



FEDERAL ELECTION COMMISSION  
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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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January 25, 1995

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

THROUGH: JOHN C. SURINA  
STAFF DIRECTOR

FROM: ROBERT J. COSTA  
ASSISTANT STAFF DIRECTOR  
AUDIT DIVISION

SUBJECT: LYNN YEAKEL FOR SENATE - MATTERS  
REFERRED TO THE OFFICE OF GENERAL COUNSEL

Attached is the Final Audit Report on Lynn Yeakel for Senate which the Commission approved on December 29, 1994.

Findings II.B. Apparent Excessive Contributions (all subsections) and II.C. Undocumented Cash Receipts are being referred to your office pursuant to Commission approved materiality thresholds. In response to the interim report the Committee provided no documentation to modify the nature or extent of the violations as presented in that report. Attachments from the interim audit report relating to these matters are also included.

The Audit staff also notes that the response to Finding II.D. Checks Made Payable to Cash was inadequate with respect to the requirements of 11 CFR 102.9(b) and 103.3(a). This matter is being referred under Section XIV of the Commission approved materiality thresholds.

Should you have any questions regarding this matter please contact Cornelia Riley or Ray Lisi at 219-3720.

Attachments as stated

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REPORT OF THE AUDIT DIVISION  
ON  
LYNN YEAKEL FOR SENATE

I. Background

A. Overview

This report is based on an audit of Lynn Yeakel for Senate (the Committee), undertaken by the Audit Division of the Federal Election Commission in accordance with the provisions of the Federal Election Campaign Act of 1971, as amended (the Act). The audit was conducted pursuant to Section 438(b) of Title 2 of the United States Code which states, in part, that the Commission may conduct audits and field investigations of any political committee required to file a report under section 434 of this title. Prior to conducting any audit under this section, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act.

The audit covered the period from January 15, 1992, the inception of bank activity, through December 31, 1992. The Committee reported beginning cash on hand of -0-; total receipts for the period of \$5,200,870; total disbursements for the period of \$5,198,331; and ending cash on hand of \$1,497.1/

1/ These totals are the amounts accumulated by report period. The Committee reported \$5,199,374 for the calendar year-to-date total for disbursements and \$5,200,870 for the calendar year-to-date total for receipts.

Totals do not foot because of an arithmetic discrepancy within disbursements.

All figures within this report have been rounded to the nearest dollar.

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B. Campaign Organization

The Committee registered with the Secretary of the Senate on January 22, 1992, as the principal campaign committee for Lynn Hardy Yeakel, Democratic candidate for the U.S. Senate from the Commonwealth of Pennsylvania. In addition, the Candidate designated two authorized committees: Faces of Change/U.S. Senate (FOCUS), and Women ... for a Change. These committees acted as fundraising representatives for the Committee and other participating committees. The Committee maintained its headquarters in Philadelphia, Pennsylvania.

The audit indicated that 80% (\$4,140,000) of the Committee's receipts were contributions from individuals, 8% (\$416,000) from political committees and other organizations, 9% (\$485,500) were loans and a contribution from the Candidate, and the balance were offsets to expenditures, interest and receipts from joint fundraising activity conducted by the authorized committees.

This report is based on documents and workpapers which support each of its factual statements. They form part of the record upon which the Commission based its decisions on the matters in the report and were available to Commissioners and appropriate staff for review.

C. Key Personnel

The current Treasurer of the Committee and the Treasurer during the period covered by the audit is Mr. Sidney D. Rosenblatt.

D. Scope

The audit included testing of the following general categories:

1. The receipt of contributions or loans in excess of the statutory limitations (Finding II.B.);
2. the receipt of contributions from prohibited sources, such as those from corporations or labor organizations;
3. proper disclosure of receipts from individuals, political committees and other entities, to include the itemization of contributions or other receipts when required, as well as, the completeness and accuracy of the information disclosed (Findings II.F., G., H.);

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4. proper disclosure of disbursements including the itemization of disbursements when required, as well as, the completeness and accuracy of the information disclosed (Findings II.A.2., D., G., I.);
5. proper disclosure of campaign debts and obligations (Finding II.E.);
6. the accuracy of total reported receipts, disbursements and cash balances as compared to campaign bank records (Finding II.A.1.);
7. adequate recordkeeping for campaign transactions (Finding II.C.); and
8. other audit procedures that were deemed necessary in the situation.

The Audit staff was unable to determine the source of certain cash receipts and the use of cash disbursements (see Findings II.C. and D.).

Although the Committee complied with the minimum recordkeeping requirements pursuant to 2 U.S.C. §432(c), the Audit staff was unable to review the source documents for receipts totaling \$130,054 which were raised by a telemarketing firm on behalf of the Committee. The firm provided receipts information on magnetic media, but did not provide copies of contributor checks, response devices or other conveyance documentation from the contributors.

Unless specifically discussed below, no material non-compliance was detected. It should be noted that the Commission may pursue any of the matters discussed in this report in an enforcement action.

## II. Findings and Recommendations

### A. Misstatement of Financial Activity

Sections 434(b)(1), (2) and (4) of Title 2 of the United States Code require a political committee to report the amount of cash on hand at the beginning of a reporting period and the total amount of all receipts and disbursements for the reporting period and calendar year.

Sections 434(b)(4)(A) and (5)(A) of Title 2 of the United States Code state that each report shall disclose expenditures made to meet candidate or committee operating expenses; and the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to

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meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure.

The Audit staff reconciled total bank activity, as determined at the close of fieldwork, to the reported activity and determined that total receipts were overstated by \$4,873; disbursements were overstated by \$4,839; and ending cash on hand was overstated by \$34. This reporting difference for receipts was the result of a failure to report contributions from political committees totaling \$21,619, failure to report offsets to expenditures totaling \$32,034 and net reconciling items totaling \$58,526. The difference in disbursements was the result of a failure to disclose offset activity totaling \$20,532, failure to disclose contribution in-kinds totaling \$11,619 and net reconciling items totaling \$36,990.

The Committee filed amended reports on March 3, 1994 which corrected the reporting discrepancies noted above.

1. Disclosure of Activity from a Telemarketing Program

During fieldwork the Audit staff identified \$25,300 in credits to a Committee account which were apparent wire transfers. The credits were not supported by receipts documentation. During fieldwork and at the exit conference the Audit staff requested documentation to support the credits. In response to the exit conference the Committee provided documentation and information which identified the source of these funds as net proceeds from a telemarketing program which was conducted by Gordon and Schwenkmeyer, Inc. (GSI), of El Segundo, California, on behalf of the Committee.

The telemarketing firm opened two accounts "ACF [As Custodians For] Yeakel for U.S. Senate" to manage the telemarketing activity.<sup>2/</sup> The Audit staff analyzed the activity of these accounts and determined that the telemarketing program generated gross receipts<sup>3/</sup> totaling \$130,054, made disbursements totaling \$104,488, and transferred net proceeds totaling \$25,300 to the Committee through December 31, 1992. Only the net proceeds transferred to the Committee were reported either in

<sup>2/</sup> The depository for telemarketing receipts was not disclosed on the Committee's Statement of Organization. In response to a request from the Audit staff the Committee filed an amended Statement of Organization on May 9, 1994 disclosing this depository.

<sup>3/</sup> Although the Committee did not aggregate these contributions with its other contributions for the purpose of monitoring contribution limitations or itemizations, the Audit staff did not identify any material failure in these areas with respect to the telemarketing receipts.

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the original or in the amended disclosure reports. The reported amount was included in unitemized contributions.

The Audit staff determined that for the reports amended on March 3, 1994, the Committee's receipts were understated in the amount of \$99,754; disbursements were understated by \$99,488; and ending cash on hand was understated by \$266. This misstatement resulted from the inclusion of a voided check (\$5,000) within total receipts and disbursements and failure to include the \$104,754 in telemarketing receipts (\$130,054 gross proceeds less \$25,300 net proceeds) and \$104,488 in telemarketing expenses for the activity as amended March 3, 1994. The understatement of the ending cash on hand (\$266) was the balance in the telemarketing accounts on December 31, 1992.

2. Itemization of Disbursements - Telemarketing Activity

The Audit staff reviewed the telemarketing activity discussed above and verified that unreported disbursements totaling \$104,325 required itemization on Schedules B. The disbursements included payments to GSI and PDR Associates for fundraising expenses.

In the interim audit report the Audit staff recommended that the Committee take the following action:

- File amended Summary and Detailed Summary pages to correct the understatements in receipts, expenditures, and ending cash on hand noted above; and
- file amended pages for Schedule B (Itemized Disbursements) to disclose the telemarketing expenditures noted above.

In response to the interim audit report, the Committee filed a comprehensive amendment which materially corrected the understatement of receipts, expenditures and ending cash. Also included in the comprehensive amendment were Schedules B which materially corrected the disbursement itemization errors.

B. Apparent Excessive Contributions

Section 441a(a)(1)(A) of Title 2 of the United States Code states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

Section 110.1(b)(2) of Title 11 of the Code of Federal Regulations states that with respect to any election means: (1) in the case of a contribution designated in writing by the

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contributor, the election so designated; and (2) in the case of a contribution not designated in writing by the contributor for a particular election, the next election for that Federal office after the contribution is made. Subsection (4) of this Title states that a contribution shall be considered designated in writing for a particular election if the contribution is made by a negotiable instrument which clearly indicates the particular election for which the contribution is made; is accompanied by a writing, signed by the contributor, which clearly indicates the election; or is redesignated within sixty days from the date of the treasurer's receipt of the contribution pursuant to subsection (b)(5) of this Title.

Section 431(11) of Title 2 of the United States Code defines the term person to include, among others, an individual, any organization or group of persons, or committee.

Section 100.5(e)(3) of Title 11 of the Code of Federal Regulations defines a multi-candidate committee as a political committee which (i) has been registered with the Commission, Clerk of the House or Secretary of the Senate for at least 6 months; (ii) has received contributions for Federal elections from more than 50 persons; and (iii) (except for any State political party organization) has made contributions to 5 or more Federal candidates.

Section 110.1(k) of Title 11 of the Code of Federal Regulations states, in part, that any contribution made by more than one person, except for a contribution made by a partnership, shall include the signature of each contributor on the check, money order, or other negotiable instrument or in a separate writing. A contribution made by more than one person that does not indicate the amount to be attributed to each contributor shall be attributed equally to each contributor. Furthermore, a contribution shall be considered to be reattributed to another contributor if the treasurer of the recipient political committee asks the contributor whether the contribution is intended to be a joint contribution by more than one person, and informs the contributor that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution and within sixty days from the date of the treasurer's receipt of the contribution, the contributors provide the treasurer with a written reattribution of the contribution, which is signed by each contributor, and which indicates the amount to be attributed to each contributor if equal attribution is not intended.

Sections 110.1(l)(3) and (5) of Title 11 of the Code of Federal Regulations state, in part, that if a political committee receives a written reattribution of a contribution to a different contributor, the treasurer shall retain the written reattribution signed by each contributor. If a political committee does not retain the written records concerning

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retribution as required, the retribution shall not be effective, and the original attribution shall control.

Section 103.3(b)(3) of Title 11 of the Code of Federal Regulations states, in part, that contributions which exceed the contribution limitations may be deposited into a campaign depository or returned to the contributor. If any such contributions are deposited, the treasurer may request redesignation or retribution of the contribution by the contributor in accordance with 11 CFR 110.1(k). If a redesignation or retribution is not obtained, the treasurer shall, within 60 days of the treasurer's receipt of the contribution, refund the contribution to the contributor.

Finally, Section 103.3(b)(4) of Title 11 of the Code of Federal Regulations states, in part, that any contribution which appears to be illegal and which is deposited into a campaign depository shall not be used for any disbursements by the political committee until the contribution has been determined to be legal. The political committee must either establish a separate account in a campaign depository for such contributions or maintain sufficient funds to make such refunds.

1. Contributions Received from Individuals

The Audit staff's review of contributions received from individuals indicated that 107 individuals exceeded their limitation by \$53,276. Of this amount, 55 excessive portions totaling \$20,669 were resolved untimely pursuant to 11 CFR §110.1(k), either by untimely redesignations, reattributions, or refunds; and 60 excessive portions totaling \$32,607 remain unresolved. The Committee did not establish a separate account and did not maintain sufficient funds for refunds pursuant to 11 CFR §103.3(b)(4).

The Audit staff provided the Committee representatives a schedule of the excessive contributions - both resolved and unresolved - at the exit conference. The Committee representatives stated that documentation to support redesignations and reattributions of some of these contributions may be held by former Committee personnel in charge of fundraising. The Audit staff recommended that if the Committee is unable to provide refunds to the contributors, the Committee should disclose debts owed to the contributors for the unresolved amounts on Schedule D - Debts and Obligations.

On March 3, 1994 the Committee filed, as part of a comprehensive amendment, Schedules D which disclosed most of the refunds due for the unresolved excessive contributions as debts owed to the contributors. However, the Committee also included as debts the excessive contributions which had been refunded, reattributed or redesignated.

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In the interim audit report the Audit staff recommended that the Committee take the following action:

- Provide evidence that the contributions from individuals noted above are not excessive. Amounts characterized as excessive contributions from individuals in this report may be resolved if the Committee submits evidence indicating that the excessive portion of a contribution was timely reattributed to another contributor, timely redesignated to another election, or timely refunded;
- absent such demonstrations, refund the unresolved excessive contributions to the contributors, as funds become available, and provide evidence of such refunds in the form of copies of the negotiated refund checks, both front and back; and
- with regard to the disclosure of the unresolved excessive amounts, file an amended Schedule D which includes as debts only the unresolved refunds payable to the individuals.

In response to the interim audit report, the Committee did not provide any evidence that the contributions were not excessive. The response did contain amended Schedules D which disclosed all of the unresolved excessive contributions as debts owed to the contributors.

2. Contribution Received from a Registered Political Committee

The Committee received a \$5,000 contribution from a political committee, the excessive portion of which totaled \$4,000. Although the committee is registered, it did not qualify as a multi-candidate committee at the time the contribution was made. The legal contribution limit for a non-qualified political committee (a political committee which is not a multi-candidate committee) is \$1,000 per election.

At the exit conference the Audit staff advised Committee representatives that the excessive nature of the contribution could be resolved if the contributing committee could demonstrate to the Commission that it satisfied the multi-candidate requirements under 11 CFR §100.5(e)(3) at the time it made the contribution to the Committee.

On March 3, 1994 the Committee filed, as part of a comprehensive amendment, a Schedule D disclosing a \$4,000 refund payable to the political committee.

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3. Contribution Received from an Unregistered Organization

The Committee received a \$3,000 contribution from an unregistered organization, the excessive portion of which totaled \$2,000. The contributor, IAPAC, is a Pennsylvania Chapter of the Indian American Political Action Committee.

A review of the index of registered political committees identified the Indian American Political Action Committee - New Jersey Chapter (IAPAC-NJ) as a registered (non-qualified) political committee. However, the Statement of Organization for IAPAC-NJ does not include the Pennsylvania Chapter as an affiliated or connected organization.

At the exit conference the Treasurer was notified of the excessive contribution. He expressed concern about the Committee's inability to recognize either the unregistered nature of political organizations or whether or not multi-candidate status has been achieved by political committees.

In the interim audit report the Audit staff recommended that the Committee take the following actions:

- Demonstrate that the contributions received from the non-qualified political committee and the unregistered organization are not excessive; or
- absent such demonstrations, refund the unresolved excessive contributions to the contributors, as funds become available, and provide evidence of such refunds in the form of copies of the negotiated refund checks, both front and back; and
- file an amended Schedule D which includes as debts the unresolved refunds payable to the political organizations.

In its response to the interim audit report, the Committee did not provide any evidence that the contributions were not excessive. The response did contain amended Schedules D which disclosed all of the unresolved excessive contributions as debts owed to the contributors.

C. Undocumented Cash Receipts

Section 441g of Title 2 of the United States Code states, in relevant part, that no person shall make contributions of currency of the United States to or for the benefit of any candidate which, in the aggregate, exceed \$100, with respect to any campaign of such candidate for election to Federal office. Sections 110.4(c)(2) and (3) of Title 11 of the

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Code of Federal Regulations state that a committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor; a committee receiving an anonymous cash contribution in excess of \$50 shall promptly dispose of the amount over \$50. The amount over \$50 may be used for any lawful purpose unrelated to any Federal election, campaign, or candidate.

Section 102.9(a) of Title 11 of the Code of Federal Regulations requires that an account be kept of all contributions received by a political committee. For contributions in excess of \$50, such account shall include the name and address of the contributor and the date of receipt and amount of such contribution. For contributions from a political committee such account shall include the identification of the political committee and the date of receipt and amount of such contribution.

The Audit staff identified a deposit of currency in the amount of \$6,878 deposited on November 9, 1992. No contributor list or other receipts documentation relevant to this deposit was available for review. Subsequent to the exit conference a Committee representative explained that the deposit consisted of a \$5,000 contribution from the Pennsylvania Democratic State Committee (PDSC), and \$1,878 in receipts from the sale of T-shirts.

According to the Committee representative, the \$5,000 check from the PDSC was cashed; the cash was intended to be used for election day expenses. The Committee representative further stated that the cash was not used and was redeposited after the election into a Committee account. The Audit staff notes that the PDSC did not report a contribution to the Committee<sup>4/</sup>; nor did the Committee report, in its initial filings, the receipt of any contribution from the PDSC. On March 3, 1994, the Committee filed amended reports in which it reported the receipt of these funds from the PDSC.

With respect to the \$1,878 in sales, the Committee provided an invoice dated July 14, 1992 for imprinting 1,000 items. The Committee disclosed payment of this invoice on July 28, 1992. No documentation was provided to support the T-shirt sales. On March 3, 1994 the Committee filed amended reports on which it itemized the \$1,878 total as receipts from sale of T-shirts.

In the interim audit report the Audit staff expressed the opinion that the information provided by the Committee was

4/ The Audit staff also examined the reports of two non-federal committees of the Pennsylvania Democratic Party. The contribution was not reported by these entities either.

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insufficient to demonstrate the permissible nature of the cash deposit.

The Audit staff recommended in the interim audit report that the Committee provide the following documentation:

- A copy of the check (front and back) from the PDSC or bank for the \$5,000 contribution;
- documentation to support the sale of the T-shirts, including, but not limited to, price lists, sales promotional materials, sales journals, and a list of the events which featured the sales; and
- any other information or explanations which the Committee feels is relevant to the issue.

Lacking supporting documentation, the Audit staff recommended that the Committee dispose of \$6,828 (\$6,878 - \$50) pursuant to 11 CFR §101.4(c)(3) and provide copies of the negotiated check(s) (front and back) to the Audit staff for review.

In response to the interim audit report, the Committee Treasurer states that on numerous occasions the Committee has requested a copy of the [\$5,000] check from the Pennsylvania Democratic Party but have not received it. He further states that PDSC said that its computer records do not go back to 1992 and that they are unable to help. Included with the Committee's response were affidavits from the Committee's assistant treasurer and campaign manager which state that the campaign manager instructed the assistant treasurer to go to the Pennsylvania Democratic Party in Harrisburg where he received a \$5,000 check which was to be used for election day expenses. The assistant treasurer states that he was told to cash the check in Harrisburg and that he brought the cash back to the campaign office whereupon it was deposited along with the petty cash funds from the sale of T-shirts.

Regarding the sale of T-shirts the treasurer and campaign manager state that petty cash records were kept detailing receipts and disbursements and that all receipts were from the sale of campaign paraphernalia. They state that these records must have been misplaced or may have been inadvertently disposed of during the winding down of the campaign.

The Committee's response to the interim audit report does not provide any additional evidence documenting the source of the cash deposit. Further the Committee has not disposed of the funds as recommended in the interim audit report.

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D. Checks Made Payable to Cash

Section 434(b)(5)(A) of Title 2 of the United States Code states that each report under this section shall disclose the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure.

Section 102.9(b) of Title 11 of the Code of Federal Regulations specifies that an account shall be kept of all disbursements made by or on behalf of the political committee, consisting of a record of the name and address of every person to whom any disbursement is made, and the date, amount, and purpose of the disbursement. Section 103.3(a) of this Title requires that all disbursements be made by check or similar drafts drawn on an account except for expenditures of \$100 or less made from a petty cash fund maintained pursuant to 11 CFR 102.11.

Section 102.10 of Title 11 of the Code of Federal Regulations requires that all disbursements by a political committee, except for disbursements from the petty cash fund under 11 CFR 102.11, shall be made by check or similar draft drawn on account(s) established at the committee's depository.

Section 102.11 of Title 11 of the Code of Federal Regulations states that a political committee may maintain a petty cash fund out of which it may make expenditures not in excess of \$100 to any person per purchase or transaction. If a petty cash fund is maintained, it shall be the duty of the treasurer of the political committee to keep and maintain a written journal of all disbursements. This written journal shall include the name and address of every person to whom any disbursement is made, as well as the date, amount, and purpose of such disbursement. In addition, if any disbursement is made for a candidate, the journal shall include the name of that candidate and the office (including State and Congressional district) sought by such candidate.

During the review of the Committee's bank records the Audit staff identified two checks totaling \$7,000 (\$5,000 and \$2,000) made payable to cash. No petty cash journal or other disbursement documentation was provided relative to these disbursements. Both checks were negotiated on April 27, 1992, the day before the Primary election. The purposes of both disbursements were disclosed on the reports as "Election Day Expenses." The payees were disclosed as "Cash."

Subsequent to the exit conference a Committee representative stated that the funds were used for election day expenses, including lunches and payments to poll watchers. The

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Committee provided no documentation or detail beyond this information.

In the interim audit report the Audit staff recommended that the Committee take the following actions:

- Provide documentation, including the identification of the persons who ultimately received the proceeds of the checks payable to cash, along with the dates, amounts, and purposes for each cash disbursement, pursuant to the recordkeeping requirements of 11 CFR §102.9(b); and
- amend Schedules B (Itemized Disbursements) to disclose those payees receiving cash disbursements which require itemization.

In response to the interim audit report, the Committee treasurer states that the cash payments were for election day expenses and receipts were maintained. He further states that to the best of his knowledge the payments were for poll watchers and meals and that none of the payments exceeded \$100 per person. The Committee also provided an affidavit from the campaign manager in which she states that to the best of her knowledge none of the payments exceeded \$100 to any one person and that the payments were for lunches, poll watchers, and other election day expenses. She further states that "These records were kept with the petty cash and may have been inadvertently disposed of during the winding down of the campaign."

The Committee's response does not provide evidence that the Committee maintained adequate records regarding the cash disbursements pursuant to 11 CFR §102.9(b). Further, the Committee did not provide evidence to demonstrate that these disbursements were in compliance with the itemization requirements pursuant to 2 U.S.C. 434(b)(5)(A).

**E. Itemization of Loans and Loan Repayments**

Sections 434(b)(2)(G) and 434(b)(3)(E) of Title 2 of the United States Code require the disclosure of all loans made by or guaranteed by the candidate and the identification of each person who makes a loan to the reporting committee during the reporting period, together with the date and amount or value of such loan.

Section 434(b)(4)(D) of Title 2 of the United States Code requires for the reporting period and the calendar year, disclosure of the total amount of all disbursements and the repayment of all loans made by or guaranteed by the candidate.

Sections 104.3(b)(4)(iii) and (d) of Title 11 of the Code of Federal Regulations specify that each authorized committee shall report the full name and address of each person

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who receives a loan repayment from the reporting committee during the reporting period together with the date and amount of such loan repayment; and each report shall disclose on Schedule C the amount and nature of outstanding debts and obligations owed by the reporting committee.

During the audit period the Candidate made four loans (\$148,000, \$75,000, \$200,000 and \$7,500) totaling \$430,500 to the Committee. Although the amount of each loan was correctly categorized and accurately reported on the Detailed Summary Page of the disclosure reports, three of the loans totaling \$355,500 were not itemized on Schedule A. Similarly, nine repayments totaling \$179,800 were accurately categorized and the total amounts reported, but six of the repayments totaling \$86,800 were not itemized on Schedule B for the appropriate line number. The loans, loan repayments, and the loan balances outstanding were summarized incorrectly on Schedule C, and the balance of loans outstanding at December 31, 1992 was understated by \$500.

At the exit conference the Committee was provided with a schedule listing all loans and repayments. The Audit staff explained that each loan from the Candidate should be individually disclosed on Schedule C. The Committee concurred with the Audit staff recommendation that the Committee file amended Schedules A, B and C to complete and correct the public record.

In the interim audit report the Audit staff recommended that the Committee file amended Schedules A, B, and C to correct the public record.

In response to the interim audit report, the Committee filed amended Schedules A, B, and C which correctly disclosed the loan activity.

**F. Reporting of Receipts from Political Committees**

Sections 434(b)(2)(C) and (D) of Title 2 of the United States Code states, in relevant part, each report under this section shall disclose for the reporting period and calendar year, the total amount of contributions from political party committees and other political committees.

Section 434(b)(3)(B) of Title 2 of the United States Code states that each report shall disclose the identification of each political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution.

Sections 431(11) and (13)(B) of Title 2 of the United States Code state that the term person includes a committee and defines the term "identification" to mean, in the case of a person, the full name and address of such person.

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The Audit staff reviewed receipts totaling \$413,558 from political committees and unregistered organizations and determined that the Committee failed to itemize 33 contributions totaling \$30,619; within these omissions, contributions totaling \$21,619 were not included in the correct line total on the detailed summary page of receipts and disbursements. Also within this total, \$11,619 represents in-kind contributions which require itemization both as receipts and expenditures.

Of the contributions that the Committee did itemize, the Audit staff noted that 53 contributions totaling \$92,290 were disclosed inadequately with respect to missing dates, missing addresses, missing aggregate year-to-date totals, and/or incorrect election designation. Most of the disclosure errors (including all the date errors) occurred within the reporting period covering April 9, 1992 through June 30, 1992. Committee representatives explained that this period represented a major influx of contributions from political committees and that they lacked processing experience in this area.

At the exit conference the Audit staff provided the Committee with a schedule of the contributions not itemized and not reported, and advised the Committee of the types of disclosure errors noted above. The Audit staff also recommended that the Committee file amended reports to correct the matters described above to include full disclosure of receipts from political committees and other organizations.

On March 3, 1994 the Committee filed amended reports, including Schedules A and B, which materially corrected the public record.

G. Reporting and Itemization of Offsets to Operating Expenditures

Sections 434(b)(2)(I) and (3)(F) of Title 2 of the United States Code require that each report shall disclose for the reporting period and calendar year the total amount of all rebates, refunds, and other offsets to operating expenditures. In addition, this Section requires that the report shall disclose the identification, including the date and amount of such receipt, of each person who provides an offset to operating expenditures in an aggregate amount or value in excess of \$200 within the calendar year. 2 U.S.C. §431(13) defines "identification" to mean the full name and address of such person.

Section 431(11) of Title 2 of the United States Code states, in relevant part, the term "Person" includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.

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The Audit staff reviewed remittance devices from vendors, stubs from vendor refund checks, press billing memoranda and general ledger entries, and located 56 apparent offsets to expenditures totaling \$48,162.5/ Of these offsets the Committee failed to report offsets totaling \$32,034 in the reports as initially filed. Included in the total not reported were three offsets totaling \$20,532, due from The Campaign Group, Inc. Per Committee instruction, the refunds due were directly credited against amounts owed to another vendor, Hickman/Brown.

Finally, 37 offsets totaling \$47,001 were not itemized as required.

A Committee representative explained that the Committee had no procedure in place for properly recording the receipt of offsets to expenditures; refunds received were often not recorded as a separate category of activity but were included within the total activity of reported receipts.

At the exit conference the Audit staff provided Committee representatives with schedules which detailed the reporting and itemization errors noted above. With regards to those errors the Audit staff advised the Committee to: (1) file amended reports to disclose the receipt of all offsets to expenditures; (2) file amended Schedules A to itemize the offsets as required; (3) include on amended Schedules B the expenditures to Hickman/Brown as reflected by the refunds made directly to Hickman/Brown from The Campaign Group, Inc.; and (4) determine the status of 29 billings which specified amounts owed by Press organizations, and adjust the reported and itemized activity, as discussed above, accordingly.

On March 3, 1994 the Committee filed amended reports which materially corrected the public record.

H. Disclosure of Contributions from Individuals

Section 434(b)(3)(A) of Title 2 of the United States Code states, in part, that each report shall disclose the identity of all persons who make a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year together with the date and amount of any such contribution.

5/ The Audit staff also reviewed 29 records which identified an additional \$7,160 sought from Press organizations. The Committee's records did not reflect any receipts related to these items; nor were any amounts reported as owed to the Committee.

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Section 431(13)(A) of Title 2 of the United States Code defines "identification" to mean, in the case of any individual, the name, mailing address, and the occupation of such individual, as well as the name of his or her employer. Section 104.3(a)(4) of Title 11 of the Code of Federal Regulations requires that in addition to the identification, the aggregate year-to-date total for such contributor be reported.

Section 102.9(d) of Title 11 of the Code of Federal Regulations states, in part, that in performing recordkeeping duties, the treasurer or his or her authorized agent shall use his or her best efforts to obtain, maintain and submit the required information and shall keep a record of such efforts.

Section 104.7(a) and (b) of Title 11 of the Code of Federal Regulations states that if best efforts have been used to obtain, maintain and submit the information required by the Act for the political committee, any report of such committee shall be considered in compliance with the Act. Best efforts will not be deemed to have been exercised if the treasurer has not made at least one effort per solicitation either by a written request or by an oral request documented in writing to obtain such information from the contributor. For purposes of 11 CFR 104.7(b), such effort shall consist of a clear request for the information (i.e., name, mailing address, occupation, and name of employer) which request informs the contributor that the reporting of such information is required by law.

Section 110.6(c)(2) of Title 11 of the Code of Federal Regulations states in part that the recipient candidate or authorized committee shall report each conduit or intermediary who forwards one or more earmarked contributions which in the aggregate exceed \$200 in any calendar year. For each contribution which in the aggregate exceeds \$200 for a contributor in a calendar year, 11 CFR 104.3(a)(4) requires the identification and aggregate year-to-date total for such contributor.

The Audit staff reviewed a sample of contributions from individuals. The review identified a material error rate with respect to disclosure of earmarked contributions, names of contributors, aggregate year-to-date totals, and missing addresses.

At the exit conference the Committee was advised of the material error rate and the nature of the errors. The Committee representatives stated that they would file amended reports to disclose the required information.

On March 3, 1994 the Committee filed amended Schedules A which materially corrected the public record.

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I. Disclosure of Disbursements

Sections 434(b)(4)(A) and (5)(A) of Title 2 of the United States Code state that each report shall disclose expenditures made to meet candidate or committee operating expenses; and the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure.

Our review of the Committee's itemized disbursements identified 324 instances of missing or inadequate disclosure of addresses. Of the 324 errors, 294 items totaling \$292,625, were disbursements for payroll.

At the exit conference Committee representatives were notified of the problem. On March 3, 1994 the Committee filed amended reports which materially corrected the public record.

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Lynn Yeakel for Senate  
Schedule of Apparent Excessive Contributions

Name of Contributor	Date of Contribution	Amount	Aggregate/ Election	Excessive Amount	Election	Unresolved Amount	Resolved Untimely
Abrams, Constance	01-Jun-92	\$500.00			G		
Abrams, Constance	21-Sep-92	\$300.00			G		
Abrams, Constance	24-Oct-92	\$500.00	\$1,300.00	\$300.00	G		\$300.00 0
Adelman, Susan	25-May-92	\$250.00			G		
Adelman, Susan	13-Jul-92	\$100.70			G		
Adelman, Susan	20-Aug-92	\$250.00			G		
Adelman, Susan	25-Aug-92	\$124.00			G		
Adelman, Susan	24-Oct-92	\$250.00	\$1,062.70	\$62.70	G	\$62.70 00	
Andrews, Anthony	31-Aug-92	\$1,000.00			G		
Andrews, Anthony	15-Oct-92	\$500.00	\$1,500.00	\$500.00	G		\$500.00 0
Aronchick, Mark	22-Jun-92	\$1,000.00			G		
Aronchick, Mark	17-Oct-92	\$192.00	\$1,192.00	\$192.00	G		\$192.00 0
Aureden, Diane Downs	26-Aug-92	\$500.00			G		
Aureden, Diane Downs	10-Sep-92	\$500.00			G		
Aureden, Diane Downs	21-Oct-92	\$250.00	\$1,250.00	\$250.00	G	\$250.00 00	
Bader, Maryann	10-Jun-92	\$25.00			G		
Bader, Maryann	22-Jun-92	\$100.00			G		
Bader, Maryann	08-Jul-92	\$239.75			G		
Bader, Maryann	06-Aug-92	\$100.00			G		
Bader, Maryann	25-Aug-92	\$25.00			G		
Bader, Maryann	21-Sep-92	\$50.00			G		
Bader, Maryann	05-Oct-92	\$100.00			G		
Bader, Maryann	05-Oct-92	\$50.00			G		
Bader, Maryann	13-Oct-92	\$100.00			G		
Bader, Maryann	19-Oct-92	\$200.00			G		
Bader, Maryann	24-Oct-92	\$25.00	\$1,014.75	\$14.75	G		\$14.75 0
Ballard, Frederic	04-Jun-92	\$1,000.00			G		
Ballard, Frederic	15-Oct-92	\$500.00	\$1,500.00	\$500.00	G	\$500.00 00	
Baumgartner, Rena	15-Sep-92	\$500.00			G		
Baumgartner, Rena	06-Oct-92	\$25.00			G		
Baumgartner, Rena	19-Oct-92	\$500.00	\$1,025.00	\$25.00	G		\$25.00 0
Berne, Steffi	29-Oct-92	\$2,000.00	\$2,000.00	\$1,000.00	G	\$1,000.00 00	
Braman, Norman	06-May-92	\$2,000.00	\$2,000.00	\$1,000.00	G	\$1,000.00 00	
Broll, Nancy	25-Apr-92	\$100.00			P		

Lynn Yeakel for Senate  
Schedule of Apparent Excessive Contributions

Name of Contributor	Date of Contribution	Amount	Aggregate/ Election	Excessive Amount	Election	Unresolved Amount	Resolved Untinely
Broll, Nancy	30-Jun-92	\$1,000.00	\$1,100.00	\$100.00	P		\$100.00
Brown, Lorraine	30-Sep-92	\$1,000.00			G		
Brown, Lorraine	20-Oct-92	\$100.00	\$1,100.00	\$100.00	G		\$100.00
Cashel, Leslie E.	10-Jun-92	\$100.00			G		
Cashel, Leslie E.	08-Jul-92	\$100.00			G		
Cashel, Leslie E.	26-Aug-92	\$962.80			G		
Cashel, Leslie E.	04-Sep-92	\$100.00	\$1,262.80	\$262.80	G		\$262.80
Clark, Patricia	20-Aug-92	\$25.00			G		
Clark, Patricia	18-Sep-92	\$1,000.00	\$1,025.00	\$25.00	G		\$25.00
Cofrin, Gladys	26-Aug-92	\$1,000.00			G		
Cofrin, Gladys	14-Oct-92	\$1,000.00	\$2,000.00	\$1,000.00	G		\$1,000.00
Cohen, Alma	22-Jun-92	\$1,000.00			G		
Cohen, Alma	19-Aug-92	\$500.00	\$1,500.00	\$500.00	G	\$500.00	
Cohen, Sylvan	22-Jun-92	\$1,000.00			G		
Cohen, Sylvan	23-Jul-92	\$500.00	\$1,500.00	\$500.00	G	\$500.00	
Critchlow, Elisa	20-Jul-92	\$250.00			G		
Critchlow, Elisa	20-Jul-92	\$25.00			G	***	
Critchlow, Elisa	23-Jul-92	\$100.00			G		
Critchlow, Elisa	10-Aug-92	\$500.00			G		
Critchlow, Elisa	24-Sep-92	\$100.00			G		
Critchlow, Elisa	24-Sep-92	\$10.00			G		
Critchlow, Elisa	01-Oct-92	\$10.00			G		
Critchlow, Elisa	07-Oct-92	\$1,000.00			G		
Critchlow, Elisa	12-Oct-92	\$100.00			G		
Critchlow, Elisa	13-Oct-92	\$100.00	\$2,195.00	\$1,195.00	G	\$775.00	\$420.00
Danziger, Peggy	15-Jun-92	\$100.00			G		
Danziger, Peggy	12-Aug-92	\$500.00			G		
Danziger, Peggy	16-Oct-92	\$500.00	\$1,100.00	\$100.00	G		\$100.00
Dempsey, Raymond	18-Sep-92	\$2,000.00	\$2,000.00	\$1,000.00	G	\$1,000.00	
Devon, Dana	16-May-92	\$50.00			G		
Devon, Dana	16-May-92	\$200.00			G		
Devon, Dana	02-Jun-92	\$100.00			G		
Devon, Dana	29-Jun-92	\$200.00			G		
Devon, Dana	05-Aug-92	\$500.00	\$1,050.00	\$50.00	G	\$50.00	

Lynn Yeakel for Senate  
Schedule of Apparent Excessive Contributions

Name of Contributor	Date of Contribution	Amount	Aggregate/ Election	Excessive Amount	Election	Unresolved Amount	Resolved Untimely
Donnet, Jacqueline	19-May-92	\$1,000.00			G		
Donnet, Jacqueline	16-Oct-92	\$250.00	\$1,250.00	\$250.00	G	\$250.00 00	
Eshelby, Betty T.	02-Jul-92	\$250.00			G		
Eshelby, Betty T.	27-Aug-92	\$79.35			G		
Eshelby, Betty T.	30-Nov-92	\$681.50	\$1,010.85	\$10.85	G	\$10.85 00	
Ewing, William H.	06-Feb-92	\$1,000.00			P		
Ewing, William H.	06-Mar-92	\$1,000.00	\$2,000.00	\$1,000.00	P	\$1,000.00 00	
Field, Alisa	17-Jul-92	\$500.00			G		
Field, Alisa	13-Oct-92	\$500.00	\$1,050.00	\$50.00	G	\$50.00 00	
Field, Alisa	13-Oct-92	\$50.00			G		
Finkel, Amy	27-Jun-92	\$1,000.00			G		
Finkel, Amy	06-Oct-92	\$50.00			G		\$50.00 0
Finkel, Amy	09-Oct-92	\$160.00	\$1,210.00	\$210.00	G		\$160.00 0
Fisher, Emily H.	12-Aug-92	\$1,000.00			G		
Fisher, Emily H.	28-Sep-92	\$100.00	\$1,100.00	\$100.00	G		\$100.00 0
Fish, Gretchen S.	27-Aug-92	\$137.00			G		
Fish, Gretchen S.	28-Sep-92	\$1,000.00	\$1,137.00	\$137.00	G	\$137.00 00	
Friedenberg, Jay S.	06-Feb-92	\$2,000.00	\$2,000.00	\$1,000.00	P		\$1,000.00 0
Gochfeld, Linda	10-Jun-92	\$500.00			G		
Gochfeld, Linda	27-Aug-92	\$137.00			G		
Gochfeld, Linda	10-Oct-92	\$400.00	\$1,037.00	\$37.00	G		\$37.00 0
Godshalk, Eric	30-Jun-92	\$2,000.00			G		
Godshalk, Eric	07-Oct-92	\$500.00	\$2,500.00	\$1,500.00	G	\$1,500.00 00	
Gormley, Diana	30-Jun-92	\$1,000.00			G		
Gormley, Diana	31-Oct-92	\$100.00	\$1,100.00	\$100.00	G	\$80.00 00	\$20.00 0
Graham, William	13-Jun-92	\$1,000.00			G		
Graham, William	23-Oct-92	\$1,000.00	\$2,000.00	\$1,000.00	G	\$1,000.00 00	
Grayson, Wanda	27-Aug-92	\$1,000.00			G		
Grayson, Wanda	28-Oct-92	\$50.00	\$1,050.00	\$50.00	G		\$50.00 0
Greenfield, Barbara	05-Aug-92	\$75.00			G		
Greenfield, Barbara	02-Sep-92	\$1,000.00			G		
Greenfield, Barbara	19-Sep-92	\$25.00			G		
Greenfield, Barbara	01-Oct-92	\$30.00	\$1,130.00	\$130.00	G	\$130.00 00	
Gross, Richard	18-May-92	\$500.00			G		

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Lynn Yeakel for Senate  
Schedule of Apparent Excessive Contributions

Name of Contributor	Date of Contribution	Amount	Aggregate/ Election	Excessive Amount	Election	Unresolved Amount	Resolved Untimely
Gross, Richard	10-Jun-92	\$1,000.00	\$1,500.00	\$500.00	G	\$500.00 00	
Grumbach, Antonia	24-Jun-92	\$1,000.00			G		
Grumbach, Antonia	30-Sep-92	\$500.00			G		
Grumbach, Antonia	24-Oct-92	\$250.00	\$1,750.00	\$750.00	G	\$400.00 00	\$350.00 0
Haltigan, William J.	04-May-92	\$200.00			G		
Haltigan, William J.	16-Jun-92	\$200.00			G		
Haltigan, William J.	27-Jun-92	\$500.00			G		
Haltigan, William J.	22-Aug-92	\$500.00	\$1,400.00	\$400.00	G	\$400.00 00	
Hargrove, Sarah	06-Aug-92	\$100.00			G		
Hargrove, Sarah	21-Sep-92	\$250.00			G		
Hargrove, Sarah	03-Oct-92	\$250.00			G		
Hargrove, Sarah	11-Oct-92	\$450.00	\$1,050.00	\$50.00	G	\$50.00 00	
Havemeyer, Eugenie C.	27-Aug-92	\$500.00			G		
Havemeyer, Eugenie C.	27-Aug-92	\$68.50			G		
Havemeyer, Eugenie C.	30-Sep-92	\$500.00	(\$68.50)		G**		
Havemeyer, Eugenie C.	22-Oct-92	\$27.40	\$1,027.40	\$27.40	G		\$27.40 0
Hess, Marlene	04-May-92	\$500.00			G		
Hess, Marlene	12-Aug-92	\$100.00			G		
Hess, Marlene	27-Aug-92	\$13.70			G		
Hess, Marlene	30-Oct-92	\$500.00	\$1,113.70	\$113.70	G		\$113.70 0
Hess, Norma	01-Aug-92	\$1,000.00			G		
Hess, Norma	27-Aug-92	\$137.00	\$1,137.00	\$137.00	G	\$137.00 00	
Jaffe, Paul	12-Oct-92	\$15.00			G		
Jaffe, Paul	17-Oct-92	\$50.00			G		
Jaffe, Paul	20-Oct-92	\$825.00			G		
Jaffe, Paul	22-Oct-92	\$100.00			G		
Jaffe, Paul	28-Oct-92	\$25.00	\$1,015.00	\$15.00	G		\$15.00 0
Jones, Elise F.	17-Jun-92	\$750.00			G		
Jones, Elise F.	22-Jun-92	\$500.00	\$1,250.00	\$250.00	G	\$250.00 00	
Josephs, Babette	20-May-92	\$1,000.00			G		
Josephs, Babette	04-Jun-92	\$1,000.00			G		
Josephs, Babette	20-Oct-92	\$500.00	\$2,500.00	\$1,500.00	G	\$1,400.00 00	\$100.00 0
Kearney, Kerry	17-Jun-92	\$50.00			G		
Kearney, Kerry	17-Jun-92	\$200.00			G		

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Lynn Yeakel for Senate  
Schedule of Apparent Excessive Contributions

Name of Contributor	Date of Contribution	Amount	Aggregate/ Election	Excessive Amount	Election	Unresolved Amount	Resolved Untimely
Rearney, Kerry	23-Jul-92	\$100.00			G		
Kearney, Kerry	09-Oct-92	\$1,000.00	\$1,350.00	\$350.00	G	\$350.00 00	
Keenan, Mary Ann	21-May-92	\$500.00			G		
Keenan, Mary Ann	20-Jul-92	\$500.00			G		
Keenan, Mary Ann	29-Oct-92	\$100.00	\$1,100.00	\$100.00	G	\$100.00 00	
Keyes, Claire L.	21-May-92	\$200.00			G		
Keyes, Claire L.	10-Jun-92	\$200.00			G		
Keyes, Claire L.	30-Jun-92	\$175.00			G		
Keyes, Claire L.	01-Aug-92	\$250.00			G		
Keyes, Claire L.	08-Sep-92	\$140.00			G		
Keyes, Claire L.	22-Oct-92	\$400.00	\$1,365.00	\$365.00	G	\$365.00 00	
Kinsley, Anne	19-Sep-92	\$1,000.00	\$2,000.00	\$1,000.00	G	\$750.00 00	\$250.00 0
Kinsley, Anne	19-Sep-92	\$1,000.00			G		
Lawrence, Sheila Davis	28-Aug-92	\$137.00			G		
Lawrence, Sheila Davis	15-Oct-92	\$1,000.00	\$1,137.00	\$137.00	G		\$137.00 0
Leader, Mary Jane	17-Jun-92	\$1,000.00			G		
Leader, Mary Jane	15-Dec-92	\$500.00			G		\$500.00 0
Leader, Mary Jane	15-Dec-92	\$500.00	\$2,000.00	\$1,000.00	G		\$500.00 0
Lemmon, Linda	17-Jun-92	\$2,000.00	\$2,000.00	\$1,000.00	G		\$1,000.00 0
Leonard, Thomas	22-Jun-92	\$1,000.00			G		
Leonard, Thomas	20-Oct-92	\$500.00	\$1,500.00	\$500.00	G		\$500.00 0
Lutz, Christopher	18-May-92	\$1,000.00			G		
Lutz, Christopher	17-Aug-92	\$500.00			G		
Lutz, Christopher	28-Oct-92	\$1,000.00	\$2,500.00	\$1,500.00	G	\$1,500.00 00	
MacKensie, Wendy	14-May-92	\$700.00			G		
MacKensie, Wendy	17-Jun-92	\$500.00			G		
MacKensie, Wendy	24-Jun-92	\$100.00			G		
MacKensie, Wendy	08-Oct-92	\$250.00			G		
MacKensie, Wendy	22-Oct-92	\$150.00	\$1,700.00	\$700.00	G	\$700.00 00	
MacLaren, Louisa	16-Jul-92	\$50.00			G		
MacLaren, Louisa	17-Sep-92	\$250.00			G		
MacLaren, Louisa	05-Oct-92	\$750.00			G		\$50.00 0
MacLaren, Louisa	29-Oct-92	\$200.00	\$1,250.00	\$250.00	G		\$200.00 0
Marin, Norma B	10-Jun-92	\$400.00			G		

Lynn Yeakel for Senate  
Schedule of Apparent Excessive Contributions

Name of Contributor	Date of Contribution	Amount	Aggregate/ Election	Excessive Amount	Election	Unresolved Amount	Resolved Untimely
Marin, Norma B	27-Aug-92	\$500.00			G		
Marin, Norma B	18-Sep-92	\$100.00			G		
Marin, Norma B	17-Oct-92	\$400.00	\$1,400.00	\$400.00	G	\$400.00 00	
Meyer, Nancy	23-Jun-92	\$1,000.00			G		
Meyer, Nancy	30-Jun-92	\$75.00			G		
Meyer, Nancy	01-Oct-92	\$1,000.00			G		
Meyer, Nancy	26-Oct-92	\$1,000.00	\$3,075.00	\$2,075.00	G	\$1,000.00 00	\$1,075.00 0
Miller, Maya	27-Aug-92	\$1,000.00			G		\$500.00 0
Miller, Maya	26-Oct-92	\$1,000.00	\$2,000.00	\$1,000.00	G		\$500.00 0
Miller, Mara Jayne	01-May-92	\$1,000.00			G		
Miller, Mara Jayne	12-Aug-92	\$500.00	\$1,500.00	\$500.00	G		\$500.00 0
Ninyard, Karen F.	19-May-92	\$250.00			G		
Ninyard, Karen F.	28-Aug-92	\$1,000.00	\$1,250.00	\$250.00	G	\$250.00 00	
Morris, Samuel	31-Aug-92	\$350.00			G		
Morris, Samuel	01-Sep-92	\$750.00			G		
Morris, Samuel	02-Oct-92	\$100.00	\$1,200.00	\$200.00	G	\$200.00 00	
Norton, Peter	27-Jul-92	\$2,000.00	\$2,000.00	\$1,000.00	G	\$1,000.00 00	
Norton, Tarlton Pauley	24-Jul-92	\$2,000.00	\$2,000.00	\$1,000.00	G	\$1,000.00 00	
Werken, Sara	02-Sep-92	\$250.00			G		
Werken, Sara	18-Oct-92	\$500.00			G		
Werken, Sara	27-Oct-92	\$500.00	\$1,250.00	\$250.00	G		\$250.00 0
Newsom, Bernard	26-Mar-92	\$2,000.00	\$2,000.00	\$1,000.00	P		\$1,000.00 0
Newsom, Carolyn	22-Jun-92	\$500.00			G		
Newsom, Carolyn	07-Aug-92	\$1,000.00	\$1,500.00	\$500.00	G	\$500.00 00	
Nicholas, Llewellyn J.	24-Jun-92	\$1,000.00			G		
Nicholas, Llewellyn J.	03-Oct-92	\$500.00	\$1,500.00	\$500.00	G		\$500.00 0
O'Bannon, George	26-Aug-92	\$68.50			G		
O'Bannon, George	04-Sep-92	\$500.00			G		
O'Bannon, George	29-Oct-92	\$300.00	\$1,068.50	\$68.50	G	\$68.50 00	
O'Bannon, George	29-Oct-92	\$200.00			G		
Pew, Sally	18-May-92	\$1,000.00			G		
Pew, Sally	21-Oct-92	\$75.00	\$1,075.00	\$75.00	G	\$75.00 00	
Phillips, Carole	29-May-92	\$1,000.00			G		
Phillips, Carole	28-Jul-92	\$150.00			G		

Lynn Yeakel for Senate  
Schedule of Apparent Excessive Contributions

Name of Contributor	Date of Contribution	Amount	Aggregate/ Election	Excessive Amount	Election	Unresolved Amount	Resolved Untimely
Phillips, Carole	09-Oct-92	\$50.00	\$1,200.00	\$200.00	G	\$200.00 NR	
Pudlin, David	29-Jun-92	\$500.00			G		
Pudlin, David	09-Sep-92	\$500.00			G		
Pudlin, David	21-Oct-92	\$1,000.00	\$2,000.00	\$1,000.00	G	\$1,000.00 ##	
Reich, William T.	20-Jul-92	\$250.00			G		
Reich, William T.	03-Sep-92	\$100.00			G		
Reich, William T.	13-Oct-92	\$1,000.00	\$1,350.00	\$350.00	G		\$350.00
Renshler, C. Arnold	04-May-92	\$500.00			G		
Renshler, C. Arnold	26-Aug-92	\$250.00			G		
Renshler, C. Arnold	18-Sep-92	\$1,000.00	\$1,750.00	\$750.00	G	\$750.00 ##	
Richard, Gilles E.	19-Jun-92	\$1,000.00			G		
Richard, Gilles E.	10-Sep-92	\$1,000.00	\$2,000.00	\$1,000.00	G		\$1,000.00 #
Rosenberg, Oliver	13-Jul-92	\$500.00			G		
Rosenberg, Oliver	08-Aug-92	\$100.00			G		
Rosenberg, Oliver	09-Sep-92	\$100.00			G		
Rosenberg, Oliver	19-Sep-92	\$500.00			G		
Rosenberg, Oliver	17-Oct-92	\$800.00	\$2,000.00	\$1,000.00	G	\$1,000.00 ##	
Salandria, Vincent	09-Sep-92	\$1,000.00	\$2,000.00	\$1,000.00	G	\$1,000.00 NR	
Salandria, Vincent	09-Sep-92	\$1,000.00			G		
Sandler, Sheri C.	08-Oct-92	\$1,500.00	\$1,500.00	\$500.00	G	\$500.00 NR	
Schoenke, Nancy F.	30-Jun-92	\$500.00			G		
Schoenke, Nancy F.	24-Oct-92	\$1,000.00	\$1,500.00	\$500.00	G		\$500.00
Schwartz, Susan G.	16-Jul-92	\$500.00			G		
Schwartz, Susan G.	05-Sep-92	\$750.00	\$1,750.00	\$750.00	G	\$750.00 ##	
Schwartz, Susan G.	05-Sep-92	\$500.00			G		
Scolnick, Barbara	01-May-92	\$500.00			G		
Scolnick, Barbara	20-Aug-92	\$500.00			G		
Scolnick, Barbara	21-Dec-92	\$300.00	\$1,300.00	\$300.00	G		\$300.00 #
Segre, Nina	26-Jun-92	\$250.00			G		
Segre, Nina	07-Aug-92	\$750.00			G		
Segre, Nina	07-Oct-92	\$25.00			G		
Segre, Nina	14-Oct-92	\$225.00	\$1,250.00	\$250.00	G		\$250.00 #
Shane, William R.	08-Sep-92	\$1,000.00			G		
Shane, William R.	28-Oct-92	\$50.00	\$1,050.00	\$50.00	G		\$50.00

Lynn Yeakel for Senate  
Schedule of Apparent Excessive Contributions

Name of Contributor	Date of Contribution	Amount	Aggregate/ Election	Excessive Amount	Election	Unresolved Amount	Resolved Untimely
Shepard, Molly	02-Feb-92	\$1,500.00	\$1,500.00	\$500.00	P	\$500.00 00	
Shorey, Clyde	10-Jun-92	\$1,000.00			G		
Shorey, Clyde	30-Sep-92	\$1,000.00	\$2,000.00	\$1,000.00	G		\$1,000.00 0
Simon, Teri R.	14-Sep-92	\$80.00			G		
Simon, Teri R.	06-Oct-92	\$500.00			G		
Simon, Teri R.	06-Oct-92	\$500.00	\$1,080.00	\$80.00	G		\$80.00 0
Sklaroff, Susan	22-Jun-92	\$1,000.00			G		
Sklaroff, Susan	15-Oct-92	\$100.00	\$1,100.00	\$100.00	G	\$100.00 00	
Solms, Ellen B.	26-Aug-92	\$137.00			G		
Solms, Ellen B.	21-Sep-92	\$1,000.00	\$1,137.00	\$137.00	G	\$137.00 00	
Spilove, Wayne S.	03-Aug-92	\$250.00			G		
Spilove, Wayne S.	04-Aug-92	\$50.00			G		
Spilove, Wayne S.	04-Aug-92	\$250.00			G		
Spilove, Wayne S.	17-Oct-92	\$500.00	\$1,050.00	\$50.00	G		\$50.00 0
Springer, Cecile	30-Jun-92	\$1,000.00			G		
Springer, Cecile	29-Oct-92	\$100.00	\$1,100.00	\$100.00	G	\$100.00 00	
Stanton, Donna	22-Jun-92	\$1,000.00			G		
Stanton, Donna	24-Oct-92	\$1,000.00	\$2,000.00	\$1,000.00	G	\$1,000.00 00	
Stokes, Ann R.	17-Jun-92	\$200.00			G		
Stokes, Ann R.	16-Oct-92	\$500.00			G		
Stokes, Ann R.	24-Oct-92	\$500.00	\$1,200.00	\$200.00	G		\$200.00 0
Storey, Bayard Thayer	10-Jun-92	\$1,000.00			G		
Storey, Bayard Thayer	08-Jul-92	\$500.00	\$1,500.00	\$500.00	G		\$500.00 0
Tempel, Jean	23-Jun-92	\$500.00			G		
Tempel, Jean	25-Jun-92	\$500.00			G		
Tempel, Jean	25-Jun-92	\$500.00	\$1,500.00	\$500.00	G	\$500.00 00	
Tiffany, Barbara Y.	13-Jun-92	\$1,000.00			G		
Tiffany, Barbara Y.	14-Sep-92	\$50.00			G		
Tiffany, Barbara Y.	14-Sep-92	\$15.00	\$1,065.00	\$65.00	G	\$65.00 00	
Tinken, Jane	14-Jul-92	\$13.70			G		
Tinken, Jane	21-Aug-92	\$1,000.00	\$1,013.70	\$13.70	G	\$13.70 00	
Timmons, Anna May	13-May-92	\$408.00			G		
Timmons, Anna May	16-May-92	\$92.00			G		
Timmons, Anna May	01-Jul-92	\$601.75			G		\$92.00 0

Lynn Yeakel for Senate  
Schedule of Apparent Excessive Contributions

Name of Contributor	Date of Contribution	Amount	Aggregate/ Election	Excessive Amount	Election	Unresolved Amount	Resolved Untinely
Timmons, Anna May	17-Sep-92	\$250.00		\$351.75	G		\$259.75 0
Toll, Jane	13-Mar-92	\$100.00					
Toll, Jane	01-May-92	\$250.00	\$1,350.00	\$350.00	P*		\$350.00 0
Toll, Robert	17-Apr-92	\$2,000.00	\$2,000.00	\$1,000.00	P		\$1,000.00 0
Toll, Robert	12-Sep-92	\$2,000.00	\$2,000.00	\$1,000.00	G	\$1,000.00 00	
Updyke, J. Randolph	02-Nov-92	\$2,000.00	\$2,000.00	\$1,000.00	G		\$1,000.00 0
Villichur, Edgar	23-Jun-92	\$1,000.00			G		
Villichur, Edgar	23-Jul-92	\$2,000.00	\$3,000.00	\$2,000.00	G	\$2,000.00 00	
Walker, Susanne	27-Mar-92	\$200.00			P		
Walker, Susanne	07-Apr-92	\$250.00			P		
Walker, Susanne	07-Apr-92	\$100.00			P		
Walker, Susanne	13-Apr-92	\$1,000.00	\$1,550.00	\$550.00	P		\$550.00 0
Wasylyshyn, Karol M.	01-Feb-92	\$1,000.00			P		
Wasylyshyn, Karol M.	10-Mar-92	\$500.00	\$1,500.00	\$500.00	P	\$300.00 00	\$200.00 0
Webber, Christina	04-Mar-92	\$1,000.00			P		
Webber, Christina	10-Mar-92	\$250.00	\$1,250.00	\$250.00	G		\$250.00 0
Weiler, Susan/Gernet, Lynn	22-Jun-92	\$1,500.00	\$1,500.00	\$500.00	G	\$500.00 00	
Westervolt, Effie E.	15-Jun-92	\$100.00			G		
Westervolt, Effie E.	22-Oct-92	\$162.80	\$1,062.80	\$62.80	G		\$62.80 0
Westervolt, Effie E.	22-Oct-92	\$800.00			G		
Williams, Dorothy	17-Mar-92	\$100.00	\$1,100.00	\$100.00	P		\$100.00 0
Williams, Dorothy	27-Mar-92	\$1,000.00			P		
<b>Totals</b>		<b>\$160,344.45</b>	<b>\$159,855.70</b>	<b>\$53,275.95</b>		<b>\$32,606.75</b>	<b>\$20,669.20</b>

Notes:

- \* Aggregate \$1,350 includes \$1,000 untinely reattribution from spouse.
- \*\* \$68.50 was resolved timely.
- \*\*\* Contribution received through telemarketing program.
- 0 Incorrectly reported as refund owed on amendment filed 3/03/94.
- 00 Correctly reported as refund owed to contributor on amendment filed 3/3/94.
- 000 Underreported by \$25 as refund owed to contributor on amendment filed 3/03/94.
- NR Not reported as refund owed to contributor.

LYNN YEAKEL FOR SENATE

Apparent Excessive Contributions from a Political  
Committee and an Unregistered Organization

Name	Check Number	Check Date	Check Amount	Excessive Amount	Comments
PAC 250	109	10-Aug-92	\$5,000	\$4,000	Non-qualified registered political committee
IAPAC	150	02-Oct-92	\$3,000	\$2,000	Indian American Political Affairs Committee Pennsylvania Chapter (unregistered organization)

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999 E Street, N.W.  
Washington, D.C. 20463

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

MUR 4178  
STAFF MEMBER: Andre G. Pineda

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

RESPONDENTS: Lynn Yeakel for Senate, and  
Sidney D. Rosenblatt, as Treasurer  
Elisa Critchlow  
Eric Godshalk  
Babette Josephs  
Christopher Lutz  
Nancy Meyer  
Edgar Villchur  
PAC 250, and Dean Vance, as Treasurer  
Indian American Political Affairs Committee -  
Pennsylvania Chapter (IAPAC)

**RELEVANT STATUTES/REGULATIONS:**

2 U.S.C. §§ 431(5) and (11)  
2 U.S.C. §§ 432(c)(2) and (5)  
2 U.S.C. § 433(a)  
2 U.S.C. § 434(a)(1) and (4) and (b)  
2 U.S.C. § 434(b)(2) and (5)(A)  
2 U.S.C. § 438(b)  
2 U.S.C. § 441a(a)(1)(A), (2) and (4)  
2 U.S.C. § 441a(f)  
2 U.S.C. § 441g  
11 C.F.R. § 100.5(e)(3)  
11 C.F.R. § 100.10  
11 C.F.R. § 102.1(d)  
11 C.F.R. § 102.9(a), (a)(1) and (3)  
11 C.F.R. § 102.9(b)(1)(i) and (ii)  
11 C.F.R. § 102.10  
11 C.F.R. § 102.11  
11 C.F.R. § 103.3(a) and (b)(3) and (4)  
11 C.F.R. §§ 104.1(a) and 104.3  
11 C.F.R. § 110.1(b)(1) and (2)  
11 C.F.R. § 110.1(b)(5)(ii)(A) and (B)  
11 C.F.R. § 110.4(c)(1), (2), and (3)

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INTERNAL REPORTS CHECKED: Audit Documents

FEDERAL AGENCIES CHECKED: None

**I. GENERATION OF MATTER**

Lynn Yeakel for Senate ("the Committee") registered with the Secretary of the Senate on January 22, 1992, as the principal campaign committee for Lynn Hardy Yeakel, a candidate for the United States Senate from the Commonwealth of Pennsylvania.<sup>1/</sup> This matter was generated by an audit of the Committee and Sidney D. Rosenblatt, as Treasurer, undertaken in accordance with 2 U.S.C. § 438(b). The audit covered the period from January 1, 1991 through December 31, 1992. The Audit Division's referral materials are attached. Attachment 1.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Apparent Excessive Contributions**

**1. Statutory and Regulatory Provisions**

A person is prohibited from making contributions to candidates, their authorized committees or agents with respect to any election for federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

"Person" is defined, in part, to include an individual, a group of persons, and a committee. 2 U.S.C. § 431(11); 11 C.F.R. § 100.10.

A political committee means any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or which makes expenditures aggregating in

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<sup>1/</sup> Ms. Yeakel also designated two other authorized committees, Faces of Change/U.S. Senate (FOCUS), and Women . . . for a Change to act as fundraising representatives for the Committee and other participating committees.

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excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4); 11 C.F.R. § 100.5(a). A multi-candidate committee means a political committee which: (i) has been registered with the Commission, Clerk of the House or Secretary of the Senate for at least six (6) months; (ii) has received contributions for Federal elections from more than 50 persons; and (iii) has made contributions to five (5) or more Federal candidates. 11 C.F.R. § 100.5(e)(3). A multi-candidate committee is prohibited from making contributions to any candidate, his or her authorized political committees or agent with respect to any election for Federal office which, in the aggregate, exceeds \$5,000. 2 U.S.C. § 441a(a)(2)(A); 11 C.F.R. § 110.2(b)(1).

No candidate or political committee shall knowingly accept any contribution which exceeds the contribution limitations. 2 U.S.C. § 441a(f). No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures. Id.

Contributions which on their face exceed the contribution limitations, and those that do not appear to be excessive on their face but which exceed the contribution limits when aggregated with other contributions from the same contributor, may be either: (1) deposited into a campaign depository, or (2) returned to the contributor. 11 C.F.R. § 103.3(b)(3). If such a contribution is deposited, the committee treasurer may request a written redesignation or reattribution of the contribution. Id. If no

written resignation or reattribution is obtained, the committee treasurer shall, within 60 days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

2. Contributions from Individuals

The audit referral materials identify 107 individuals who exceeded their contribution limitations to the Committee by a combined total of \$53,276. Attachment 1, p. 8, and Attachment 2. Of this amount, the Committee untimely refunded, redesignated, or reattributed portions of the excessive contributions totaling \$20,669 from 55 individuals.<sup>2/</sup> Id. The Committee has unresolved excessive contributions totaling \$32,607 (\$53,276-\$20,669) from 60 individuals.<sup>3/</sup> Id.

The treasurer did not refund or obtain written redesignations or reattributions of the excessive contribution amounts from the 107 individuals within 60 days from the Committee's receipt of the contributions. 11 C.F.R. §§ 110.1(b)(5)(ii)(A) and (B), and 103.3(b)(3). Additionally, the Committee did not establish a separate account for these excessive contributions nor did it maintain sufficient funds to make refunds.<sup>4/</sup> 11 C.F.R.

2/ The exact dates when the Committee refunded, redesignated, or reattributed portions of the excessive contributions to each of these individuals is not known. See Attachment 2.

3/ The referral materials identify eight individuals who have unresolved portions of excessive contributions in addition to having received untimely refunded, redesignated, or reattributed portions of their excessive contributions. Attachment 2.

4/ The only action taken by the Committee was the filing of amendments with the Commission disclosing that unresolved excessive contributions are Committee debts owed to the contributors. Attachment 1, p. 8.

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§ 103.3(b)(4). Therefore, the Office of General Counsel recommends that the Commission find reason to believe that the Committee, and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions totaling \$53,276.

Moreover, of the 107 individuals, Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, and Edgar Villchur made contributions to the Committee totaling \$2,195, \$2,500, \$2,500, \$2,500, \$3,075, and \$3,000, respectively. Attachment 2. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, and Edgar Villchur violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to the Committee. However, the Office of General Counsel further recommends that the Commission take no further action against these individuals. Based on the excessive contribution amounts and consistent with the proper ordering of the Commission's resources and priorities, the Office of General Counsel believes that no further action with respect to these individuals is appropriate. See Heckler v. Chaney, 470 U.S. 821 (1985).

3. Contributions from Political Committees

The referral materials identify a \$5,000 contribution to the Committee made by a political committee, PAC 250. Attachment 2, p. 10. At the time PAC 250 made its contribution, it was not a

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multi-candidate committee. 11 C.F.R. § 100.5(e)(3). Therefore, PAC 250 had a contribution limit of \$1,000. 2 U.S.C. §§ 431(11) and 441a(a)(1)(A). The Committee has not refunded the excessive portion of this contribution to PAC 250.<sup>6/</sup>

The referral materials also identify a \$3,000 contribution to the Committee by the Indian American Political Affairs Committee - Pennsylvania Chapter (IAPAC). By making this expenditure, IAPAC became a political committee. 11 C.F.R. § 100.5(a). However, IAPAC is an unregistered political committee that does not satisfy the definition of a multi-candidate committee as set forth at 11 C.F.R. § 100.5(e)(3).<sup>7/</sup> Therefore, IAPAC is a "person" with a contribution limit of \$1,000. 2 U.S.C. §§ 431(11) and 441a(a)(1)(A). The Committee has not refunded the excessive portion of this contribution to IAPAC.<sup>8/</sup>

The Office of General Counsel recommends that the Commission find reason to believe that the Committee, and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. § 441a(f) by accepting

<sup>6/</sup> The only action taken by the Committee was the filing of a Schedule D on March 3, 1994 disclosing a \$4,000 refund payable to PAC 250. Attachment 1, p. 9.

<sup>7/</sup> As a result of its contribution to the Committee, IAPAC was required to file a Statement of Organization with the Commission no later than October 12, 1992. 2 U.S.C. § 433(a); see also 11 C.F.R. § 102.1(d). Moreover, IAPAC was required to file reports of receipts and disbursements containing required disclosure information. 2 U.S.C. §§ 434(a)(1) and (4) and (b); see also 11 C.F.R. §§ 104.1(a) and 104.3. Notwithstanding these requirements, IAPAC failed to register with the Commission and failed to file required disclosure reports.

<sup>8/</sup> The only action taken by the Committee was the filing of a Schedule D disclosing the unresolved excessive contribution to IAPAC as a debt owed to IAPAC. Attachment 1, p. 10.

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excessive contributions totaling \$6,000. The Office of General Counsel also recommends that the Commission find reason to believe that PAC 250, and its treasurer, Dean Vance, and IAPAC violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to the Committee. However, the Office of General Counsel further recommends that the Commission take no further action against PAC 250, its treasurer, Dean Vance, and IAPAC. Based on the excessive contribution amounts and consistent with the proper ordering of the Commission's resources and priorities, the Office of General Counsel believes that no further action with respect to these entities is appropriate. See Heckler v. Chaney, 470 U.S. 821 (1985).

B. Undocumented Cash Receipts

No person shall make contributions of currency of the United States which, in the aggregate, exceeds \$100 to or for the benefit of any candidate for election to Federal office. 2 U.S.C. § 441g and 11 C.F.R. § 110.4(c)(1). A candidate or committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor. 11 C.F.R. § 110.4(c)(2).

The treasurer of a political committee shall establish an accounting procedure for all contributions that are received by or on behalf of the political committee. 11 C.F.R. § 102.9(a). For contributions in excess of \$50, such accounting procedure shall include the name and address of the contributor, the date of receipt and the amount of the contribution. 2 U.S.C. § 432(c)(2) and 11 C.F.R. § 102.9(a)(1). If the contributions are from a political committee, the accounting procedure shall include the

identification of the political committee, the date of receipt, and the amount of such contribution. 11 C.F.R. § 102.9(a)(3). A candidate or committee receiving an anonymous cash contribution in excess of \$50 shall promptly dispose of the amount over \$50.

11 C.F.R. § 110.4(c)(3). The amount over \$50 may be used for any lawful purpose unrelated to any Federal election, campaign, or candidate. Id. For events involving cash contributions of less than \$50, the Commission has determined that a committee may satisfy recordkeeping requirements by keeping an account of the name and address of each contributor or "record the name of the event, the date(s) contributions were received for that event, and the total amount of contributions received on each day for that event." Advisory Opinion ("AO") 1980-99; see also 11 C.F.R. § 102.9(a).

The referral materials identified a cash deposit of \$6,878 dated November 9, 1992. Attachment 1, p. 11. The Committee had no documentation for this deposit. Id. However, the referral materials indicate that during the audit exit conference, a Committee representative told the Audit Division that the \$6,878 deposit consisted of a \$5,000 contribution from the Pennsylvania Democratic State Committee ("PDSC") and \$1,878 in receipts from the sale of T-shirts. Id. The Committee representative told the Audit Division that the Committee cashed a \$5,000 check from the PDSC, and intended to use the money on election day, but that the Committee instead redeposited the money after the election into a

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Committee account.<sup>9/</sup> Id. The Committee provided no documentation during the exit conference to support its assertion that the \$1,878 deposit was for the sale of T-shirts.<sup>10/</sup>

In response to the Interim Audit Report finding on this issue, the Committee treasurer stated that he made numerous unsuccessful requests to the Pennsylvania Democratic Party for a copy of the PDSC check.<sup>11/</sup> Id. at 12. The Committee treasurer also provided affidavits from the assistant campaign treasurer and campaign manager stating that the campaign manager instructed the assistant campaign treasurer to go to the Pennsylvania Democratic Party in Harrisburg and retrieve a \$5,000 check for election day expenses. Id. Moreover, the assistant campaign treasurer states that the Pennsylvania Democratic Party told him to cash the check in Harrisburg and to bring the cash back to the campaign office. Id. The treasurer and campaign manager further stated that the Committee kept detailed receipts and disbursements from the sale of campaign materials, including T-shirts, but that such records were either misplaced or thrown out during the winding down of the

<sup>9/</sup> The PDSC did not report such a contribution to the Committee. Moreover, the Committee did not report such a contribution from the PDSC until it filed amended reports with the Commission on March 3, 1994.

<sup>10/</sup> The Committee provided the Audit Division with an invoice dated July 14, 1992 stating that 1,000 items were imprinted and another invoice dated July 28, 1992 stating that the Committee had paid for these items. Attachment 1, p. 11. It is not clear from these invoices whether the imprinted items were T-shirts. Id. On March 3, 1994, the Committee filed an amended report stating that the Committee received \$1,878 from the sale of T-shirts. Id.

<sup>11/</sup> The Committee treasurer also stated that the PDSC does not have records from 1992. Attachment 1, p. 12.

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campaign. Id. No additional information was provided regarding the PDSC check or the T-shirt monies.

The Committee has provided no documentation, other than affidavits, demonstrating that the \$6,878 deposit consisted of \$5,000 in cash from the PDSC and \$1,878 in cash from T-Shirt sales. Due to the lack of documentation, this Office believes that the \$5,000 cash deposit should be treated as an anonymous cash contribution pursuant to 11 C.F.R. § 110.4(c)(3). The Committee has not disposed of these monies in a manner that is unrelated to any Federal election, campaign, or candidate. Additionally, this Office believes that the \$1,878 cash deposit should be treated as the total amount received by the Committee from contributions of less than \$50 because it appears that this deposit, although undocumented, consists of monies from T-Shirt sales. As a result, the Committee failed keep an account of the name and address of each contributor or "record the name of the event, the date(s) contributions were received for that event, and the total amount of contributions received on each day for that event." AO 1980-99; see also 11 C.F.R. § 102.9(a). Therefore, the Office of General Counsel recommends that the Commission find reason to believe that the Committee violated 2 U.S.C. § 432(c)(2) and 11 C.F.R. §§ 102.9(a), (a)(1) and (3) and 110.4(c)(3).

C. Checks Made Payable to Cash

Each report filed by a committee shall disclose the name and address of each person to whom it made an operating expenditure when the value or aggregate amount of that expenditure exceeds \$200 within the calendar year, as well as the date, amount, and

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purpose for such an expenditure(s). 2 U.S.C. § 434(b)(5)(A). The treasurer of a political committee shall also keep an account of the name and address of every person to whom any disbursement is made in excess of \$200, and the date, amount, and purpose of such a disbursement. 2 U.S.C. § 432(c)(5). Additionally, the treasurer of a political committee or an agent authorized by the treasurer to receive contributions and make expenditures shall keep an account of all disbursements made by or on behalf of the political committee, including the name, address, date, amount, and purpose of the disbursement. 11 C.F.R. § 102.9(b)(1)(i) and (ii). All disbursements by a political committee, except for expenditures of less than \$100 or disbursements from a petty cash fund, shall be by check or similar draft account drawn on an account at its designated campaign depository. 11 C.F.R. §§ 102.10 and 103.3(a). A political committee may maintain a petty cash fund to make expenditures of less than \$100 to any person per purchase or transaction. 11 C.F.R. § 102.11. If such a fund is used, the treasurer shall keep and maintain a written journal of all disbursements, including the name and address of every person to whom a disbursement is made, as well as the date, amount, and purpose of the disbursement. Id.

During the audit, the Audit staff identified two checks made payable to cash for \$5,000 and \$2,000, respectively, that were negotiated on April 27, 1992.<sup>12/</sup> Attachment 1, p. 13. Reports filed by the Committee identified the payees as "cash," and stated

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<sup>12/</sup> These checks were negotiated one day before the Pennsylvania Senate Primary. Attachment 1, p. 13.

that these disbursements were for "election day expenses." Id. No petty cash journal or other disbursement documentation was provided for these disbursements.

The referral materials indicate that during the exit conference, a Committee representative stated that the funds were used for lunches and payments to poll watchers. Id. In response to the Interim Audit Report, the Committee treasurer stated that these funds were for poll watchers and meals. The Committee asserted that receipts were maintained and no payment exceeded \$100 per person. Id. at 14. The campaign manager also provided an affidavit stating that to the best of her knowledge, such funds were used for lunches, poll watchers, and other election expenses, that no payments exceeded \$100, and that the records for these expenditures were kept with petty cash records that may have been thrown out during the winding down of the campaign. Id.

The Committee has provided no documentation, other than affidavits, demonstrating that these disbursements were for election day expenses. Moreover, it does not appear that the Committee maintained adequate records regarding cash disbursements, nor does it appear that such disbursements were properly itemized. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that the Committee violated 2 U.S.C. §§ 432(c)(5) and 434(b)(5)(A) and 11 C.F.R. § 102.9(b)(1)(i) and (ii).

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**IV. Discussion of Conciliation and Civil Penalty**

**RECOMMENDATIONS**

1. Find reason to believe that the Lynn Yeakel for Senate Committee, and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. §§ 432(c)(2) and (5), 434(b)(5)(A) and 441a(f); 11 C.F.R. §§ 102.9(a), (a)(1) and (3), (b)(1)(i) and (ii) and 110.4(c)(3);
2. Find reason to believe that Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, and Edgar Villchur violated 2 U.S.C. § 441a(a)(1)(A), but take no further action;
3. Find reason to believe that PAC 250, and Dean Vance, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), but take no further action;
4. Find reason to believe that the Indian American Political Affairs Committee - Pennsylvania Chapter violated 2 U.S.C. § 441a(a)(1)(A), but take no further action;
5. Enter into conciliation with the Lynn Yeakel for Senate Committee, and Sidney D. Rosenblatt, as treasurer, prior to a finding of probable cause to believe;
6. Approve the attached proposed Conciliation Agreement;
7. Approve the appropriate letters.

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Lawrence M. Noble  
General Counsel

7/7/95  
Date

By: Kim Bridget Coleman  
Kim Bright-Coleman  
Associate General Counsel

**Attachments:**

1. Referral Materials
2. "Schedule of Apparent Excessive Contributions"
3. Proposed Conciliation Agreement for the Lynn Yeakel for Senate Committee
4. Factual and Legal Analysis for the Lynn Yeakel for Senate Committee

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

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**SENSITIVE**

July 11, 1995

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble  
General Counsel

BY: Kim Bright-Coleman *KBC*  
Associate General Counsel

SUBJECT: MUR 4178 -- Errata

This Office is submitting an Errata to the First General Counsel's Report dated July 7, 1995 to the above-captioned MUR. The Recommendations section has been changed to include a specific recommendation that the Commission approve the attached proposed Factual and Legal Analyses for Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, Edgar Villchur, PAC 250, and Dean Vance, as treasurer, and the Indian American Political Affairs Committee - Pennsylvania Chapter. The Attachment section has also been changed to include the above-referenced Factual and Legal Analyses. These changes do not effect any substantive recommendations.

Attachments

Attorney Assigned: Andre G. Pineda

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RECOMMENDATIONS

1. Find reason to believe that the Lynn Yeakel for Senate Committee, and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. §§ 432(c)(2) and (5), 434(b)(5)(A) and 441a(f); 11 C.F.R. §§ 102.9(a), (a)(1) and (3), (b)(1)(i) and (ii) and 110.4(c)(3);
2. Find reason to believe that Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, and Edgar Villchur violated 2 U.S.C. § 441a(a)(1)(A), but take no further action;
3. Find reason to believe that PAC 250, and Dean Vance, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), but take no further action;
4. Find reason to believe that the Indian American Political Affairs Committee - Pennsylvania Chapter violated 2 U.S.C. § 441a(a)(1)(A), but take no further action;
5. Enter into conciliation with the Lynn Yeakel for Senate Committee, and Sidney D. Rosenblatt, as treasurer, prior to a finding of probable cause to believe;
6. Approve the attached proposed Conciliation Agreement;
7. Approve the attached proposed Factual and Legal Analyses for Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, Edgar Villchur, PAC 250, and Dean Vance, as Treasurer, and Indian American Political Affairs Committee - Pennsylvania Chapter (IAPAC); and
8. Approve the appropriate letters.

Lawrence M. Noble  
General Counsel

960437337  
7/11/95  
Date

By:

*Kim Bright-Coleman*  
Kim Bright-Coleman  
Associate General Counsel

**Attachments:**

1. Referral Materials
2. "Schedule of Apparent Excessive Contributions"
3. Proposed Conciliation Agreement for the Lynn Yeakel for Senate Committee
4. Factual and Legal Analysis for the Lynn Yeakel for Senate Committee
5. Factual and Legal Analysis for Elisa Critchlow
6. Factual and Legal Analysis for Eric Godshalk
7. Factual and Legal Analysis for Babette Josephs
8. Factual and Legal Analysis for Christopher Lutz
9. Factual and Legal Analysis for Nancy Meyer
10. Factual and Legal Analysis for Edgar Villchur
11. Factual and Legal Analysis for PAC 250, and Dean Vance, as Treasurer
12. Factual and Legal Analysis for Indian American Political Affairs Committee - Pennsylvania Chapter (IAPAC)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Lynn Yeakel for Senate and Sidney D. )  
Rosenblatt, as Treasurer; )  
Elisa Critchlow; )  
Eric Godshalk; )  
Babette Josephs; )  
Christopher Lutz; ) MUR 4178  
Nancy Meyer; )  
Edgar Villchur; )  
PAC 250 and Dean Vance, as Treasurer; )  
Indian American Political Affairs )  
Committee - Pennsylvania Chapter )  
(IAPAC). )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 14, 1995, the Commission decided by a vote of 4-0 to take the following actions in MUR 4178:

1. Find reason to believe that the Lynn Yeakel for Senate Committee and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. §§ 432(c)(2) and (5), 434(b)(5)(A) and 441a(f); 11 C.F.R. §§ 102.9(a), (a)(1) and (3), (b)(1)(i) and (ii) and 110.4(c)(3).
2. Find reason to believe that Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, and Edgar Villchur violated 2 U.S.C. § 441a(a)(1)(A), but take no further action.
3. Find reason to believe that PAC 250 and Dean Vance, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), but take no further action.
4. Find reason to believe that the Indian American Political Affairs Committee - Pennsylvania Chapter violated 2 U.S.C. § 441a(a)(1)(A), but take no further action.

(continued)

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5. Enter into conciliation with the Lynn Yeakel for Senate Committee and Sidney D. Rosenblatt, as treasurer, prior to a finding of probable cause to believe.
6. Approve the proposed Conciliation Agreement, as recommended in the General Counsel's Report dated July 11, 1995.
7. Approve the proposed Factual and Legal Analyses for Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, Edgar Villchur, PAC 250 and Dean Vance, as Treasurer, and Indian American Political Affairs Committee - Pennsylvania Chapter (IAPAC), as recommended in the General Counsel's Report dated July 11, 1995.
8. Approve the appropriate letters, as recommended in the General Counsel's Report dated July 11, 1995.

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

Attest:

7-14-95  
Date

*for Marjorie W. Emmett*  
Secretary of the Commission

Received in the Secretariat: Tues., July 11, 1995 3:32 p.m.  
Circulated to the Commission: Tues., July 11, 1995 4:00 p.m.  
Deadline for vote: Fri., July 14, 1995 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 20, 1995

Mr. Sidney D. Rosenblatt, Treasurer  
Lynn Yeakel for Senate  
3120 North 17th Street  
Philadelphia, PA 19132

RE: MUR 4178  
Lynn Yeakel for Senate  
Sidney D. Rosenblatt,  
as Treasurer

Dear Mr. Rosenblatt:

On July 14, 1995, the Federal Election Commission found that there is reason to believe that Lynn Yeakel for Senate ("the Committee") and you, as treasurer, violated 2 U.S.C. §§ 432(c)(2) and (5), 434(b)(5)(A) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and 11 C.F.R. §§ 102.9(a), (a)(1) and (3), (b)(1)(i) and (ii) and 110.4(c)(3), provisions of the implementing regulations to the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

If you are interested in expediting the resolution of this matter by pursuing probable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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Letter to Sidney Rosenblatt  
Lynn Yeakel for Senate  
MUR 4178  
Page -2-

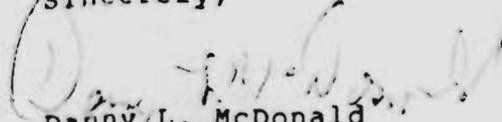
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel ordinarily will not give extensions beyond 20 days.

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

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Andre G. Pineda, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

  
Danny L. McDonald  
Chairman

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

cc: candidate

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FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

MUR: 4178

RESPONDENT: Lynn Yeakel for Senate,  
and Sidney D. Rosenblatt, Treasurer

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This matter was generated by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 437g(a)(2). Lynn Yeakel for Senate ("the Committee") registered with the Secretary of the Senate on January 22, 1992, as the principal campaign committee for Lynn Hardy Yeakel, a candidate for the United States Senate from the Commonwealth of Pennsylvania.<sup>1/</sup>

I. EXCESSIVE CONTRIBUTIONS FROM INDIVIDUALS

The Act prohibits persons from making contributions to candidates, their authorized committees or agents with respect to any election for federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

"Person" is defined, in part, to include an individual, a group of persons, and a committee. 2 U.S.C. § 431(11); 11 C.F.R. § 100.10.

A political committee means any committee, club, association, or other group of persons which receives contributions aggregating

<sup>1/</sup> Ms. Yeakel also designated two other authorized committees, Faces of Change/U.S. Senate (FOCUS), and Women . . . for a Change to act as fundraising representatives for the Committee and other participating committees.

in excess of \$1,000 or which makes expenditures aggregating in excess of \$1,000 during a calendar year. 2 U.S.C.

§ 431(4); 11 C.F.R. § 100.5(a). A multi-candidate committee means a political committee which: (i) has been registered with the Commission, Clerk of the House or Secretary of the Senate for at least six (6) months; (ii) has received contributions for Federal elections from more than 50 persons; and (iii) has made contributions to five (5) or more Federal candidates. 11 C.F.R. § 100.5(e)(3). A multi-candidate committee is prohibited from making contributions to any candidate, his or her authorized political committees or agent with respect to any election for Federal office which, in the aggregate, exceeds \$5,000. 2 U.S.C. § 441a(a)(2)(A); 11 C.F.R. § 110.2(b)(1).

No candidate or political committee shall knowingly accept any contribution which exceeds the contribution limitations. 2 U.S.C. § 441a(f). No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures. Id.

Contributions which on their face exceed the contribution limitations, and those that do not appear to be excessive on their face but which exceed the contribution limits when aggregated with other contributions from the same contributor, may be either: (1) deposited into a campaign depository, or (2) returned to the contributor. 11 C.F.R. § 103.3(b)(3). If such a contribution is deposited, the committee treasurer may request a written

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redesignation or reattribution of the contribution. Id. If no written redesignation or reattribution is obtained, the committee treasurer shall, within 60 days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

The Committee received excessive contributions totaling \$53,276 from 107 individuals. Of this amount, the Committee untimely refunded, redesignated, or reattributed portions of the excessive contributions totaling \$20,669 from 55 individuals.<sup>2/</sup> Id. The Committee has unresolved excessive contributions totaling \$32,607 (\$53,276-\$20,669) from 60 individuals.<sup>3/</sup> Id.

The treasurer did not refund or obtain written redesignations or reattributions of the excessive contribution amounts from the 107 individuals within 60 days from the Committee's receipt of the contributions. 11 C.F.R. §§ 110.1(b)(5)(ii)(A) and (B), and 103.3(b)(3). Additionally, the Committee did not establish a separate account for these excessive contributions nor did it maintain sufficient funds to make refunds.<sup>4/</sup> 11 C.F.R. § 103.3(b)(4). Therefore, the Commission has found that there is reason to believe that the Committee, and Sidney D. Rosenblatt, as

<sup>2/</sup> The exact dates when the Committee refunded, redesignated, or reattributed portions of the excessive contributions to each of these individuals is not known.

<sup>3/</sup> The referral materials identify eight individuals who have unresolved portions of excessive contributions in addition to having received untimely refunded, redesignated, or reattributed portions of their excessive contributions.

<sup>4/</sup> The only action taken by the Committee was the filing of amendments with the Commission disclosing that unresolved excessive contributions are Committee debts owed to the contributors.

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treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions totaling \$53,276.

**II. EXCESSIVE CONTRIBUTIONS FROM POLITICAL ACTION COMMITTEES**

The Committee received a \$5,000 contribution from a political committee, PAC 250. At the time PAC 250 made its contribution, it was not a multi-candidate committee. 11 C.F.R. § 100.5(e)(3). Therefore, PAC 250 had a contribution limit of \$1,000. 2 U.S.C. §§ 431(11) and 441a(a)(1)(A). The Committee has not refunded the excessive portion of this contribution to PAC 250.<sup>5/</sup>

The referral materials also identify a \$3,000 contribution to the Committee by the Indian American Political Affairs Committee - Pennsylvania Chapter (IAPAC). By making this expenditure, IAPAC became a political committee. 11 C.F.R. § 100.5(a). However, IAPAC is an unregistered political committee that does not satisfy the definition of a multi-candidate committee as set forth at 11 C.F.R. § 100.5(e)(3). Therefore, IAPAC is a "person" with a contribution limit of \$1,000. 2 U.S.C. §§ 431(11) and 441a(a)(1)(A). The Committee has not refunded the excessive portion of this contribution to IAPAC.<sup>6/</sup> Therefore, the Commission has found that there is reason to believe that the Committee, and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions totaling \$6,000.

<sup>5/</sup> The only action taken by the Committee was the filing of a Schedule D on March 3, 1994 disclosing a \$4,000 refund payable to PAC 250.

<sup>6/</sup> The only action taken by the Committee was the filing of a Schedule D disclosing the unresolved excessive contribution to IAPAC as a debt owed to IAPAC.

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### III. UNDOCUMENTED CASH RECEIPTS

No person shall make contributions of currency of the United States which, in the aggregate, exceeds \$100 to or for the benefit of any candidate for election to Federal office. 2 U.S.C. § 441g and 11 C.F.R. § 110.4(c)(1). A candidate or committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor. 11 C.F.R. § 110.4(c)(2).

The treasurer of a political committee shall establish an accounting procedure for all contributions that are received by or on behalf of the political committee. 11 C.F.R. § 102.9(a). For contributions in excess of \$50, such accounting procedure shall include the name and address of the contributor, the date of receipt and the amount of the contribution. 2 U.S.C. § 432(c)(2) and 11 C.F.R. § 102.9(a)(1). If the contributions are from a political committee, the accounting procedure shall include the identification of the political committee, the date of receipt, and the amount of such contribution. 11 C.F.R. § 102.9(a)(3). A candidate or committee receiving an anonymous cash contribution in excess of \$50 shall promptly dispose of the amount over \$50. 11 C.F.R. § 110.4(c)(3). The amount over \$50 may be used for any lawful purpose unrelated to any Federal election, campaign, or candidate. Id. For events involving cash contributions of less than \$50, the Commission has determined that a committee may satisfy recordkeeping requirements by keeping an account of the name and address of each contributor or "record the name of the event, the date(s) contributions were received for that event, and the total amount of contributions received on each day for that

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event." Advisory Opinion ("AO") 1980-99; see also 11 C.F.R. § 102.9(a).

On November 9, 1992, the Committee made a cash deposit of \$6,878. The Committee had no documentation for this deposit. However, the referral materials indicate that during the audit exit conference, a Committee representative told the Audit Division that the \$6,878 deposit consisted of a \$5,000 contribution from the Pennsylvania Democratic State Committee ("PDSC") and \$1,878 in receipts from the sale of T-shirts. The Committee representative told the Audit Division that the Committee cashed a \$5,000 check from the PDSC, and intended to use the money on election day, but that the Committee instead redeposited the money after the election into a Committee account.<sup>7/</sup> The Committee provided no documentation during the exit conference to support its assertion that the \$1,878 deposit was for the sale of T-shirts.<sup>8/</sup>

In response to the Interim Audit Report finding on this issue, the Committee treasurer stated that he made numerous unsuccessful requests to the Pennsylvania Democratic Party for a

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7/ The PDSC did not report such a contribution to the Committee. Moreover, the Committee did not report such a contribution from the PDSC until it filed amended reports with the Commission on March 3, 1994.

8/ The Committee provided the Audit Division with an invoice dated July 14, 1992 stating that 1,000 items were imprinted and another invoice dated July 28, 1992 stating that the Committee had paid for these items. It is not clear from these invoices whether the imprinted items were T-shirts. On March 3, 1994, the Committee filed an amended report stating that the Committee received \$1,878 from the sale of T-shirts.

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copy of the PDSC check.<sup>9/</sup> The Committee treasurer also provided affidavits from the assistant campaign treasurer and campaign manager stating that the campaign manager instructed the assistant campaign treasurer to go to the Pennsylvania Democratic Party in Harrisburg and retrieve a \$5,000 check for election day expenses. Moreover, the assistant campaign treasurer states that the Pennsylvania Democratic Party told him to cash the check in Harrisburg and to bring the cash back to the campaign office. The treasurer and campaign manager further stated that the Committee kept detailed receipts and disbursements from the sale of campaign materials, including T-shirts, but that such records were either misplaced or thrown out during the winding down of the campaign. No additional information was provided regarding the PDSC check or the T-shirt monies.

The Committee has provided no documentation, other than affidavits, demonstrating that the \$6,878 deposit consisted of \$5,000 in cash from the PDSC and \$1,878 in cash from T-Shirt sales. Due to the lack of documentation, this Office believes that the \$5,000 cash deposit should be treated as an anonymous cash contribution pursuant to 11 C.F.R. § 110.4(c)(3). The Committee has not disposed of these monies in a manner that is unrelated to any Federal election, campaign, or candidate. Additionally, this Office believes that the \$1,878 cash deposit should be treated as the total amount received by the Committee from contributions of less than \$50 because it appears that this

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<sup>9/</sup> The Committee treasurer also stated that the PDSC does not have records from 1992.

deposit, although undocumented, consists of monies from T-Shirt sales. As a result, the Committee failed keep an account of the name and address of each contributor or "record the name of the event, the date(s) contributions were received for that event, and the total amount of contributions received on each day for that event." AO 1980-99; see also 11 C.F.R. § 102.9(a). Therefore, the Commission has found that there is reason to believe that the Committee violated 2 U.S.C. § 432(c)(2) and 11 C.F.R. §§ 102.9(a), (a)(1) and (3) and 110.4(c)(3).

**IV. CHECKS MADE PAYABLE TO CASH**

Each report filed by a committee shall disclose the name and address of each person to whom it made an operating expenditure when the value or aggregate amount of that expenditure exceeds \$200 within the calendar year, as well as the date, amount, and purpose for such an expenditure(s). 2 U.S.C. § 434(b)(5)(A). The treasurer of a political committee shall also keep an account of the name and address of every person to whom any disbursement is made in excess of \$200, and the date, amount, and purpose of such a disbursement. 2 U.S.C. § 432(c)(5). Additionally, the treasurer of a political committee or an agent authorized by the treasurer to receive contributions and make expenditures shall keep an account of all disbursements made by or on behalf of the political committee, including the name, address, date, amount, and purpose of the disbursement. 11 C.F.R. § 102.9(b)(1)(i) and (ii). All disbursements by a political committee, except for expenditures of less than \$100 or disbursements from a petty cash fund, shall be by check or similar draft account drawn on an

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account at its designated campaign depository. 11 C.F.R. §§ 102.10 and 103.3(a). A political committee may maintain a petty cash fund to make expenditures of less than \$100 to any person per purchase or transaction. 11 C.F.R. § 102.11. If such a fund is used, the treasurer shall keep and maintain a written journal of all disbursements, including the name and address of every person to whom a disbursement is made, as well as the date, amount, and purpose of the disbursement. Id.

During the audit, the Audit staff identified two checks made payable to cash for \$5,000 and \$2,000, respectively, that were negotiated on April 27, 1992.<sup>10/</sup> Reports filed by the Committee identified the payees as "cash," and stated that these disbursements were for "election day expenses." No petty cash journal or other disbursement documentation was provided for these disbursements.

The referral materials indicate that during the exit conference, a Committee representative stated that the funds were used for lunches and payments to poll watchers. In response to the Interim Audit Report, the Committee treasurer stated that these funds were for poll watchers and meals. The Committee asserted that receipts were maintained and no payment exceeded \$100 per person. The campaign manager also provided an affidavit stating that to the best of her knowledge, such funds were used for lunches, poll watchers, and other election expenses, that no payments exceeded \$100, and that the records for these

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<sup>10/</sup> These checks were negotiated one day before the Pennsylvania Senate Primary.

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expenditures were kept with petty cash records that may have been thrown out during the winding down of the campaign.

The Committee has provided no documentation, other than affidavits, demonstrating that these disbursements were for election day expenses. Moreover, it does not appear that the Committee maintained adequate records regarding cash disbursements, nor does it appear that such disbursements were properly itemized. Therefore, the Commission has found that there is reason to believe that the Committee violated 2 U.S.C. §§ 432(c)(5) and 434(b)(5)(A) and 11 C.F.R. § 102.9(b)(1)(i) and (ii).

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 20, 1995

Ms. Elisa Critchlow  
951 Bayridge Ave.  
Pittsburgh, PA 15276

Re: MUR 4178

Dear Ms. Critchlow:

On July 14, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed the file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that your contributions to the Lynn Yeakel for Senate Committee totaling \$2,195 appears to be a violation of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

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

Sincerely,

  
Danny E. McDonald  
Chairman

Enclosure  
Factual and Legal Analysis

96043133753

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Elisa Critchlow

MUR: 4178

This matter was generated by information obtained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 437g(a)(2). The information is based on contributions made to Lynn Yeakel for Senate ("the Committee").

The Act limits the amount that an individual may contribute to any candidate to \$1,000 with respect to any Federal election. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

Elisa Critchlow made contributions to the Committee totaling \$2,195, which exceeded her individual contribution limitation by \$1,195.

Therefore, the Commission has found that there is reason to believe that Elisa Critchlow violated 2 U.S.C. § 441a(a)(1)(A) by making contributions to the Committee in excess of her individual contribution limitation.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 20, 1995

Mr. Eric Godshalk  
456 Glyn Wynne Road  
Haverford, PA 19041

Re: MUR 4178

Dear Mr. Godshalk:

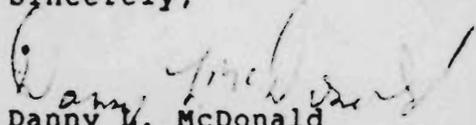
On July 14, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed the file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that your contributions to the Lynn Yeakel for Senate Committee totaling \$2,500 appears to be a violation of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

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

Sincerely,

  
Danny V. McDonald  
Chairman

Enclosure  
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Eric Godshalk      MUR: 4178

This matter was generated by information obtained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 437g(a)(2). The information is based on contributions made to Lynn Yeakel for Senate ("the Committee").

The Act limits the amount that an individual may contribute to any candidate to \$1,000 with respect to any Federal election. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

Eric Godshalk made contributions to the Committee totaling \$2,500, which exceeded his individual contribution limitation by \$1,500. Therefore, the Commission has found that there is reason to believe that Eric Godshalk violated 2 U.S.C. § 441a(a)(1)(A) by making contributions to the Committee in excess of his individual contribution limitation.

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20461

July 20, 1995

Ms. Babette Josephs  
1937 Waverly Road  
Philadelphia, PA 19146

Re: MUR 4178

Dear Ms. Josephs:

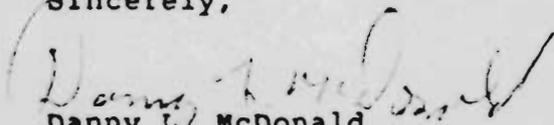
On July 14, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed the file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that your contributions to the Lynn Yeakel for Senate Committee totaling \$2,500 appears to be a violation of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

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

Sincerely,

  
Danny L. McDonald  
Chairman

Enclosure  
Factual and Legal Analysis

960433757

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Babette Josephs

MUR: 4178

This matter was generated by information obtained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 437g(a)(2). The information is based on contributions made to Lynn Yeakel for Senate ("the Committee").

The Act limits the amount that an individual may contribute to any candidate to \$1,000 with respect to any Federal election. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

Babette Josephs made contributions to the Committee totaling \$2,500, which exceeded her individual contribution limitation by \$1,500.

Therefore, the Commission has found that there is reason to believe that Babette Josephs violated 2 U.S.C. § 441a(a)(1)(A) by making contributions to the Committee in excess of her individual contribution limitation.

96043733758



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

July 20, 1995

Mr. Christopher Lutz  
P.O. Box 26  
S. Woodstock, VT 05071

Re: MUR 4178

Dear Mr. Lutz:

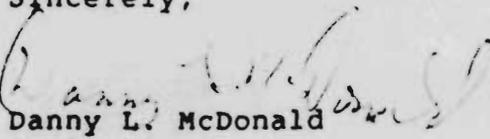
On July 14, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed the file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that your contributions to the Lynn Yeakel for Senate Committee totaling \$2,500 appears to be a violation of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

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

Sincerely,

  
Danny L. McDonald  
Chairman

Enclosure  
Factual and Legal Analysis

96043759

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Christopher Lutz                      MUR: 4178

This matter was generated by information obtained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 437g(a)(2). The information is based on contributions made to Lynn Yeakel for Senate ("the Committee").

The Act limits the amount that an individual may contribute to any candidate to \$1,000 with respect to any Federal election. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

Christopher Lutz made contributions to the Committee totaling \$2,500, which exceeded his individual contribution limitation by \$1,500.

Therefore, the Commission has found that there is reason to believe that Christopher Lutz violated 2 U.S.C. § 441a(a)(1)(A) by making contributions to the Committee in excess of his individual contribution limitation.

96043133760



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

July 20, 1995

Ms. Nancy Meyer  
684 Broadway #6E  
New York, NY 10012

Re: MUR 4178

Dear Ms. Meyer:

On July 14, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed the file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that your contributions to the Lynn Yeakel for Senate Committee totaling \$3,075 appears to be a violation of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

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

Sincerely,

  
Danny L. McDonald  
Chairman

Enclosure  
Factual and Legal Analysis

96043133761

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Nancy Meyer

MUR: 4178

This matter was generated by information obtained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 437g(a)(2). The information is based on contributions made to Lynn Yeakel for Senate ("the Committee").

The Act limits the amount that an individual may contribute to any candidate to \$1,000 with respect to any Federal election. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

Nancy Meyer made contributions to the Committee totaling \$3,075, which exceeded her individual contribution limitation by \$2,075.

Therefore, the Commission has found that there is reason to believe that Nancy Meyer violated 2 U.S.C. § 441a(a)(1)(A) by making contributions to the Committee in excess of her individual contribution limitation.

26043733752



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20461

July 20, 1995

Mr. Edgar Villchur  
P.O. Box 306  
Woodstock, NY 12498

Re: MUR 4178

Dear Mr. Villchur:

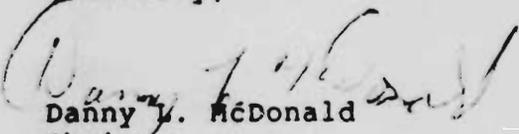
On July 14, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed the file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that your contributions to the Lynn Yeakel for Senate Committee totaling \$3,000 appears to be a violation of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

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

Sincerely,

  
Danny L. McDonald  
Chairman

Enclosure  
Factual and Legal Analysis

960433763

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Edgar Villchur MUR: 4178

This matter was generated by information obtained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 437g(a)(2). The information is based on contributions made to Lynn Yeakel for Senate ("the Committee").

The Act limits the amount that an individual may contribute to any candidate to \$1,000 with respect to any Federal election. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

Edgar Villchur made contributions to the Committee totaling \$3,000, which exceeded his individual contribution limitation by \$2,000.

Therefore, the Commission has found that there is reason to believe that Edgar Villchur violated 2 U.S.C. § 441a(a)(1)(A) by making contributions to the Committee in excess of his individual contribution limitation.

960433754



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 20, 1995

Mr. Dean Vance, Treasurer  
PAC 250  
P.O. Box 42696  
Philadelphia, PA 19101

Re: MUR 4178

Dear Mr. Vance:

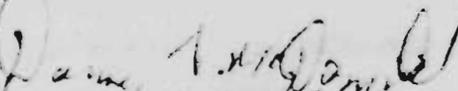
On July 14, 1995, the Federal Election Commission found reason to believe that PAC 250 ("the Committee"), and you, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed the file as it pertains to the Committee and you, as treasurer. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that Committee's \$5,000 contribution to the Lynn Yeakel for Senate Committee appears to be a violation of 2 U.S.C. § 441a(a)(1)(A). The Committee, and you, as treasurer, should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

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

Sincerely,

  
Danny E. McDonald

Enclosure  
Factual and Legal Analysis

96043733765

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: PAC 250, and Dean Vance,  
as Treasurer

MUR: 4178

This matter was generated by information obtained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 437g(a)(2). The information is based on contributions made to Lynn Yeakel for Senate ("the Committee").

The Act limits the amount that a person may contribute to any candidate to \$1,000 with respect to any Federal election. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1). "Person" is defined, in part, to include an individual, a group of persons, and a committee. 2 U.S.C. § 431(11); 11 C.F.R. § 100.10. A political committee means any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or which makes expenditures aggregating in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4); 11 C.F.R. § 100.5(a). A multi-candidate committee means a political committee which: (i) has been registered with the Commission, Clerk of the House or Secretary of the Senate for at least six (6) months; (ii) has received contributions for Federal elections from more than 50 persons; and (iii) has made contributions to five (5) or more Federal candidates. 11 C.F.R. § 100.5(e)(3). A multi-candidate committee is prohibited from making contributions

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to any candidate, his or her authorized political committees or agent with respect to any election for Federal office which, in the aggregate, exceeds \$5,000. 2 U.S.C. § 441a(a)(2)(A); 11 C.F.R. § 110.2(b)(1).

PAC 250 made a \$5,000 contribution to the Committee. At the time it made the contribution, PAC 250 was not a multi-candidate committee. 11 C.F.R. § 100.5(e)(3). Therefore, PAC 250 had a contribution limit of \$1,000. 2 U.S.C. §§ 431(11) and 441a(a)(1)(A). As a result of its contribution, PAC 250 exceeded its contribution limitation by \$4,000.

Therefore, the Commission has found that there is reason to believe that PAC 250, and Dean Vance, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making a contribution to the Committee in excess of its contribution limitation.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 20, 1995

Indian American Political  
Affairs Committee - Pennsylvania  
Chapter (IAPAC)  
25 Mill Lane  
Frazier, PA 19355

Re: MUR 4178

To Whom It May Concern:

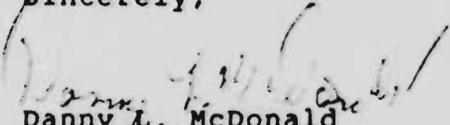
On July 14, 1995, the Federal Election Commission found reason to believe that the Indian American Political Affairs Committee - Pennsylvania Chapter (IAPAC) ("the Committee") violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed the file as it pertains to the Committee. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for the Committee's information.

The Commission reminds the Committee that its \$3,000 contribution to the Lynn Yeakel for Senate Committee appears to be a violation of 2 U.S.C. § 441a(a)(1)(A). The Committee should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. The Committee is advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

If the Committee has any questions, please contact Andre G. Pineda, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

  
Danny L. McDonald  
Chairman

Enclosure  
Factual and Legal Analysis

960433768

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Indian American Political  
Affairs Committee - Pennsylvania Chapter (IAPAC)

MUR: 4178

This matter was generated by information obtained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 437g(a)(2). The information is based on contributions made to Lynn Yeakel for Senate ("the Committee").

The Act limits the amount that a person may contribute to any candidate to \$1,000 with respect to any Federal election. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1). "Person" is defined, in part, to include an individual, a group of persons, and a committee. 2 U.S.C. § 431(11); 11 C.F.R. § 100.10. A political committee means any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or which makes expenditures aggregating in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4); 11 C.F.R. § 100.5(a). A multi-candidate committee means a political committee which: (i) has been registered with the Commission, Clerk of the House or Secretary of the Senate for at least six (6) months; (ii) has received contributions for Federal elections from more than 50 persons; and (iii) has made contributions to five (5)

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or more Federal candidates. 11 C.F.R. § 100.5(e)(3). A multi-candidate committee is prohibited from making contributions to any candidate, his or her authorized political committees or agent with respect to any election for Federal office which, in the aggregate, exceeds \$5,000. 2 U.S.C. § 441a(a)(2)(A); 11 C.F.R. § 110.2(b)(1).

The Indian American Political Affairs Committee - Pennsylvania Chapter (IAPAC) made a \$3,000 contribution to the Committee. By making this expenditure, IAPAC became a political committee. 11 C.F.R. § 100.5(a). However, IAPAC is an unregistered political committee that does not satisfy the definition of a multi-candidate committee as set forth at 11 C.F.R. § 100.5(e)(3).<sup>1/</sup> Therefore, IAPAC is a "person" with a contribution limit of \$1,000. 2 U.S.C. §§ 431(11) and 441a(a)(1)(A). As a result of its contribution, IAPAC exceeded its contribution limitation by \$2,000.

Therefore, the Commission has found that there is reason to believe that Indian American Political Affairs Committee - Pennsylvania Chapter (IAPAC) violated 2 U.S.C. § 441a(a)(1)(A) by making a contribution to the Committee in excess of its contribution limitation.

<sup>1/</sup> As a result of its contribution to the Committee, IAPAC was required to file a Statement of Organization with the Commission no later than October 12, 1992. 2 U.S.C. § 433(a); see also 11 C.F.R. § 102.1(d). Moreover, IAPAC was required to file reports of receipts and disbursements containing required disclosure information. 2 U.S.C. §§ 434(a)(1) and (4) and (b); see also 11 C.F.R. §§ 104.1(a) and 104.3. Notwithstanding these requirements, IAPAC failed to register with the Commission and failed to file required disclosure reports.

96043733770

July 24, 1995

Danny McDonald, Chairman  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Dear Mr. McDonald:

I enclose copies of correspondence I received today from the Federal Election Commission. The envelope return address says "OGC: Holloway," and the attorney is listed as Andre G. Pineda. The MUR number is 4178.

I think of the Commission as an agency protecting me against improper and illegal election practices, and I am disturbed that you have taken an action that I believe to be wrong: You say I violated 2 U.S.C. & 441a(a)(1)(A) by contributing \$3000, an excess of \$2000 over the legal limit, to the "Lynn Yeakel for Senate Committee".

I enclose a photocopy of a check for \$2000 made out to "Lynn Yeakel for U.S. Senate," dated July 10, 1992. The check is signed by both my wife, Rosemary Villchur, and me. It is drawn on our joint account at Shearson Lehman Brothers (now Smith Barney); both names are printed on the check. The record of this check being cashed appears in our July, 1992 monthly statement from Shearson Lehman; cancelled checks aren't returned, although photocopies can be ordered. This check is a contribution of \$1000 from my wife and \$1000 from me, each within the legal limit, to the Lynn Yeakel election campaign.

My wife and I also made earlier contributions -- \$1000 each -- to Lynn Yeakel's primary campaign, this time on separate checks from each of us. Neither my wife nor I made any other contributions to Lynn Yeakel's senate campaign. I called Mr. Pineda, and he confirmed my understanding that under federal law the \$1000 limit per person applies separately to primaries and general elections. I believe strongly in keeping election contributions limited and within the law, and although your letter says no further action will be taken in my case and the file is closed, I would like the record to be corrected.

Sincerely yours,



Edgar Villchur

enc.

95043733771



FEDERAL ELECTION COMMISSION

July 20, 1995

Mr. Edgar Villchur  
P.O. Box 306  
Woodstock, NY 12498

Re: MUR 4178

Dear Mr. Villchur:

On July 14, 1995, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed the file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that your contributions to the Lynn Yeakel for Senate Committee totaling \$3,000 appears to be a violation of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

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

Sincerely,

Danny L. McDonald  
Chairman

Enclosure  
Factual and Legal Analysis

9604373772

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Edgar Villchur MUR: 4178

This matter was generated by information obtained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 437g(a)(2). The information is based on contributions made to Lynn Yeakel for Senate ("the Committee").

The Act limits the amount that an individual may contribute to any candidate to \$1,000 with respect to any Federal election. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

Edgar Villchur made contributions to the Committee totaling \$3,000, which exceeded his individual contribution limitation by \$2,000.

Therefore, the Commission has found that there is reason to believe that Edgar Villchur violated 2 U.S.C. § 441a(a)(1)(A) by making contributions to the Committee in excess of his individual contribution limitation.

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96043133714

**SHEARSON  
LEHMAN  
BROTHERS** **EDGAR VILLCHUR  
ROSEMARY VILLCHUR** 595

July 10 1992

Pay to the Order of Lynn Yeland for U.S. Senate \$ 2000<sup>00</sup>/<sub>100</sub>

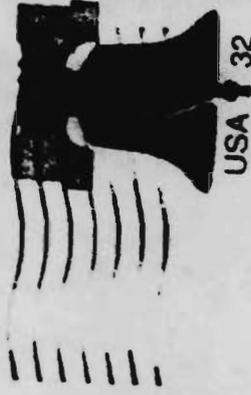
Two thousand and no/100ths Dollars

FINANCIAL MANAGEMENT ACCOUNT<sup>SM</sup>  
 Boston Safe Deposit and Trust Company  
 One Boston Place, Boston, MA 02108

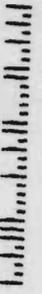
Rosemary Villchur  
Edgar Villchur

96043733775

Edgar Villchur  
P.O. Box 306  
Woodstock, NY 12498



Danny McDonald, Chairman  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463



LAW OFFICES

**OBERMAYER, REBMANN, MAXWELL & HIPPEL**

PACKARD BUILDING - 14TH FLOOR

S. E. CORNER 15TH AND CHESTNUT STREETS

PHILADELPHIA, PA 19102-2666

(215) 566-3000

FAX (215) 566-1566

LAWRENCE J. TABAS  
DIRECT DIAL (215) 566-3188

July 27, 1995

Andre G. Pineda, Esquire  
Federal Election Commission  
999 E Street NW  
Room 657  
Washington, DC 20463

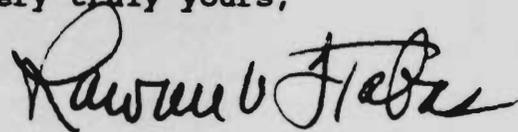
RE: MUR 4178  
LYNN YEAKEL FOR SENATE  
SIDNEY D. ROSENBLATT AS TREASURER

Dear Mr. Pineda:

We are counsel to Lynn Yeakel for Senate, Sidney D. Rosenblatt, Treasurer, and this is in reply to the letter of July 20, 1995 from Danny L. McDonald, Chairman of the Federal Election Commission to the Committee and Mr. Rosenblatt. I am enclosing the Statement of Designation of Counsel signed by the treasurer authorizing this firm to represent Lynn Yeakel for Senate and Sidney D. Rosenblatt in connection with the matters raised in the letter of July 20, 1995.

I will be in touch with you shortly regarding our response.

Very truly yours,



LAWRENCE J. TABAS

LJT:dmf  
wp/ljt/letters/.  
bx0

JUL 31 10 21 AM '95  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

96043133776

**STATEMENT OF DESIGNATION OF COUNSEL**

MUR 4178

NAME OF COUNSEL: Lawrence J. Tabas, Esquire

ADDRESS: Obermayer, Rebmann, Maxwell & Hippel  
The Packard Building, 14th Floor  
Philadelphia, PA 19102

TELEPHONE: 215-665-3158

Jan 31 10 22 AM '95

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

The above-named individual is hereby designated as my  
counsel and is authorized to receive any notifications and other  
communications from the Commission and to act on my behalf before  
the Commission.

7/26/95  
Date

Sidney D. Rosenblatt Treasurer  
Signature

RESPONDENT'S NAME: Lynn Yeakel for Senate  
Sidney D. Rosenblatt, as Treasurer

ADDRESS: 3120 North 17th Street  
Philadelphia, PA 19132

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: 215-229-4990

96043733777



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 15, 1995

Mr. Lawrence J. Tabas  
Obermayer, Rebmann, Maxwell  
and Hippel  
Packard Building - 14th Floor  
S.E. Corner 15th and Chestnut Street  
Philadelphia, PA 19102-2688

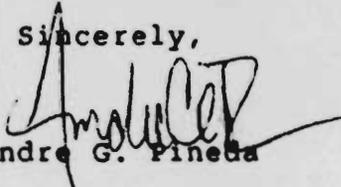
Re: MUR 4178  
Lynn Yeakel for Senate, et al.

Dear Mr. Tabas:

This letter is to confirm our telephone conversation of August 11, 1995. Specifically, this letter confirms that the Office of General Counsel has granted your verbal request to extend the time period to respond to the violations stated in the Factual and Legal Analysis for the Lynn Yeakel for Senate Committee and Sidney D. Rosenblatt, as treasurer, until August 31, 1995.

Please forward any response or documentation concerning MUR 4178 to the Federal Election Commission, Office of General Counsel, 999 E. Street, N.W., Attention: Andre G. Pineda, Washington, D.C. 20463.

Sincerely,

  
Andre G. Pineda

9604373378

LAW OFFICES

OBERMAYER, REBMANN, MAXWELL & HIPPEL

PACKARD BUILDING - 14TH FLOOR

S.E. CORNER 15TH AND CHESTNUT STREETS

PHILADELPHIA, PA 19102-2688

(215) 566-3000

FAX (215) 566-1566

LAWRENCE J. TABAS  
DIRECT DIAL (215) 566-3158

August 14, 1995

VIA TELECOPY  
#202-219-3923

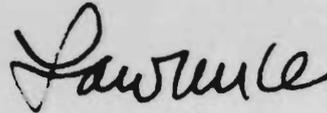
Andre G. Pineda, Esquire  
Federal Election Commission  
999 E Street NW  
Room 657  
Washington, DC 20463

RE: MUR 4178  
LYNN YEAKEL FOR SENATE  
SIDNEY D. ROSENBLATT AS TREASURER

Dear Mr. Pineda:

Thank you for your call of August 11th confirming that the FEC has consented to extend the deadline to resolve our dispute until August 31, 1995. I appreciate the cooperation of the FEC, and I look forward to hearing from you with respect to our offer of settlement and compromise.

Very truly yours,



LAWRENCE J. TABAS

LJT:dmf  
cc: Sidney D. Rosenblatt  
wp/ljt/yeakl/.ab7

95.08.11 11:58 AM '95  
RECEIVED  
FEDERAL ELECTION COMMISSION  
WASHINGTON, DC

9604333779

LAW OFFICES  
WELCH, GRAHAM AND MANBY  
HOLIDAY INN DRIVE  
P.O. BOX 858  
WHITE RIVER JUNCTION, VT. 05001-0858

DONALD A. GRAHAM  
PETER F. WELCH  
C. ROBERT MANBY, JR.

MAUREEN RAGAN\*

\* ALSO ADMITTED IN NH

TELEPHONE

802-295-9347

September 29, 1995

Andre Pineda  
Federal Election Commission  
999 E Street NW  
Washington, DC. 20463

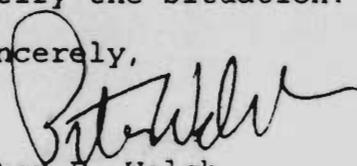
RE: Christopher Lutz  
MUR: 4178

Dear Mr. Pineda:

I attempted to reach you by telephone several times on September 28, 1995 but without success. On behalf on Mr. Lutz I wanted to inquire whether anything further needed to be done. It appears the Commission has found a violation but informed Mr. Lutz that it does not intend to take any action. This was a mistake on his behalf and it appears that the Commission, if I understand their decision correctly, plans to take no further action.

I wanted to confirm this understanding with you and also inquire as to whether there was anything further that must be done by Mr. Lutz in order to rectify the situation.

Sincerely,

  
Peter F. Welch

PFW/lld  
cc: Christopher Lutz

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
FAX 802-295-9347  
OCT 4 11 24 AM '95

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

Jan 18 12 12 PM '96

In the Matter of

Lynn Yeakel for Senate,  
and Sidney D. Rosenblatt,  
as Treasurer

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MUR 4178

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

On July 14, 1995, the Commission found reason to believe that Lynn Yeakel for Senate ("the Committee") and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. §§ 432(c)(2), 434(b)(5)(A) and 441a(f)(a)(1)(A), and 11 C.F.R. §§ 102.9(a), (a)(1) and (3), 102.9(b)(1)(i) and (ii) and 110.4(c)(3). The Commission also authorized this Office to enter into conciliation negotiations with the Committee and Mr. Rosenblatt prior to a finding of probable cause to believe that any violations occurred.

II. DISCUSSION

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**III. RECOMMENDATIONS**

1. Approve the draft agreement with the Lynn Yeakel for Senate Committee, and Sidney D. Rosenblatt, as treasurer;
2. Close the file with respect to the Lynn Yeakel for Senate Committee, and Sidney D. Rosenblatt, as treasurer;
3. Send the appropriate letter.

Lawrence M. Noble  
General Counsel

1/18/96  
Date

BY: Kim Bright-Coleman  
Kim Bright-Coleman  
Associate General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Lynn Yeakel for Senate and Sidney D. ) MUR 4178  
Rosenblatt, as Treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 23, 1996, the Commission decided by a vote of 5-0 to take the following actions in MUR 4178:

1. Approve the draft agreement with the Lynn Yeakel for Senate Committee and Sidney D. Rosenblatt, as treasurer, as recommended in the General Counsel's Report dated January 18, 1996.
2. Close the file with respect to the Lynn Yeakel for Senate Committee and Sidney D. Rosenblatt, as treasurer.
3. Send the appropriate letter, as recommended in the General Counsel's Report dated January 18, 1996.

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

Attest:

1-23-96  
Date

Marjorie W Emmons  
Marjorie W. Emmons  
Secretary of the Commission

Received in the Secretariat:	Thurs., Jan. 18, 1996	12:12 p.m.
Circulated to the Commission:	Thurs., Jan. 18, 1996	4:00 p.m.
Deadline for vote:	Tues., Jan. 23, 1996	4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

February 6, 1996

Mr. Lawrence J. Tabas  
Obermayer, Rebmann, Maxwell and Hippel  
Packard Building - 14th Floor  
S.E. Corner 15th and Chestnut Streets  
Philadelphia, PA 19102-2688

Re: MUR 4178

Dear Mr. Tabas:

On January 29, 1996 and January 30, 1996, I left messages with your secretary and your voice mail informing you that the Federal Election Commission ("Commission") took action with respect to the Lynn Yeakel for Senate Committee and Sidney D. Rosenblatt, as treasurer. Unfortunately, I have not been able to speak with you directly about this matter.

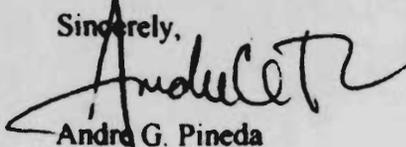
On January 23, 1996, the Commission voted to approve a draft conciliation agreement ("agreement") based upon the recommendation of the Office of the General Counsel.

As a result of the Commission's action, I am enclosing a copy of the approved conciliation agreement. As attorney for the Respondents, you are permitted to sign the agreement on their behalf. Once you have signed the agreement, please return the original to my attention in the enclosed envelope. When you return the signed agreement, you may also enclose a check made payable to the United States Treasury. Otherwise, the Respondents have 30 days from the date the agreement becomes effective to make payment. See enclosed agreement. Upon receipt of the signed agreement, this matter will be closed and placed on the public record. You will receive an additional letter notifying you of such action, as well as a copy of the agreement.

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If you have any questions, please do not hesitate to contact me at (202) 219-3690. Thank you in advance for your cooperation.

Sincerely,



Andre G. Pineda  
Attorney

Enclosures

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

FEB 6 3 50 PM '95

**SENSITIVE**

In the Matter of

Lynn Yeakel for Senate,  
and Sidney D. Rosenblatt,  
as Treasurer

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MUR 4178

**GENERAL COUNSEL'S REPORT**

On July 14, 1995, the Commission found reason to believe that Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, Edgar Villchur, PAC 250, and Dean Vance, as treasurer, and the Indian American Political Affairs Committee - Pennsylvania Chapter violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to Lynn Yeakel for Senate.<sup>1</sup> However, the Commission decided to take no further action against these individuals and entities. Nevertheless, the Office of General Counsel did not make a recommendation to close the file with respect to these individuals and entities.

The Office of General Counsel recommends that the Commission make a specific finding to close the file for Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, Edgar Villchur, PAC 250, and Dean Vance, as treasurer, and the Indian American Political Affairs Committee - Pennsylvania Chapter.

<sup>1</sup> On January 23, 1996, the Commission approved a draft conciliation agreement with Lynn Yeakel for Senate and Sidney D. Rosenblatt, as treasurer. On the same date, the Commission voted to close the file with respect to the Committee and Mr. Rosenblatt.

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**III. RECOMMENDATIONS**

1. **Close the file with respect to Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, Edgar Villchur, PAC 250, and Dean Vance, as treasurer, and the Indian American Political Affairs Committee - Pennsylvania Chapter**
2. **Send the appropriate letters.**

Lawrence M. Noble  
General Counsel

2/6/96  
Date

Kim Bright-Coleman  
BY: Kim Bright-Coleman  
Associate General Counsel

96043733788

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Lynn Yeakel for Senate and ) MUR 4178  
Sidney D. Rosenblatt, as treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 12, 1996, the Commission decided by a vote of 5-0 to take the following actions in MUR 4178:

1. Close the file with respect to Elisa Critchlow, Eric Godshalk, Babette Josephs, Christopher Lutz, Nancy Meyer, Edgar Villchur, PAC 250, and Dean Vance, as treasurer, and the Indian American Political Affairs Committee - Pennsylvania Chapter.
2. Send the appropriate letters, as recommended in the General Counsel's Report dated February 6, 1996.

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

Attest:

2/13/96  
Date

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

Received in the Secretariat:	Tues., Feb. 06, 1996	3:50 p.m.
Circulated to the Commission:	Wed., Feb. 07, 1996	11:00 a.m.
Deadline for vote:	Mon., Feb. 12, 1996	4:00 p.m.

bjr

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

MAR 12 11 04 AM '96



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20463

3/11/96

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton  
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Lynn Yeake  
for Senate, check number 363416, dated  
2/29/96, and in the amount of \$32,911.97.  
Attached is a copy of the check and any correspondence that  
was forwarded. Please indicate below the account into which  
it should be deposited, and the MUR number and name.

-----

TO: Rosa E. Swinton  
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of  
\$32,911.97, the MUR number is 4178 and in the name of  
Lynn Yeake for Senate. The account into  
which it should be deposited is indicated below:

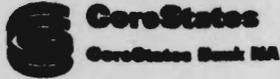
- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: \_\_\_\_\_

Anita Alexander  
Signature

3-12-96  
Date

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Moore® BR-184 (11/85)



3636416

CASHIER'S CHECK

Date: FEBRUARY 29, 1996

3-1  
310

PAY

\$\$\$32,911.97

TO THE  
ORDER OF

\*\*\* THE FEDERAL ELECTION COMMISSION\*\*\*\*\*

*Mary Ellen Mas*  
Authorized Signature  
101  
Branch Number

⑈ 36364167⑈ ⑆ 031000011⑆ 0915⑈ 6108⑈ 98

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

**BEFORE THE FEDERAL ELECTION COMMISSION**

APR 1 4 36 PM '96

In the Matter of

Lynn Yeakel for Senate,  
and Sidney D. Rosenblatt,  
as Treasurer

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MUR 4178

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

On July 14, 1995, the Commission found reason to believe that Lynn Yeakel for Senate ("the Committee"), and Sidney D. Rosenblatt, as Treasurer, violated 2 U.S.C. §§ 432(c)(2) and (5), 434(b)(5)(A) and 441a(f) and 11 C.F.R. §§ 102.9(a), (a)(1) and (3), (b)(1)(i) and (ii) and 110.4(c)(3). On January 23, 1996, the Commission approved a draft conciliation agreement and proposed civil penalty of \$30,718.90 to settle the above-stated violations. Attachment 1. The draft conciliation agreement was based upon an understanding with the Committee that it would give all of its available funds to the Commission as a civil penalty. The Commission also approved the closure of the file in this matter

On March 12, 1996, the Office of General Counsel received a signed copy of the conciliation agreement, with revisions made to the civil penalty amount, and a check made payable to the Federal Election Commission for \$32,911.97. Attachment 2. The revised civil penalty amount includes earned interest on the Committee's account and the receipt of an additional refund that the Committee did not expect. Attachment 1. The Committee is willing to include these additional monies in the amount of the civil penalty that it is willing to pay to settle this matter. Accordingly, this Office recommends that the Commission re-open the file in

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MUR 4178, accept the revised conciliation agreement, and accept the Committee's check for \$32,911.97. This Office also recommends that the Commission close the file and approve the appropriate letters.

### RECOMMENDATIONS

1. Re-open the file in MUR 4178 with respect to Lynn Yeakel for Senate and Sidney D. Rosenblatt, as Treasurer.
2. Accept the Revised Conciliation Agreement from Lynn Yeakel for Senate, and Sidney D. Rosenblatt, as Treasurer.
3. Close the file with respect to Lynn Yeakel for Senate and Sidney D. Rosenblatt, as Treasurer.
4. Approve the appropriate letters.

Lawrence M. Noble  
General Counsel

4/1/96  
Date

BY: Kim Bright-Coleman  
Associate General Counsel

### Attachments

1. Conciliation Agreement approved by the Commission on January 23, 1996.
2. Revised Conciliation Agreement received by the Office of General Counsel on March 12, 1996.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Lynn Yeakel for Senate ) MUR 4178  
and Sidney D. Rosenblatt, as Treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 5, 1996, the Commission decided by a vote of 5-0 to take the following actions in MUR 4178:

1. Re-open the file in MUR 4178 with respect to Lynn Yeakel for Senate and Sidney D. Rosenblatt, as Treasurer.
2. Accept the Revised Conciliation Agreement from Lynn Yeakel for Senate and Sidney D. Rosenblatt, as Treasurer.
3. Close the file with respect to Lynn Yeakel for Senate and Sidney D. Rosenblatt, as Treasurer.
4. Approve the appropriate letters, as recommended in the General Counsel's Report dated April 1, 1996.

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

Attest:

4/5/96  
Date

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

Received in the Secretariat:	Mon., April 01, 1996	4:36 p.m.
Circulated to the Commission:	Tues., April 02, 1996	11:00 a.m.
Deadline for vote:	Fri., April 05, 1996	4:00 p.m.

lrd

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 11, 1996

Mr. Dean Vance, Treasurer  
PAC 250  
P.O. Box 42696  
Philadelphia, PA 19101

Re: MUR 4178

Dear Mr. Vance:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Andre G. Pineda", written over a horizontal line.

Andre G. Pineda  
Attorney

96043735



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 11, 1996

Indian American Political  
Affairs Committee - Pennsylvania  
Chapter (IAPAC)  
25 Mill Lane  
Frazier, PA 19355

Re: MUR 4178

To Whom It May Concern:

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

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

Sincerely,

Andre G. Pineda  
Attorney

96043733796



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 11, 1996

Ms. Elisa Critchlow  
951 Bayridge Ave.  
Pittsburgh, PA 15276

Re: MUR 4178

Dear Ms. Critchlow:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Andre G. Pineda".

Andre G. Pineda  
Attorney

96043733797



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 11, 1996

Mr. Eric Godshalk  
456 Glyn Wynne Road  
Haverford, PA 19041

Re: MUR 4178

Dear Mr. Godshalk:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Andre G. Pineda", with a long horizontal flourish extending to the right.

Andre G. Pineda  
Attorney

96043733708



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 11, 1996

Ms. Babette Josephs  
1937 Waverly Road  
Philadelphia, PA 19146

Re: MUR 4178

Dear Ms. Josephs:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Andre G. Pineda", with a long horizontal flourish extending to the right.

Andre G. Pineda  
Attorney

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 11, 1996

Mr. Christopher Lutz  
P.O. Box 26  
S. Woodstock, VT 05071

Re: MUR 4178

Dear Mr. Lutz:

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

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

Sincerely,

Andre G. Pineda  
Attorney

9604373300



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 11, 1996

Ms. Nancy Meyer  
684 Broadway #6E  
New York, NY 10012

Re: MUR 4178

Dear Ms. Meyer:

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

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

Sincerely,

Andre G. Pineda  
Attorney

96043733801



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 11, 1996

Mr. Edgar Villchur  
P.O. Box 306  
Woodstock, NY 12498

Re: MUR 4178

Dear Mr. Villchur:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Andre G. Pineda", with a long horizontal flourish extending to the right.

Andre G. Pineda  
Attorney

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043733802



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 11, 1996

Mr. Lawrence J. Tabas  
Obermayer, Rebmann, Maxwell and Hippel  
Packard Building - 14th Floor  
S.E. Corner 15th and Chestnut Streets  
Philadelphia, PA 19102-2688

Re: MUR 4178

Dear Mr. Tabas:

On January 23, 1996, the Federal Election Commission accepted a draft conciliation agreement and a proposed civil penalty of \$30,718.90 to settle violations of 2 U.S.C. §§ 432(c)(2) and (5), 434 (b)(5)(A), and 441a(f) and 11 C.F.R. §§ 102.9(a), (a)(1) and (3), (b)(1)(i) and (ii) and 110.4(c)(3), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and its implementing regulations. On March 11, 1996, our office received a signed copy of a revised conciliation agreement as well as a check made payable to the Federal Election Commission for \$32,911.97. On April 5, 1996, the Commission accepted the revised conciliation agreement. Accordingly, the file has been closed in this matter.

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

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

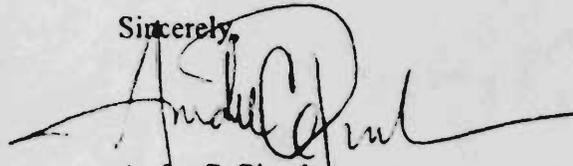
*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043733803

Enclosed you will find a copy of the fully executed conciliation agreement that was approved by the Commission. If you have any questions, please contact me at (202) 219-3690.

Sincerely,



Andre G. Pineda  
Attorney

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Lynn Yeakel for  
Senate, and  
Sidney D. Rosenblatt,  
as Treasurer

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MUR 4178

CONCILIATION AGREEMENT

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This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Lynn Yeakel for Senate, and Sidney D. Rosenblatt, as treasurer, ("Respondents") violated 2 U.S.C. §§ 432(c)(2), 434(b)(5)(A), 441a(f)(a)(1)(A), and 11 C.F.R. §§ 102.9(a), (a)(1) and (3) and 102.9(b)(1)(i) and (ii) and 110.4(c)(3).

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

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

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

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

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

1. Lynn Yeakel was a candidate for the United States Senate in 1992. Lynn Yeakel for Senate ("the Committee") was the principal campaign committee for her candidacy within the meaning of 2 U.S.C. § 431(5).

2. The Federal Election Campaign Act of 1971, as amended, ("the Act") limits the amount that an individual may contribute to any candidate to \$1,000 with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A).

3. Pursuant to 2 U.S.C. § 441a(f), the Act prohibits a candidate or political committee from knowingly accepting any contributions which exceed the contribution limitations.

4. During 1992, the Committee accepted excessive contributions totaling \$53,276 from 107 individuals.

5. During 1992, the Committee accepted excessive contributions totaling \$6,000 from PAC 250 and the Indian American Political Affairs Committee - Pennsylvania Chapter (IAPAC).

6. Pursuant to 11 C.F.R. § 102.9(a), the treasurer of a political committee shall establish an accounting procedure for all contributions that are received by or on behalf of the political committee.

7. Pursuant to 2 U.S.C. § 432(c)(2) and 11 C.F.R. § 102.9(a)(1), for contributions in excess of \$50, such accounting procedure shall include the name and address of the contributor, the date of receipt and the amount of the contribution. Pursuant to 11 C.F.R. § 110.4(c)(3), a political committee receiving an anonymous cash contribution in excess of \$50 shall promptly dispose of the amount over \$50.

8. On November 9, 1992, the Committee made a deposit of \$6,878 which consisted of \$5,000 and \$1,878 in cash contributions. The Committee has no documentation stating the name and address of who provided these contributions nor the date of receipt for these contributions. The Committee has also not disposed of the \$5,000 cash contribution.

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9. Pursuant to 2 U.S.C. § 434(b)(5)(A), each report filed by a political committee shall disclose the name and address of each person to whom it made an operating expenditure to when the value or aggregate amount of that expenditure exceeds \$200 within the calendar year, as well as the amount, and purpose for such an expenditure(s).

10. Pursuant to 2 U.S.C. § 432(c)(5), the treasurer of a political committee shall keep an account of the name and address of every person to whom any disbursement is made in excess of \$200, and the date, amount, and purpose of such a disbursement.

11. Pursuant to 11 C.F.R. § 102.9(b)(1)(i) and (ii), the treasurer of a political committee or an agent authorized by the treasurer to receive contributions and make expenditures shall keep an account of all disbursements made by or on behalf of the political committee, including the name, address, date, amount, and purpose of the disbursement.

12. The Committee identified two checks made payable to cash for \$5,000 and \$2,000, respectively, that was negotiated on April 27, 1992. Reports filed by the Committee identified the payees as "cash," and stated that these disbursements were for "election day expenses."

V. 1. Respondents violated 2 U.S.C. § 441a(f) by accepting excessive contributions totaling \$53,276 from 107 individuals and \$6,000 from PAC 250 and IAPAC.

2. Respondents violated 2 U.S.C. § 432(c)(2) and 11 C.F.R. §§ 102.9(a), (a)(1) and (3) by failing to document the name, address, and date of receipt of those persons or entities who made cash contributions totaling \$5,000 and \$1,878. Respondents further violated 11 C.F.R. § 110.4(c)(3) by failing to dispose of the \$5,000 cash contribution.

3. Respondents violated 2 U.S.C. §§ 432(c)(5), 434(b)(5)(A) and 11 C.F.R. § 102.9(b)(1)(i) and (ii) by failing to report the name, address, date, amount, and purpose for two Committee checks made payable to cash in the amounts of \$5,000 and \$2,000 respectively.

26043 / 33807

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of thirty <sup>two-</sup>thousand, <sup>nine</sup> ~~seven~~ hundred and <sup>eleven</sup> ~~eighteen~~ dollars and ninety <sup>-seven</sup> ~~cents~~ (~~\$30,718.96~~, <sup>32,911.97</sup>), pursuant to 2 U.S.C. § 437g(a)(5)(A).



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

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

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents or either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

BY: Kim Bright-Coleman 4/11/96  
Kim Bright-Coleman Date  
Associate General Counsel

FOR THE RESPONDENTS:

Lynn Yeakel 2/29/96  
(Name) Lynn Yeakel for Senate Committee  
(Position) per/by: David D. [Signature]  
Counsel to the Committee

9604333808

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

Apr 23 9 18 AM '96

ERIC M. GODSHALK  
456 GLYN WYNNE RD.  
HAVERFORD, PA 19041

April 16, 1996

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

RE: MUR 4178

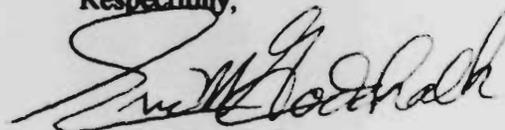
Ladies and Gentlemen:

As I indicated to you in my letter response to your initial advice, I would like the records to show that I did not over-contribute to the LynneYeakel for Senate campaign. Clearly, the campaigns records were incorrect.

The contributions made by my family to that campaign were made by my wife and me, both registered voters, and did not exceed in total the Federal limits. The fact that the campaign office credited the contributions to one name only is a problem which should be taken up with that office, not me.

Your attention to this matter will be appreciated.

Respectfully,



Eric M. Godshalk

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
Apr 23 9 52 AM '96

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 19, 1996

Mr. Lawrence J. Tabas  
Obermayer, Rebmann, Maxwell and Hippel  
Packard Building - 14th Floor  
S.E. Corner 15th and Chestnut Streets  
Philadelphia, PA 19102-2688

Re: MUR 4178

Dear Mr. Tabas:

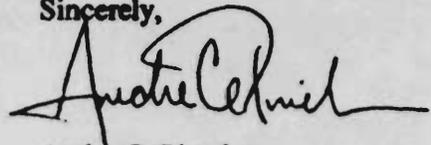
On April 11, 1996, I sent you a letter notifying you that the Commission has accepted the revised conciliation agreement ("the agreement") in the above-stated MUR and the file has been closed in this matter. Enclosed with this letter was a copy of the revised conciliation agreement.

After examining the file for placement on the public record, it has been discovered that two typographical errors exist in the first page of the agreement. Specifically, the second sentence of the agreement refers to a Commission finding of reason to believe that Lynn Yeakel for Senate ("the Committee") and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. § 441a(f)(a)(1)(A). This citation is incorrect; it should refer to 2 U.S.C. § 441a(f). Additionally, the second sentence omits a Commission finding of reason to believe that the Committee and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. § 432(c)(5). To correct these errors, please accept and replace the enclosed revised first page, with reference to 2 U.S.C. §§ 432(c)(5) and 441a(f), to your copy of the signed conciliation agreement. These revisions in no way change the terms of agreement; Section V of the agreement continues to refer to Committee violations of 2 U.S.C. §§ 432(c)(5) and 441a(f).

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If you have any questions, please contact me at (202) 219-3690. Otherwise, please accept my apologies for any inconvenience these typographical errors may have caused.

Sincerely,



Andre G. Pineda  
Attorney

Enclosure  
Revised Page 1 of Conciliation Agreement

96043733811

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Lynn Yeakel for  
Senate, and  
Sidney D. Rosenblatt,  
as Treasurer

MUR 4178

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Lynn Yeakel for Senate, and Sidney D. Rosenblatt, as treasurer, ("Respondents") violated 2 U.S.C. §§ 432(c)(2) and (5), 434(b)(5)(A), 441a(f), and 11 C.F.R. §§ 102.9(a), (a)(1) and (3) and 102.9(b)(1)(i) and (ii) and 110.4(c)(3).

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

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondents enter voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4178

DATE FILMED 5-14-96 CAMERA NO. 4

CAMERAMAN JmU

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Date: 6/20/96

- Microfilm
- Public Records
- Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED NUR 4178

96043734506



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 17, 1996

Mr. Dean Vance, Treasurer  
PAC 250  
1333 West Cheltenham Ave.  
Suite 205  
Elking Park, PA 19027

Re: MUR 4178

Dear Mr. Vance:

Enclosed is a letter that I previously sent to you, in your capacity as treasurer for PAC 250, at a former address. As stated within this letter, the above-stated matter is now closed with respect to all respondents and the confidentiality provisions of 2 U.S.C. § 437g(a)(2) no longer apply. As a result of this returned letter, I am re-sending it to the address that you provided to me on June 12, 1996.

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

Sincerely,

Ande G. Pineda  
Attorney

Enclosure

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
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COMMISSION  
OFFICE OF GENERAL  
COUNSEL

MAY 13 2 33 PM '96

April 11, 1996

Mr. Dean Vance, Treasurer  
PAC 250  
P.O. Box 42696  
Philadelphia, PA 19101

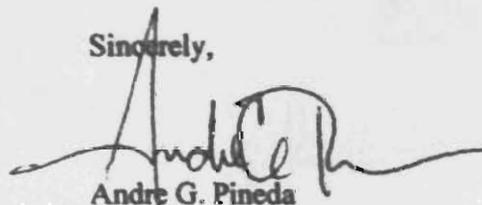
Re: MUR 4178

Dear Mr. Vance:

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

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

Sincerely,

  
Andre G. Pineda  
Attorney

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