DC 20005-		10/26/92	$250.00
Receipt for [X]General	Aggregate YTD > $750.00		
Realtors PAC 430 North Michigan Avenue Chicago, IL 60611-		10/15/92	$3000.00
Receipt for [X]General	Aggregate YTD > $7500.00		
Sandoz Employees PAC Mike Ellsworth East Hanover, NJ 07936-		10/27/92	$250.00
Receipt for [X]General	Aggregate YTD > $250.00		
SEIU Coge Fund PCE 1313 L Street NW Washington, DC 20005-		10/30/92	$2000.00
Receipt for [X]General	Aggregate YTD > $2000.00		
NEPAC PAC Mr. James E. Rich, Jr. PO Box 2846 Houston, TX 77001-		10/28/92	$500.00
Receipt for [X]General	Aggregate YTD > $500.00		
Shearson Lehman Brothers PAC Amer Expr Twr-World Trade Ctr. New York, NY 10285-		10/15/92	$500.00
Receipt for [X]General	Aggregate YTD > $1000.00		
SUBTOTAL of Receipts This Page.....>			$8000.00
TOTAL This Period.....>			

SCHEDULE A ITEMIZED RECEIPTS PAGE 10 OF 10
Contributions from other Political Committees FOR LINE NUMBER 11(c)

NAME OF COMMITTEE(in Full)
receipts

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.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
Sheet Metal Workers Intl Mr. Arthur Moore, President 1750 New York Avenue, N.W. Washington, DC 20006- Receipt for [X]General	Aggregate YTD > $500.00	10/23/92	$500.00
Social Security PAC 2000 K Street NW Suite 500 Washington, DC 20006- Receipt for [X]General	Aggregate YTD > $1500.00	10/15/92	$500.00
Statary Engrs Local 30 Mr. Michael Shah 115-60 Myrtle Avenue Richmond Hill, NY 11418- Receipt for [X]General	Aggregate YTD > $500.00	10/23/92	$500.00
Sherwood Agricultural Pol. Ed. PO Box 790287 San Antonio, TX 78279- Receipt for [X]General	Aggregate YTD > $5500.00	10/15/92	$2500.00
UFCW Active Ballot PAC United Food & Commercial Wkrs 1775 K Street Washington, DC 20006- Receipt for [X]General	Aggregate YTD > $1300.00	10/21/92	$1000.00
UNOCAL Pol Awareness Fnd PAC 1201 West 5th Street #W-101 Los Angeles, CA 90017- Receipt for [X]General	Aggregate YTD > $133.00	10/15/92	$33.00 IN-KIND
USTAPAC United States Telephone Assn 900 19th Street NW Suite 800 Washington, DC 20006-2102 Receipt for [X]General	Aggregate YTD > $750.00	10/30/92	$250.00

SUBTOTAL of Receipts This Page.....> $1283.00

TOTAL This Period.....> $80483.00

92C-43526866

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-S

FEB 8 1993

Gerard J. Sweeney, Treasurer
Manton For Congress, Inc.
46-12 Queens Boulevard
Sunnyside, NY 11104

Identification Number: C00188500

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

Dear Mr. Sweeney:

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(g))

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,

Audrey-Ann Mills-Sawyer
Reports Analyst
Reports Analysis Division

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral #93L-24
STAFF MEMBERS: Xavier K. McDonnell
Eric S. Brown

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

RESPONDENTS: Manton for Congress, Inc.
Gerard J. Sweeney, Treasurer

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

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD"), indicating that Manton for Congress, Inc., and Gerard J. Sweeney, as treasurer, ("Respondents") failed to file twenty-one (21) 48 Hour notifications ("48 Hour Notices") for contributions totaling $39,000. Attachment 1. Thomas J. Manton won the 1992 General Election in the 7th Congressional District in the State of New York with 57 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).[1]

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1. We note that two of the contributions for which the Committee failed to file 48 Hour Notices are questionable. The contribution from Edelman & Edelman, listed as a partnership in the referral, has been confirmed by the New York State Corporations Division to be incorporated as Edelman and Edelman, P.C. In addition, the contribution from the Air Transport Lodge 1056 PAC appears to be from an organization which is neither registered with the Commission nor with the New York State Board of Elections.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that Manton for Congress, Inc., and Gerard J. Sweeney, 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 attached Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date 9/17/93

BY: 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	)	
	)	
Manton for Congress, Inc. and	)	RAD Referral
Gerard J. Sweeney, Treasurer.	)	#93L-24

MUR 3818

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 24, 1993, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #93L-24:

1. Open a MUR.

2. Find reason to believe that Manton for Congress, Inc., and Gerard J. Sweeney, 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 17, 1993.

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

Attest:

9-24-93
Date

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

Received in the Secretariat: Mon., Sept. 20, 1993 9:37 a.m.
Circulated to the Commission: Mon., Sept. 20, 1993 4:00 p.m.
Deadline for vote: Thurs., Sept. 23, 1993 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEPTEMBER 28, 1993

Gerard J. Sweeney, Treasurer
Manton for Congress, Inc.
46-12 Queens Boulevard
Sunnyside, NY 11104

RE: MUR 3818
Manton for Congress, Inc. and
Gerard J. Sweeney, as treasurer

Dear Mr. Sweeney:

On September 24, 1993, the Federal Election Commission found that there is reason to believe Manton for Congress, Inc. ("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 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 Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Scott E. Thomas
Chairman

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

cc: The Honorable Thomas J. Manton

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FEDERAL ELECTION COMMISSION
FACTUAL & LEGAL ANALYSIS

MUR 3818

RESPONDENTS: Manton for Congress, Inc. and
Gerard J. Sweeney, as treasurer

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).

The General Election in the state of New York was held on November 3, 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 October 15, 1992,

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through October 31, 1992, within 48 hours of their receipt. A review of the Committee's 1992 30 Day Post-General Report identified twenty-one (21) contributions received from October 15, 1992 through October 31, 1992, of $1,000 or more totaling $39,000. The Committee did not submit 48 Hour Notices for these contributions:

Contributor Name	Date	Amount
Edelman and Edelman	10/15/92	$1,000
Air Transport Lodge 1056 PAC	10/22/92	$1,000
American Bankers Assn. PAC	10/30/92	$2,000
American Postl Wrkrs PAC	10/23/92	$1,000
AT&T PAC	10/15/92	$1,000
ATLA PAC	10/15/92	$5,000
Car Rental Coalition PAC	10/23/92	$1,000
District 2 MEBA AMO PAC	10/26/92	$2,000
Investment Management PAC	10/15/92	$1,000
Ironworkers Pol Action League	10/20/92	$2,000
Laborers' Pol League PAC	10/15/92	$1,000
Laborers' Pol League PAC	10/15/92	$1,000
Local 15, 15A-B-C-D IUOE PAC	10/21/92	$2,000
Locomotive Engineers PAC	10/21/92	$1,000
Machinists NPL PAC	10/23/92	$4,500
MALU PAC (Formerly LUPAC)	10/15/92	$2,500
MALU PAC (Formerly LUPAC)	10/15/92	$2,500
NARFE-PAC	10/15/92	$2,000
OPTHPAC	10/15/92	$1,500
Realtors PAC	10/15/92	$3,000
UFCW Active Ballot Club	10/21/92	$1,000
TOTAL		$39,000

Therefore, there is reason to believe that Manton for Congress, Inc., and Gerard J. Sweeney, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing 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.

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SWEENEY, GALLO & REICH

ATTORNEYS AT LAW
46-12 QUEENS BOULEVARD
SUITE 205
SUNNYSIDE, NEW YORK 11104
(718) 706-1000
FAX: (718) 729-0871

GERARD J. SWEENEY
DAVID A. GALLO
MICHAEL H. REICH

LOUIS M. LAURINO
JOHN W. STEIGLER*
ROSEMARIE A. KLIE
KENNETH A. BECK*

*ALSO ADMITTED IN CONN.

LEGAL ASSISTANT
ARTHUR L. STEIN

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OFFICE OF GENERAL COUNSEL
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October 6, 1993

Xavier K. McDonnell, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3818

Dear Sir:

I am in receipt of your letter of September 28, 1993. This matter is being fully reviewed and I will be in contact about this matter shortly.

Very truly yours,

SWEENEY, GALLO & REICH

BY: Gerard J. Sweeney
GERARD J. SWEENEY

GJS:jt

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MANTON FOR CONGRESS, INC.
46-12 QUEENS BOULEVARD SUNNYSIDE, NY 11104 (718) 706-6390

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October 27, 1993

The Honorable Scott E. Thomas
Chairman
Federal Election Commission
Washington, DC 20461

MUR 3818

Dear Chairman Thomas:

This is in response to your September 28, 1933, letter indicating the Federal Election Commission has found reason to believe that Manton for Congress, Inc. ("Committee") failed to submit 48 Hour Notices for 21 contributions reportedly received from October 15, 1992 through October 31, 1992, of $1,000 or more totalling $39,000.

The following is intended to provide the Commission with additional information regarding each contribution identified by the Commission.

Contributor Name	Date	Amount
Edelman and Edelman	10/15/92	$1,000

48 hour notice should have been submitted.

Air Transport Lodge	10/22/92	$1,000

10/22/92 receipt date as reported on the Committee's 1992 30 Day Post-General Report is inaccurate. The check was received on 11/2/92 and deposited on 11/12/92. The date on the check, not the actual date of receipt, was used for reporting purposes.

48 hour notice was not required.

American Bankers Assn.	10/30/92	$2,000

10/30/92 receipt date as reported on the 30 Day Post-General Report is inaccurate. The check was not actually received until Monday, 11/2/92 and deposited on 11/12/92 and deposited on 11/12/92. The date on the letter accompanying the check, Friday, 10/30/92, not the actual date of receipt, was used for reporting purposes.

48 hour notice was not required.

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American Postal Workers 10/23/92 $1,000

10/23/92 receipt date as reported on the 30 Day Post-General Report is inaccurate. The check was actually received on 10/27/92 and 48 hour notice was sent on that date. The date on the check, 10/23/92, not the actual date of receipt, was used for reporting purposes.

48 hour notice was submitted as required.

AT&T PAC 10/15/92 $1,000

48 hour notice should have been submitted.

ATLA PAC 10/15/92 $5,000

48 hour notice should have been submitted.

Car Rental Coalition 10/23/92 $1,000

10/15/92 receipt date as reported on the 30 Day Post-General Report is inaccurate. Check was actually received on 10/27/92, and 48 hour notice was submitted on that date. The date of the check 10/23/92 instead of the actual date of receipt was used for reporting purposes.

48 hour notice was submitted as required.

District 2 MEBA 10/15/92 $2,000

48 hour notice should have been submitted.

Investment Management PAC 10/15/92 $1,000

48 hour notice should have been submitted.

Iron Workers 10/15/92 $2,000

48 hour notice should have been submitted.

Laborers POL 10/15/92 $1,000

48 hour notice should have been submitted

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Laborers POL	10/15/92	$1,000

48 hour notice should have been submitted.

Local 15 IUOE PAC	10/21/92	$2,000

48 hour notice should have been submitted.

Locomotive Engineers	10/21/92	$1,000

48 hour notice should have been submitted.

Machinists PAC	10/23/92	$4,500

10/23/92 receipt date as reported on 30 Day Post-General Report is inaccurate. Check was actually received on 11/3/92. The date of the check 10/23/92, instead of the actual date of receipt, was used for reporting purposes.

48 hour notice was not required.

NALU PAC	10/15/92	$2,500

48 hour notice should have been submitted.

NALU PAC	10/15/92	$2,500

48 hour notice should have been submitted.

NARFE PAC	10/15/92	$2,000

48 hour notice should have been submitted.

OPTHPAC	10/15/92	$1,500

10/15/92 receipt date as reported on the 30 Day Post-General Report is inaccurate. Check was received on 10/27/92 and 48 hour notice was submitted on that date. Origin of the reporting date is unknown.

48 hour notice was submitted as required.

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Realtor's PAC	10/15/92	$3,000

10/15/92 receipt date as reported on the 30 Day Post-General Report is inaccurate. Actual date of receipt was 11/2/92. Origin of reporting date is unknown.

48 hour notice was not required.

UFCW	10/21/92	$1,000

Based on the information provided above, the Committee believes it failed to submit 48 Hour Notices for 15 contributions received from October 15, 1992 through October 31, 1992, of $1000 or more totaling $25,000.

I appreciate the opportunity to provide you with this additional information. If I can answer any questions, please do not hesitate to call (718) 706-1000.

Sincerely,

Gerard J. Sweeney

Gerard J. Sweeney
Treasurer
Manton for Congress, Inc.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Manton for Congress, Inc., and) MUR 3818
Gerard J. Sweeney as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On September 24, 1993, the Commission found reason to believe that Manton for Congress, Inc. (the "Committee"), and Gerard J. Sweeney, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(6)(A) for failing to file twenty-one (21) 48 Hour Notices, totaling $39,000. On the same date, the Commission determined to enter into pre-probable cause conciliation with Respondents and approved an agreement

II. RECOMMENDED ACTIONS IN LIGHT OF FEC V. NRA

Consistent with the Commission's November 1993 decisions concerning FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert filed (U.S. Jan. 18, 1994)(No. 93-1151), and based upon the original referral in this matter, this Office recommends that the Commission revote to open a MUR and find reason to believe that Respondents violated 2 U.S.C. § 434(a)(6)(A). In addition, due to information provided by Respondents in their response to the Commission's pre-NRA finding, this Office recommends that the Commission also find reason to believe that Respondents violated 2 U.S.C. §§ 434(b)(3)(A) and (B)

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by reporting the incorrect dates of receipt for seven contributions at issue in this matter (see below). This Office also recommends that the Commission approve the attached Factual and Legal Analysis and proposed conciliation agreement

III. DISCUSSION

Respondents were referred for failure to submit 48 Hour Notices for a total of 21 contributions, and have acknowledged that 48 Hour Notices were not filed for 14 of those contributions.[1] With respect to the remaining seven contributions, Respondents contend that a 48 Hour Notice was filed for three of the contributions, totaling $3,500, and that 48 Hour Notices were not required for the remaining four, totaling $10,500. See Attachment 4.

Regarding Respondents' contention that a 48 Hour Notice was submitted for the three contributions, totaling $3,500, the statute provides that reports sent by registered or certified mail must be postmarked by the filing date (except in the case of the pre-general election report). 2 U.S.C. § 434(a)(5). See Attachment 4. Reports sent by first class mail must be received by the filing date. 11 C.F.R. § 104.5(e). The Commission's records do not disclose receipt of the required 48 Hour Notice for

1. The treasurer failed to offer an explanation regarding a contribution from the UFCW received on October 21, 1992. When the $1,000 amount of this contribution is added to the total for those 48 Hour Notices that Respondents acknowledge they failed to file, the totals square.

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these three contributions, and Respondents have not provided a mail receipt for such a Notice in their response. Thus, it appears that these contributions were properly included within the referral.

Respondents contend that the four remaining contributions identified in the referral, totaling $10,500, were not received within the 48 Hour Notice reporting period (October 15-31, 1992). See Attachment 4. The response explains that the actual receipt dates of these contributions were not the dates indicated on the 30 Day Post-General Report. Specifically, Respondents indicate that either the date on the letter accompanying a contribution, the date on contributors' checks or some other date was used ("origin of the reporting date is unknown"). In addition, Respondents acknowledge that they provided inaccurate dates of receipt on their disclosure report regarding the three contributions, totaling $3,500, discussed just above, for which they claim a 48 Hour Notice was filed.

Disclosure reports filed by political committees must disclose the identification of each person who makes a contribution to the reporting committee, whose contributions aggregate in excess of $200 within the calendar year, together with the date and the amount of any such contribution. 2 U.S.C. § 434(b)(3)(A) (emphasis added). Disclosure reports must also provide the identification of each political committee which makes a contribution to the reporting committee, together with the date and amount of any such contribution. 2 U.S.C. § 434(b)(3)(B)

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(emphasis added). From the response, it appears that the Committee provided inaccurate information regarding the date of receipt for seven of its contributions, totaling $14,000, in violation of 2 U.S.C. §§ 434(b)(3)(A) and (B).

In summary, it appears that 48 Hour Notices were not submitted for 17 contributions received within the reporting period, totaling $28,500, and that incorrect dates of receipt were supplied for seven contributions, totaling $14,000, including three received within the 48 Hour Notice period. Therefore, this Office recommends that the Commission find reason to believe that Manton for Congress, Inc. and Gerard J. Sweeney, as treasurer, violated 2 U.S.C. §§ 434(a)(6)(A), 434(b)(3)(A) and (B).

IV. **DISCUSSION OF PREPROBABLE CAUSE CONCILIATION**

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V. **RECOMMENDATIONS**

1. Open a MUR.

2. Find reason to believe that Manton for Congress, Inc. and Gerard J. Sweeney, as treasurer, violated 2 U.S.C. §§ 434(a)(6)(A), 434(b)(3)(A) and (B).

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

Lawrence M. Noble
General Counsel

3-4-94
Date

BY: Lois G. Lerner
Assistant General Counsel

Attachments:
1. Committee's Response
2. Revised Factual and Legal Analysis
3. Proposed Conciliation Agreement
4. Chart of Contributions at Issue

Staff assigned: Xavier McDonnell
Eric Brown

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: MARCH 10, 1994

SUBJECT: MUR 3818 - GENERAL COUNSEL'S REPORT DATED MARCH 4, 1994.

The above-captioned document was circulated to the Commission on Monday, March 7, 1994 at 11:00 a.m.

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

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

This matter will be placed on the meeting agenda for Tuesday, March 22, 1994.

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

9404359171 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3818
Manton for Congress, Inc. and	)	
Gerard J. Sweeney, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 22, 1994, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3818:

1. Open a MUR.

2. Find reason to believe that Manton for Congress, Inc. and Gerard J. Sweeney, as treasurer, violated 2 U.S.C. §§ 434(a)(6)(A), 434(b)(3)(A) and (B).

3. Approve the Factual and Legal Analysis, proposed revised conciliation agreement, and the appropriate letter as recommended in the General Counsel's report dated March 4, 1994

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

Attest:

3-24-94
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 1994

Gerard J. Sweeney, Treasurer
Manton for Congress, Inc.
46-12 Queens Boulevard
Sunnyside, New York 11104

RE: MUR 3818
Manton for Congress, Inc., and
Gerard J. Sweeney, as treasurer

Dear Mr. Sweeney:

As you were previously informed, on September 24, 1993, the Federal Election Commission found reason to believe that the Manton for Congress, Inc. ("Committee") 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. You submitted a response to the Commission's findings in a letter dated October 27, 1993.

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 22, 1994, the Commission revoted to find reason to believe that the Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A). In addition, based on your response, the Commission found reason to believe that the Committee and you, as treasurer, violated 2 U.S.C. §§ 434(b)(3)(A) and (B). The Commission also approved the enclosed Factual and Legal Analysis, 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 approved the enclosed proposed conciliation agreement.

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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 Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400.

For the Commission,

Trevor Potter
Chairman

Enclosure
Factual and Legal Analysis
Conciliation Agreement

9404359171 4

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

MUR 3818

RESPONDENTS: Manton for Congress, Inc. and
Gerard J. Sweeney, as treasurer

I. BACKGROUND

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).

II. FACTUAL AND LEGAL ANALYSIS

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). The Act provides that reports sent by registered or certified mail must be postmarked by the filing date (except in the case of the

9404359171 5

pre-general election report). 2 U.S.C. § 434(a)(5). Reports sent by first class mail must be received by the filing date. 11 C.F.R. § 104.5(e).

The General Election in the state of New York was held on November 3, 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 October 15, 1992, through October 31, 1992, within 48 hours of their receipt. A review of the Committee's documents filed identified seventeen (17) contributions received from October 15, 1992 through October 31, 1992, of $1,000 or more, totaling $28,500, for which no 48 Hour Notices were submitted.

Disclosure reports filed by political committees must disclose the identification of each person who makes a contribution to the reporting committee, whose contributions aggregate in excess of $200 within the calendar year, together with the date and the amount of any such contribution. 2 U.S.C. § 434(b)(3)(A). Disclosure reports must also provide the identification of each political committee which makes a contribution to the reporting committee, together with the date and amount of any such contribution. 2 U.S.C. § 434(b)(3)(B). It appears that the Committee provided inaccurate information regarding the date of receipt for seven (7) of its contributions, totaling $14,000, in violation of 2 U.S.C. §§ 434(b)(3)(A) and (B).

In summary, it appears that 48 Hour Notices were not submitted for seventeen contributions received within the

9404359117 6

reporting period, totaling $28,500, and that incorrect dates of receipt were supplied for seven contributions, totaling $14,000, including three received within the 48 Hour Notice period. Therefore, there is reason to believe that Manton for Congress, Inc. and Gerard J. Sweeney, as treasurer, violated 2 U.S.C. SS 434(a)(6)(A), 434(b)(3)(A) and (B).

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OGC 1110

MANTON FOR CONGRESS, INC.
46-12 QUEENS BOULEVARD SUNNYSIDE, NY 11104 (718) 706-6390

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

APR 26 2 42 PM '94

April 22, 1994

MUR 3818

The Honorable Trevor Potter
Chairman
Federal Election Commission
Washington, D.C. 20461

Dear Chairman Potter:

This is in response to your letter dated April 4, 1994, which was received on April 10, 1994, indicating the Federal Election Commission has found reason to believe that Manton for Congress, Inc. ("Committee") failed to submit 48 Hour Notices for seventeen contributions totalling $28,500.00, and that incorrect dates of receipt were supplied for seven contributions totalling $14,000.00.

The Committee is somewhat confused by your apparent response to our October 27, 1993 letter. Your initial letter to the Committee dated September 28, 1993, provided detailed information regarding the contributions you believed to be in violation of the 48 Hour Notice requirement. Your April 4, 1994, does not provide any information regarding the specific contributions you believe to be in violation.

In order to properly understand and respond to your April 4, 1994 letter, the Committee respectfully requests clarifying information regarding the checks you believe to be in violation. In particular, it would be most helpful if you could inform the Committee the contributor name and the amount for each contribution for which you believe the Committee failed to submit 48 Hour Notices and for each contribution for which you believe the Committee reported incorrect dates of receipt. Without such information, it is very difficult to respond properly and adequately to your request.

Thank you for your assistance. The Committee looks forward to your response.

Sincerely,

Gerard J. Sweeney
Treasurer
Manton for Congress, Inc.

received
4/26/94

9404359171 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BY FAX AND FIRST CLASS MAIL

May 2, 1994

Gerard J. Sweeney, Treasurer
Manton For Congress, Inc.
46-12 Queens Blvd.
Sunnyside, NY 11104

RE: MUR 3818
Manton for Congress
Gerard J. Sweeney, as treasurer

Dear Mr. Sweeney:

This is in response to your letter dated April 22, 1994, which was received by the Commission on April 26, 1994, requesting clarifying information about the contributions at issue in this matter. As agreed during our telephone conversation on April 29, 1994, enclosed please find a listing of the contributions at issue. I hope this list will be helpful to you.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. The 30 day period for negotiations will soon expire. Unless we receive a response from you by May 13, 1994, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

Should you have any questions or wish to discuss this matter further, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Attorney

Enclosure:

List of Contributions

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CHART OF CONTRIBUTIONS

I. 48 HOUR NOTICES NOT SUBMITTED

Contributor Name	Date	Amount
Edelman and Edelman	10/15/92	$1,000
AT&T PAC	10/15/92	$1,000
ATLA PAC	10/15/92	$5,000
District 2 MEBA AMO PAC	10/15/92	$2,000
Investment Management PAC	10/15/92	$1,000
Ironworkers Pol Action League	10/15/92	$2,000
Laborers' Pol League PAC	10/15/92	$1,000
Laborers' Pol League PAC	10/15/92	$1,000
Local 15, 15A-B-C-D IUOE PAC	10/21/92	$2,000
Locomotive Engineers PAC	10/21/92	$1,000
NALU PAC (Formerly LUPAC)	10/15/92	$2,500
NALU PAC (Formerly LUPAC)	10/15/92	$2,500
NARFE-PAC	10/15/92	$2,000
UFCW Active Ballot Club	10/21/92	$1,000
American Postal Wrkrs PAC	10/27/92	$1,000
Car Rental Coalition PAC	10/27/92	$1,000
OPTHPAC	10/27/92	$1,500
	TOTAL:	$28,500

II. INACCURATE REPORTING
(Dates of Receipt Incorrectly Reported)

Contributor Name	Report Date	Actual Date	Amount
Air Transport Lodge 1056 PAC	10/22/92	11/2/92	$1,000
American Bankrs Assn. PAC	10/30/92	11/2/92	$2,000
Machinists NPL PAC	10/23/92	11/3/92	$4,500
Realtors PAC	10/15/92	11/2/92	$3,000
American Postal Wrkrs PAC	10/23/92	10/27/92	$1,000
Car Rental Coalition PAC	10/23/92	10/27/92	$1,000
OPTHPAC	10/15/92	10/27/92	$1,500
		TOTAL:	$14,000

As the charts above indicate, three of the contributions, totaling $3,500, are listed in both categories. This is because: (i) the dates of receipt were inaccurately reported, and; (ii) the three contributions were received within the 48 hour reporting period but there is no evidence 48 hour notices were filed for them.

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RECEIVED
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COMMISSION
OFFICE OF GENERAL
COUNSEL

MAY 24 10 24 AM '94

MEMBER OF CONGRESS

THOMAS J. MANTON
New York

May 23, 1994

The Honorable Donnald K. Anderson
Office of the Clerk
H-105 Capitol
Washington, D.C. 20515

Dear Donn:

This is to inform you that effective May 23, 1994, I have appointed Lloyd J. Sheth as treasurer of my campaign committee, Manton for Congress, Inc., replacing Gerard J. Sweeney.

Sincerely,

Thomas J. Manton
Member of Congress

9404359172.1

NOT PRINTED OR MAILED AT GOVERNMENT EXPENSE
PAID FOR BY MANTON FOR CONGRESS, INC.

DOC 1454

SWEENEY, GALLO & REICH

ATTORNEYS AT LAW
46-12 QUEENS BOULEVARD
SUITE 205
SUNNYSIDE, NEW YORK 11104
(718) 706-1000
FAX: (718) 729-0871

GERARD J. SWEENEY
DAVID A. GALLO
MICHAEL H. REICH

LOUIS M. LAURINO
JOHN W. STEIGLER*
ROSEMARIE A. KLIR
KENNETH A. BECK*

*ALSO ADMITTED IN CONN.

LEGAL ASSISTANT
ARTHUR L. STEIN

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 26 9 25 AM '94

May 26, 1994

VIA FACSIMILE (202) 219-3923

Xavier K. McDonnell
Federal Election Commission
Washington, D.C. 20463

Re: Manton for Congress
MUR 3818

Dear Sir:

Please be advised that I will continue to act as the attorney for the Committee.

Please forward a copy of the conciliation agreement.

Finally, I hope to have this concluded by Friday, May 27, 1994.

Very truly yours,

SWEENEY, GALLO & REICH

BY: Gerard J. Sweeney
GERARD J. SWEENEY

GJS:jt

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUL 11 9 48 AM '94

July 11, 1994

SENSITIVE

Gerard J. Sweeney, Esquire
Sweeney, Gallo & Reich
46-12 Queens Boulevard
Sunnyside, NY 11104

RE: MUR 3818
Manton for Congress, Inc.
Lloyd J. Sleeth, as treasurer

Dear Mr. Sweeney:

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After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that violations have occurred. The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a Brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's Brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Brief

9404359172 4

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer	)	MUR 3818
	)	
	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter was generated based upon 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 Commission found reason to believe that Manton for congress, Inc. ("Committee") and its treasurer ("Respondents") violated 2 U.S.C. §§ 434(a)(6)(A), 434(b)(3)(A) and (B)

II. FACTUAL AND LEGAL ANALYSIS

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.

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The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B). The Act provides that reports sent by registered or certified mail must be postmarked by the filing date (except in the case of the pre-general election report). 2 U.S.C. § 434(a)(5). Reports sent by first class mail must be received by the filing date. 11 C.F.R. § 104.5(e).

Manton for Congress, Inc. is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee for Thomas J. Manton's 1992 congressional campaign. The General Election in the state of New York 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, 1992, through October 31, 1992, within 48 hours of their receipt. The Committee's disclosure reports reflected seventeen (17) contributions received from October 15, 1992 through October 31, 1992, of $1,000 or more, totaling $28,500, for which no 48 Hour Notices were submitted. See Attachment.

Disclosure reports filed by political committees must disclose the identification of each person who makes a contribution to the reporting committee, whose contributions aggregate in excess of $200 within the calendar year, together with the date and the amount of any such contribution. 2 U.S.C. § 434(b)(3)(A). Disclosure reports must also provide the identification of each political committee which makes a contribution to the reporting committee, together with the date

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and amount of any such contribution. 2 U.S.C. § 434(b)(3)(B). Information provided to the Commission by the Respondents indicates that the Committee's disclosure reports provided inaccurate information regarding the date of receipt for seven (7) of its contributions, totaling $14,000, in violation of 2 U.S.C. §§ 434(b)(3)(A) and (B). See Attachment.

In summary, it appears that 48 Hour Notices were not submitted for seventeen contributions received within the reporting period, totaling $28,500, and that incorrect dates of receipt were supplied for seven contributions, totaling $14,000, including three received within the 48 Hour Notice period. Therefore, the Office of the General Counsel recommends that the Commission find probable cause to believe that Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer, violated 2 U.S.C. §§ 434(a)(6)(A), 434(b)(3)(A) and (B).

Date 7/8/94

Lawrence M. Noble
General Counsel

Attachment:
Contribution Chart

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MUR 3818

CHART OF CONTRIBUTIONS

I. 48 HOUR NOTICES NOT SUBMITTED

Contributor Name	Date	Amount
Edelman and Edelman	10/15/92	$1,000
AT&T PAC	10/15/92	$1,000
ATLA PAC	10/15/92	$5,000
District 2 MEBA AMO PAC	10/15/92	$2,000
Investment Management PAC	10/15/92	$1,000
Ironworkers Pol Action League	10/15/92	$2,000
Laborers' Pol League PAC	10/15/92	$1,000
Laborers' Pol League PAC	10/15/92	$1,000
Local 15, 15A-B-C-D IUOE PAC	10/21/92	$2,000
Locomotive Engineers PAC	10/21/92	$1,000
NALU PAC (Formerly LUPAC)	10/15/92	$2,500
NALU PAC (Formerly LUPAC)	10/15/92	$2,500
NARFE-PAC	10/15/92	$2,000
UFCW Active Ballot Club	10/21/92	$1,000
American Postal Wrkrs PAC	10/27/92	$1,000
Car Rental Coalition PAC	10/27/92	$1,000
OPTHPAC	10/27/92	$1,500
	TOTAL:	$28,500

II. INACCURATE REPORTING
(Dates of Receipt Incorrectly Reported)

Contributor Name	Report Date	Actual Date	Amount
Air Transport Lodge 1056 PAC	10/22/92	11/2/92	$1,000
American Bankrs Assn. PAC	10/30/92	11/2/92	$2,000
Machinists NPL PAC	10/23/92	11/3/92	$4,500
Realtors PAC	10/15/92	11/2/92	$3,000
American Postal Wrkrs PAC	10/23/92	10/27/92	$1,000
Car Rental Coalition PAC	10/23/92	10/27/92	$1,000
OPTHPAC	10/15/92	10/27/92	$1,500
	TOTAL:		$14,000

As the charts above indicate, three of the contributions, totaling $3,500, are listed in both categories. This is because: (i) the dates of receipt were inaccurately reported, and; (ii) the three contributions were received within the 48 hour reporting period but there is no evidence 48 hour notices were filed for them.

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

Aug 19 12 53 PM '94

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of	)	
	)	
Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer	)	MUR 3818
	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 22, 1994, the Commission found reason to believe that Manton for Congress, Inc. ("Committee") and its treasurer ("Respondents") violated 2 U.S.C. §§ 434(a)(6)(A) and 434(b)(3)(A) and (B) for failure to file 48 hour notices for $28,500 in last minute contributions, and for failing to accurately report the receipt dates of contributions totaling $14,000. By same date, the Commission determined to entered into preprobable cause conciliation with the Respondents.

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For the reasons set forth in the General Counsel's Brief dated July 8, 1994, this Office recommends that the Commission find probable cause to believe the Respondents violated 2 U.S.C. § 434(a)(6)(A) and 2 U.S.C. §§ 434(b)(3)(A) and (B).

II. DISCUSSION OF PROBABLE CAUSE CONCILIATION

III. RECOMMENDATIONS

1. Find probable cause to believe that Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer, violated 2 U.S.C. §§ 434(a)(6)(A) and 434(b)(3)(A) and (B).

2. Enter into probable cause negotiations with Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer.

3. Approve the attached conciliation agreement and the appropriate letter.

Date 8/17/94

Lawrence M. Noble
General Counsel

Attachments
1. Conciliation agreement
2. Correspondence

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer.	)	MUR 3818
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 26, 1994, the Commission decided by a vote of 6-0 to take the following actions in MUR 3818:

1. Find probable cause to believe that Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer, violated 2 U.S.C. §§ 434(a)(6)(A) and 434(b)(3)(A) and (B).

2. Enter into probable cause negotiations with Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer.

3. Approve the conciliation agreement and the appropriate letter, as recommended in the General Counsel's Report dated August 17, 1994.

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

Attest:

8-29-94
Date

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

Received in the Secretariat: Fri., Aug. 19, 1994 12:53 p.m.
Circulated to the Commission: Fri., Aug. 19, 1994 2:00 p.m.
Deadline for vote: Fri., Aug. 26, 1994 4:00 p.m.

mck

9404359173 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 31, 1994

Gerard J. Sweeney, Esquire
Sweeney, Gallo & Reich
46-12 Queens Blvd.
Sunnyside, NY 11104

RE: MUR 3818
Manton for Congress, Inc.
Lloyd J. Sleeth, as treasurer

Dear Mr. Sweeney:

On August 26, 1994, the Federal Election Commission found that there is probable cause to believe that Manton for Congress, Inc. and Lloyd Sleeth, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) and 2 U.S.C. § 434(b)(3)(A) and (B), provisions of the Federal Election Campaign Act of 1971, as amended for failing to file 48 hour notices and for failing to accurately report the receipt dates of contributions.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

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If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

9404359173 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL
OCT 6 12 40 PM '94

10/6/94

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Manton for Congress Inc, check number 7011, dated 9/28/94, and in the amount of $4,750.00. 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 Byaa

In reference to the above check in the amount of $4,750.00, the MUR number is 3818 and in the name of Manton for Congress, Inc. 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

10-06-94
Date

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

OCT 6 4 37 PM '94

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of	)	
	)	
Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer	)	MUR 3818
	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On August 26, 1994, the Commission found probable cause to believe that Manton For Congress, Inc. and Lloyd J. Sleeth, as treasurer ("Respondents") violated 2 U.S.C. §§ 434(a)(6)(A) and 434(b)(3)(A) and (B). By same date, the Commission entered into probable cause conciliation and approved a conciliation agreement with the Respondents.

II. DISCUSSION OF PROBABLE CAUSE

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III. **RECOMMENDATIONS**

1. Accept the attached agreement with Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer.

2. Approve the appropriate letter.

3. Close the file.

Lawrence M. Noble
General Counsel

October 6, 1994
Date

BY: Lois G. Lerner gs
Lois G. Lerner
Associate General Counsel

Staff Assigned: Xavier K. McDonnell

Attachment: Conciliation agreement
Copy of Check

9404359173 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer.	)	MUR 3818
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 19, 1994, the Commission decided by a vote of 5-0 to take the following actions in MUR 3818:

1. Accept the agreement with Manton for Congress, Inc. and Lloyd J. Sleeth, as treasurer, as recommended in the General Counsel's Report dated October 6, 1994.

2. Approve the appropriate letter, as recommended in the General Counsel's Report dated October 6, 1994.

3. Close the file.

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

Attest:

10-20-94
Date

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

Received in the Secretariat:	Thurs.,	Oct. 06, 1994	4:37 p.m.
Circulated to the Commission:	Fri.,	Oct. 07, 1994	12:00 p.m.
Deadline for vote:	Wed.,	Oct. 19, 1994	4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 21, 1994

Gerard J. Sweeney, Esquire
Sweeney, Gallo & Reich
46-12 Queens Boulevard
Sunnyside, NY 11104

RE: MUR 3818
Manton for Congress, Inc. and
Lloyd J. Sleeth, as treasurer

Dear Mr. Sweeney:

On October 19, 1994, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 434(a)(6)(A) and 434(b)(3)(A) and (B), provisions 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. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Attorney

Enclosure
Conciliation Agreement

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RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION

BEFORE THE FEDERAL ELECTION COMMISSION

OCT 3 10 40 AM '94

In the Matter of	)	
	)	MUR 3818
Manton for Congress, Inc., and	)	
Lloyd J. Sleeth, 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 probable cause to believe that Manton for Congress, Inc., and Lloyd J. Sleeth, as treasurer ("Respondents"), violated 2 U.S.C. §§ 434(a)(6)(A), 434(b)(3)(A) and (B).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(i) do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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

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2. Lloyd J. Sleeth is the treasurer of Manton for Congress, Inc.

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. Among the contributions that the Respondents received between October 15, 1992, and October 31, 1992, were seventeen (17) contributions of $1,000 or more totaling $28,500. The Respondents did not submit 48 Hour Notices for these contributions.

5. The Act states that disclosure reports filed by political committees must disclose the identification of each person who makes a contribution to the reporting committee, whose contributions aggregate in excess of $200 within the calendar year, together with the date and the amount of any such

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contribution. 2 U.S.C. § 434(b)(3)(A). Disclosure reports must also provide the identification of each political committee which makes a contribution to the reporting committee, together with the date and amount of any such contribution. 2 U.S.C. § 434(b)(3)(B).

6. Respondents incorrectly reported the dates of receipt for seven (7) contributions totaling $14,000.

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

2. The Respondents failed to report the correct dates of receipt for seven contributions, in violation of 2 U.S.C. §§ 434(b)(3)(A) and (B).

3. The Respondents contend that the violations were not knowing and willful.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Four Thousand Seven Hundred and Fifty dollars ($4,750), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondents shall amend their 1992 30 Day Post-General Report so that it correctly indicates the dates of receipt of the seven contributions referenced in Section IV, Paragraph 6.

VIII. 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

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relief in the United States District Court for the District of Columbia.

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

X. 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.

XI. 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.

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FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Date 10-20-94

FOR THE RESPONDENTS:

Lloyd J. Smith
(Name)
(Position) TREASURER

SEPTEMBER 28 1994
Date

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3818

DATE FILMED 11-8-94 CAMERA NO. 4

CAMERAMAN JMN

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