



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR #

397



78040061001

FEDERAL ELECTION COMMISSION

Duplicates, work product of attorney, telephone
memoranda

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input type="checkbox"/> (2) Internal rules and practices | <input checked="" type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input type="checkbox"/> (5) Internal Documents | |

Signed _____

date 7/12/78

FEC 9-21-77

78040061011



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 12, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey, Esq.
Morgan Lewis & Bockius
123 South Broad Street
Philadelphia, Pennsylvania 19109

Re: MUR 397 (77)

Dear Mr. Harvey:

Please find enclosed a copy of the Conciliation Agreement between John M. Sullivan and the Commission. It has been approved by the Commission and executed by both parties.

Should you have any further questions, please contact Scott Thomas (tel. no. 202/523-4529 or toll-free line 800/424-9530).

Sincerely yours,

William C. Oldaker
General Counsel


Charles N. Steele
Associate General Counsel

enclosure

7804076000

21003828

RECEIVED
FEDERAL ELECTION
COMMISSION

CONCILIATION AGREEMENT

'78 JUN 16 PM 1:30

Between: The Federal Election Commission)

and)

John M. Sullivan, Respondent)

MUR 397 (77)

803687

WHEREAS, pursuant to 2 U.S.C. §437g(a) (2) and (5), the Federal Election Commission (hereinafter "the Commission") has made findings of reason to believe and reasonable cause to believe that John M. Sullivan (hereinafter "Respondent") violated 2 U.S.C. §441f; and

WHEREAS, Respondent has been fully cooperative in the Commission's investigation of this matter under review;

The Commission and Respondent, pursuant to 2 U.S.C. §437g (a) (5) (A), do hereby resolve and conciliate the above-captioned matter under review by agreeing as follows:

I. The Commission has jurisdiction over the subject of this matter under review pursuant to 2 U.S.C. §§437d (a) (10) and 437g.

II. The facts underlying this matter are as follows:

On February 24, 1976, Respondent approached Mrs. Pearl Levine at a fundraising event at a private residence in Jenkintown, Pennsylvania. Respondent gave Mrs. Levine \$50 in cash with the understanding that she

11009004087

was to contribute that amount to the Jimmy Carter presidential primary campaign in her name. Five days later, on February 29, 1976, Respondent was present at a meeting which Mrs. Levine and several other individuals attended. At this meeting it was agreed by all present that Respondent's giving of the \$50 to Mrs. Levine was improper and that corrective action should be taken. On March 2, 1976, Respondent was informed by his wife that Mrs. Levine had left an envelope at his home for him. Respondent accepted the envelope which contained \$50 in cash.

III. Respondent admits that the act described in paragraph II, supra, constitutes a contribution in the name of another in violation of 2 U.S.C. §441f.

IV. Pursuant to 2 U.S.C. §437g(a) (6), Respondent agrees to pay \$50 as a civil penalty (not as a fine) within thirty (30) days of the effective date of this agreement. Payment shall be made to the Treasury of the United States.

V. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g (a) (1) concerning matters involved herein, or on its own initiative, may review compliance with this agreement. If the Commission determines that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437 (a) (7).

VI. Respondent agrees to testify to his knowledge of the facts underlying this matter in any civil action

78040060005

brought by the Commission pursuant to paragraph V, supra,
or pursuant to 2 U.S.C. §437g (a) (5) (B).

VII. This conciliation agreement shall become effective
on the date that all parties hereto have executed the same
and the Commission has approved the entire agreement.

4/11/78
Date



William C. Oldaker,
General Counsel, for the
Federal Election Commission

June 15, 1978
Date



John M. Sullivan, Respondent

78040761010

June 30, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 397

Please have the attached Conciliation Agreement
Approval on MUR 397 distributed to the Commission
on a 488 hour tally basis.

Thank you.

78040060008



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

Memorandum To: The Commissioners
From: William C. Oldaker
General Counsel *W.C. Oldaker*
Subject: Approval of conciliation agreement in
MUR 397 (77)

On June 16, 1978, the Commission received a proposed conciliation agreement executed by John M. Sullivan in MUR 397 (77). The terms of the agreement are identical to those approved by the Commission on May 3, 1978. Accordingly, I recommend final approval of this proposal. I have attached a tally sheet for your signatures.



78040060007

APPROVAL OF PROPOSED CONCILIATION AGREEMENT

The Commission hereby approves the proposed conciliation agreement executed by John M. Sullivan on June 15 , 1978, in MUR 397 (77).

Joan D. Aikens
Chairman

Robert O. Tiernan
Vice Chairman

Vernon W. Thomson
Commissioner

Neil Staebler
Commissioner

Thomas E. Harris
Commissioner

William L. Springer
Commissioner

78040060011

CONCILIATION AGREEMENT

RECEIVED
FEDERAL ELECTION
COMMISSION

'78 JUN 16 PM 1:30

Between: The Federal Election Commission)

and)

John M. Sullivan, Respondent)

MUR 397 (77)

803687

WHEREAS, pursuant to 2 U.S.C. §437g(a) (2) and (5), the Federal Election Commission (hereinafter "the Commission") has made findings of reason to believe and reasonable cause to believe that John M. Sullivan (hereinafter "Respondent") violated 2 U.S.C. §441f; and

WHEREAS, Respondent has been fully cooperative in the Commission's investigation of this matter under review;

The Commission and Respondent, pursuant to 2 U.S.C. §437g (a) (5) (A), do hereby resolve and conciliate the above-captioned matter under review by agreeing as follows:

I. The Commission has jurisdiction over the subject of this matter under review pursuant to 2 U.S.C. §§437d (a) (10) and 437g.

II. The facts underlying this matter are as follows:

On February 24, 1976, Respondent approached Mrs. Pearl Levine at a fundraising event at a private residence in Jenkintown, Pennsylvania. Respondent gave Mrs. Levine \$50 in cash with the understanding that she

78040061011

was to contribute that amount to the Jimmy Carter presidential primary campaign in her name. Five days later, on February 29, 1976, Respondent was present at a meeting which Mrs. Levine and several other individuals attended. At this meeting it was agreed by all present that Respondent's giving of the \$50 to Mrs. Levine was improper and that corrective action should be taken. On March 2, 1976, Respondent was informed by his wife that Mrs. Levine had left an envelope at his home for him. Respondent accepted the envelope which contained \$50 in cash.

III. Respondent admits that the act described in paragraph II, supra, constitutes a contribution in the name of another in violation of 2 U.S.C. §441f.

IV. Pursuant to 2 U.S.C. §437g(a) (6), Respondent agrees to pay \$50 as a civil penalty (not as a fine) within thirty (30) days of the effective date of this agreement. Payment shall be made to the Treasury of the United States.

V. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g (a) (1) concerning matters involved herein, or on its own initiative, may review compliance with this agreement. If the Commission determines that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437 (a) (7).

VI. Respondent agrees to testify to his knowledge of the facts underlying this matter in any civil action

78040061011

brought by the Commission pursuant to paragraph V, supra,
or pursuant to 2 U.S.C. §437g (a) (5) (B).

VII. This conciliation agreement shall become effective
on the date that all parties hereto have executed the same
and the Commission has approved the entire agreement.

Date

William C. Oldaker,
General Counsel, for the
Federal Election Commission

Date

June 15, 1978

John M. Sullivan
John M. Sullivan, Respondent

7804075301

JOHN M. SULLIVAN

680

15-55/540

June 15 1978

PAY
TO THE
ORDER OF

Treasury of the United States \$50.⁰⁰/_{XX}

Fifty ⁰⁰/_{XX}

DOLLARS



AMERICAN SECURITY BANK, N.A.

15TH STREET AND PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C.

FOR

John M. Sullivan

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MORGAN, LEWIS & BOCKIUS

1800 M STREET, N W
WASHINGTON, D. C. 20036

FEDERAL ELECTION COMMISSION

78 JUL 19 10:20

Scott Thomas, Esq.
Federal Election Commission
4th Floor
Office of General Counsel
1325 K Street, N.W.
Washington, D.C. 20463

HAND DELIVER

78 JUL 19 10:20



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 5, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey, Esq.
Morgan, Lewis & Bockius
123 South Broad Street
Philadelphia, Pennsylvania 19109

Re: MUR 397 (77)

780407301
Dear Mr. Harvey,

Please find enclosed a proposed Conciliation Agreement between the Commission and your client John M. Sullivan in the above-captioned matter. The Commission has approved its terms which are identical to the proposal recently delivered by you to Charles Steele of our staff.

Should you have no further objections, please execute the enclosed agreement and forward it to my office within five days of your receipt of this letter. I will then execute the agreement and send you a copy.

Sincerely yours,


William C. Oldaker
General Counsel

Enclosure



MUR 397

Thomas

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- Show to whom and date delivered.
 - Show to whom, date, and address of delivery.
 - RESTRICTED DELIVERY
Show to whom and date delivered.
 - RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. \$
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: *Gregory M. Harvey, Esq*
Morgan, Lewis & Bockius
123 South Broad Street
Philadelphia, Pa 19109

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>438017</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

James Gunn

4. DATE OF DELIVERY *5/10/78* POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

71019201082

was to contribute that amount to the Jimmy Carter presidential primary campaign in her name. Five days later, on February 29, 1976, Respondent was present at a meeting which Mrs. Levine and several other individuals attended. At this meeting it was agreed by all present that Respondent's giving of the \$50 to Mrs. Levine was improper and that corrective action should be taken. On March 2, 1976, Respondent was informed by his wife that Mrs. Levine had left an envelope at his home for him. Respondent accepted the envelope which contained \$50 in cash.

III. Respondent admits that the act described in paragraph II, supra, constitutes a contribution in the name of another in violation of 2 U.S.C. §441f.

IV. Pursuant to 2 U.S.C. §437g(a) (6), Respondent agrees to pay \$50 as a civil penalty (not as a fine) within thirty (30) days of the effective date of this agreement. Payment shall be made to the Treasury of the United States.

V. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g (a) (1) concerning matters involved herein, or on its own initiative, may review compliance with this agreement. If the Commission determines that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437 (a) (7).

VI. Respondent agrees to testify to his knowledge of the facts underlying this matter in any civil action

78040063017

brought by the Commission pursuant to paragraph V, supra,
or pursuant to 2 U.S.C. §437g (a) (5) (B).

VII. This conciliation agreement shall become effective
on the date that all parties hereto have executed the same
and the Commission has approved the entire agreement.

Date

William C. Oldaker,
General Counsel, for the
Federal Election Commission

Date

John M. Sullivan, Respondent

78040060011

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
John M. Sullivan)

MUR 397 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 3, 1978, the Commission approved by a vote of 5-0 the conciliation agreement in the above-captioned matter attached to the General Counsel's memorandum dated April 28, 1978.

Commissioner Aikens was not present at the time of the vote.

Date: 5-3-78

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in the Office of Commission Secretary: 4-28-78, 3:45
Circulated on 48 hour vote basis: 5-1-78, 2:00

78040767011

April 28, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 397

Please have the attached conciliation agreement
in MUR 397 distributed to the Commission on a 48 hour
tally sheet basis.

Thank you.

78040060022



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

April 28, 1978

MEMORANDUM TO: Commissioners
FROM: William C. Oldaker *W.C. Oldaker*
SUBJECT: Conciliation agreement in MUR 397 (77)

On March 15, 1978, the Commission directed the Office of General Counsel to seek a \$50 civil penalty in conciliation efforts with John M. Sullivan. Mr. Sullivan, through his attorney, agreed to pay a \$50 civil penalty and requested only minor modifications with respect to the Commission's proposal.

I recommend that the Commission approve the attached agreement so that it may be executed by both parties. Accordingly, I have attached a tally sheet for your signatures.



APPROVAL OF PROPOSED CONCILATION AGREEMENT

The Commission hereby approves the attached proposed conciliation agreement between the Commission and John M. Sullivan.

7 8 0 4 0 0 6 0 0

Thomas E. Harris
Chairman

William L. Springer
Commissioner

Joan D. Aikens
Vice Chairman

Neil Staebler
Commissioner

Robert O. Tiernan
Commissioner

Vernon W. Thomson
Commissioner

was to contribute that amount to the Jimmy Carter presidential primary campaign in her name. Five days later, on February 29, 1976, Respondent was present at a meeting which Mrs. Levine and several other individuals attended. At this meeting it was agreed by all present that Respondent's giving of the \$50 to Mrs. Levine was improper and that corrective action should be taken. On March 2, 1976, Respondent was informed by his wife that Mrs. Levine had left an envelope at his home for him. Respondent accepted the envelope which contained \$50 in cash.

III. Respondent admits that the act described in paragraph II, supra, constitutes a contribution in the name of another in violation of 2 U.S.C. §441f.

IV. Pursuant to 2 U.S.C. §437g(a) (6), Respondent agrees to pay \$50 as a civil penalty (not as a fine) within thirty (30) days of the effective date of this agreement. Payment shall be made to the Treasury of the United States.

V. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g (a) (1) concerning matters involved herein, or on its own initiative, may review compliance with this agreement. If the Commission determines that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437 (a) (7).

VI. Respondent agrees to testify to his knowledge of the facts underlying this matter in any civil action

78040060025

brought by the Commission pursuant to paragraph V, supra,
or pursuant to 2 U.S.C. §437g (a) (5) (B).

VII. This conciliation agreement shall become effective
on the date that all parties hereto have executed the same
and the Commission has approved the entire agreement.

Date

William C. Oldaker,
General Counsel, for the
Federal Election Commission

Date

John M. Sullivan, Respondent

78040760017



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey, Esq.
Morgan, Lewis & Bockius
123 South Broad Street
Philadelphia, Pennsylvania 19109

Re: MUR 397 (77)

Dear Mr. Harvey,

Please find enclosed a proposed Conciliation Agreement between the Commission and your client John M. Sullivan in the above-captioned matter. The Commission has approved its terms which are identical to the proposal recently delivered by you to Charles Steele of our staff.

Should you have no further objections, please execute the enclosed agreement and forward it to my office within five days of your receipt of this letter. I will then execute the agreement and send you a copy.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure



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Hand-delivered

DEC 22 1977

Between: The Federal Election Commission)
)
)
 and) MUR 397 (77)
)
)
 John M. Sullivan, Respondent)

WHEREAS, pursuant to 2 U.S.C. §437g(a)(2) and (5), the Federal Election Commission (hereinafter "the Commission") has made findings of reason to believe and reasonable cause to believe that John M. Sullivan (hereinafter "Respondent") violated 2 U.S.C. §441f; and

WHEREAS, Respondent has been fully cooperative in the Commission's investigation of this matter under review;

The Commission and Respondent, pursuant to 2 U.S.C. §437g (a)(5)(A), do hereby resolve and conciliate the above-captioned matter under review by agreeing as follows:

I. The Commission has jurisdiction over the subject of this matter under review pursuant to 2 U.S.C. §§437d(a)(10) and 437g.

II. The facts underlying this matter are as follows:

On February 24, 1976, Respondent approached Mrs. Pearl Levine at a fundraising event held at a private residence in Jenkintown, Pennsylvania. Respondent gave Mrs. Levine \$50 in cash with the understanding that she was to contribute that amount to the Jimmy Carter presidential primary campaign in her name. Five days later, on February 29, 1976, Respondent was present at a meeting which Mrs. Levine

780400500?

● CHANGES PROPOSED ●
BY G. M. HARVEY ● 4/12/78

- 2 -

and several other individuals attended. At this meeting it was agreed by all present that Respondent's giving of the \$50 to Mrs. Levine was improper and that corrective action should be taken. On March 2, 1976, Respondent was informed by his wife that Mrs. Levine had left an envelope at his home for him. Respondent accepted the envelope which contained \$50 in cash.

III. Respondent admits that the act described in paragraph II, supra, constitutes a contribution in the name of another in violation of 2 U.S.C. §441f.

IV. Pursuant to 2 U.S.C. § 437g(a)(6), Respondent agrees to pay \$50 as a civil penalty (not as a fine) within thirty (30) days of the effective date of this agreement. Payment shall be made to the Treasury of the United States.

V. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning matters involved herein, or on its own initiative, may review compliance with this agreement. If the Commission determines that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(7).

VI. Respondent agrees to testify to his knowledge of the facts underlying this matter in any civil action brought by the Commission pursuant to paragraph V, supra, or pursuant to 2 U.S.C. §437g(a)(5)(B).

VII. This conciliation agreement shall become effective

79040760030

on the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

Date

William C. Oldaker,
General Counsel, for the Federal
Election Commission

Date

John M. Sullivan, Respondent

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 31, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeffrey B. Albert
Fox, Rothschild, O'Brien & Frankel
1401 Walnut Street
Philadelphia, Pennsylvania 19102

Re: MUR 397 (77)

Dear Mr. Albert:

Please find enclosed a copy of the Conciliation Agreement between the Commission and Pearl Levine executed by both parties and approved by the Commission. Should you have any further questions, please contact Scott Thomas (tel. no. 202/523-4529 or toll-free line 800/424-9530).

Sincerely yours,

William C. Oldaker
General Counsel

PS Form 3811, Apr. 1977

397 (77) Thomas

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):
 Show to whom and date delivered.
 Show to whom, date, and address of delivery.
 RESTRICTED DELIVERY
 Show to whom and date delivered.
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery: \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: Jeffrey B. Albert
Fox, Rothschild, O'Brien & Frankel
1401 Walnut Street, Phila., Pa.

3. ARTICLE DESCRIPTION:
REGISTERED NO. 143430 CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)
 I have received the article described above:
 SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY: [Stamp: MAR 31 1978] POSTMARK: [Stamp: PHILA PA]

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1977-O-234-337

800 000 600 32

Pennsylvania headquarters of the Committee for Jimmy Carter in her name and in the names of her two children. Subsequently, on February 29, 1976, respondent was present at a meeting which Mr. Sullivan and several others attended. At this meeting it was agreed by all present that Mr. Sullivan's giving of money to respondent was improper. On March 2, 1976, respondent, using funds given or loaned to her by three other individuals, returned \$50 in cash to Mr. Sullivan by leaving the money at his home.

III. Respondent admits that the act described in paragraph II, supra, constitutes a violation of 2 U.S.C. §441f in that she knowingly permitted her name to be used to effect a contribution by John M. Sullivan. However, respondent did not intend to violate the law.

IV. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning matters involved herein, or on its own initiative, may review compliance with this agreement. If the Commission determines that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(7).

V. Respondent agrees to testify to her knowledge of the facts underlying this matter in any civil action brought by the Commission pursuant to paragraph IV, supra, or pursuant to 2 U.S.C. §437g(a)(5)(B).

VI. This conciliation agreement shall become effective

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on the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

3/30/78
Date

William C. Oldaker
William C. Oldaker
General Counsel, for the Federal
Election Commission

Feb. 19, 1978
Date

Pearl Levine
Pearl Levine, Respondent

7804006003

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Pearl Levine, Respondent)

MUR 397 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 21, 1978, the Commission approved by a vote of 5-0 the recommendation of the General Council to approve the conciliation agreement executed by Mrs. Pearl Levine.

Commissioner Aikens did not vote on this matter.

Marjorie W. Emmons

Date: 3-21-78

Marjorie W. Emmons
Secretary to the Commission

Memorandum dated: 3-15-78
Received in Commission Secretary's Office: 3-15-78, 12:30
Circulated on 72 hour vote basis: 3-16-78, 10:30

78040060030

March 15, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 397

Please have the attached conciliation agreement on MUR 397 distributed to the Commission on a tally sheet (72 hour vote).

Thank you.

78040060037



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 15, 1978

MEMORANDUM TO: Commissioners
FROM: William C. Oldaker *W.C. Oldaker*
SUBJECT: Conciliation agreement in MUR 397 (77)

On March 1, 1978, the Commission received a proposed conciliation agreement executed by Mrs. Pearl Levine (copy attached). The terms of the agreement are identical to those in the proposal sent by the General Counsel's Office to Mrs. Levine on February 3, 1978.

I recommend that the Commission approve the agreement. Accordingly, I have attached a tally sheet for your signatures.



78040060003

Pennsylvania headquarters of the Committee for Jimmy Carter in her name and in the names of her two children. Subsequently, on February 29, 1976, respondent was present at a meeting which Mr. Sullivan and several others attended. At this meeting it was agreed by all present that Mr. Sullivan's giving of money to respondent was improper. On March 2, 1976, respondent, using funds given or loaned to her by three other individuals, returned \$50 in cash to Mr. Sullivan by leaving the money at his home.

III. Respondent admits that the act described in paragraph II, supra, constitutes a violation of 2 U.S.C. §441f in that she knowingly permitted her name to be used to effect a contribution by John M. Sullivan. However, respondent did not intend to violate the law.

IV. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning matters involved herein, or on its own initiative, may review compliance with this agreement. If the Commission determines that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(7).

V. Respondent agrees to testify to her knowledge of the facts underlying this matter in any civil action brought by the Commission pursuant to paragraph IV, supra, or pursuant to 2 U.S.C. §437g(a)(5)(B).

VI. This conciliation agreement shall become effective

78040060011

on the date that all parties hereto have executed the same and
the Commission has approved the entire agreement.

Date

Feb. 19, 1978

Date

William C. Oldaker
General Counsel, for the Federal
Election Commission

Pearl Levine

Pearl Levine, Respondent

78040060011

APPROVAL OF PROPOSED CONCILATION AGREEMENT

The Commission hereby approves the proposed conciliation agreement between the Commission and Mrs. Pearl Levine which was executed by Mrs. Levine on February 19, 1978.

7 8 0 4 0 0 6 0 0 4 2

Thomas E. Harris
Chairman

William L. Springer
Commissioner

Joan D. Aikens
Vice Chairman

Neil Staebler
Commissioner

Robert O. Tiernan
Commissioner

Vernon W. Thomson
Commissioner

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
)
John M. Sullivan)
Pearl Levine)

MUR 397 (77)

CERTIFICATION

I, Wendy McGhee Graham, Recording Secretary of the Meeting, do hereby certify that on March 15, 1978, the Commission voted by a vote of 5-0, to impose a civil penalty of \$50.00 in the conciliation agreement with Mr. Sullivan and that the staff be directed to continue conciliation efforts with respect to the other provisions.

Wendy McGhee Graham

Wendy McGhee Graham
Recording Secretary of the Meeting

Wendy McGhee Graham
JW
Marjorie W. Emmons
Secretary of the Commission

Date: March 17, 1978

7804006004

a civil penalty in the conciliation process, and, accordingly, the proposed conciliation agreement forwarded to Sullivan contained a recommended civil penalty of \$100. The considerations underlying imposition of a penalty included the following: (1) that at the time of the transaction, Sullivan was the state coordinator of the Carter primary campaign in Pennsylvania and hence was in a position where one should perhaps be aware of the legality of such an action, (2) that Sullivan had already submitted his maximum possible contribution (\$250) for Federal Matching Fund purposes and was thereby aiding an improper additional disbursement of federal funds.

On February 22, 1978, staff conferred with Sullivan's counsel regarding the proposed penalty. Sullivan, according to his counsel, is strongly opposed to the inclusion of a civil penalty, for, in his view, it would be perceived as a "fine" which connotes some degree of wrongful intent. Counsel represented that his client's intention was merely to get more money flowing at the particular fundraiser involved and that at no point did Sullivan perceive that his act was illegal or a fraud upon the U.S. Treasury. Moreover, Sullivan's counsel pointed out that his client promptly agreed to have the money returned to him thereby intending to correct the violation. Arguing that the Act's purpose should be to encourage compliance with the law and voluntary correction of violations, Sullivan's counsel stated that the imposition of punishment or retribution would be inappropriate. Counsel for Sullivan noted that his client was firm on this principle and was inclined to proceed to litigation should a penalty be a condition of a conciliation agreement.

7804006001

If the Commission were to fail to reach a conciliation agreement and proceed to litigate this point, we believe there is an appreciable risk of unfavorable results. Because of the fact that Sullivan attempted to correct the transaction and was in fact reimbursed with the full \$50, it is possible that a court might find no violation at all. Moreover, the relative expense involved and the possibility that the court might itself impose a nominal penalty or none at all weigh against causing an impasse in conciliation over this issue. Omission of a civil penalty would, of course, not preclude obtaining an admission of a violation, and we further note that the Commission has approved requesting the Committee for Jimmy Carter to make repayment of the improperly matched funds.

Recommendation

In view of the foregoing considerations, we recommend that the Commission authorize the Office of General Counsel to omit from its proposed conciliation agreement with Mr. Sullivan a civil penalty clause and that the staff be directed to continue conciliation efforts with respect to the other provisions.

3/10/78
Date

William C. Oldaker
William C. Oldaker
General Counsel

78040960015

1002827

FEDERAL ELECTION
LAW OFFICES

FOX, ROTHSCHILD, O'BRIEN & FRANKEL

1401 WALNUT STREET
PHILADELPHIA, PA. 19102

(215) LOCUST 8-5700

CABLE ADDRESS
FROF

February 27, 1978

NOCHEM S. WINNET
LEONARD J. SCHWARTZ
NATHAN L. POSNER
ISADORE A. SHRAGER
MURRAY H. SHUSTERMAN
ROBERT P. FRANKEL
WILLIAM A. WHITESIDE, JR.
RAMON R. OBOD
SELWYN A. HORVITZ
WILLIAM T. TSIOURIS
NORMAN LEIBOVITZ
WILLIAM J. DANIEL
E. GERALD DONNELLY, JR.
HERBERT BASS
OWEN A. KNOPPING
HOWARD R. FLAXMAN
BARRY J. LEVIN
MITCHELL S. GREENSPAN
ARTHUR BACHMAN
HENRY C. FADER
ABRAHAM C. REICH
MARY C. MCMONAGLE
MITCHELL T. MORRIS

ALEX SATINSKY
A. ARTHUR MILLER
JEROME B. WEINSTEIN
CHARLES M. SOLOMON
J. VICTOR O'BRIEN
FREDERICK BLUMBERG
DONALD BROWN
JAY G. OCHROCH
JEROME E. ORNSTEEN
VICTOR WRIGHT
DAVID H. WICE
STANLEY S. COHEN
ROBERT P. KRAUSS
BARRY ACKERMAN
ROBERT A. BILDERSEE
BARRY E. SWEET
STEPHEN P. WEISS
JEFFREY B. ALBERT
NEIL VOGEL
JOHN C. MCNAMARA
ESTHER POLEN
MURRAY E. ZEITLIN
BARRY APPLEBAUM

OF COUNSEL
HERBERT S. LEVIN

William C. Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 397 (77)

Dear Mr. Oldaker:

Following my letter of February 14, 1978, I enclose an executed conciliation agreement. Kindly execute the agreement and send me a copy thereof. I trust that this will conclude the matter.

Sincerely,

Jeffrey B. Albert
JEFFREY B. ALBERT

JBA/njb

Enclosure

cc: Mrs. Pearl Levine

73040061017

FIRST CLASS MAIL

JBA

From

FOX, ROTHSCHILD, O'BRIEN & FRANKEL
1401 WALNUT STREET
PHILADELPHIA, PA. 19102

To

William C. Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

19 MAR 1 AM 11:43

RECEIVED
FEDERAL ELECTION
COMMISSION

78040060048



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

February 24, 1978

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *MW EMMONS*
SUBJECT: MUR 397 (77) - Status Report dated February 22,
1978

The above-mentioned document was circulated to the
Commissioners on February 23, 1978 at 4:00.

No objections were received to the Status Report.

78040760011

February 23, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 397

Please have the attached Status Report on MUR 397 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

78040060050

Before the Federal Election Commission

February 22, 1978

In the matter of)
John M. Sullivan) MUR 397 (77)
Pearl Levine)

Status Report

On November 2, 1977, the Commission found reasonable cause to believe that John M. Sullivan violated 2 U.S.C. §441f by making a contribution of \$50 to the Jimmy Carter primary campaign in the name of Mrs. Pearl Levine and that Mrs. Levine violated that section by knowingly permitting her name to be used to effect that contribution. The staff sent proposed conciliation agreements to both respondents, and on December 12, 1977, preliminary responses were received from both parties.

Mr. Sullivan, through his attorney, has tentatively expressed objection to the inclusion of a \$100 civil penalty in the proposed agreement. We expect final resolution with respect to Sullivan by our next report.

With respect to Mrs. Levine, on February 16, 1978, the Commission received a letter from her attorney indicating her intention to execute and forward within a week the revised proposed conciliation agreement sent on February 3, 1978. Upon receipt of the partially-executed agreement, a conciliation report will be submitted to the Commission.

7 8 0 4 0 0 6 0 0 1 1
2/22/78
Date

William C. Oldaker
General Counsel

Doc 2731
NEW

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109

1800 M STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 872-5000

717 FIFTH AVENUE
NEW YORK, NEW YORK 10022
TELEPHONE: (212) 486-7320

600 NORTH THIRD STREET
HARRISBURG, PENNSYLVANIA 17102
TELEPHONE: (717) 238-1787

TELEPHONE: (215) 491-9200
CABLE ADDRESS: MORLEBOCK
TELEX: 83-1315

600 WEST SIXTH STREET
LOS ANGELES, CALIFORNIA 90017
TELEPHONE: (213) 687-9900
2 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33133
TELEPHONE: (305) 371-2200
ASSOCIATED OFFICES
130, RUE DU FAUBOURG ST. HONORE
PARIS 8, FRANCE
TELEPHONE 359 29 87

February 15, 1978

7:54 PM

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

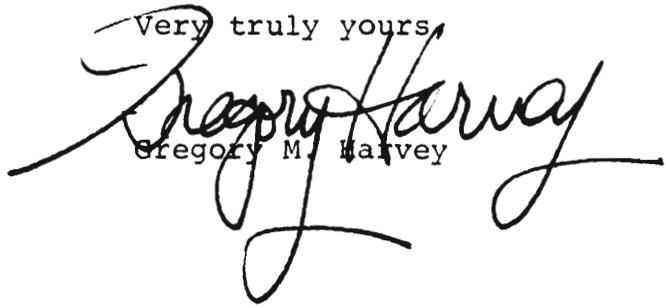
Attention: Scott Thomas, Esquire

Re: MUR 397 (77)

Dear Mr. Thomas:

Thank you for the advice in our telephone conversation that Charles Steele will be in communication with me in response to my request for a conference, as recorded in my letter of February 7, 1978, and that Mr. Steele is temporarily absent from the office.

Very truly yours,



Gregory M. Harvey

GMH/jt

78040060012

MORGAN, LEWIS & BOCKIUS

123 SOUTH BROAD STREET

PHILADELPHIA, PENNSYLVANIA 19109



FEB 15 1978
PHILADELPHIA PA

FEB 17 11 54 AM '78

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Attention: Scott Thomas, Esquire

780407600

110200A

NOCHEM S. WINNET
 LEONARD J. SCHWARTZ
 NATHAN L. POSNER
 ISADORE A. SHRAGER
 MURRAY H. SHUSTERMAN
 ROBERT P. FRANKEL
 WILLIAM A. WHITESIDE, JR.
 RAMON R. OBOD
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 ROBERT A. BILDERSEE
 BARRY E. SWEET
 STEPHEN P. WEISS
 JEFFREY B. ALBERT
 NEIL VOGEL
 JOHN C. MCNAMARA
 ABRAHAM C. REICH
 MARY C. MCMONAGLE
 BARRY APPLEBAUM

RECEIVED
 LAW OFFICES
 FEDERAL ELECTION COMMISSION
 FOX, ROTHSCHILD, O'BRIEN & FRANKEL

1401 WALNUT STREET
 PHILA FEB 16 1978 12:27
 PHILA PENN PA. 19102

(215) LOCUST 8-5700

CABLE ADDRESS
 FROF

OF COUNSEL
 HERBERT S. LEVIN
 ISRAEL PACKEL

February 14, 1978

William C. Oldaker, General Counsel
 Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20463

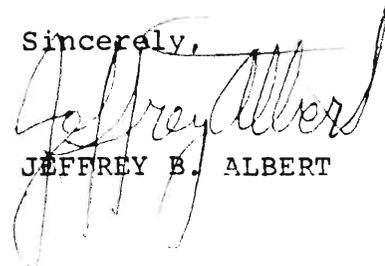
Re: MUR 397 (77)

Dear Mr. Oldaker:

I have reviewed your letter of February 3, 1978, which enclosed a proposed Conciliation Agreement between the Federal Election Commission and Mrs. Pearl Levine concerning the above-captioned matter.

It is Mrs. Levine's intention to execute this Agreement so that this matter may be closed. I will be forwarding the executed Agreement to you within the week.

Sincerely,



JEFFREY B. ALBERT

JBA/njb

cc: Mrs. Pearl Levine

780407600

JBA

TENTH FLOOR
1401 WALNUT STREET
PHILADELPHIA, PA. 19102



FEB 15 PM 12.47

William C. Oldaker, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

79040700

2002678

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109

RECEIVED
FEDERAL ELECTION
COMMISSION

1600 M STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 872-5000

717 FIFTH AVENUE
NEW YORK, NEW YORK 10022
TELEPHONE: (212) 486-7320

800 NORTH THIRD STREET
HARRISBURG, PENNSYLVANIA 17102
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TELEPHONE: (215) 491-9200
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800 WEST SIXTH STREET
LOS ANGELES, CALIFORNIA 90017
TELEPHONE: (213) 687-9900
2500 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131
TELEPHONE: (305) 371-2200

78 FEB 13 PM 12:20

ASSOCIATED OFFICE:
130, RUE DU FAUBOURG ST. HONORÉ
PARIS 8, FRANCE
TELEPHONE: 359-29-57

February 7, 1978

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

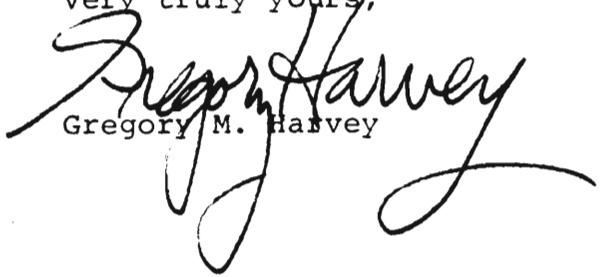
Re: MUR 397(77)

Dear Mr. Oldaker:

Confirming for your file our telephone conversation today with Scott Thomas of your staff, we request the opportunity, as part of the conciliation process, to confer at your offices with the persons of your staff responsible for this matter. Our comments at such a conference would be directed to the proposed civil penalty. We would hope to be informed in greater detail of the reasoning which, in the Commission's view, justifies the demand for a penalty, as well as to offer our own views for the staff's consideration (including our own view of the probable reaction of a United States District Judge to a civil action commenced by the Commission to recover such a penalty).

We understand that Mr. Thomas will communicate to us the response to our request for a conference.

Very truly yours,


Gregory M. Harvey

GMH/jt

7804006000

7804086007

MORGAN, LEWIS & BOCKIUS

123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109

RECEIVED
FEB 12 1968

FEB 12 1968

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463



MC 2623
NRW

MORGAN, LEWIS & BOCKIUS
COUNSELLORS AT LAW
123 SOUTH UNION STREET
PHILADELPHIA, PENNSYLVANIA 19102

1000 K STREET, N.W.
WASHINGTON, D.C. 20006
TELEPHONE (202) 462-3300

315 SOUTH AVENUE
NEW YORK, NEW YORK 10014
TELEPHONE (212) 486-1100

300 WEST 111TH STREET
NEW YORK, NEW YORK 10027
TELEPHONE (212) 486-1100

TELEPHONE (215) 491-2000
CABLE ADDRESS: MORGANLEWBOCK
TELEGRAMS: MLBO

1000 WILSON AVENUE, SUITE 1000
SAN FRANCISCO, CALIFORNIA 94133
TELEPHONE (415) 774-0000

2 SOUTH FREDAY, SUITE 1000
DENVER, COLORADO 80202
TELEPHONE (303) 733-0000

250 WEST 111TH STREET
NEW YORK, NEW YORK 10027
TELEPHONE (212) 486-1100

February 7, 1978

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Re: MDR 387(77)

Dear Mr. Oldaker:

Confirming for your file our telephone conversation today with Scott Thomas of your staff, we request the opportunity, as part of the conciliation process, to confer at your offices with the persons of your staff responsible for this matter. Our comments at such a conference would be directed to the proposed civil penalty. We would hope to be informed in greater detail of the reasoning which, in the Commission's view, justifies the demand for a penalty, as well as to offer our own views for the staff's consideration (including our own view of the probable reaction of a United States District Judge to a civil action commenced by the Commission to recover such a penalty).

We understand that Mr. Thomas will communicate to us the response to our request for a conference.

Very truly yours,

Gregory M. Harvey
Gregory M. Harvey

GML/jt

78040060033



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

February 3, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeffrey B. Albert
Fox, Rothschild, O'Brien
& Frankel
1401 Walnut Street
Philadelphia, Pennsylvania 19102

Re: MUR 397 (77)

Dear Mr. Albert:

Please find enclosed a proposed Conciliation Agreement between the Federal Election Commission and Mrs. Pearl Levine concerning the above-captioned matter. The proposed Conciliation Agreement is identical to the initial proposal sent to Mrs. Levine on November 28, 1977, except that we have incorporated your request that language be included to the effect that Mrs. Levine had no intent to violate the law (paragraph III).

I would appreciate having your response in this matter within ten days of your receipt of this letter.

Sincerely yours,

William H. Oldaker
Counsel

PS Form 3811, Apr. 1977

MUR 397 (77)

1. The following service is requested (check one):
 Show to whom and date delivered
 Show to whom, date, and address of delivery
 RESTRICTED DELIVERY
 Show to whom and date delivered
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Jeffrey B. Albert

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 943/48 CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY
 P. Caplan

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
 PHILADELPHIA PA
 FEB 3 1978
 8161
 CLEARING HOUSE

☆ GPO : 1977 - 34-337

Pennsylvania headquarters of the Committee for Jimmy Carter in her name and in the names of her two children. Subsequently, on February 29, 1976, respondent was present at a meeting which Mr. Sullivan and several others attended. At this meeting it was agreed by all present that Mr. Sullivan's giving of money to respondent was improper. On March 2, 1976, respondent, using funds given or loaned to her by three other individuals, returned \$50 in cash to Mr. Sullivan by leaving the money at his home.

III. Respondent admits that the act described in paragraph II, supra, constitutes a violation of 2 U.S.C. §441f in that she knowingly permitted her name to be used to effect a contribution by John M. Sullivan. However, respondent did not intend to violate the law.

IV. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning matters involved herein, or on its own initiative, may review compliance with this agreement. If the Commission determines that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(7).

V. Respondent agrees to testify to her knowledge of the facts underlying this matter in any civil action brought by the Commission pursuant to paragraph IV, supra, or pursuant to 2 U.S.C. §437g(a)(5)(B).

VI. This conciliation agreement shall become effective

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on the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

Date

William C. Oldaker
General Counsel, for the Federal
Election Commission

Date

Pearl Levine, Respondent

7804006000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
John M. Sullivan)
Pearl Levine)

MUR 397 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 1, 1978, the Commission determined by a vote of 5-0 to approve the Conciliation Agreement for Pearl Levine, Respondent in the above-captioned matter, as recommended by the FEC General Counsel in his report dated January 18, 1978.

Commissioner Springer was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

7804006001



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

78 JAN 27 P 4: 25
January 27, 1978
Submitted Late

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 397 Team #1 Thomas

EXECUTIVE SESSION

1 FEB 1978

Please have the attached Conciliation Agreement Report distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of February 1, 1978.

Thank you.



78040060003

Before the Federal Election Commission

January 18, 1978

In the Matter of)
)
) MUR 397 (77)
John M. Sullivan)
Pearl Levine)

Conciliation Agreement Report

On November 2, 1977, the Commission found reasonable cause to believe that John M. Sullivan violated 2 U.S.C. §441f by making a contribution of \$50 to the Jimmy Carter primary campaign in the name of Mrs. Pearl Levine and that Mrs. Levine violated that section by knowingly permitting her name to be used to effect that contribution. The staff sent proposed conciliation agreements to both respondents, and on December 12, 1977, responses were received from both parties.

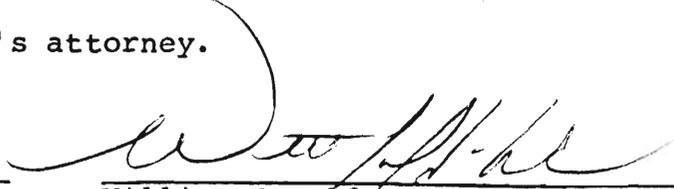
Mr. Sullivan's attorney requested an extension of time to respond, and such extension, to December 19, 1977, was granted. To date, however, no response has been received. An additional letter requesting a response has been forwarded to Mr. Sullivan's attorney.

Mrs. Levine, through her attorney, indicated a willingness to conciliate, but she requested inclusion in the conciliation agreement of a provision to the effect that she had no intent to violate the law. Though lack of intent to violate the law is probably not a defense to a violation, because no prejudice would result to the Commission and because conciliation can thereby be effected, we recommend that the Commission accept the request and that the attached

78040760065

letter be sent to Mrs. Levine's attorney.

1/18/78
Dated



William C. Oldaker
General Counsel

7804076007



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeffrey B. Albert
Fox, Rothschild, O'Brien
& Frankel
1401 Walnut Street
Philadelphia, Pa. 19102

Re: MUR 397 (77)

Dear Mr. Albert:

Please find enclosed a proposed Conciliation Agreement between the Federal Election Commission and yourself concerning the above-captioned matter. The proposed Conciliation Agreement is identical to the initial proposal sent to Mrs. Levine on November 28, 1977, except that we have incorporated your request that language be included to the effect that Mrs. Levine had no intent to violate the law (paragraph III).

I would appreciate having your response in this matter within ten days of your receipt of this letter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure



7 3 0 4 0 6 0 0 3



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 27, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey, Esq.
Morgan, Lewis & Bockius
123 South Broad Street
Philadelphia, Pennsylvania 19109

Re: MUR 397 (77)

Dear Mr. Harvey:

As you may recall, on November 28, 1977, we forwarded to you a proposed conciliation agreement between your client, John M. Sullivan, and the Commission regarding the above-captioned matter. We asked that you submit your response within ten days of your receipt of our letter (which, according to the return receipt, was December 2, 1977). On December 12, 1977, you were granted a one week extension by Charles Steele of our staff.

To date we have still not received a response on Mr. Sullivan's behalf. As you are aware, should the Commission be unable to reach a conciliation agreement with a party, it may, pursuant to 2 U.S.C. §437g(a)(5)(B), institute a civil suit. Accordingly, we would appreciate your reply in this matter within five days of your receipt of this letter.

Sincerely yours,

William C. Oldaker
General Counsel



7804006000

7 3 0 4 0 9 6 0 0 7 1

397-567

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered. _____¢
 Show to whom, date, and address of delivery. _____¢
 RESTRICTED DELIVERY
 Show to whom and date delivered. _____¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Sharon M. Harvey, Esq.
Morgan, Lewis & Bockius
123 S. Broad St.
Phila. Pa. 19107

3. ARTICLE DESCRIPTION: _____

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	944316	

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

Sharon M. Harvey

4. DATE OF DELIVERY *11 5 88* POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: _____ CLERK'S INITIALS

700 2237

NOCHE S. WINNET
LEONARD J. SCHWARTZ
NATHAN L. POSNER
ISADORE A. SHRAGER
MURRAY H. SHUSTERMAN
ROBERT P. FRANKEL
WILLIAM A. WHITESIDE, JR.
RAMON R. OBOD
SELWYN A. HORVITZ
WILLIAM T. TSIOURIS
NORMAN LEIBOVITZ
WILLIAM J. DANIEL
E. GERALD DONNELLY, JR.
HERBERT BASS
OWEN A. KNOPPING
HOWARD R. FLAXMAN
BARRY J. LEVIN
MITCHELL S. GREENSPAN
ARTHUR BACHMAN
HENRY C. FADER
ABRAHAM C. REICH
MARY C. MCMONAGLE
MITCHELL T. MORRIS

ALEX SATINSKY
A. ARTHUR MILLER
JEROME B. WEINSTEIN
CHARLES M. SOLOMON
J. VICTOR O'BRIEN
FREDERICK BLUMBERG
DONALD BROWN
JAY G. OCHROCH
JEROME E. ORNSTEEN
VICTOR WRIGHT
DAVID H. WICE
STANLEY S. COHEN
ROBERT P. KRAUSS
BARRY ACKERMAN
ROBERT A. BILDERSEE
BARRY E. SWEET
STEPHEN P. WEISS
JEFFREY B. ALBERT
NEIL VOGEL
JOHN C. MCNAMARA
ESTHER POLEN
MURRAY E. ZEITLIN
BARRY APPLEBAUM

RECEIVED
FEDERAL ELECTION
COMMISSION
LAW OFFICES

FOX, ROTHSCHILD, O'BRIEN & FRANKEL

1401 WALNUT STREET
77 DEC 12 PM 2:02
PHILADELPHIA, PA. 19102

(215) LOCUST 8-5700

CABLE ADDRESS
FROF

December 9, 1977

OF COUNSEL
HERBERT S. LEVIN

Charles N. Steele
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: MUR 397 (77)

Dear Mr. Steele:

Mrs. Pearl Levine has engaged me to represent her in the above-referenced matter.

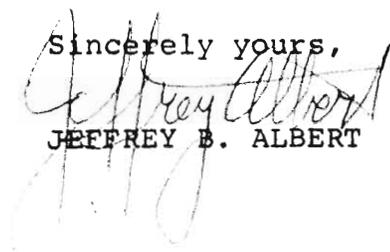
In response to the proposed Conciliation Agreement forwarded with your letter dated November 28, 1977, I wish to make the following comments.

The execution of the proposed agreement does not appear to provide, in an explicit fashion, any recognition of the lack of intent involved in this conduct.

As the Commission knows better than anyone, the newness of the Act resulted in many persons not being fully conversant with all of its provisions. In particular, Mrs. Levine was not active at a level where she became thoroughly knowledgeable as to all of the ramifications of the Act. Finally, as I understand the facts, there is some question whether the currency involved was actually Mr. Sullivan's or Mrs. Levine's.

Mrs. Levine remains willing to enter into a conciliation agreement and, if an amended agreement incorporating the foregoing and acknowledging that Mrs. Levine had no intent to violate the Act, would be submitted, she would execute such an agreement.

Sincerely yours,



JEFFREY B. ALBERT

JBA/njb
cc: Mrs. Pearl Levine

170090040067

JBA

TENTH FLOOR
1401 WALNUT STREET
PHILADELPHIA, PA. 19102



Charles N. Steele
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

977 DEC 12 PM 2:02

7304076072

December 9, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 397 Team #1 Thomas

Please have the attached Status Report on MUR 397 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of December 15, 1977.

Thank you.

78040060073

Before the Federal Election Commission

December 9, 1977

In the Matter of
John M. Sullivan
and
Pearl Levine

)
)
)
)
)

MUR 397 (77)

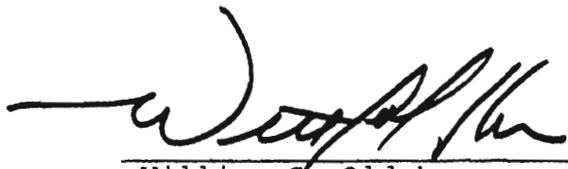
EXECUTIVE SESSION

Status Report

DEC 15 1977

On November 2, 1977, the Commission found reasonable cause to believe that John M. Sullivan had violated 2 U.S.C. §441f by making a \$50 contribution in the name of Mrs. Pearl Levine. Reasonable cause was also found with respect to Mrs. Levine. On November 28, 1977, proposed conciliation agreements were sent to both respondents. We have requested responses from Mr. Sullivan and Mrs. Levine within ten days of receipt of the proposed agreements. Accordingly, a report will be submitted to the Commission when the conciliation efforts are concluded.

12/9/77
Date



William C. Oldaker
General Counsel

78040060071



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 28, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey, Esq.
Morgan, Lewis & Bockius
123 South Broad Street
Philadelphia, Pennsylvania 19109

Re: MUR 397 (77)

Dear Mr. Harvey:

Please find enclosed a proposed Conciliation Agreement between the Federal Election Commission and John M. Sullivan concerning the above-captioned matter. The proposed Conciliation Agreement incorporates a concession of a violation (paragraph III) and an agreement to pay a civil penalty of \$100 (paragraph IV). In addition, the proposed agreement acknowledges Mr. Sullivan's voluntary cooperation in resolving this matter (second clause).

I would appreciate having your response in this matter within ten days of your receipt of this letter.

Sincerely yours

Charles N. Steele
Associate General Counsel

Enclosure

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PS Form 3811, Apr. 1977

397 551

1. The following service is requested (check one):
 Show to whom and date delivered.
 Show to whom, date, and address of delivery.
 RESTRICTED DELIVERY
 Show to whom and date delivered: _____
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery: \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Gregory M. Harvey, Esq.
 Morgan, Lewis & Bockius
 123 S. Broad, Phila. Pa. 19109

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 443 3240 INSURED NO. _____

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
 DATE OF DELIVERY 11/29/77 POSTMARK _____

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: _____ CLERK'S INITIALS _____

★ 800 : 1977-O-234-337



CONCILIATION AGREEMENT

Between: The Federal Election Commission)
)
)
 and) MUR 397 (77)
)
)
 John M. Sullivan, Respondent)

WHEREAS, pursuant to 2 U.S.C. §437g(a)(2) and (5), the Federal Election Commission (hereinafter "the Commission") has made findings of reason to believe and reasonable cause to believe that John M. Sullivan (hereinafter "Respondent") violated 2 U.S.C. §441f; and

WHEREAS, Respondent has been fully cooperative in the Commission's investigation of this matter under review;

The Commission and Respondent, pursuant to 2 U.S.C. §437g (a) (5) (A), do hereby resolve and conciliate the above-captioned matter under review by agreeing as follows:

I. The Commission has jurisdiction over the subject of this matter under review pursuant to 2 U.S.C. §§437d(a)(10) and 437g.

II. The facts underlying this matter are as follows:

On February 24, 1976, Respondent approached Mrs. Pearl Levine at a fundraising event held at a private residence in Jenkintown, Pennsylvania. Respondent gave Mrs. Levine \$50 in cash with the understanding that she was to contribute that amount to the Jimmy Carter presidential primary campaign in her name. Five days later, on February 29, 1976, Respondent was present at a meeting which Mrs. Levine

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and several other individuals attended. At this meeting it was agreed by all present that Respondent's giving of money to Mrs. Levine was improper. On March 2, 1976, Respondent was informed by his wife that Mrs. Levine had left an envelope at his home for him. Respondent accepted the envelope which contained \$50 in cash.

III. Respondent admits that the act described in paragraph II, supra, constitutes a contribution in the name of another in violation of 2 U.S.C. §441f.

IV. Pursuant to 2 U.S.C. §437g(a)(6), Respondent agrees to pay a civil penalty of \$100 within thirty (30) days of the effective date of this agreement. Payment shall be made to the Treasury of the United States.

V. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning matters involved herein, or on its own initiative, may review compliance with this agreement. If the Commission determines that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(7).

VI. Respondent agrees to testify to his knowledge of the facts underlying this matter in any civil action brought by the Commission pursuant to paragraph V, supra, or pursuant to 2 U.S.C. §437g(a)(5)(B).

VII. This conciliation agreement shall become effective

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on the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

Date

William C. Oldaker,
General Counsel, for the Federal
Election Commission

Date

John M. Sullivan, Respondent

78040060071



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 28, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Pearl Levine
368 Bar Harbor Road
Jenkintown, Pennsylvania 19406

Re: MUR 397 (77)

Dear Mrs. Levine:

Please find enclosed a proposed Conciliation Agreement between the Federal Election Commission and yourself concerning the above-captioned matter. The proposed Conciliation Agreement incorporates a concession of a violation (paragraph III). In addition, the proposed agreement acknowledges your voluntary cooperation in resolving this matter (second clause).

I would appreciate having your response in this matter within ten days of your receipt of this letter.

Sincerely yours,

Charles N. Steele
Associate General Counsel

Enclosure

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PS Form 3811, Apr. 1977

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):
 Show to whom and date delivered.
 Show to whom, date, and address of delivery.
 RESTRICTED DELIVERY.
 Show to whom and date delivered.
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery: \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Pearl Levine
 368 Bar Harbor Rd.
 Jenkintown, Pa. 19406

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 943305 CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above:
 SIGNATURE Addressee Authorized agent
 DATE OF DELIVERY *Mrs. Pearl Levine*

4. ADDRESS (Complete only if requested)

5. UNABLE TO DELIVER BECAUSE:

6. UNABLE TO DELIVER BECAUSE:

POSTMARK: JENKINTOWN PA 19406 DEC 1 1977

STAR: 1977-24-337

397 dtj



CONCILIATION AGREEMENT

Between: The Federal Election Commission)
)
)
 and) MUR 397 (77)
)
)
 Pearl Levine, Respondent)

WHEREAS, pursuant to 2 U.S.C. §437g(a)(2) and (5), the Federal Election Commission (hereinafter "the Commission") has made findings of reason to believe and reasonable cause to believe that Pearl Levine (hereinafter "Respondent") violated 2 U.S.C. §§441f; and

WHEREAS, Respondent has been cooperative in the Commission's investigation of this matter under review;

The Commission and Respondent, pursuant to 2 U.S.C. §437g (a)(5)(A), do hereby resolve and conciliate the above-captioned matter under review by agreeing as follows:

I. The Commission has jurisdiction over the subject of this matter under review pursuant to 2 U.S.C. §§437d(a)(10) and 437g.

II. The facts underlying this matter are as follows:

On February 24, 1976, Respondent was approached by John M. Sullivan at a fundraising event held at a private residence in Jenkintown, Pennsylvania. Respondent accepted from Mr. Sullivan \$50 in cash with the understanding that she was to contribute that amount to the Jimmy Carter presidential primary campaign in her name. Respondent submitted the \$50 given to her by Mr. Sullivan to the

7304006001

Pennsylvania headquarters of the Committee for Jimmy Carter in her name and in the names of her two children. Subsequently, on February 29, 1976, Respondent was present at a meeting which Mr. Sullivan and several others attended. At this meeting it was agreed by all present that Mr. Sullivan's giving of money to Respondent was improper. On March 2, 1976, Respondent, using funds given or loaned to her by three other individuals, returned \$50 in cash to Mr. Sullivan by leaving the money at his home.

III. Respondent admits that the act described in paragraph II, supra, constitutes a violation of 2 U.S.C. §441f in that she knowingly permitted her name to be used to effect a contribution by John M. Sullivan.

IV. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning matters involved herein, or on its own initiative, may review compliance with this agreement. If the Commission determines that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(7).

V. Respondent agrees to testify to her knowledge of the facts underlying this matter in any civil action brought by the Commission pursuant to paragraph IV, supra, or pursuant to 2 U.S.C. §437g(a)(5)(B).

VI. This conciliation agreement shall become effective

on the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

Date

William C. Oldaker,
General Counsel, for the Federal
Election Commission

Date

Pearl Levine, Respondent

7804006003

40C# 2109

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109

1800 M STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 872-5000

717 FIFTH AVENUE
NEW YORK, NEW YORK 10022
TELEPHONE: (212) 486-7320

800 NORTH THIRD STREET
HARRISBURG, PENNSYLVANIA 17102
TELEPHONE: (717) 238-1787

TELEPHONE: (215) 491-9200
CABLE ADDRESS: MORLEBOCK
TELEX: 83-1315

FEDERAL ELECTION COMMISSION
800 WEST SIXTH STREET
LOS ANGELES, CALIFORNIA 90017
TELEPHONE: (213) 687-9900
ASSOCIATED OFFICE:
130, RUE DU FAUBOURG ST. HONORE
PARIS 8, FRANCE
TELEPHONE: 359-29-57
77 NOV 25 AM 8:11
70343

November 21, 1977

Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Attention: William C. Oldaker
General Counsel

Re: MUR 397 (77) - Mr. John M. Sullivan

Dear Mr. Oldaker:

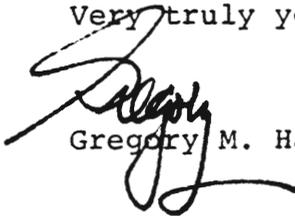
This will acknowledge receipt by our client, John M. Sullivan, of your letter of November 4, 1977, addressed to Mr. Sullivan's post office box at Oreland, Pennsylvania and accordingly received by him many days after its dispatch by you.

In that we have previously advised the Commission in writing of our representation of Mr. Sullivan, we respectfully request that we receive at least a copy of any future communications. We also suggest that Mr. Sullivan's current residence address, as given to your Staff during an interview, be used for future communications.

Although your letter of November 4 does not refer to any lawyer having responsibility for this file, other than yourself, Mr. Thomas has confirmed in a telephone conversation that he will be in communication with us concerning the matter and we, accordingly, will reserve any substantive comments until that time.

Best personal regards.

Very truly yours,


Gregory M. Harvey

rmb

cc: Scott Thomas, Esq.

7804006103

MORGAN, LEWIS & BOCKIUS

123 SOUTH BROAD STREET

PHILADELPHIA, PENNSYLVANIA 19109



Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Attn: Scott Thomas, Esquire

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7 8 0 4 0 7 6 J 0
MORGAN, LEWIS & BOCKIUS

123 SOUTH BROAD STREET

PHILADELPHIA, PENNSYLVANIA 19109



Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Attn: William C. Oldaker, Esq.
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 4, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Pearl Levine
368 Bar Harbor Road
Jenkintown, Pennsylvania 19046

Re: MUR 397 (77)

Dear Mrs. Levine:

This is to notify you that with respect to MUR 397 (77), the Commission on November 2, 1977, determined that there is reasonable cause to believe you violated 2 U.S.C. §441f by knowingly permitting your name to be used to effect a contribution by John M. Sullivan in your name. The Commission's determination was based on the matter referred to in my previous letter to you dated June 16, 1977.

In accordance with 2 U.S.C. §437g(a)(5)(A), the Commission will endeavor for a period of thirty days to enter into a conciliation agreement with you. This will be done on an informal basis by myself or by members of my staff.

Sincerely yours,

William C. Oldaker
General Counsel

MUR 397 SET

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.	
1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered..... 15¢ <input checked="" type="checkbox"/> Show to whom, date, & address of delivery.. 35¢ <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢ <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢	
2. ARTICLE ADDRESSED TO: Mrs. Pearl Levine 368 Bar Harbor Road Jenkintown, Pa. 19046	
3. ARTICLE DESCRIPTION: REGISTERED NO. 038482	INSURED NO.
I have received the article described above. SIGNATURE <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent 	
4. DATE OF DELIVERY	POSTMARK
5. ADDRESS (Complete only if requested)	
6. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS 	

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 4, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John M. Sullivan
P.O. Box 125
Oreland, Pennsylvania 19075

Re: MUR 397 (77)

Dear Mr. Sullivan:

This is to notify you that with respect to MUR 397 (77), the Commission on November 2, 1977, determined that there is reasonable cause to believe you violated 2 U.S.C. §441f by making a contribution in the name of Mrs. Pearl Levine. The Commission's determination was based on the matter referred to in my previous letter to you, dated June 16, 1977.

In accordance with 2 U.S.C. §437g(a)(5)(A), the Commission will endeavor for a period of thirty days to enter into a conciliation agreement with you. This will be done on an informal basis by myself or by members of my staff.

Sincerely yours,

William C. Oldaker
General Counsel

MUR 397 ST

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.	
1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered..... 15¢ <input checked="" type="checkbox"/> Show to whom, date, & address of delivery.. 35¢ <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢ <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢	
2. ARTICLE ADDRESSED TO: Mr. John M. Sullivan P.O. Box 125 Oreland, Pa. 19075	
3. ARTICLE DESCRIPTION: REGISTERED NO. 438483	INSURED NO.
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent	
4. DATE OF DELIVERY 	5. ADDRESS (Complete only if requested)
6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS	

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BEFORE THE FEDERAL ELECTION COMMISSION

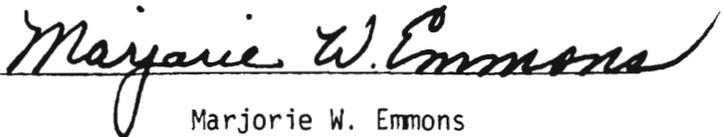
In the Matter of)
)
John M. Sullivan and)
Pearl Levine)

MUR 397 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 2, 1977, the Commission determined by a vote of 6-0 to take the following actions:

- 1) Find Reasonable Cause to Believe that John M. Sullivan and Pearl Levine violated 2 U.S.C. Section 441f, and direct the staff to enter conciliation efforts with the respondents;
- 2) To seek a civil penalty in the conciliation agreement with John M. Sullivan; and
- 3) To send a letter to the Committee for Jimmy Carter seeking repayment of \$30 to the U. S. Treasury in connection with the above-captioned matter.



Marjorie W. Emmons
Secretary to the Commission

78040060033

November 2, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 397 (77).

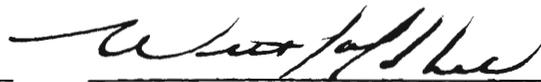
Please substitute the attached page for page f6 of
the General Counsel's Report of MUR 397(77) which was
considered by the Commission on November 2, 1977.

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By effecting the reimbursement of Mr. Sullivan for the amount which he had given Mrs. Levine, respondents attempted to "correct" the violation themselves. See 2 U.S.C. §437g(a)(5)(A). The action was undertaken promptly and voluntarily. Additionally, there is no competent evidence which indicates that the transaction here involved was more than an isolated occurrence. Under the circumstances, a conciliation agreement without a penalty, but with an admission of a violation, would appear to be adequate.

With respect to the improperly matched funds, we recommend that a letter be sent to the Committee for Jimmy Carter seeking repayment of \$30 to the U.S. Treasury. A copy of the proposed letter is attached. Because of the confidentiality provision concerning the conciliation process, we recommend that this letter be sent only upon completion of conciliation efforts involving Mr. Sullivan and Mrs. Levine.

10/27/77
Date



William C. Oldaker
General Counsel

7804006001

October 28, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 397 Team #1

Please have the attached General Counsel's Report on MUR 397 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of November 2, 1977.

Thank you.

78040060091

October 23, 1977

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
John M. Sullivan and)
Pearl Levine)

MUR 397 (77)

GENERAL COUNSEL'S REPORT

I. Summary

The Commission received information from the Department of Justice indicating that Mr. John M. Sullivan gave \$50 to Mrs. Pearl Levine with the understanding that she would contribute the money to the Jimmy Carter presidential primary campaign in her name. On June 11, 1977, the Commission found reason to believe that both Mr. Sullivan and Mrs. Levine violated 2 U.S.C. §441f. Having investigated this matter, the General Counsel recommends herein that the Commission find reasonable cause to believe that Mr. Sullivan and Mrs. Levine violated §441f.

II. The Investigation

Pursuant to the Commission's finding of reason to believe, both Mr. Sullivan and Mrs. Levine submitted written responses. In Mr. Sullivan's affidavit, he admitted that on February 24, 1976, he gave \$50 in cash to Pearl Levine with the understanding that she was to contribute that amount to the Carter campaign. He stated that five days later, pursuant to a discussion with Mrs. Levine, a Mrs. Shirley Weiss, and a lawyer who was then a delegate candidate, he became aware that the transaction was improper and agreed that it should be corrected. He further stated that two days after this discussion, he received \$50 in cash from Mrs. Levine.

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Mrs. Levine's written response admitted that Mr. Sullivan had given her \$50. She also stated that telephone calls were made to Jimmy Carter's Atlanta Headquarters and that the Carter officials "said not to worry as it was only \$50." Mrs. Levine stated that after the phone calls to Atlanta she returned \$50 to Mr. Sullivan.

Because neither response addressed the allegation in the FBI Memorandum that Mrs. Levine repaid Mr. Sullivan with money given to her by Mrs. Weiss, Mr. Allan Reuben, and Mr. George Herold, and because the method of reporting the contribution was uncertain, the Commission authorized further investigation of this matter. Five individuals were subsequently interviewed in Pennsylvania: John Sullivan, Pearl Levine, Shirley Weiss, Allan Reuben, George Herold, and Dolores Brennan. These interviews revealed the following information:

- (1) Mr. Sullivan admits having given the \$50 to Mrs. Levine with the intention that she contribute that amount in her name.
- (2) Mrs. Levine admitted having accepted the \$50 and reported it to the Carter Headquarters in her name and her children's names. Mrs. Levine stated that she decided to log part of the contribution in her children's names to enable them to receive "thank you" notices from the Carter Committee.
- (3) At the time of the transaction, according to Mr. Sullivan and Mrs. Levine, neither knew that the transaction was improper.
- (4) Within a week, pursuant to a discussion involving Mr. Sullivan, Mrs. Levine, Mrs. Weiss, Mr. Reuben, Mr. Herold, and others, Mrs. Levine returned \$50 to Mr. Sullivan using monies given to her by Mrs. Weiss, Mr. Reuben, and Mr. Herold. This discussion was allegedly the first time at which Mr. Sullivan became aware that the transaction was improper.

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(5) Mrs. Weiss and Mr. Reuben stated that their giving of funds to Mrs. Levine was a personal loan to be repaid when Mrs. Levine was able. Mrs. Levine stated that she also assumed the \$50 which she received from the three individuals to repay Mr. Sullivan to be a loan. The "loan" has not been repaid to date.

(6) Mrs. Weiss, Mr. Reuben, and Mr. Herold stated that they gave the money to Mrs. Levine believing that the violation would be corrected by having her return \$50 to Mr. Sullivan.

(7) Mr. Sullivan denied being involved in any other similar transactions, and this was confirmed by the other interviewees. There is no evidence that Mr. Sullivan made other improper contributions.

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III. Analysis

In view of Mr. Sullivan's written response and oral admissions, it appears that he did make a contribution in the name of another in violation of 2 U.S.C. §441f. He has openly admitted having given \$50 to Mrs. Levine intending that she log the contribution in her own name. The fact that \$50 was returned to him one week after his contribution would not negate the violation.

With respect to Mrs. Levine, she admitted receiving the \$50 from Mr. Sullivan and having recorded the contribution in her name and the names of her children. Even though a week later she received money from Mrs. Weiss, Mr. Reuben, and Mr. Herold and repaid Mr. Sullivan for the money given to her, it appears that she did knowingly permit her name to be used to effect a contribution in John Sullivan's name.^{1/} Again, simply returning \$50 to Mr. Sullivan

^{1/}Additionally, there appears to be a contribution by her in the names of her children if in fact her return of \$50 to Mr. Sullivan resulted in the overall contribution being her own. This allegation was not raised in the Commission's initial finding of reason to believe, however, and could be a factor in any conciliation efforts.

did not "correct" her violation.^{2/}

7304006001;

There is an issue as to whether the three individuals who gave or loaned money to Mrs. Levine to enable her to repay Mr. Sullivan have themselves committed violations of 2 U.S.C. §441f. We do not believe the evidence would substantiate that such violations exist. The only evidence available to suggest that these individuals had a "purpose of influencing [a Federal election]" (2 U.S.C. §431(e)), was the inference that they knew the money would be used by Mrs. Levine to repay Mr. Sullivan for his contribution. On the other hand, Mrs. Levine's alleged poor financial condition, and the fact that the money given or loaned to her was to be given to Mr. Sullivan (and not the Carter campaign), indicate that these persons had no "purpose of influencing [a Federal election]." This situation is distinguishable from one where money is loaned or given to a person with the intention that the person give the money to a Federal candidate or committee. Furthermore, each of these individuals stated that their sole purpose in giving \$50 to Mrs. Levine was to attempt to "correct" the apparent violation by having Mrs. Levine return \$50 to Mr. Sullivan and thereby make the contribution in fact her own. Of course, as we note in footnote 2, supra, merely giving or loaning money to Mrs. Levine and having her repay Mr. Sullivan would not "correct" the violation. The money actually given to the Committee for Jimmy Carter was Mr. Sullivan's; his contribution in the name of another still has not been corrected.

^{2/}The proper procedure to correct the violation would have been to notify the Carter Committee that the contribution was improperly reported and to amend the records or seek return of the money from the Committee.

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The information reported to the Committee for Jimmy Carter reflects the \$50 contribution being made by Mrs. Levine (\$30) and her two children (\$10 each). Only Mrs. Levine's \$30 share was submitted for matching funds and matched. Although Mrs. Levine's written response indicated that the Carter officials telephoned regarding this contribution said "not to worry," Mr. Reuben clearly recalled having then informed the Carter officials of the proposed repayment of Mr. Sullivan by Mrs. Levine. Notice of the intended correction of the violation would explain the Carter officials' alleged statement. On this evidence, there appears to be no impropriety on behalf of any other Committee for Jimmy Carter officials. However, because Mr. Sullivan and Mrs. Levine were both agents of the Jimmy Carter campaign organization, and because the contribution reported to and submitted for matching funds by the Committee for Jimmy Carter was not in fact that of Mrs. Levine at the time it was made, it appears that the \$30 contribution in the name of Mrs. Levine was improperly matched with Federal funds.

IV. Recommendation

The General Counsel recommends that the Commission find reasonable cause to believe John M. Sullivan and Pearl Levine violated 2 U.S.C. §441f, that the staff be directed to enter conciliation efforts with respondents, and that the attached notification letters be sent.

The General Counsel recommends, however, that a conciliation agreement be sought with each respondent which would include no penalty.

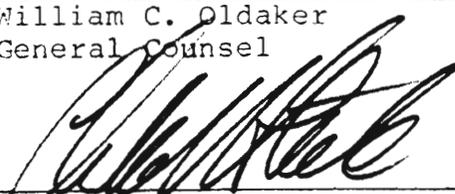
By effecting the reimbursement of Mr. Sullivan for the amount which he had given Mrs. Levine, respondents attempted to "correct" the violation themselves. See 2 U.S.C. §437g(a)(5)(A). The action was undertaken promptly and voluntarily. Second, as a mitigating factor, neither Mr. Sullivan nor Mrs. Levine appear to have known that the transaction was illegal at the time it occurred. Upon learning that fact, each agreed that the matter should be corrected. Finally, there is no competent evidence which indicates that the transaction here involved was more than an isolated occurrence. Under the circumstances, a conciliation agreement without a penalty, but with an admission of a violation, would appear to be adequate.

With respect to the improperly matched funds, we recommend that a letter be sent to the Committee for Jimmy Carter seeking repayment of \$30 to the U.S. Treasury. A copy of the proposed letter is attached. Because of the confidentiality provision concerning the conciliation process, we recommend that this letter be sent only upon completion of conciliation efforts involving Mr. Sullivan and Mrs. Levine.

25 October 1977

Date

William C. Oldaker
General Counsel


Charles N. Steele
Associate General Counsel

78040060097



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John M. Sullivan
P.O. Box 125
Oreland, Pennsylvania 19075

Re: MUR 397 (77)

Dear Mr. Sullivan:

This is to notify you that with respect to MUR 397 (77), the Commission on October , 1977, determined that there is reasonable cause to believe you violated 2 U.S.C. §441f by making a contribution in the name of Mrs. Pearl Levine. The Commission's determination was based on the matter referred to in my previous letter to you, dated June 16, 1977.

In accordance with 2 U.S.C. §437g(a) (5) (A), the Commission will endeavor for a period of thirty days to enter into a conciliation agreement with you. This will be done on an informal basis by myself or by members of my staff.

Sincerely yours,

William C. Oldaker
General Counsel



7304006007



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Pearl Levine
368 Bar Harbor Road
Jenkintown, Pennsylvania 19046

Re: MUR 397 (77)

Dear Mrs. Levine:

This is to notify you that with respect to MUR 397 (77), the Commission on October , 1977, determined that there is reasonable cause to believe you violated 2 U.S.C. §441f by knowingly permitting your name to be used to effect a contribution by John M. Sullivan in your name. The Commission's determination was based on the matter referred to in my previous letter to you dated June 16, 1977.

In accordance with 2 U.S.C. §437g(a)(5)(A), the Commission will endeavor for a period of thirty days to enter into a conciliation agreement with you. This will be done on an informal basis by myself or by members of my staff.

Sincerely yours,

William C. Oldaker
General Counsel



7804006000



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald D. Eastman, Counsel for
Committee for Jimmy Carter
Verner, Liipfert, Bernhard and
McPherson
Suite 1000, 1660 L St., N.W.
Washington, D.C. 20036 Re: MUR 397 (77)

Dear Mr. Eastman:

This letter is motivated by the Commission's interest in ensuring proper accounting for Federal matching funds received by political candidates and committees. Accordingly, we are calling the following matter to your attention.

On June 9, 1977, the Federal Election Commission determined, pursuant to 2 U.S.C. §437g(a)(2), that there was reason to believe John M. Sullivan had made a contribution of \$50 in the name of Mrs. Pearl Levine to the Jimmy Carter presidential primary campaign. The Commission, on the same date, determined that Mrs. Levine had knowingly permitted her name to be used to effect that contribution. Section 441f of Title 2, United States Code, prohibits the making of a contribution in the name of another, knowingly permitting one's name to be used to effect such a contribution, and knowingly accepting such a contribution. Following the investigation of this matter, the Commission, on _____, 1977, determined that there was reasonable cause to believe that Mr. Sullivan and Mrs. Levine had violated 2 U.S.C. §441f. Conciliation efforts were completed on _____, 1977, and the matter was made public pursuant to 2 U.S.C. §437g(a)(6)(C).

At the time the contribution was made, February 24, 1976, Mr. Sullivan was State Chairman of the Carter campaign in the State of Pennsylvania. Mrs. Levine was then Chairwoman of the Steering Committee for the 12th Senatorial District of Pennsylvania and acted as treasurer for the Carter delegate campaigns of Mrs. Shirley Weiss, Mr. Allan Reuben, and Mr. George Herold.



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Information received by the Commission indicates that the money given to Mrs. Levine by Mr. Sullivan was transferred and reported by Mrs. Levine to the Committee for Jimmy Carter in the names of Mrs. Levine (\$30) and her two children (\$10 each). Only the \$30 contribution in the name of Mrs. Levine was submitted for matching funds and matched.

Because the contribution matched was not in fact made by Mrs. Levine, and because it was made in violation of 2 U.S.C. Section 441f, we request that the Committee for Jimmy Carter return \$30 to the United States Treasury. See 26 U.S.C. §§ 9033(a)(3) and 9038(b). The Commission has made no determination that there is reason to believe the Committee for Jimmy Carter violated a provision of the Federal Election Campaign Act of 1971, as amended. Nevertheless, because the Committee obtained matching funds for the improper contribution in the name of Mrs. Levine, it appears to us that the Committee should repay the amount received.

We would appreciate it if you would make repayment to the United States Treasury within ninety (90) days of your receipt of this letter. Your cooperation in this matter is appreciated.

Sincerely yours,

William C. Oldaker
General Counsel

cc: Robert J. Lipshutz, Treasurer
Committee for Jimmy Carter
1795 Peachtree Road, N.E.
Atlanta, Georgia 30309

7 8 0 4 9 0 6 0 1 0 1

October 7, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Carr
SUBJECT: MUR 397 Team #1

Please have the attached General Counsel's Report on MUR 397 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of October 13, 1977.

Thank you.

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October 5, 1977

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
John M. Sullivan and
Pearl Levine

)
)
)

MUR 397 (77)

GENERAL COUNSEL'S REPORT

EXECUTIVE SESSION

OCT 13 1977

I. Summary

The Commission received information from the Department of Justice indicating that Mr. John M. Sullivan gave \$50 to Mrs. Pearl Levine with the understanding that she would contribute the money to the Jimmy Carter presidential primary campaign in her name. On June 11, 1977, the Commission found reason to believe that both Mr. Sullivan and Mrs. Levine violated 2 U.S.C. §441f. Having investigated this matter, the General Counsel recommends herein that the Commission find reasonable cause to believe that Mr. Sullivan and Mrs. Levine violated §441f.

II. The Investigation

Pursuant to the Commission's finding of reason to believe, both Mr. Sullivan and Mrs. Levine submitted written responses. In Mr. Sullivan's affidavit, he admitted that on February 24, 1976, he gave \$50 in cash to Pearl Levine with the understanding that she was to contribute that amount to the Carter campaign. He stated that five days later, pursuant to a discussion with Mrs. Levine, a Mrs. Shirley Weiss, and a lawyer who was then a delegate candidate, he became aware that the transaction was improper and agreed that it should be corrected. He further stated that two days after this discussion, he received \$50 in cash from Mrs. Levine.

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Mrs. Levine's written response admitted that Mr. Sullivan had given her \$50. She also stated that telephone calls were made to Jimmy Carter's Atlanta Headquarters and that the Carter officials "said not to worry as it was only \$50." Mrs. Levine stated that after the phone calls to Atlanta she returned \$50. to Mr. Sullivan.

Because neither response addressed the allegation in the FBI Memorandum that Mrs. Levine repaid Mr. Sullivan with money given to her by Mrs. Weiss, Mr. Allan Reuben, and Mr. George Herold, and because the method of reporting the contribution was uncertain, the Commission authorized further investigation of this matter. Five individuals were subsequently interviewed in Pennsylvania: John Sullivan, Pearl Levine, Shirley Weiss, Allan Reuben, George Herold, and Dolores Brennan. These interviews revealed the following information:

- (1) Mr. Sullivan admits having given the \$50 to Mrs. Levine with the intention that she contribute that amount in her name.
- (2) Mrs. Levine admitted having accepted the \$50 and reported it to the Carter Headquarters in her name and her children's names. Mrs. Levine stated that she decided to log part of the contribution in her children's names to enable them to receive "thank you" notices from the Carter Committee.
- (3) At the time of the transaction, according to Mr. Sullivan and Mrs. Levine, neither knew that the transaction was improper.
- (4) Within a week, pursuant to a discussion involving Mr. Sullivan, Mrs. Levine, Mrs. Weiss, Mr. Reuben, Mr. Herold, and others, Mrs. Levine returned \$50 to Mr. Sullivan using monies given to her by Mrs. Weiss, Mr. Reuben, and Mr. Herold. This discussion was allegedly the first time at which Mr. Sullivan became aware that the transaction was improper.

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(5) Mrs. Weiss and Mr. Reuben stated that their giving of funds to Mrs. Levine was a personal loan to be repaid when Mrs. Levine was able. Mrs. Levine stated that she also assumed the \$50 which she received from the three individuals to repay Mr. Sullivan was a loan. The "loan" has not been repaid to date.

(6) Mrs. Weiss, Mr. Reuben, and Mr. Herold stated that they gave the money to Mrs. Levine believing that the violation would be corrected by having her return \$50 to Mr. Sullivan.

(7) Mr. Sullivan denied being involved in any other similar transactions, and this was confirmed by the other interviewees. There is no evidence that Mr. Sullivan made other improper contributions.

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III. Analysis

In view of Mr. Sullivan's written response and oral admissions, it appears that he did make a contribution in the name of another in violation of 2 U.S.C. §441f. He has openly admitted having given \$50 to Mrs. Levine intending that she log the contribution in her own name. The fact that \$50 was returned to him one week after his contribution would not negate the violation.

With respect to Mrs. Levine, she admitted receiving the \$50 from Mr. Sullivan and having recorded the contribution in her name and the names of her children. Even though a week later she received money from Mrs. Weiss, Mr. Reuben, and Mr. Herold and repaid Mr. Sullivan for the money given to her, it appears that she did knowingly permit her name to be used to effect a contribution in John Sullivan's name.^{1/}

^{1/} Additionally, there appears to be a contribution by her in the names of her children if in fact her return of \$50 to Mr. Sullivan resulted in the overall contribution being her own. This allegation was not raised in the Commission's initial finding of reason to believe, however, and could be a factor in any conciliation efforts.

In view of the representations by Mrs. Levine, Mrs. Weiss, and Mr. Reuben that the giving of \$50 to Mrs. Levine to enable her to repay Mr. Sullivan was merely a loan, and in view of the representations of those persons and George Herold that the sole purpose of giving \$50 to Mrs. Levine was to allow her to correct the apparent violation, it appears that there is not sufficiently reliable evidence that Weiss, Reuben, and Herold made contributions in the name of another.

Even though there was an initial violation by Mr. Sullivan and Mrs. Levine, the parties themselves promptly attempted to correct the violation by having Mrs. Levine reimburse Mr. Sullivan. By reimbursing Mr. Sullivan with the funds loaned or given to her, Mrs. Levine arguably made the contribution to the Committee for Jimmy Carter herself. The information reported to the Committee for Jimmy Carter reflects the \$50 contribution being made by Mrs. Levine (\$30.00) and her two children (\$10.00 each). Only Mrs. Levine's \$30 share was submitted for matching funds and matched. On this evidence, there appears to be no impropriety on behalf of any other Committee for Jimmy Carter officials.2/

IV. Recommendation

The General Counsel recommends that the Commission find reasonable cause to believe John M. Sullivan and Pearl Levine violated 2 U.S.C. §441f, that the staff be directed to enter conciliation efforts with respondents, and that the attached notification letters be sent.

2/Although Mrs. Levine's written response indicated that the Carter officials telephoned regarding this contribution said "not to worry," Mr. Reuben clearly recalled having then informed the Carter officials of the proposed repayment of Mr. Sullivan by Mrs. Levine. Notice of the intended correction of the violation would explain the Carter officials' alleged statement.

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The General Counsel recommends, however, that a conciliation agreement be sought with each respondent which would include no penalty. By effecting the reimbursement of Mr. Sullivan for the amount which he had given Mrs. Levine, respondents have already "corrected" the violation themselves. See 2 U.S.C. §437g(a)(5)(A). The action was undertaken promptly and voluntarily. Second, as a mitigating factor, neither Mr. Sullivan nor Mrs. Levine appear to have known that the transaction was illegal at the time it occurred. Upon learning that fact, each agreed that the matter should be corrected. Finally, there is no competent evidence which indicates that the transaction here involved was more than an isolated occurrence. Under the circumstances, a conciliation agreement without a penalty, but with an admission of a violation, would appear to be adequate.

DATE

10 / 27 / 77



WILLIAM C. OLDAKER
GENERAL COUNSEL

78040060107



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Pearl Levine
368 Bar Harbor Road
Jenkintown, Pennsylvania 19046

Re: MUR 397 (77)

Dear Mrs. Levine:

This is to notify you that with respect to MUR 397 (77), the Commission on October , 1977, determined that there is reasonable cause to believe you violated 2 U.S.C. §441f by knowingly permitting your name to be used to effect a contribution by John M. Sullivan in your name. The Commission's determination was based on the matter referred to in my previous letter to you dated June 16, 1977.

In accordance with 2 U.S.C. §437g(a)(5)(A), the Commission will endeavor for a period of thirty days to enter into a conciliation agreement with you. This will be done on an informal basis by myself or by members of my staff.

Sincerely yours,

William C. Oldaker
General Counsel



780400601003



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John M. Sullivan
P.O. Box 125
Oreland, Pennsylvania 19075

Re: MUR 397 (77)

Dear Mr. Sullivan:

This is to notify you that with respect to MUR 397 (77), the Commission on October , 1977, determined that there is reasonable cause to believe you violated 2 U.S.C. §441f by making a contribution in the name of Mrs. Pearl Levine. The Commission's determination was based on the matter referred to in my previous letter to you, dated June 16, 1977.

In accordance with 2 U.S.C. §437g(a)(5)(A), the Commission will endeavor for a period of thirty days to enter into a conciliation agreement with you. This will be done on an informal basis by myself or by members of my staff.

Sincerely yours,

William C. Oldaker
General Counsel



78040060100

BEFORE THE FEDERAL ELECTION COMMISSION

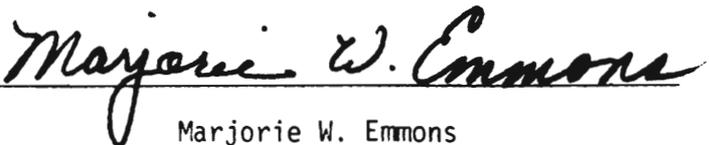
In the Matter of)
)
John M. Sullivan and)
Pearl Levine)

MUR 397 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 8, 1977, the Commission approved by a vote of 5-1 the General Counsel's recommendation to send an investigative team to Pennsylvania to interview and, if possible, to obtain statements from Mr. Sullivan, Mrs. Levine, Mrs. Weiss, Mr. Reuben, Mr. Herold, and other individuals as may be appropriate and feasible to seek information and documentation relative to the above-captioned matter.

Voting for this action were Commissioners Aikens, Harris, Springer, Thomson, and Tiernan; Commissioner Staebler voted against the action.



Marjorie W. Emmons
Secretary to the Commission

780406010

September 1, 1977

MEMORANDUM TBL Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 397 (77)

Please have the attached Interim Investigative Report on MUR 397 (77) distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of September 8, 1977.

Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION

August 31, 1977

In the Matter of)
)
John M. Sullivan and) MUR 397 (77)
Pearl Levine)
)

INTERIM INVESTIGATIVE REPORT

I. Summary

The Commission received information from the Department of Justice indicating that Mr. John M. Sullivan gave \$50.00 to Mrs. Pearl Levine with the understanding that she would contribute the money to the Jimmy Carter presidential primary campaign in her name. On June 11, 1977, the Commission found reason to believe that both Mr. Sullivan and Mrs. Levine violated 2 U.S.C. §441f. At the Commission meeting of August 11, 1977, the General Counsel recommended a finding of reasonable cause to believe that both Mr. Sullivan and Mrs. Levine committed violations. This was premised on responses from Mrs. Levine and Mr. Sullivan (the latter's response in the form of an affidavit) indicating that Mr. Sullivan had given Mrs. Levine \$50.00 intending to make a contribution in her name and that she had shortly thereafter returned the money to him.

The Commission requested certain investigative information before proceeding further. This was because, first, neither the response of Mrs. Levine nor the response of Mr. Sullivan contains information concerning the source of the funds used by Mrs. Levine

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to repay Mr. Sullivan or the manner in which the transaction was recorded and reported to the Carter campaign. If Mrs. Levine returned \$50.00 to Mr. Sullivan which she herself received from certain other individuals (identified as Shirley Weiss, Allan Reuben, and George Herold in the FBI report), it would appear that the other individuals technically made contributions in the name of another also.

Secondly, because the amounts involved are less than \$100, the Committee for Jimmy Carter Reports do not reflect the amounts apparently received by the Committee. Only the Jimmy Carter Primary Matching Funds Submissions reflect such small amounts. Submission #11 covering 2/21/76 to 3/3/76 shows: (1) a contribution of \$30.00 by Mrs. Pearl Levine dated 3/2/76; (2) a contribution of \$100.00 by Allan H. Reuben dated 3/2/76; and (3) a contribution of \$60.00 by Shirley Weiss dated 3/2/76. Because the information available to the Commission does not reflect exactly how this transaction was treated by the parties involved, it is advised that both respondents and the other individuals involved be questioned concerning the manner in which the transaction was recorded and transmitted to the Carter campaign.

II. Recommendation

On the basis of the discussion at the Commission meeting of August 11, 1977, the General Counsel recommends that an investigative team be sent to Pennsylvania to interview and, if possible,

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to obtain statements from Mr. Sullivan, Mrs. Levine, Mrs. Weiss, Mr. Reuben, Mr. Herold, and other individuals as may be appropriate and feasible. The interviews should seek information and documentation concerning the source of the funds used by Mrs. Levine to repay Mr. Sullivan and the manner in which the transaction was recorded and reported to the Carter campaign.

DATE: 1 Sept 1977

WILLIAM C. OLDAKER
GENERAL COUNSEL



CHARLES N. STEELE
ASSOCIATE GENERAL COUNSEL

7 3 0 4 0 7 6 0 1 1 1

August 3, 1977

MEMORANDUM TO: Marjorie Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 397 (77)

Please have the attached General Counsel's Report on MUR 397 (77) distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of August 8, 1977.

Thank you.

*sent back to OGC 8-11-77
for reworking*

78040060115

BEFORE THE FEDERAL ELECTION COMMISSION

August 3, 1977

In the Matter of)
)
John M. Sullivan and) MUR 397 (77)
 Pearl Levine)

GENERAL COUNSEL'S REPORT

I. Summary

The Commission received information from the Department of Justice indicating that Mr. John M. Sullivan gave \$50.00 to Mrs. Pearl Levine with the understanding that she would contribute the money to the Jimmy Carter presidential primary campaign in her name. On June 11, 1977, the Commission found reason to believe that both Mr. Sullivan and Mrs. Levine violated 2 U.S.C. §441f. The General Counsel herein recommends that the Commission find reasonable cause to believe that a violation has occurred.

II. Factual Background

The Department of Justice referred this matter to the Commission in the form of a memorandum prepared by the Federal Bureau of Investigation (FBI). The memorandum contains information received by the FBI in the course of an apparently separate investigation. Summarized statements of various individuals interviewed by the FBI indicate that on the evening of February 24, 1976, Mr. John M. Sullivan gave \$50.00 in cash to Mrs. Pearl Levine with the understanding that she was to contribute that amount in her own name to the Jimmy Carter

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presidential primary campaign. On July 9, 1977, the Commission found reason to believe that John M. Sullivan had made a contribution in the name of another and that Mrs. Levine had knowingly permitted her name to be used to effect such a contribution. On July 5, 1977, a response was received from Mrs. Levine. She admitted that Mr. Sullivan had given her the \$50.00 and stated that she returned \$50.00 to Mr. Sullivan. On July 8, 1977, a response was received from Mr. Sullivan's counsel, and on July 11, 1977, an affidavit was submitted by Mr. Sullivan. Mr. Sullivan admitted that he gave \$50.00 in cash to Mrs. Levine. He stated that five days after having given her the money he became aware that the transaction was improper and agreed that it should be corrected. He further stated that two days thereafter he received \$50.00 in cash from Mrs. Levine.

II. Legal Analysis

The statutory requirement is that "[n]o person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." 2 U.S.C. §441f. Mrs. Levine stated in her response, "A few days after John Sullivan gave me \$50.00 I returned \$50.00 to him." Mrs. Levine's response contains no specific indication of whether she knowingly permitted her name to be used to effect a contribution in the name of another. However, the FBI memorandum indicated that when interviewed, Mrs. Levine stated that she recorded in the logs maintained by her contributions in the names of Pearl Levine (\$30.00),

Steven Levine (\$10.00), and Robin Levine (\$10.00). The date of the contributions was listed by her as February 25, 1976. Mrs. Levine stated, according to the FBI memorandum, that the listings represented the money given to her by Mr. Sullivan. Based upon both her response and the FBI memorandum, there is adequately reliable evidence that Mrs. Levine knew that she was permitting her name to be used to effect a contribution in the name of another.

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With respect to Mr. Sullivan, knowledge is not specifically required by the statute. However, Mr. Sullivan's response states that he gave \$50.00 in cash to Mrs. Levine and that "[he] and Mrs. Levine discussed the fifty dollars; as a result of that discussion, Mrs. Levine believed that [he] desired that the fifty dollars be treated as a contribution from Mrs. Levine." The evidence in Mr. Sullivan's response alone would justify finding reasonable cause to believe that he made a contribution in the name of another.

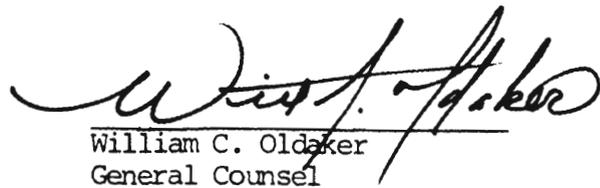
Even though there is sufficient evidence to warrant a finding of reasonable cause to believe that each respondent has committed a violation of 2 U.S.C. §441f, for the following reasons the General Counsel recommends that a conciliation agreement be sought with each respondent which would include no penalty. First, by effecting the reimbursement of Mr. Sullivan for the amount which he had given Mrs. Levine, the respondents have already "corrected" the violation themselves. See 2 U.S.C.

§437g(a)(5)(A). The action was undertaken promptly and voluntarily. Second, as a mitigating factor, neither Mrs. Levine nor Mr. Sullivan appear to have known that the transaction was illegal at the time it was committed. Upon learning that fact, each agreed that the matter should be corrected. Finally, there is no competent evidence which indicates that the transaction here involved was more than an isolated occurrence. Under the circumstances, a conciliation agreement without a penalty, but with an admission of a violation, would appear to be adequate.

III. Recommendation

The General Counsel recommends that the Commission find reasonable cause to believe that a violation of 2 U.S.C. §441f has been committed by Mr. John M. Sullivan and Mrs. Pearl Levine and that the attached letters be sent. Furthermore, the General Counsel recommends that the also-attached conciliation agreements be proposed to the respondents.

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8/3/77
Date


William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John M. Sullivan
P.O. Box 125
Oreland, Pennsylvania 19075

Dear Mr. Sullivan:

This is to notify you that with respect to MUR 397 (77) the Commission on August , 1977, determined that there is reasonable cause to believe that you violated 2 U.S.C. §441f by making a contribution in the name of Mrs. Pearl Levine. The Commission's determination was based on the matter referred to in my previous letter to you dated June 16, 1977 (copy enclosed).

In accordance with 2 U.S.C. §437g(a)(5)(A), the Commission will endeavor for a period of thirty days to enter into a conciliation agreement with you. This will be done on an informal basis by myself or by members of my staff.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

7804020120



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Pearl Levine
368 Bar Harbor Road
Jenkintown, Pennsylvania 19046

Dear Mrs. Levine:

This is to notify you that with respect to MUR 397 (77) the Commission on August , 1977 determined that there is reasonable cause to believe that you violated 2 U.S.C. §441f by knowingly permitting your name to be used to effect a contribution by John M. Sullivan in your name. The Commission's determination was based on the matter referred to in my previous letter to you dated June 16, 1977 (copy enclosed).

In accordance with 2 U.S.C. §437g(a)(5)(A), the Commission will endeavor for a period of thirty days to enter into a conciliation agreement with you. This will be done on an informal basis by myself or by members of my staff.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

78040060121



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Pearl Levine
368 Bar Harbor Road
Jenkintown, Pennsylvania 19046

Dear Mrs. Levine:

This is to notify you that with respect to MUR 307 (77) the Commission on August , 1977 determined that there is reasonable cause to believe that you violated 2 U.S.C. §441f by knowingly permitting your name to be used to effect a contribution by John M. Sullivan in your name. The Commission's determination was based on the matter referred to in my previous letter to you dated June 16, 1977 (copy enclosed).

In accordance with 2 U.S.C. §437g(a)(5)(A), the Commission will endeavor for a period of thirty days to enter into a conciliation agreement with you. This will be done on an informal basis by myself or by members of my staff.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

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estimate being February 29, 1976, at a meeting attended by Mr. Sullivan, Mrs. Levine, and others, Mr. Sullivan acknowledged after discussion of this matter that the transaction was not proper and agreed that it should be corrected. On March 2, 1976, Mr. Sullivan was informed by his wife that Mrs. Levine had left an envelope at Mr. Sullivan's home for him. Mr. Sullivan accepted the envelope which contained \$50.00 in cash.

III. The giving of \$50.00 to Mrs. Levine was a contribution in the name of another in violation of 2 U.S.C. §441f.

IV. The respondent has cooperated fully with the Commission in this matter. No corrective action need be taken because Mr. Sullivan and Mrs. Levine promptly and voluntarily effected the reimbursement of Mr. Sullivan. Nor is a penalty necessary for the same reason.

V. The respondent fully understands that pursuant to 2 U.S.C. §441f contributions may not be made in the name of another, and the respondent will not engage in any such transaction in the future.

VI. Except as provided in paragraph VII hereafter, the Commission hereby covenants not to sue the respondent with respect to the facts which are the subject of this matter under review and waives or releases any such rights in accordance with 2 U.S.C. §437g(a)(5)(A).

VII. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matters involved herein or on its own initiative, may review compliance with this

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agreement. If the Commission believes that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a)(7).

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

Date

William C. Oldaker
General Counsel

Federal Election Commission
1325 K St., N.W.
Washington, D.C.

John M. Sullivan
Respondent

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presidential primary campaign in the name of Mrs. Levine and/or members of her immediate family. Mrs. Levine, having the duty of keeping logs of contributions, listed contributions of \$30.00, \$10.00, and \$10.00 in her own name, her son's name, and her daughter's name, respectively. Thereafter, pursuant to discussions with other persons, Mrs. Levine agreed that the transaction was improper and that it should be corrected. Within a few days, the best estimate being March 2, 1977, Mrs. Levine returned \$50.00 in cash to Mr. Sullivan's home.

III. The actions of Mrs. Levine constitute a violation of 2 U.S.C. §441f in that she knowingly permitted her name to be used to effect a contribution by Mr. Sullivan in the name of another.

IV. The respondent has cooperated fully with the Commission in this matter. No corrective action need be taken because Mr. Sullivan and Mrs. Levine promptly and voluntarily effected the reimbursement of Mr. Sullivan. Nor is a penalty necessary for the same reason.

V. The respondent fully understands that, pursuant to 2 U.S.C. §441f, one may not knowingly permit one's name to be used to effect a contribution in the name of another, and the respondent will not engage in any such transaction in the future.

VI. Except as provided in paragraph VII hereafter, the Commission hereby covenants not to sue the respondent with respect to the facts which are the subject of this matter under review

and waives or releases any such rights in accordance with 2 U.S.C. §437g(a) (5) (A).

VII. The Commission, at the request of anyone filing a complaint under 2 U.S.C. §437g(a) (1) concerning the matters involved herein or on its own initiative, may review compliance with this agreement. If the Commission believes that this agreement has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia pursuant to 2 U.S.C. §437g(a) (7).

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

Date

William C. Oldaker
General Counsel

Federal Election Commission
1325 K St., N.W.
Washington, D.C.

Pearl Levine
Respondent

78040060128

400 880

MORGAN, LEWIS & BOCKIUS

COUNSELORS AT LAW

123 SOUTH BROAD STREET

PHILADELPHIA, PENNSYLVANIA 19109

TELEPHONE: (215) 491-9200

CABLE ADDRESS: MORLEBOCK

TELEX: 83-1315

RECEIVED
FEDERAL ELECTION
COMMISSION

JUL 10 10:44 AM '77

1800 M STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 872-5000

717 FIFTH AVENUE
NEW YORK, NEW YORK 10022
TELEPHONE: (212) 486-7320

800 NORTH THIRD STREET
HARRISBURG, PENNSYLVANIA 17102
TELEPHONE: (717) 238-1787

800 WEST SIXTH STREET
LOS ANGELES, CALIFORNIA 90017
TELEPHONE: (213) 687-9900

ASSOCIATED OFFICE:
130, RUE DU FAUBOURG ST. HONORE
PARIS 9, FRANCE
TELEPHONE: 369-29-57

July 8, 1977

Federal Election Commission
1325 K Street
Washington, D.C. 20463

772089

Attention: Mr. Scott Thomas

Re: John M. Sullivan - MUR 397(77)

Dear Mr. Thomas:

The undersigned is counsel representing John M. Sullivan in the above matter. This letter will present certain factual and legal materials believed to be relevant to the Commission's analysis, especially as to whether any action should now be taken by the Commission concerning the incident referred to in the notification letter.

The following numbered paragraphs state Mr. Sullivan's recollection of the factual circumstances.

1. On the evening of February 24, 1976, candidates for delegates pledged to support Jimmy Carter and other individuals met at the home of Mrs. Shirley Weiss in Jenkintown, Pennsylvania, to learn the results of the New Hampshire primary held that day. Mrs. Pearl Levine circulated among those present a container for contributions. Mr. Sullivan took fifty dollars in currency from his wallet and placed that currency in the container. Later in the evening of February 24, Mr. Sullivan and Mrs. Levine discussed the fifty dollars; as a result of that discussion, Mrs. Levine believed that Mr. Sullivan desired that the fifty dollars be treated as a contribution from Mrs. Levine. Mr. Sullivan does not recall any discussion of "members of her [Mrs. Levine's] family" as referred to in the notification letter.

78040060100

MORGAN, LEWIS & BOCKIUS

Mr. Scott Thomas

-2-

July 8, 1977

7304076015

2. A few days thereafter, Mr. Sullivan, Mrs. Weiss, Mrs. Levine and at least one other person, a delegate candidate who is also a lawyer experienced in election law, met to discuss various matters relating to the campaign for delegates pledged to Jimmy Carter in the district which includes Jenkintown. Mr. Sullivan's best recollection is that date of this meeting was Sunday, February 29, 1976. Among the matters discussed at this meeting was the fifty dollars received from Mr. Sullivan by Mrs. Levine on February 24. Several persons present on February 29, including the lawyer (who had not been present on February 24), expressed the opinion that the transaction was not proper and should immediately be corrected. Mr. Sullivan acknowledged that he now understood that the transaction was not proper and he agreed that the transaction should be corrected. Mr. Sullivan believes that someone present at this meeting was assigned (or agreed) to telephone the Carter headquarters in Atlanta for advice as to what should be done to accomplish the correction, but Mr. Sullivan does not recall which person that was.

3. On March 2, 1976, the Tuesday after the Sunday meeting, Mr. Sullivan returned to his home and was informed either by his spouse or by another person living in his household, that Mrs. Levine earlier that day had delivered to Mr. Sullivan's home an envelope marked with his name; Mr. Sullivan opened the envelope and learned that it contained fifty dollars in currency. The envelope did not contain any transmittal letter or other explanation, but Mr. Sullivan believed, on the basis of the discussion two days earlier on February 29, that the currency in the envelope constituted the return to him of the fifty dollars placed in the container on February 24. Mr. Sullivan does not know whether the currency returned on March 2 constituted the identical bills placed in the container on February 24.

An affidavit by Mr. Sullivan to the same effect as set forth above will be submitted in the near future to supplement this letter.

On Mr. Sullivan's behalf, we submit, first, that no action by the Commission is now needed to "correct," as that word is used in Section 313 of the Federal Election Campaign Act, as amended effective May 11, 1976, 2 U.S.C. § 437g, a violation of

MORGAN, LEWIS & BOCKIUS

Mr. Scott Thomas

-3-

July 8, 1977

the Act which "any person has committed," or to "correct" "acts and practices which constitute a violation," as stated in the text of the corresponding Section 314 of the Act as in effect during February and March 1976. The incident alleged to be a violation has already been corrected, long before any official inquiry whatsoever and within a few days from the date of the incident. Voluntary correction occurring so soon after an incident should be encouraged by the Commission's declining to impose the sanction of compliance procedures on those who have attempted promptly and voluntarily to rectify an error.

Nor is there any evidence on which to determine that there is reasonable cause to believe that Mr. Sullivan "is about to commit" or "is about to engage" in a similar violation in the future, which determination might be the basis for procedures intended to prevent future violations.

Lastly, although the provisions of former section 614 of Title 18 are saved as a technical matter by Section 114 of the 1976 Amendments, the intention of Congress as shown in the penalty provisions of present Section 329, 2 U.S.C. § 441j; is that an alleged violation of Section 325, 2 U.S.C. § 441f, involving only fifty dollars, shall not be subject to such penalty.

The foregoing analysis does not imply that an uncorrected violation of 2 U.S.C. § 441f would not be a serious matter requiring appropriate action regardless of the amount involved. We assure you that Mr. Sullivan has understood since February 29, 1976, and now understands, the importance of strict conformity with the Act and the serious consequences of a violation.

The two business days available to the undersigned to investigate this matter (July 5 and 6, following delivery of a copy of the notification letter on the weekend of July 2-4), did not allow the preparation of any affidavits beyond that of our client, Mr. Sullivan, which has been read to him and will be submitted as soon as executed. We respectfully suggest that additional verification may perhaps be regarded by you as not necessary. However, in the event that further information

78040060151

MORGAN, LEWIS & BOCKIUS

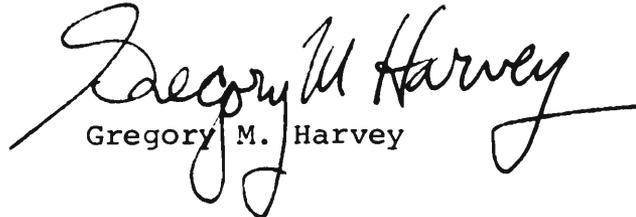
Mr. Scott Thomas

-4-

July 8, 1977

is desired, we will attempt to supply whatever you request to the extent available to Mr. Sullivan or obtainable at his request.

Respectfully yours,


Gregory M. Harvey

GMH/jt

78040760132

MORGAN, LEWIS & BOCKIUS

123 SOUTH BROAD STREET

PHILADELPHIA, PENNSYLVANIA 19109



77 JUL 12 10:44

CERTIFIED
No. 900704
MAIL

Federal Election Commission
1325 K Street
Washington, D.C. 20463

Attention: Mr. Scott Thomas

78040360133

3

COMMONWEALTH OF PENNSYLVANIA :

SS.:

COUNTY OF MONTGOMERY :

RECORDED
FEDERAL ELECTION
COMMISSION
77 JUL 11 AM 11:23

772078

AFFIDAVIT

JOHN M. SULLIVAN ("Affiant"), being first duly sworn according to law, deposes and says, in respect of the factual matters stated in a certain notification letter captioned as MUR 397(77), as follows:

1. On the evening of February 24, 1976, candidates for delegates pledged to support Jimmy Carter and other individuals met at the home of Mrs. Shirley Weiss in Jenkintown, Pennsylvania, to learn the results of the New Hampshire primary held that day. Mrs. Pearl Levine circulated among those present a container for contributions. Affiant took fifty dollars in currency from his wallet and placed that currency in the container. Later in the evening of February 24, Affiant and Mrs. Levine discussed the fifty dollars; as a result of that discussion, Mrs. Levine believed that Affiant desired that the fifty dollars be treated as a contribution from Mrs. Levine. Affiant does not recall any discussion of "members of her [Mrs. Levine's] family" as referred to in the notification letter.

2. A few days thereafter, Affiant, Mrs. Weiss, Mrs. Levine and at least one other person, a delegate candidate who is also a lawyer experienced in election law, met to discuss various matters relating to the campaign for delegates pledged to Jimmy Carter in the district which includes Jenkintown. Affiant's best recollection is that date of this meeting was

Sunday, February 29, 1976. Among the matters discussed at this meeting was the fifty dollars received from Affiant by Mrs. Levine on February 24. Several persons present on February 29, including the lawyer (who had not been present on February 24), expressed the opinion that the transaction was not proper and should immediately be corrected. Affiant acknowledged that he now understood that the transaction was not proper and he agreed that the transaction should be corrected. Affiant believes that someone present at this meeting was assigned (or agreed) to telephone the Carter headquarters in Atlanta for advice as to what should be done to accomplish the correction, but Affiant does not recall which person that was.

3. On March 2, 1976, the Tuesday after the Sunday meeting, Affiant returned to his home and was informed either by his spouse or by another person living in his household, that Mrs. Levine earlier that day had delivered to Affiant's home an envelope marked with his name; Mr. Sullivan opened the envelope and learned that it contained fifty dollars in currency. The envelope did not contain any transmittal letter or other explanation, but Affiant believed, on the basis of the discussion two days earlier on February 29, that the currency in the envelope constituted the return to him of the fifty dollars placed in the container on February 24. Affiant does not know whether the currency returned on March 2 constituted the identical bills placed in the container on February 24.

4. Affiant has understood since the discussion at the meeting on February 29, 1976 referred to in paragraph 2 hereof, and Affiant now understands, that federal law required

in February 1976, and now requires, that no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person; that contributions must be made and recorded in strict conformity with these requirements of federal law; and that any violation is subject to serious consequences regardless of the amount of money involved.

State Of Pennsylvania
County of Montgomery

John M. Sullivan
John M. Sullivan

Sworn to and subscribed
before me this 9th day
of July, 1977.

Joseph P. Grimes
Notary Public - Joseph P. Grimes
My Commission expires:
June 2nd, 1979

804006010

FLORIDA COLLECTION
CLASSIFICATION

HAND DELIVERED

17 JUL 11 AM 11:23

Scott Thomas

June 29, 1977
RECEIVED
SERIAL ELECTIVE
COMMISSION 772019

Dear Sir,

'77 JUL 5 PM

This is in reply to your letter of
June 16, 1977 which I received on
June 28, 1977.

A few days after John Sullivan
gave me \$50 I returned \$50 to him.
In between the time the money was
received and returned calls were
made to Carter's Atlanta Headquarters
informing them of the \$50. They
said not to worry as it was only \$50.
The calls were made to Allan Miller,
Rick Hutchinson, & Lillian Carter.
After informing them I returned
\$50 to John Sullivan. If you

78040067138

have any further questions please
let me know.

yours truly,

Pearl Lurme
368 Cox Harbor Rd.
Jenkinson, Va. 19046

P.S. I am enclosing a letter that
I received that might not have
been meant for me (it does not
say copy on it). If it is my copy
please return it to me.

I thank you

Pearl Lurme

78040060150

200821



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 16, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John M. Sullivan
122 York Road
Jenkintown, Pennsylvania 19406

Dear Mr. Sullivan:

This letter is to notify you that the Federal Election Commission has received information concerning an alleged violation by you of the Federal Election Campaign Act of 1971, as amended. This matter has been numbered MUR 397(77). The Commission has reason to believe that your actions constitute a violation of 2 U.S.C. §441f which prohibits contributions in the name of another.

The information received indicates that on the night of February 24, 1976, while attending a fundraiser at the home of Mrs. Shirley Weiss of Jenkintown, Pennsylvania, you gave \$50.00 in cash to Mrs. Pearl Levine of Jenkintown, Pennsylvania with the understanding that she (Mrs. Levine) was to contribute the money to the campaign of Jimmy Carter in her name and in the name of members of her family.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten days after receipt of this notification. If you have any questions, please contact Mr. Scott Thomas (telephone no. 202/523-4000), the staff member assigned to this case.

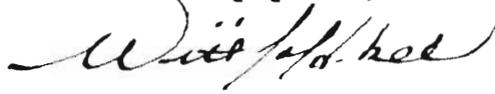
This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.



73040060040

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker
General Counsel

78040050141

368 Car Harbor Rd.
Jenkinson, Pa. 19046

RECEIVED
FEDERAL ELECTION
COMMISSION



'77 JUL 5 PM 3:39

Mr. Scott Thomas
To Federal Election Comm.
1325 K Street N.W.
Washington, D.C. 20463

RETURN TO
RECEIVING OFFICE

CERTIFIED
No. 652801
MAIL



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 16, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Pearl Levine
368 Bar Harbor Rd.
Jenkintown, Pennsylvania 19406

Dear Ms. Levine:

This letter is to notify you that the Federal Election Commission has received information concerning an alleged violation by you of the Federal Election Campaign Act of 1971, as amended. This matter has been numbered MUR 397(77). The Commission has reason to believe that your actions constitute a violation of 2 U.S.C. §441f which prohibits contributions in the name of another and knowingly permitting one's name to be used to effect such a contribution.

The information received indicates that on the night of February 24, 1976, while attending a fundraiser at the home of Shirley Weiss of Jenkintown, Pennsylvania, Mr. John M. Sullivan gave \$50.00 in cash to you with the understanding that you were to contribute the money to the campaign of Jimmy Carter in your name and in the name of members of your family. Having the responsibility of keeping records of contributions to the Carter Campaign, you allegedly noted in the log contributions in your own name and in the names of your children which in fact represented the money given to you by Mr. Sullivan.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten days after receipt of this notification. If



78040760143

you have any questions, please contact Mr. Scott Thomas (telephone no. 202/523-4000), the staff member assigned to this case.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,

William C. Oldaker

William C. Oldaker
General Counsel

78010082

Thomas GC MUR 397

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered..... 15¢
 Show to whom, date, & address of delivery.. 35¢
 RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
 Pearl Levine
 368 Bar Harbor Rd
 Jenkintown, Pa 19406

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 943379

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Steven Levine

4. DATE OF DELIVERY JUN 21 1977 POSTMARK
 JUN 21 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

MUR 397 GC Thomas

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered..... 15¢
 Show to whom, date, & address of delivery.. 35¢
 RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
 Pearl Levine
 368 Bar Harbor Rd.
 Jenkintown, Penn. 19406

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 943470

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Pearl Levine

4. DATE OF DELIVERY POSTMARK
 JUN 21 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

POSTAGE AND FEES PAID



John M. Sullivan

19406

P. O. Box 125
Oreland, Pa 19075 fpg

REASON CHECKED
Unclear
Addressed in wrong
insufficient address
No such street
No such zip code
No such zip code
Do not return to this envelope

CERTIFIED
943377

resent 6-24-77



GC MUR 397 Thomas

PS Form 3811, Mar. 1976

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- Show to whom and date delivered..... 15¢
- Show to whom, date, & address of delivery.. 35¢
- RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
- RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

John M. Sullivan
122 York Rd
Jenkintown, Pa 19406

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943577	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO: 1976-O-288-456

MAIL
EARLY
ALWAYS USE
ZIP CODE



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 16, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John M. Sullivan
122 York Road
Jenkintown, Pennsylvania 19406

Dear Mr. Sullivan:

This letter is to notify you that the Federal Election Commission has received information concerning an alleged violation by you of the Federal Election Campaign Act of 1971, as amended. This matter has been numbered MUR 397(77). The Commission has reason to believe that your actions constitute a violation of 2 U.S.C. §441f which prohibits contributions in the name of another.

The information received indicates that on the night of February 24, 1976, while attending a fundraiser at the home of Mrs. Shirley Weiss of Jenkintown, Pennsylvania, you gave \$50.00 in cash to Mrs. Pearl Levine of Jenkintown, Pennsylvania with the understanding that she (Mrs. Levine) was to contribute the money to the campaign of Jimmy Carter in her name and in the name of members of her family.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten days after receipt of this notification. If you have any questions, please contact Mr. Scott Thomas (telephone no. 202/523-4000), the staff member assigned to this case.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.



7804006011

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,

William C. Oldaker

William C. Oldaker
General Counsel

7804006014B

MUR 397 Thomas ● SENDER: Complete items 1., 2., and 3. Add your address in the "RETURN TO" space on reverse.	
1. The following service is requested (check one): <input type="checkbox"/> Show to whom and date delivered..... 15¢ <input checked="" type="checkbox"/> Show to whom, date, & address of delivery.. 35¢ <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢ <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢	
2. ARTICLE ADDRESSED TO: John M. Sullivan 122 York Road Jenkintown, Pa 19026	
3. ARTICLE DESCRIPTION: REGISTERED NO. 943469	INSURED NO.
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE <i>W.C. Oldaker</i> Address <input type="checkbox"/> Authorized agent	
4. DATE OF DELIVERY 6-27-77	POSTMARK
5. ADDRESS (Complete only if requesting return)	
6. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS	

BEFORE THE FEDERAL ELECTION COMMISSION

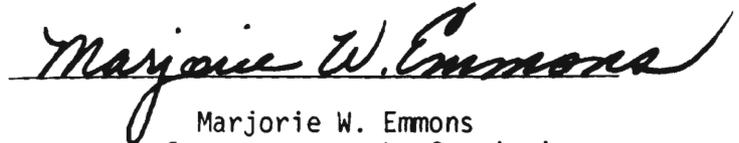
In the Matter of)
)
Mr. John M. Sullivan)

MUR 397 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 9, 1977, the Commission determined by a vote of 4-0 to find Reason to Believe that John M. Sullivan and Pearl Levine had committed a violation of the Federal Election Campaign Act, as amended, in the above-captioned matter.

Voting for this finding were Commissioners Aikens, Harris, Staebler, and Thomson; Commissioners Springer and Tiernan were not present at the time of the vote.



Marjorie W. Emmons
Secretary to the Commission

78040060147



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 6, 1977

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
SUBJECT: OBJECTIONS - MUR 397 (77), and MUR 404 (77)

The above-mentioned MURs were transmitted to the Commissioners on June 3, 1977 at 12:15.

Commissioner Aikens has submitted an objection to MUR 397 (77).

MUR 404 (77) has been objected to by Commissioners Aikens and Tiernan.

Both MUR 397 (77) and MUR 404 (77) have been placed on the Compliance Agenda for June 9, 1977.

70040060130





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 3, 1977

MEMORANDUM TO: Marge Emmons

FROM: Charles N. Steele *CNS*

SUBJECT: MUR 397(77)

Would you please distribute the attached to the
Commission on a 24 hour no-objection basis.

Attachment

78040060151





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: The Commission
FROM: William C. Oldaker
SUBJECT: MUR 397(77)

2 JUN 1977

The attached 48 hour report concerns information obtained by the Commission from the Department of Justice. The information is comprised of a memorandum prepared by the Federal Bureau of Investigation (FBI) and an accompanying cover letter from Mr. Thomas H. Henderson, Jr., Chief of the Public Integrity Section of the Department of Justice, Criminal Division. The memorandum details the statements of various persons concerning the alleged transaction which is the subject of MUR 397 (77). The statements were received in conjunction with an apparently separate investigation undertaken by the FBI.

Because the FBI's memorandum expressly states that the memorandum and its contents are not to be distributed outside the FEC,*/ a copy of the memorandum is not included in the attached 48 hour report. However, in order to apprise the respondent of the nature of the alleged violation, a summary of the memorandum is included in the letter notifying the respondent of the Commission's finding. The use of a summary accommodates both the interests of the FBI in preventing unnecessarily broad distribution of its investigative information and the interests of the Commission in providing adequate notice to a respondent.

*/ Page 1 of the memorandum states: "This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency."



7 3 0 4 0 0 6 0 1 3 2

FEDERAL ELECTION COMMISSION
Washington, D. C.

48 HOUR GENERAL COUNSEL REPORT

MUR NO. 397 (77)

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 6/3/77

DATE COMPLAINT RECEIVED
BY OGC 3/17/77

ATTORNEY Scott Thomas

Complainant's Name: Department of Justice, Public Integrity Section

Respondents' Names: Mr. John M. Sullivan; Mrs. Pearl Levine

Relevant Statute: 2 U.S.C. §441F
Committee for Jimmy

Internal Reports Checked: Carter Reports & Federal Agencies Checked
Jimmy Carter Primary Matching Funds Submission

SUMMARY OF ALLEGATION

On March 17, 1977, the Commission received from the Department of Justice a letter and accompanying memorandum summarizing information obtained by the Federal Bureau of Information during another investigation. The information suggested that on the night of February 24, 1976, while attending a fundraiser at the home of Mrs. Shirley Weiss of Jenkintown, Pennsylvania, Mr. John M. Sullivan gave \$50.00 in cash to Mrs. Pearl Levine with the understanding that
(cont.)

PRELIMINARY LEGAL ANALYSIS

Section 441f of Title 2, United States Code, prohibits a person from making contributions in the name of another or from knowingly permitting one's name to be used to effect such a contribution. Mr. John M. Sullivan allegedly made a contribution in the name of Mrs. Pearl Levine and her two children in a total amount of \$50.00. Mrs. Levine allegedly permitted her name to be used to effect such a contribution.

The evidence to support the allegation consists of a memorandum prepared by the Federal Bureau of Investigation containing information obtained by that
(cont.)

RECOMMENDATION

Therefore, the General Counsel recommends that the Commission find reason to believe that Mr. John M. Sullivan and Ms. Pearl Levine have committed a violation of 2 U.S.C. §441f and that the attached letters be sent to the respective parties.

Date of Next Commission Review:

SUMMARY OF ALLEGATION (Cont.)

she (Mrs. Levine) was to contribute the money to the campaign of Jimmy Carter in her name and in the names of members of her family. Mrs. Levine, having the responsibility of keeping records of contributions made to the Carter Campaign, noted in her log contributions in her own name and in the names of her children which in fact represented the money given to her by Mr. Sullivan on the date referred to above.

PRELIMINARY LEGAL ANALYSIS (Cont.)

agency in conjunction with another investigation. The memorandum states that Mrs. Levine herself stated that John M. Sullivan approached her at a fundraising event held at the home of Shirley Weiss on the evening of February 24, 1976, and gave her \$50.00 in cash. She stated that Mr. Sullivan made a statement to the effect, "Here's some money to donate for yourself." The memorandum further indicates that Mrs. Levine presented a portion of the log which she kept in conjunction with her duties as chairwoman of the Steering Committee for the 12th Senatorial District of Pennsylvania. The log showed that she had listed contributions of \$30.00, \$10.00 and \$10.00 in her own name, her son's name, and her daughter's name, respectively. She stated the notations in the log represented the \$50.00 given to her by Mr. Sullivan.

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PRELIMINARY LEGAL ANALYSIS (Cont.)

The memorandum also summarizes the statements of several other persons two of whom stated that they had had conversations with Mrs. Levine wherein Mrs. Levine stated that Mr. Sullivan had given her \$50.00 to contribute to the Carter campaign in her name or the names of her family members. One of these persons, Mrs. Shirley Weiss, also stated that over the course of the next few days she had conversations with a Mr. Allan Reuben and a Mr. George Herold and that the decision was made to return the money to Mr. Sullivan. She stated that when confronted with making a contribution in someone else's name at a subsequent meeting, Mr. Sullivan made a statement to the effect that if the persons present felt there was something wrong, he would simply take back the money. Mrs. Weiss stated that she collected \$50.00 from among herself, Mr. Reuben, and Mr. Herold and gave the money to Mrs. Levine telling her about the decision to return the money.

The memorandum indicates that only after a number of conversations with Shirley Weiss and others did Mrs. Levine become cognizant that contributions cannot be made in the name of other persons. Mrs. Levine stated that only a few days after receipt of the money from Mr. Sullivan she delivered the money given to her by Mrs. Weiss to the home of Mr. Sullivan by leaving the money with Mr. Sullivan's wife with instructions to give it to Mr. Sullivan.

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Examination of the Carter Primary Matching Funds Submissions and the Committee for Jimmy Carter Reports indicates that at the time of the alleged transaction on February 24, 1976, John M. Sullivan was reported as having contributed \$880.00 and had already had \$325.00 of his contributions submitted for matching funds. Amended Committee for Jimmy Carter Report for 10/1/75-12/31/75; Carter Primary Matching Funds Submission #2 for 11/3/75-11/14/75. Furthermore, a contribution of \$30.00 in the name of Mrs. Pearl Levine was submitted for matching funds with the date listed as 3/2/76. Carter Primary Matching Funds Submission #11 for 2/21/76-3/3/76.

The evidence contained in the memorandum prepared by the Federal Bureau of Investigation, if true, would support finding a violation by John M. Sullivan of 2 U.S.C. §441f. His relinquishment of funds to Mrs. Levine would constitute a completed act for purposes of the statute. The fact that money was returned to Mr. Sullivan several days after the occurrence of the transaction in an effort to correct the situation would not negate the violation by Mr. Sullivan.

There also appears to be a violation by Mrs. Levine of 2 U.S.C. §441f because she recorded the gift of money to the Carter campaign in her own name thereby permitting her name to be used to effect a contribution in the name of another.

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Mr. Thomas H. Henderson, Jr.
Chief, Public Integrity Section
Criminal Division
United States Department of Justice
Washington, D.C. 20530

April 1, 1977

Re: THH:RAH:ph
186-62-64

Dear Mr. Henderson:

This is to acknowledge receipt of a letter from Robert A. Hickey and an accompanying memorandum concerning allegations that John M. Sullivan donated money to the Presidential campaign in the name of another. The matter referred will receive the prompt attention of the Commission.

Sincerely yours,

William C. Oldaker
General Counsel
Federal Election Commission

SThomas:caw:4/1/77



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John M. Sullivan
122 York Road
Jenkintown, Pennsylvania 19406

Dear Mr. Sullivan:

This letter is to notify you that the Federal Election Commission has received information concerning an alleged violation by you of the Federal Election Campaign Act of 1971, as amended. This matter has been numbered MUR 397(77). The Commission has reason to believe that your actions constitute a violation of 2 U.S.C. §441f which prohibits contributions in the name of another.

The information received indicates that on the night of February 24, 1976, while attending a fundraiser at the home of Mrs. Shirley Weiss of Jenkintown, Pennsylvania, you gave \$50.00 in cash to Mrs. Pearl Levine of Jenkintown, Pennsylvania with the understanding that she (Mrs. Levine) was to contribute the money to the campaign of Jimmy Carter in her name and in the name of members of her family.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten days after receipt of this notification. If you have any questions, please contact Mr. Scott Thomas (telephone no. 202/523-4000), the staff member assigned to this case.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.



If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,

William C. Oldaker
General Counsel

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cc # 1108



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number
THH:RAH:ph
186-62-64

MAR 17 1977

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Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Dear Mr. Oldaker:

Enclosed is a memorandum prepared by the Federal Bureau of Investigation setting forth allegations that John M. Sullivan donated money to the Presidential campaign in someone else's name.

Since this allegation presents a possible violation of 2 U.S.C. 441f (prohibitions of contributions in name of another), we are referring this matter to you for whatever attention you may deem appropriate.

If we can be of further assistance to you in this matter, please advise.

Sincerely,

THOMAS H. HENDERSON, JR.
Chief, Public Integrity Section
Criminal Division

By: *Robert A. Hickey*
ROBERT A. HICKEY
Attorney, Public Integrity Section

Enclosure

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Philadelphia, Pennsylvania

January 28, 1977

JOHN MC GRATH SULLIVAN;
STATE CHAIRMAN OF THE CARTER
CAMPAIGN FOR THE STATE OF
PENNSYLVANIA, 1976
ELECTION LAWS

During another investigation conducted by the Federal Bureau of Investigation, (FBI), information was received from an individual (identified in this communication as T-1), who was closely associated with the Carter Campaign in the 12th Senatorial District of Pennsylvania, alleging a violation of the Federal Election Laws.

On January 14, 1977, T-1 reported the following information:

T-1 was active in the Carter Campaign in the 12th Senatorial District of Pennsylvania and JOHN H. SULLIVAN was State Chairman of the Carter Campaign in Pennsylvania.

T-1 advised during the spring of 1976, T-1 heard that SULLIVAN gave PEARL LEVINE, Chairwoman of the Steering Committee for the 12th Senatorial District of Pennsylvania, \$50.00, and SULLIVAN told LEVINE to donate the money to the campaign and put the money in someone else's name. T-1 heard that SULLIVAN had already given maximum contributions in SULLIVAN's name and all the names of SULLIVAN's immediate family. T-1 later heard that LEVINE returned the money to SULLIVAN's wife.

On January 24, 1977, Mrs. SHIRLEY WEISS, 377 Indian Creek Road, Jenkintown, Pa., telephone number (215) TU7-5591, was advised of the identities of the interviewing agents, the nature of the investigation being an allegation of a violation of the Federal Election Laws, and she reported the following information:

Sources whose identities are concealed herein have furnished reliable information in the past except where otherwise noted.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.



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JOHN MC GRATH SULLIVAN

Since the spring of 1976, she has been in charge of the 153rd Legislative District for the Democratic Party and was involved in the campaign for the election of President JIMMY CARTER. Prior to that time she was Treasurer of the Democratic Committee.

Mrs. WEISS advised that throughout the course of the Carter Campaign, work sessions or parties were held at her home nearly every Tuesday night in attempts to obtain contributions and in running the campaign for the election of President CARTER. She recalled that a particular party had been held on a Tuesday night some time during February, 1976, and she became aware through conversation that JOHN M. SULLIVAN, Chairman of the Carter Campaign for the State of Pennsylvania, had given PEARL LEVINE, Chairwoman of the Steering Committee for the Carter Campaign, \$50.00. Further that SULLIVAN had instructed LEVINE to put the money in LEVINE's name and the names of members of the LEVINE family. She recalled that night that SULLIVAN had showed up at the party with two people to show these two individuals how parties were held to obtain contributions. She did not witness the exchange of any monies or engage in conversation during the exchange of monies with either LEVINE or SULLIVAN.

Mrs. WEISS explained there were many people at the party and during the end of the evening while there were still many people present, PEARL LEVINE came to her and stated that SULLIVAN had given LEVINE \$50.00 and SULLIVAN instructed LEVINE to put it in LEVINE's name and names of LEVINE's family. She recalled that LEVINE had told her that in conversation SULLIVAN had said there would be more money from SULLIVAN for LEVINE to log in under other names. In addition, LEVINE had told her that SULLIVAN was at his maximum limit and could not contribute any more money. She recalled that she had told LEVINE that they would talk about it later and both went in separate directions and re-engaged in the party activity.

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JOHN MC GRATH SULLIVAN

After the party was over, she discussed this matter with LEVINE and DOLORES BRENNEN, a participant from the 12th Senatorial District for the Carter Campaign. She stated that this conversation was essentially a reiteration of the remarks made by LEVINE earlier in the evening.

Over the course of the next few days, she discussed the matter with ALLAN REUBEN and GEORGE HEROLD, both campaigning as Delegates to the National Convention for President CARTER. She said a decision was made by her, REUBEN and HEROLD for LEVINE to return the money to SULLIVAN.

She stated these conversations culminated in another meeting where the following people were present: SULLIVAN, Mrs. WEISS and her husband, REUBEN, HEROLD and JEFF JACOBS, then a member of the Carter Staff working under the direction of the campaign from Atlanta, Ga. She advised SULLIVAN was confronted with making a contribution in someone else's name, and she observed that SULLIVAN shrugged off the incident. She heard SULLIVAN make a statement to the effect that if these people felt there was something wrong, he would simply take the money back. She advised very little additionally was said about the \$50.00 donation and the remainder of the meeting was a discussion, which related to other topics.

One day shortly thereafter, she took up a collection between herself, HEROLD and REUBEN and obtained the \$50.00 in cash. She then got in touch with LEVINE, and LEVINE came to her home, where WEISS told LEVINE about the decision to return the money. She gave the one envelope containing the money to LEVINE. She observed and heard LEVINE place a telephone call to SULLIVAN and make arrangements to return the money. She was later told by LEVINE that LEVINE returned the money to SULLIVAN's wife, MARY, because SULLIVAN was not home.

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JOHN MC GRATH SULLIVAN

On January 24, 1977, Mrs. PEARL LEVINE, 363 Bar Harbour Road, Jenkintown, Pa., stated she was involved in the Carter Campaign in Pennsylvania, and during late 1975, she became the Chairwoman of the Steering Committee for the 12th Senatorial District of Pennsylvania, which covers portions of Montgomery and Bucks Counties, Pa. Throughout the campaign, she was in contact with JOHN M. SULLIVAN, State Chairman of the Carter Campaign for the State of Pennsylvania, and the delegates to the National Convention for President CARTER, SHIRLEY WEISS, ALLAN REUBEN, and GEORGE HEROLD. Among other responsibilities, Mrs. LEVINE's job entailed the responsibility of logging funds into the campaign, which were received from various fund drives, including the selling of books, soliciting monies through sending out literature, holding fund raising parties, etc., for the 12th Senatorial District.

She explained that the normal procedure after she received the funds was to log the amount of money, the date received and the name and address of the contributor into the log books for the 12th Senatorial District. Thereafter, she normally gave the funds directly to SULLIVAN or TICK SEGERBLOM.

She explained that SEGERBLOM had been brought into Pennsylvania from some other state at the direction of the CARTER campaign in Plains, Ga., to assist and give direction to the campaign in the primaries in Pennsylvania.

She reported there was a Democratic Party Office at an unrecalled location in Philadelphia, Pa., where there were computer sheets setting forth the contributors, amounts of contributions and a running tally of each and every contributor who had donated money for the election. This office was operated by HOPE BLOOMSHAFT, Committeewoman of the Democratic Committee.

She recalled having been to that location sometime in 1976, and upon her arrival, HOPE BLOOMSHAFT left to do some business. She observed the computer printout sheets and

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JOHN MC GRATH SULLIVAN

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decided to look through them and check to see whether or not her name was listed as a contributor, by virtue of the fact she had logged into her books a donation of \$30.00. She advised it was common knowledge that anyone making a contribution would receive a complimentary card from President JIMMY CARTER, personally signed by CARTER, and she had not yet received her card. In addition, she had indicated a donation for her son and a donation for her daughter, and her son had received the card whereas her daughter had not received the complimentary card.

She had received a complaint from JANE LYNCH of Warminster, Pa., and LYNCH's complaint was that LYNCH had not received the complimentary card. While in the office of HOPE BLOOMSHAFT, she checked the computer printout sheets for her name and the name of JANE LYNCH, and she was unable to locate any record on these printout sheets which would indicate any contribution whatsoever on her part or the part of LYNCH. She continued to go through the printout sheets as she felt there was some discrepancy because she had actually made a contribution sometime prior to the printout sheets, and she began viewing names on the printout sheets of people who had made donations directly to her.

At the time, she noted the names she had checked and the final tally which had been donated by these people and later checked the figures against her own set of books at home. She recalled there were a few discrepancies of the names which she had checked, and she explained the discrepancies included the fact that some names were missing completely and the fact that some of the tallies of the monies were lower than what had actually been donated by the people she had checked on the list.

In response to questioning, she reported being of the opinion that the individual senatorials maintained a dollar figure of the total amount of monies received during the campaign and to the best of her knowledge those lists of contributors and amounts of monies are presently maintained by JOHN M. SULLIVAN.

JOHN MC GRATH SULLIVAN

Mrs. LEVINE explained that this is the first contact she has ever had with any election or affiliation with any campaign. She did the job to the best of her ability and kept scrupulous and copious notes of monies which were received by her for the campaign.

She advised that JOHN M. SULLIVAN never gave her money directly for a contribution in this campaign; however, she is of the opinion from conversations with SULLIVAN that SULLIVAN gave a large amount of money for the election of President JIMMY CARTER. She stated that SULLIVAN traveled to Plains, Ga., on many occasions and she is of the opinion that SULLIVAN made contributions to the Democratic Party while in Plains, Ga.

In response to questioning, she stated that SULLIVAN gave her \$50.00 in cash to give to the campaign and SULLIVAN told her to put the money in her name and in the names of members of her family. She then presented a portion of her log for contributions which disclosed contributions in the following amounts and dates:

<u>NAME</u>	<u>AMOUNT</u>	<u>DATE</u>
1. PEARL LEVINE	\$30.00	February 25, 1976
2. STEVEN LEVINE	\$10.00	February 25, 1976
3. ROBIN LEVINE	\$10.00	February 25, 1976

She then stated that these annotations in the book were not monies contributed by her or her son and daughter, but it represented the \$50.00 which had been given to her by SULLIVAN with SULLIVAN's instructions. She stated that SULLIVAN gave her this money on the night of February 24, 1976, at the home of SHIRLEY WEISS. She advised that fund raising parties were held every Tuesday night for the campaign and at that particular party on February 24, 1976, SULLIVAN approached her and took \$50.00 in cash from his pocket and gave it to her. She stated this occurred in the basement of the WEISS residence and she could not recall that anyone was immediately by her and witnessed this act; however, she did recall that present at the party were DOLORES BRENNAN, Thunderhead Road, Roslyn, Pa., and SHIRLEY WEISS.

MC GRATH SULLIVAN

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She stated that SULLIVAN simply approached her and made a statement to the effect, "Here's some money to donate for yourself." Her immediate reaction caused her to ask if SULLIVAN wanted it in his name, and SULLIVAN responded with a comment to the effect, "No, I'm over". She did not specifically question SULLIVAN, but continuing in the conversation at one point SULLIVAN said, "There will be more where that came from to put in other names." She took the money and kept it, and after everyone left that evening, she had a conversation with DOLORES BRENNAN and SHIRLEY WEISS. She explained at that time she was concerned about the money or cash which had been given to her by SULLIVAN and she did not feel right about what was to happen. During this conversation with BRENNAN and WEISS, she told them of SULLIVAN giving her the money and the circumstance that she was to put it in her name and the names of members of her family. Her first impression of this action on the part of SULLIVAN was that he was giving her this money because she could not afford to make a contribution.

After the night of February 24, 1976, she was under the impression that SULLIVAN was going to give her more money and that she should simply log it into the books under other names. She advised that this impression was formed from words or comments made by SULLIVAN. She continued that at the meeting with DOLORES BRENNAN and SHIRLEY WEISS, SHIRLEY WEISS became upset about SULLIVAN's actions.

She explained that the maximum amount of contribution for an individual is \$1,000, and also on the evening of February 24, 1976, SULLIVAN had told her that he could not contribute any more in his name as he had made maximum contributions in his name, his wife's name and the names of all of his children.

She continued to speak about the \$50.00 contribution made in her name through SULLIVAN. She stated that it was only a few days after she received the money when SHIRLEY WEISS called Delegate ALLAN REUBEN and eventually she became aware of the fact that not only REUBEN, but also Delegate GEORGE HEROLD was aware of the monies given to her by SULLIVAN. She had a number of conversations with SHIRLEY WEISS and others concerning this contribution, and eventually she was cognizant that contributions cannot be made in other person's names other than the

MC GRATH SULLIVAN

actual contributor. At one point in time, which was only a number of days after the receipt of this money, she recalled that REUBEN telephoned SULLIVAN, and REUBEN told SULLIVAN that she (LEVINE) was going to return the money. She took a white envelope, which to her knowledge contained \$50.00 in cash, to the residence of SULLIVAN and upon arrival, she determined that SULLIVAN was not home. She handed the white envelope to SULLIVAN's wife, MARY SULLIVAN, and told Mrs. SULLIVAN to give the envelope to JOHN SULLIVAN, her husband.

It is her understanding that the \$50.00 which she had returned was made up of cash given by WEISS, REUBEN and HEROLD and she has arrived at this conclusion from conversation with WEISS and others. She actually received the white envelope from WEISS and was told by WEISS that it contained \$50.00.

She advised that her son received the complimentary thank you note from President JIMMY CARTER; however, to date she and her daughter have received nothing whatsoever as a result of the logging of funds or contributions made in their names.

On January 26, 1977, Mr. ALLAN H. REUBEN, Esquire, Tenth Floor, Packard Building, 15th and Chestnut Streets, Philadelphia, Pa., advised he is a Cheltenham Township, Pa., Commissioner and ran as a CARTER delegate for the Democratic National Convention of 1976. While campaigning as a delegate, he came into contact with JOHN SULLIVAN, then State Chairman of the CARTER campaign in Pennsylvania. He had occasional contact with SULLIVAN during this period and assisted SULLIVAN in preparing for fund raising functions for the CARTER Campaign. He related SULLIVAN was criticized by some Democratic Party officials in the 12th Senatorial District of Pennsylvania for the handling of certain matters and also that SULLIVAN did not follow normal political channels

He said SULLIVAN was not acquainted with key Democratic Party figures in the 12th Senatorial District and the criticism focused on SULLIVAN's procedures in organizing

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JOHN MC GRATH SULLIVAN

fund raising functions. While SULLIVAN did not have prior experience, SULLIVAN did an excellent overall job in the handling of the CARTER Campaign in Pennsylvania.

On January 27, 1977, Mrs. DOLORES M. BRENNAN, 2968 Thunderhead Road, Roslyn, Pa., advised she met SULLIVAN in late August, 1975, when she was invited to a Democratic Party function at SULLIVAN's residence, where she met President JIMMY CARTER. Subsequent to this affair, she handled protocol functions of the Pennsylvania State Steering Committee for the CARTER Campaign. She was involved throughout the campaign and had infrequent contact with SULLIVAN. She was in contact with delegates to the National Convention, GEORGE HEROLD, ALLAN REUBEN, SHIRLEY WEISS, and PEARL LEVINE, the Chairwoman of the Steering Committee for the 12th Senatorial District of Pennsylvania.

She had a conversation with LEVINE and WEISS after a Tuesday night meeting in February or March, 1976, and LEVINE said SULLIVAN had given her \$50.00 to contribute to the campaign in LEVINE's name. Sometime later, she was told by WEISS that LEVINE gave the money back to SULLIVAN. She did not question any of the events with this donation. She was of the opinion that SULLIVAN wanted to donate the money for LEVINE, as LEVINE had recently become a widow and was not in a financial position to make a contribution. She said she did not have any firsthand knowledge about the exchange of monies between LEVINE and SULLIVAN and could recall no other specifics about the matter.

Another individual (identified as T-2) reported the following information on January 26, 1977:

T-2 knew JOHN M. SULLIVAN as State Chairman of the CARTER Campaign for the State of Pennsylvania. T-2 had heard that SULLIVAN had given PEARL LEVINE, 12th Senatorial District of Pennsylvania, Chairwoman of the Steering Committee for the CARTER campaign, some money and SULLIVAN told LEVINE to put the money in her name as contribution to the CARTER Campaign. T-2 heard that SULLIVAN had given maximum contributions to the campaign and that is the reason SULLIVAN wanted the money put in someone else's name.

JOHN MC GRATH SULLIVAN

T-2 was present at a meeting about one year ago where SULLIVAN was confronted with the giving of money to LEVINE with instructions by SULLIVAN to have the money put in LEVINE's name. T-2 observed SULLIVAN did not deny this accusation and passed it off lightly. T-2 could not recall any specific remark made by SULLIVAN. SULLIVAN's demeanor caused T-2 to be of the opinion that SULLIVAN did not know it was wrong to make a donation in someone else's name.

Sometime later or possibly the same day of this meeting, T-2 was told the money had been returned to SULLIVAN. T-2 had no knowledge as to the means of the return or circumstance of the return of the money or receipt of the money by LEVINE. T-2 did not recall the amount of money involved but felt the figure was not substantial.

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 397

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