FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 427

Date Filmed 6/26/79 Camera No. --- 2

Cameraman J. A. Q.

79040135000

FEDERAL ELECTION COMMISSION

Internal Memorandum

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

____	(1) Classified Information	____	(6) Personal privacy
____	(2) Internal rules and practices	____	(7) Investigatory files
____	(3) Exempted by other statute	____	(8) Banking Information
____	(4) Trade secrets and commercial or financial information	____	(9) Well Information (geographic or geophysical)
X	(5) Internal Documents		

Signed Suzanne M Wallace

date 8/29/78

FEC 9-21-77

79040135001

G.C.
4892

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
123 SOUTH BROAD STREET
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ASSOCIATED OFFICE:
130, RUE DU FAUBOURG ST. HONORÉ
PARIS 8, FRANCE
TELEPHONE: 359-89-97

RECEIVED
FEDERAL ELECTION
COMMISSION

'78 SEP 15 PM 11:47

September 12, 1978

806218

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

Attention: William C. Oldaker, Esquire
General Counsel

Re: MUR 427 (77)

Dear Mr. Oldaker:

Pursuant to the Conciliation Agreement dated August 25, 1975, as accepted by the Commission on August 23, 1978, we enclose check No. 1928 of the Green for Senate Committee in the amount of $500 as the civil penalty required by the agreement.

Kindly acknowledge receipt of this check to the undersigned.

Very truly yours,

Gregory M. Harvey

GMH:cmd
Enclosure
cc: Suzanne Callahan, Esq.

7904013500 2

7 9 0 4 0 1 3 5 0 0 3

GREEN FOR SENATE COMMITTEE
P.O. BOX 1000
PHILADELPHIA, PA. 19107

1928

12 SEPT. 1978 $\frac{350}{310}$ 11

PAY TO THE ORDER OF U.S. TREASURY $ 500.00

FIVE HUNDRED 00/ DOLLARS

THE FIDELITY BANK
PHILADELPHIA, PENNSYLVANIA

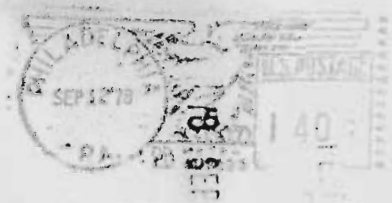
FOR

⑆0310⑈0050⑆ 050 607 7⑈

GMH

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

7904013504



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

ATT: William C. Oldaker, Esq.
General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 28, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey, Esq.
123 South Broad Street
Philadelphia, PA 19109

RE: MUR 427 (77)

Dear Mr. Harvey:

On August 23, 1978, the Commission found reasonable cause to believe that the Green for Senate Committee has violated 2 U.S.C. §432 and §434(b) and voted to accept the conciliation agreement signed by your client, which includes those violations as well as §441a.

Accordingly, upon my recommendation, the Commission has decided to close the file in this matter.

If you have any questions, please contact Suzanne Callahan (202/523-4058), the staff member assigned to this matter.

Sincerely,

William C. Oldaker
General Counsel

9040135005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey, Esq.
123 South Broad Street
Philadelphia, PA 19109

RE: MUR 427 (77)

Dear Mr. Harvey:

On August , 1978, the Commission found reasonable cause to believe that the Green for Senate Committee has violated 2 U.S.C. §432 and §434(b) and voted to accept the conciliation agreement signed by your client, which includes those violations as well as §441a.

Accordingly, upon my recommendation, the Commission has decided to close the file in this matter.

If you have any questions, please contact Suzanne Callahan (202/523-4058), the staff member assigned to this matter.

Sincerely,

William C. Oldaker
General Counsel

7 9 0 4 0 1 3 5 0 0 6

MUR 457 - Callahan

PS Form 3811 Apr 1977

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO
Gregory M Harvey Esq.
[illegible] Broadway
Phila PA 19109

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438419	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☒ Addressee ☒ Authorized agent
G M Harvey

4. DATE OF DELIVERY
8-31-78

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977—0—249-595

OCC # 4537

BEFORE THE FEDERAL ELECTION COMMISSION
July 26, 1978

In the Matter of	)	
	)	
Green for Senate Committee	)	MUR 427 (77)

805402

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Green for Senate Committee, violated 2 U.S.C. §432, §434(b) and §441a;

Now therefore, the respective parties herein, the Federal Election Commission and respondent Green for Senate Committee, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That the Green for Senate Committee has cooperated in the investigation of this matter.

III. That respondent has had a reasonable opportunity to demonstrate no action should be taken in this matter.

IV. That the Green for Senate Committee accepted a total of of $15,000 in political contributions in 1976 from Service Station Dealers PAC.

V. That the amount of money contributed by the Service Station Dealers PAC to the Green for Senate Committee constitutes a contribution of money in excess of the limits imposed by 2 U.S.C. §441a.

7904013508

VI. That it was the understanding of the Green For Senate Committee that the money given to it by the Service Station Dealers PAC consisted of money earmarked for the Green For Senate Committee.

VII. That the Service Station Dealers PAC did not keep contributor records of any funds raised by the Service Station Dealers PAC for the benefit of the Green for Senate campaign.

VIII. That the Green for Senate Committee did not obtain records from the Service Station Dealers PAC concerning any earmarked contributions intended for the Green for Senate campaign.

IX. That the Commission does not contend that the Green for Senate Committee's above described action reflect a willful intent to violate the Federal Election Law.

Wherefore, respondent Green for Senate Committee agrees:

I. Respondent's action in accepting contributions in excess of the limits permissible under the Act is in violation of 2 U.S.C. §441a.

II. Respondent's action in its failure to keep complete contributor records is in violation of 2 U.S.C. §432.

III. Respondent's action in failing to accurately report contributions received is in violation of 2 U.S.C. §434(b).

IV. That respondent will pay a civil penalty in the amount of $500 pursuant to 2 U.S.C. §437g(a)(6)(B).

V. Respondent agrees that it will not undertake any activity

7904013500 9

which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et. seq.

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Green for Senate Committee shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date: 8/25/78

William C. Oldaker
General Counsel

Date: 8/15/78

Timothy Michals
Treasurer
Green for Senate Committee

7904013501 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 427 (77)
Green for Senate Committee)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 23, 1978, the Commission determined by a vote of 6-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Find reasonable cause to believe that the Green for Senate Committee has violated 2 U.S.C. §432 and §434(b).

2. Accept the signed conciliation agreement attached to the General Counsel's Report dated August 20, 1978.

3. Send the letter attached to the General Counsel's Report dated August 20, 1978.

Attest:

8/25/78
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

7904013501

EXECUTIVE SESSION
August 23, 1978

BEFORE THE FEDERAL ELECTION COMMISSION
August 20, 1978

In the Matter of	)	
	)	MUR 427 (77)
	)	
Green for Senate Committee	)	

GENERAL COUNSEL'S REPORT

Background

On March 17, 1978, the Green for Senate Committee was sent a conciliation agreement which included the Commission's findings of reasonable cause to believe a violation of 2 U.S.C. §441a has been committed and reason to believe violations of §432 and §434(b) have been committed.

On June 15, 1978, the respondent submitted a counterproposal to the Commission's agreement (written arguments and counterproposal attached); the respondent offered $500 as settlement of this matter. Since that time, we have negotiated with the respondent concerning the language in his proposal.

Recommendation

1. Find reasonable cause to believe that the Green for Senate Committee has violated §432 and §434(b) and accept the attached signed conciliation agreement.

2. Send the attached letter.

Date 8/21/78

William C. Oldaker
General Counsel

7904013501 2

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
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TELEPHONE: (213) 687-9900

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TELEPHONE: (305) 371-2200

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

RECEIVED
FEDERAL ELECTION
COMMISSION
78 JUN 16 PM 1:30

June 15, 1978

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

803665

Attention: William C. Oldaker, Esquire
General Counsel

Re: MUR 427 (77)

Dear Mr. Oldaker:

Enclosed is a draft Conciliation Agreement, submitted as a counter-proposal to the draft previously proposed by your Staff.

On behalf of the Green for Senate Committee ("the Green Committee"), we submit that the enclosed draft is more consistent with the results of your Staff's thorough investigation of this matter than is the original draft. Especially important in this respect is the determination of your Staff, after that thorough investigation, that $14,001 (of the $15,000 at issue) represented "ear-marked" contributions, which conclusion appears to have been reached after the Commission's determination, prior to August 16, 1977, that the Green Committee must return the "excessive portion" of the $15,000 shown in its reports as having been received from the Service Station Dealers Political Action Committee. It appears to the Committee that this determination that $14,001 of the $15,000 represented "ear-marked" contributions should cause this matter to be considered by the Commission as being a record-keeping violation, rather than a matter involving prohibited contributions (e.g., contributions from corporate funds) or intentionally wrongful conduct.

7904013501 3

In that connection, we request that the Commission consider the following matters:

1. As has previously been explained to your Staff, the omission by the Committee to obtain complete contributor records of the ear-marked contributions occurred because the Committee employee responsible for this matter, Ms. Maureen Murphy, a lawyer with several years experience in corporate law matters, interpreted the Act as not requiring such records as to contributions not exceeding $100. Under the circumstances, there was no improper motivation for the Committee intentionally to omit obtaining the records (as might have been the case if the contributions had come from prohibited sources). Accordingly, as has been informally agreed in discussions with your Staff, there is no basis on which to question the good faith of the Green Committee or to find that the Green Committee engaged intentionally in wrongful conduct.

2. This matter reflects the substantial impact upon the Green Committee of the Buckley v. Valeo decision.

During the first part of the time in which the record-keeping omissions occurred, the Commission was unable, as a result of the Buckley decision, to respond definitively to requests for interpretation of the Act.

Second, one of the holdings of the Buckley decision allowed candidate William J. Green's opponent, who is now Senator H. John Heinz, to spend unlimited amounts from his personal fortune on his campaign. Senator Heinz did all that the Buckley decision permitted, and his self-financed spending created enormous pressures on the Green Committee to conduct continuous and extensive fund-raising activity. While these matters cannot excuse a lack of compliance with every detail of the Act, they do help to explain how an over-burdened fundraising staff, deprived for a time of definitive guidance from the Commission and faced with a "change in the rules in the middle of the game," might inadvertently omit to obtain contributor information which should have been obtained.

3. The amounts at issue in this proceeding are an extremely small portion of the approximately $1,300,000 which was raised by the Committee. Conversely, the $5,000 civil penalty

7904013501 4

proposed by the Staff is an enormous penalty when compared to the present assets of the Committee. As has been explained to your Staff, the Committee owes $10,000 principal amount to a bank, which loan is guaranteed by William J. Green, and owes approximately $10,948.07 to other creditors, some of which is in dispute. At this point in 1978, following candidate Green's defeat in the 1976 General Election, those persons who were interested in his candidacy have already contributed the maximum permitted by the Act, so that additional fundraising is difficult, almost to the degree of being impossible. The Staff's proposal of a $5,000 penalty, under these circumstances, constitutes a proposal that candidate Green personally forfeit $5,000 for a record-keeping violation of which he had neither actual knowledge nor constructive knowledge, and which occurred in activities which were directly supervised by a lawyer (Ms. Maureen Murphy) in whom he had sound reasons to repose confidence. Regardless of whether such a forfeiture would be Constitutional, or justified by the Act, it is inherently unfair and should not be required by the Commission.

4. Having determined that $14,001 of the $15,000 at issue was in fact "ear-marked" contributions from individuals, it is inconsistent with that determination for the Staff now to suggest, in the instant proceeding and the companion proceeding involving the Service Station Dealers Political Action Committee, that all, or most, of that amount should be forfeited to the Treasury of the United States. We submit that a forfeiture of the entire amount contributed should be effected only if the contribution itself is illegal, not if the record-keeping incident to the contribution has inadvertently been deficient. Particularly significant in the instant case is the absence of any possible wrongful motivation (as opposed to a mere misunderstanding of the Act's requirements) for the Committee's failure to obtain complete contributor information.

5. The Staff's proposed $5,000 civil penalty is so grossly disproportionate to any previous Conciliation Agreement as to shock the conscience. As one contrasting example, we refer to the Okonite case, in which a nominal penalty was obtained for an activity which involved substantial expenditures of corporate funds. We believe that no previous Conciliation Agreement can fairly be cited as precedent for your Staff's attempting to obtain a $5,000 penalty in the instant case.

7904013501 5

The undersigned is particularly conscious of your Staff's and the Commission's attempts to administer this important statute not only with diligence but also with fairness and justice. We hope that the proposal of a $5,000 penalty was not made as part of a bargaining process similar to that which occurs in the settlement of minor personal injury automobile negligence cases. Our counter-proposal, in any event, is submitted as our best estimate of the maximum amount that the Commission might justly exact under the instant circumstances, consistent not only with the Act but also with its own prior determinations.

Very truly yours,

Gregory M. Harvey jmDRK

Gregory M. Harvey

GMH/jt

7904013501 6

In the Matter of)
) MUR 427 (77)
Green for Senate Committee)

Draft Conciliation Agreement
Proposed by Green for Senate Committee

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Green for Senate Committee, violated 2 U.S.C. § 432 and § 434 (b);

Now therefore, the respective parties herein, the Federal Election Commission and respondent Green for Senate Committee, having entered into conciliation pursuant to § 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. The Green for Senate Committee failed to obtain complete contributor records of ticket purchases for the fundraisers held in the candidate's name by the Service Station Dealers Political Action Committee;

7904013501 7

B. The Service Station Dealers Political Action Committee did not keep complete contributor records of ticket purchases for the fund raisers held in the candidate's name by it;

C. Of the $15,000 shown in the Committee's records as being contributions from the Service Station Dealers Political Action Committee, $14,001 has been determined by the Commission to be "ear-marked" contributions of individuals, as to which the PAC was acting as an intermediary pursuant to 2 U.S.C. § 441a(a)(7) and (8); if complete contributor records had been obtained by the Committee, these contributions totaling $14,001 would be proper contributions and the remaining $999 could properly have been received by the Committee from the PAC itself.

D. The Green for Senate Committee has cooperated in the investigation of these matters and the Commission has found no reason to believe that the failure to obtain complete contributor records was intentional on the part of the Committee, nor did the Committee have any improper motivation which might have caused it to intend to fail to obtain such records;

E. In that the PAC also failed to obtain complete contributor records, it is now impossible as a practical matter for the Committee to amend its records and reports to reflect complete information concerning these matters.

7904013508

F. These matters occurred during 1976, the first full year of political activity pursuant to the 1975 Amendments to the Act, and occurred in part during the time following Buckley v. Valeo in which the Commission was not able to respond fully to requests for interpretations of the Act;

G. The record-keeping failure herein described affected only a small portion of the contributions of approximately $1,300,000 raised by the Green for Senate Committee.

Therefore, respondent Green for Senate Committee agrees:

I. Respondent's failure to keep complete contributor records was in violation of 2 U.S.C. § 432 and § 434(b).

II. Respondent will pay as a civil penalty (and not as a fine) the sum of Five Hundred Dollars ($500), pursuant to 2 U.S.C. § 437g(a)(6)(B).

III. Respondent agrees not to undertake any activity which is in violation of the Federal Election Campaign Act, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement

79040135019

or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed this agreement and the Commission has approved the entire agreement.

III. It is agreed that respondent Green for Senate Committee shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

7904013502 0

Date	William C. Oldaker General Counsel Federal Election Commission
Date	Timothy Michals Treasurer Green for Senate Committee

4537

BEFORE THE FEDERAL ELECTION COMMISSION
July 26, 1978

In the Matter of	)	
	)	
Green for Senate Committee	)	MUR 427 (77)

005402

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Green for Senate Committee, violated 2 U.S.C. §432, §434(b) and §441a;

Now therefore, the respective parties herein, the Federal Election Commission and respondent Green for Senate Committee, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That the Green for Senate Committee has cooperated in the investigation of this matter.

III. That respondent has had a reasonable opportunity to demonstrate no action should be taken in this matter.

IV. That the Green for Senate Committee accepted a total of of $15,000 in political contributions in 1976 from Service Station Dealers PAC.

V. That the amount of money contributed by the Service Station Dealers PAC to the Green for Senate Committee constitutes a contribution of money in excess of the limits imposed by 2 U.S.C. §441a.

7904013502 1

VI. That it was the understanding of the Green For Senate Committee that the money given to it by the Service Station Dealers PAC consisted of money earmarked for the Green For Senate Committee.

VII. That the Service Station Dealers PAC did not keep contributor records of any funds raised by the Service Station Dealers PAC for the benefit of the Green for Senate campaign.

VIII. That the Green for Senate Committee did not obtain records from the Service Station Dealers PAC concerning any earmarked contributions intended for the Green for Senate campaign.

IX. That the Commission does not contend that the Green for Senate Committee's above described actions reflect a willful intent to violate the Federal Election Law.

Wherefore, respondent Green for Senate Committee agrees:

I. Respondent's action in accepting contributions in excess of the limits permissible under the Act is in violation of 2 U.S.C. §441a.

II. Respondent's action in its failure to keep complete contributor records is in violation of 2 U.S.C. §432.

III. Respondent's action in failing to accurately report contributions received is in violation of 2 U.S.C. §434(b).

IV. That respondent will pay a civil penalty in the amount of $500 pursuant to 2 U.S.C. §437g(a)(6)(B).

V. Respondent agrees that it will not undertake any activity

7904013502 2

which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et. seq.

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II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Green for Senate Committee shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date: _____

William C. Oldaker
General Counsel

Date: 8/15/78

Timothy Michals
Treasurer
Green for Senate Committee

7904013502 3

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey, Esq.
123 South Broad Street
Philadelphia, PA 19109

RE: MUR 427 (77)

Dear Mr. Harvey:

On August , 1978, the Commission found reasonable cause to believe that the Green for Senate Committee has violated 2 U.S.C. §432 and §434(b) and voted to accept the conciliation agreement signed by your client, which includes those violations as well as §441a.

Accordingly, upon my recommendation, the Commission has decided to close the file in this matter.

If you have any questions, please contact Suzanne Callahan (202/523-4058), the staff member assigned to this matter.

Sincerely,

William C. Oldaker
General Counsel

7904013502 4

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA
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ASSOCIATED OFFICE:
130, RUE DU FAUBOURG ST. HONORÉ
PARIS 8, FRANCE
TELEPHONE: 359-29-57

RECEIVED
FEDERAL ELECTION COMMISSION
HAND DELIVERED
78 AUG 16 P 1:20

August 16, 1978

HAND DELIVER

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

Attention: Hal Ponder, Esquire

Re: MUR 427 (77)

Dear Mr. Ponder:

Enclosed is the draft of the Conciliation Agreement executed by our client. You are authorized to correct the typographical errors and requested to add an "s" to the word action appearing at the middle of page 2 so that the phrase reads "above described actions."

Very truly yours,

Gregory M. Harvey

Gregory M. Harvey

Enclosure

7904013502 5

RGAN, LEWIS & BOCKIUS
1800 M STREET, N. W.
ASHINGTON, D. C. 20036

FEDERAL ELECTION COMMISSION
HAND DELIVERED
'8 AUG 16 P12:58

HAND DELIVER

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

Attention: Hal Ponder, Esquire

FIRST CLASS MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

DATE: AUGUST 14, 1978

SUBJECT: MUR 427 - Interim Conciliation Report Dated: 8-8-78: Received in Office of Commission Secretary: 8-11-78, 1:49

The above-named document was circulated on a 24 hour no-objection basis at 4:00 p.m., August 11, 1978.

The Commission Secretary's Office has received no objections to the Interim Conciliation Report as of 4:00 p.m. this date.

7904013 5027

August 11, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427

Please have the attached Interim Conciliation Report on MUR 427 distributed to the Commission.

Thank you.

7 9 0 4 0 1 3 5 0 2 8

BEFORE THE FEDERAL ELECTION COMMISSION
August 8, 1978

In the Matter of	)	
	)	MUR 427 (77)
	)	
Green for Senate Committee	)	

INTERIM CONCILIATION REPORT

On July 28, 1978, a revised draft agreement was sent to the respondent, the Green for Senate Committee.

Since that time, we have contacted the respondent and he has indicated that a signed agreement will be sent to this office by close of business August 11th. Upon receipt of the agreement, we will circulate it to the Commission.

8/10/78
Date

William C. Oldaker
General Counsel

7904013502 9

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 28, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey, Esq.
123 South Broad St.
Philadelphia, Pa. 19109

RE: MUR 427 (77)

Dear Mr. Harvey:

This is to confirm the telephone conversation you had with Hal Ponder on July 21st.

We have reviewed the counterproposal which you submitted on June 15th and on the basis of the information contained in your letter, this office is prepared to recommend to the Commission that they accept your proposed settlement of $500. However, as Hal indicated to you, certain changes have been made in the language of the proposed agreement.

Please be advised that the enclosed agreement is a draft and has not been submitted to the Commission for its approval. If you have any questions concerning the agreement, direct them to Hal Ponder at 202/523-4162.

If your client agrees to the terms of the agreement, please have him sign it and return it to this office within 10 days.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

MUC 477 - Calculator

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

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

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

2. ARTICLE ADDRESSED TO:
Harry M. Henry Esq.
[illegible]
Philadelphia Pa. 19105

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943905	

(Always obtain signature of addressee or agent)

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

4. [illegible]

DATE OF DELIVERY	POSTMARK
8/2/75	

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS

☆GPO 1977-0-249-595

BEFORE THE FEDERAL ELECTION COMMISSION
July 26, 1978

In the Matter of	)	
	)	
Green for Senate Committee	)	MUR 427 (77)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Green for Senate Committee, violated 2 U.S.C. §432, §434(b) and §441a;

Now therefore, the respective parties herein, the Federal Election Commission and respondent Green for Senate Committee, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That the Green for Senate Committee has cooperated in the investigation of this matter.

III. That respondent has had a reasonable opportunity to demonstrate no action should be taken in this matter.

IV. That the Green for Senate Committee accepted a total of of $15,000 in political contributions in 1976 from Service Station Dealers PAC.

V. That the amount of money contributed by the Service Station Dealers PAC to the Green for Senate Committee constitutes a contribution of money in excess of the limits imposed by 2 U.S.C. §441a.

7904013503 2

VI. That it was the understanding of the Green For Senate Committee that the money given to it by the Service Station Dealers PAC consisted of money earmarked for the Green For Senate Committee.

VII. That the Service Station Dealers PAC did not keep contributor records of any funds raised by the Service Station Dealers PAC for the benefit of the Green for Senate campaign.

VIII. That the Green for Senate Committee did not obtain records from the Service Station Dealers PAC concerning any earmarked contributions intended for the Green for Senate campaign.

IX. That the Commission does not contend that the Green for Senate Committee's above described action reflect a willful intent to violate the Federal Election Law.

Wherefore, respondent Green for Senate Committee agrees:

I. Respondent's action in accepting contributions in excess of the limits permissible under the Act is in violation of 2 U.S.C. §441a.

II. Respondent's action in its failure to keep complete contributor records is in violation of 2 U.S.C. §432.

III. Respondent's action in failing to accurately report contributions received is in violation of 2 U.S.C. §434(b).

IV. That respondent will pay a civil penalty in the amount of $500 pursuant to 2 U.S.C. §437g(a)(6)(B).

V. Respondent agrees that it will not undertake any activity

7904013503 3

which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et. seq.

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Green for Senate Committee shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date: _____

_____
William C. Oldaker
General Counsel

Date: _____

_____
Timothy Michals
Treasurer
Green for Senate Committee

7904013503 4

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 18, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: MUR 427 - Interim Conciliation Report dated 7-12-78
Received in Office of Commission Secretary:
7-17-78, 12:30

The above-mentioned document was circulated on a 24 hour no-objection basis at 3:30 p.m., July 17, 1978.

As of 4:00 p.m. this date, no objections have been received in the Office of Commission Secretary to the Interim Conciliation Report.

Commissioners Aikens, Springer, Staebler, and Thomson returned their papers by the deadline.

7904013503 5

July 17, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427

Please have the attached Interim Conciliation Report distributed to the Commission on a 24 hour no-objection basis.

Thank you.

7904013503 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 427 (77)
	)	
Green for Senate Committee	)	

INTERIM CONCILIATION REPORT
July 12, 1978

The Office of General Counsel is currently negotiating a conciliation agreement with the respondent, Green for Senate Committee, concerning violations of 2 U.S.C. §§ 432, 432(b) and 441a.

We will be prepared to present a proposal to the Commission in the near future.

7/14/78
Date

William C. Oldaker
General Counsel

7904013503 7

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 27, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: MUR 427 (77) - Interim Conciliation Report dated 6-23-78
Received in OCS: 6-23-78, 4:30

The above-mentioned document was circulated on a 24 hour no-objection basis at 12:00, June 26, 1978.

As of 1:30 p.m., this date, no objections have been received in the Office of Commission Secretary to the Interim Conciliation Report.

7904013503 8

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

June 23, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427

Please have the attached Interim report on MUR 427 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

7904013509 39

BEFORE THE FEDERAL ELECTION COMMISSION
June 23, 1978

In the Matter of	)	
	)	MUR 427 (77)
	)	
Green for Senate Committee	)	

INTERIM CONCILIATION REPORT

On March 17, 1978, the Green for Senate Committee was sent a conciliation agreement which included the Commission's findings of reasonable cause to believe a violation of 2 U.S.C. §441a has been committed and reason to believe violations of §432 and §434 (b) have been committed.

Since that time, we have met with the respondents and they have submitted a counterproposal concerning which we are currently negotiating.

7904013504 0

28 June 1978
Date

William C. Oldaker
General Counsel

ACC3829

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109
TELEPHONE: (215) 481-8200
CABLE ADDRESS: MORLEBOCK
TELEX: 83-1348

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

9 WEST 57TH STREET
NEW YORK, NEW YORK 10019
TELEPHONE: (212) 980-4500

600 NORTH THIRD STREET
HARRISBURG, PENNSYLVANIA 17102
TELEPHONE: (717) 236-1787

600 WEST SIXTH STREET
LOS ANGELES, CALIFORNIA 90017
TELEPHONE: (213) 687-9800

2 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131
TELEPHONE: (305) 371-2800

ASSOCIATED OFFICE:
130, RUE DU FAUBOURG ST.-HONORÉ
PARIS 8, FRANCE
TELEPHONE: 359-59-57

RECEIVED
FEDERAL ELECTION
COMMISSION
'78 JUN 16 PM 1:30

June 15, 1978

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

803666

Attention: William C. Oldaker, Esquire
General Counsel

Re: MUR 427 (77)

Dear Mr. Oldaker:

Enclosed is a draft Conciliation Agreement, submitted as a counter-proposal to the draft previously proposed by your Staff.

On behalf of the Green for Senate Committee ("the Green Committee"), we submit that the enclosed draft is more consistent with the results of your Staff's thorough investigation of this matter than is the original draft. Especially important in this respect is the determination of your Staff, after that thorough investigation, that $14,001 (of the $15,000 at issue) represented "ear-marked" contributions, which conclusion appears to have been reached after the Commission's determination, prior to August 16, 1977, that the Green Committee must return the "excessive portion" of the $15,000 shown in its reports as having been received from the Service Station Dealers Political Action Committee. It appears to the Committee that this determination that $14,001 of the $15,000 represented "ear-marked" contributions should cause this matter to be considered by the Commission as being a record-keeping violation, rather than a matter involving prohibited contributions (e.g., contributions from corporate funds) or intentionally wrongful conduct.

90401350 41

In that connection, we request that the Commission consider the following matters:

1. As has previously been explained to your Staff, the omission by the Committee to obtain complete contributor records of the ear-marked contributions occurred because the Committee employee responsible for this matter, Ms. Maureen Murphy, a lawyer with several years experience in corporate law matters, interpreted the Act as not requiring such records as to contributions not exceeding $100. Under the circumstances, there was no improper motivation for the Committee intentionally to omit obtaining the records (as might have been the case if the contributions had come from prohibited sources). Accordingly, as has been informally agreed in discussions with your Staff, there is no basis on which to question the good faith of the Green Committee or to find that the Green Committee engaged intentionally in wrongful conduct.

2. This matter reflects the substantial impact upon the Green Committee of the Buckley v. Valeo decision.

During the first part of the time in which the record-keeping omissions occurred, the Commission was unable, as a result of the Buckley decision, to respond definitively to requests for interpretation of the Act.

Second, one of the holdings of the Buckley decision allowed candidate William J. Green's opponent, who is now Senator H. John Heinz, to spend unlimited amounts from his personal fortune on his campaign. Senator Heinz did all that the Buckley decision permitted, and his self-financed spending created enormous pressures on the Green Committee to conduct continuous and extensive fund-raising activity. While these matters cannot excuse a lack of compliance with every detail of the Act, they do help to explain how an over-burdened fundraising staff, deprived for a time of definitive guidance from the Commission and faced with a "change in the rules in the middle of the game," might inadvertently omit to obtain contributor information which should have been obtained.

3. The amounts at issue in this proceeding are an extremely small portion of the approximately $1,300,000 which was raised by the Committee. Conversely, the $5,000 civil penalty

7904013504 2

proposed by the Staff is an enormous penalty when compared to the present assets of the Committee. As has been explained to your Staff, the Committee owes $10,000 principal amount to a bank, which loan is guaranteed by William J. Green, and owes approximately $10,948.07 to other creditors, some of which is in dispute. At this point in 1978, following candidate Green's defeat in the 1976 General Election, those persons who were interested in his candidacy have already contributed the maximum permitted by the Act, so that additional fundraising is difficult, almost to the degree of being impossible. The Staff's proposal of a $5,000 penalty, under these circumstances, constitutes a proposal that candidate Green personally forfeit $5,000 for a record-keeping violation of which he had neither actual knowledge nor constructive knowledge, and which occurred in activities which were directly supervised by a lawyer (Ms. Maureen Murphy) in whom he had sound reasons to repose confidence. Regardless of whether such a forfeiture would be Constitutional, or justified by the Act, it is inherently unfair and should not be required by the Commission.

4. Having determined that $14,001 of the $15,000 at issue was in fact "ear-marked" contributions from individuals, it is inconsistent with that determination for the Staff now to suggest, in the instant proceeding and the companion proceeding involving the Service Station Dealers Political Action Committee, that all, or most, of that amount should be forfeited to the Treasury of the United States. We submit that a forfeiture of the entire amount contributed should be effected only if the contribution itself is illegal, not if the record-keeping incident to the contribution has inadvertently been deficient. Particularly significant in the instant case is the absence of any possible wrongful motivation (as opposed to a mere misunderstanding of the Act's requirements) for the Committee's failure to obtain complete contributor information.

5. The Staff's proposed $5,000 civil penalty is so grossly disproportionate to any previous Conciliation Agreement as to shock the conscience. As one contrasting example, we refer to the Okonite case, in which a nominal penalty was obtained for an activity which involved substantial expenditures of corporate funds. We believe that no previous Conciliation Agreement can fairly be cited as precedent for your Staff's attempting to obtain a $5,000 penalty in the instant case.

9040135043

The undersigned is particularly conscious of your Staff's and the Commission's attempts to administer this important statute not only with diligence but also with fairness and justice. We hope that the proposal of a $5,000 penalty was not made as part of a bargaining process similar to that which occurs in the settlement of minor personal injury automobile negligence cases. Our counter-proposal, in any event, is submitted as our best estimate of the maximum amount that the Commission might justly exact under the instant circumstances, consistent not only with the Act but also with its own prior determinations.

Very truly yours,

Gregory M. Harvey JanDRK

Gregory M. Harvey

GMH/jt

7904013504 4

In the Matter of)
) MUR 427 (77)
Green for Senate Committee)

Draft Conciliation Agreement
Proposed by Green for Senate Committee

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Green for Senate Committee, violated 2 U.S.C. § 432 and § 434 (b);

Now therefore, the respective parties herein, the Federal Election Commission and respondent Green for Senate Committee, having entered into conciliation pursuant to § 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. The Green for Senate Committee failed to obtain complete contributor records of ticket purchases for the fundraisers held in the candidate's name by the Service Station Dealers Political Action Committee;

7904013504 5

B. The Service Station Dealers Political Action Committee did not keep complete contributor records of ticket purchases for the fund raisers held in the candidate's name by it;

C. Of the $15,000 shown in the Committee's records as being contributions from the Service Station Dealers Political Action Committee, $14,001 has been determined by the Commission to be "ear-marked" contributions of individuals, as to which the PAC was acting as an intermediary pursuant to 2 U.S.C. § 441a(a)(7) and (8); if complete contributor records had been obtained by the Committee, these contributions totaling $14,001 would be proper contributions and the remaining $999 could properly have been received by the Committee from the PAC itself.

D. The Green for Senate Committee has cooperated in the investigation of these matters and the Commission has found no reason to believe that the failure to obtain complete contributor records was intentional on the part of the Committee, nor did the Committee have any improper motivation which might have caused it to intend to fail to obtain such records;

E. In that the PAC also failed to obtain complete contributor records, it is now impossible as a practical matter for the Committee to amend its records and reports to reflect complete information concerning these matters.

7904013504 6

F. These matters occurred during 1976, the first full year of political activity pursuant to the 1975 Amendments to the Act, and occurred in part during the time following Buckley v. Valeo in which the Commission was not able to respond fully to requests for interpretations of the Act;

G. The record-keeping failure herein described affected only a small portion of the contributions of approximately $1,300,000 raised by the Green for Senate Committee.

Therefore, respondent Green for Senate Committee agrees:

I. Respondent's failure to keep complete contributor records was in violation of 2 U.S.C. § 432 and § 434(b).

II. Respondent will pay as a civil penalty (and not as a fine) the sum of Five Hundred Dollars ($500), pursuant to 2 U.S.C. § 437g(a)(6)(B).

III. Respondent agrees not to undertake any activity which is in violation of the Federal Election Campaign Act, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement

7904013504 7

or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed this agreement and the Commission has approved the entire agreement.

III. It is agreed that respondent Green for Senate Committee shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

7904013504 8

_____
Date

_____
William C. Oldaker
General Counsel
Federal Election Commission

_____
Date

_____
Timothy Michals
Treasurer
Green for Senate Committee

MORGAN, LEWIS & BOCKIUS
1800 M STREET, N. W.
WASHINGTON, D. C. 20036

7904013 0049

HAND DELIVER

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

79 MAY 25 PM 2:20

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 6, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: MUR 427 (77) - Interim Conciliation Report dated 5-31-78
Signed by GC: 6-1-78, Received in OCS: 6-2-78, 1:23

The above-mentioned document was circulated on a 24 hour no-objection basis at 10:30 a.m., June 5, 1978.

As of 10:30 a.m., this date, no objections have been received in the Office of Commission Secretary to the Interim Conciliation Report.

7904013505 0

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

June 2, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427

Please have the attached Interim Conciliation Report on MUR 427 distributed to the Commission.fo

Thank you.

7 9 0 4 0 1 3 5 0 5 1

BEFORE THE FEDERAL ELECTION COMMISSION
May 31, 1978

In the Matter of	)	
	)	MUR 427 (77)
	)	
Green for Senate Committee	)	

INTERIM CONCILIATION REPORT

On March 17, 1978, the Green for Senate Committee was sent a Conciliation Agreement which included the Commission's findings of reasonable cause to believe a violation of 2 U.S.C. §441a has been committed and reason to believe violations of §432 and §434 (b) have been committed.

This office is currently negotiating with the respondents in this matter.

6/1/78
Date

William C. Oldaker
General Counsel

7904013505 2

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 5, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey, Esq.
123 South Broad Street
Philadelphia, Pa 19109

Re: MUR 427 (77)

Dear Mr. Harvey:

This letter is to notify you that the Commission has not received a counterproposal to the conciliation agreement which this office sent to you on March 17, 1978, concerning the Green for Senate Committee.

If you wish to continue negotiations in this matter, please advise this office, in writing, by the close of business June 16, 1978.

If we are unable to reach an agreement in this matter, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit. 2 U.S.C. §437g(a)(5)(B).

If you have any questions, please direct them to Suzanne Callahan (202/523-4058).

Sincerely,

William C. Oldaker
General Counsel

Callahan MUR 427

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

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

2. ARTICLE ADDRESSED TO: Harvey 123 S. Broad St. Philadelphia, Pa 19109

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 439527 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 6-7-78

5. ADDRESSEE (Complete only if requested)

POSTMARK

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS R.G.K.

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

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 9, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: MUR 427 (77) - Interim Conciliation Report dated and signed: 5-5-78 Received in Office of Commission Secretary: 5-8-78, 11:10

The above-mentioned document was circulated on a 24 hour no-objection basis at 3:00 p.m., May 8, 1978.

As of 4:00 p.m., this date, no objections have been received in the Office of Commission Secretary to the Interim Conciliation Report.

7904013505 4

May 8, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427

Please have the attached Interim Conciliation Report on MUR 427 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

7904013508 5

BEFORE THE FEDERAL ELECTION COMMISSION
May 5, 1978

In the Matter of	)	
	)	MUR 427 (77)
	)	
Green for Senate Committee	)	

INTERIM CONCILIATION REPORT

On March 17, 1978, the Green for Senate Committee was sent a Conciliation Agreement which included the Commission's findings of reasonable cause to believe a violation of 2 U.S.C. §441a has been committed and reason to believe violations of §432 and §434(b) have been committed.

On April 13, 1978, a meeting was held with the respondent. At that time, counsel for the respondent indicated that he would send us his written arguments and a counterproposal.

As of this writing, we have not received the respondent's proposal; however, we expect to receive and review it in the near future, at which time we will report to the Commission.

5/5/78
Date

William C. Oldaker
General Counsel

7904013 5056

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

April 11, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: MUR 427 (77) - Interim Investigatory Report dated 4-5-78
Signed by General Counsel: 4-7-78
Received in Office of Commission Secretary: 4-7-78, 1:06

The above-mentioned document was circulated to the Commissioners on a 24 hour no-objection basis at 4:30 p.m., April 7, 1978.

As of 9:00 a.m., this date, no objections have been received in the Office of Commission Secretary to the Interim Investigatory Report.

7904013505 7

April 7, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427

Please have the attached Interim Invest. Report on MUR 427 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

7904013505 8

Before the Federal Election Commission

April 5, 1978

In the Matter of	)	
	)	MUR 427 (77)
Green for Senate Committee	)	

Interim Investigatory Report

The facts of this case center on the acceptance by the respondent, Green for Senate Committee (GFSC) of $15,000 from the Service Station Dealers PAC (SSDPAC). On January 12, 1977, the Commission found reasonable cause to believe that the GFSC violated 2 U.S.C. §441a.

On March 1, 1978, the Commission adopted the recommendation of the General Counsel to find reason to believe that violations of 2 U.S.C. §432 and §434(b) have been committed by the GFSC. The Commission also approved the General Counsel's proposed conciliation agreement with the proviso that the $13,000 repayment to the U.S. Treasurer be deleted and that the $2,500 civil penalty be increased to $5,000.

On March 17, 1978, the respondent was notified of the Commission's March 1st determination and sent a conciliation agreement which included the Commission's previous finding of reasonable cause to believe that the GFSC violated 2 U.S.C. §441a.

On March 27, 1978, counsel for respondent contacted the Office of General Counsel via telephone. A meeting with counsel has been scheduled for the second week in April.

4/7/78
Date

William C. Oldaker
General Counsel

7904013 5059

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 17, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: MUR 427 (77)

Dear Mr. Harvey:

This letter is in reference to the Commission's August 16, 1977 notification to the Green for Senate Committee, requesting the Committee to return the excessive portion of the contributions it received from the Service Station Dealers PAC.

Subsequent to that Commission determination, it was noted that $14,001 transferred from the Service Station Dealers PAC to the Green for Senate Committee, were earmarked contributions resulting from two fundraisers held by the PAC. The PAC was acting as an intermediary pursuant to 2 U.S.C. §§441a (a)(7) and (8).

As set forth in 11 CFR 110.6, the original source of earmarked contributions are required to be reported by the intermediary to the intended recipient.

Section 110.6(d)(2) of the Commission's regulations further provides that if the intermediary of earmarked contributions exercises control over the choice of the recipient, the contribution shall be considered to be made by both the intermediary and the original contributor. This information is also required to be reported by the recipient candidate or committee.

Although the Commission is aware of the fact that the Service Station Dealers PAC did not keep contributor records in connection with the fundraisers, the reporting responsibilities of the Green for Senate Committee are not alleviated.

7904013506 0

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

The Commission has reason to believe that the Green for Senate Committee's failure to properly report the receipt of earmarked contributions and keep contributor records of the ticket purchasers is in violation of 2 U.S.C. §432 and §434(b).

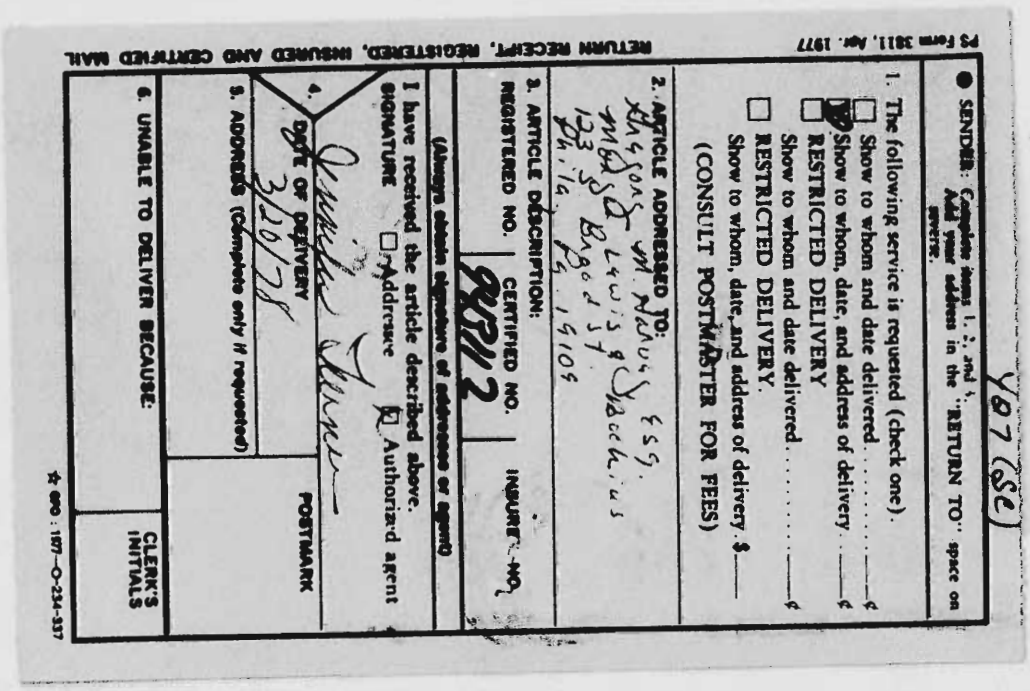
The Commission has further determined that although the Service Station Dealers PAC has exceeded its contribution limitations by contributing $15,000 to Green's committee, a repayment to the PAC should not be required in light of the fact that $14,001 was earmarked. However, the Commission has determined that a civil penalty should be made part of the conciliation agreement.

Please respond to this notification within ten days of your receipt of it.

If you have any questions please contact Suzanne Callahan (202/523-4058), the staff member assigned to this matter.

Sincerely,

William C. Oldaker
General Counsel


SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.
1. The following service is requested (check one).
Show to whom and date delivered ..... ¢
Show to whom, date, and address of delivery ..... ¢
RESTRICTED DELIVERY
Show to whom and date delivered ..... ¢
RESTRICTED DELIVERY.
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(CONSULT POSTMASTER FOR FEES)
2. ARTICLE ADDRESSED TO:
3. ARTICLE DESCRIPTION:
REGISTERED NO.
CERTIFIED NO.
INSURED NO.
(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE
Addressee
Authorized agent
4. DATE OF DELIVERY
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CLERK'S INITIALS
PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL
☆ GPO : 1977—O-234-537

Before the Federal Election Commission

February 23, 1978

In the Matter of	)	
	)	MUR 427 (77)
Green for Senate Committee	)	

Conciliation Agrement

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Green for Senate Committee, violated 2 U.S.C. §441a, and the Commission having found reason to believe that respondent violated 2 U.S.C. §432 and §434(b);

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Green for Senate Committee, having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. The Green for Senate Committee accepted $13,000 in excessive contributions from the Service Station Dealers Political

7904013506 2

Action Committee.

B. The Green for Senate Committee failed to obtain complete contributor records of ticket purchases for the fund-raisers held in the candidate's name by the Service Station Dealers Political Action Committee.

Therefore, respondent Green for Senate Committee agrees:

I. Respondent's action in accepting contributions in excess of the limits permissible under the Act is in violation of 2 U.S.C. §441a.

II. Respondent's action in its failure to keep complete contributor records is in violation of 2 U.S.C. §432 and §434(b).

III. That respondent will pay a civil penalty in the amount of $5,000 pursuant to 2 U.S.C. §437g(a)(6)(B).

IV. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

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

7904013506 3

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Green for Senate Committee shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date:_____

_____
William C. Oldaker
General Counsel
Federal Election Commission

Date:_____

_____
Timothy Michals
Treasurer
Green for Senate Committee

7904013506 4

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 427 (77)
Green for Senate Committee)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 1, 1978, at an Executive Session of the Federal Election Commission at which a quorum was present, the Commission determined by a vote of 6-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Find reason to believe violations of 2 U.S.C. Sections 432 and 434(b) had occurred and to so notify the respondent.

2. To approve the proposed conciliation agreement attached to the General Counsel's Report, subject to the deletion of Section III on page two of the proposed agreement, and the amendment of the civil penalty to a figure of $5,000 rather than $2,500, and to forward the amended agreement to the respondent.

Marjorie W. Emmons

Date: (Amended Certification)
March 13, 1978

Marjorie W. Emmons
Secretary to the Commission

7904013506 5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 427 (77)
Green for Senate Committee)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 1, 1978, at an Executive Session of the Federal Election Commission at which a quorum was present, the Commission determined by a vote of 6-0 to find reason to believe violations of 2 U.S.C. Sections 432 and 434(b) have been committed in the above-captioned matter and to so notify the respondent.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Date: March 3, 1978

7904013506 6

February 24, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427 Team #4 Callahan

Please have the attached General Counsel's Report on MUR 427 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of March 1, 1978.

Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION
February 23, 1978

In the Matter of	)	
	)	MUR 427(77)
	)	
Green for Senate Committee	)	

GENERAL COUNSEL'S REPORT

BACKGROUND OF CASE

The facts of this case center on the acceptance by the respondent, Green for Senate Committee (GFSC) of $15,000 from the Service Station Dealers PAC (SSDPAC). 1/

On January 12, 1977, upon the recommendation of the Reports Analysis Division, the Commission found reasonable cause to believe that the GFSC violated 2 U.S.C. §441a by accepting and retaining contributions in excess of the limits permissible under the Act.

On August 16, 1977, the Office of General Counsel notified the GFSC of the Commission's determination that contributions it had received from SSDPAC, in excess of the limits set forth in §441a, be repaid.

Subsequent to that Commission determination, it was discovered that $14,001 of the $15,000 transferred from SSDPAC to the GFSC were earmarked contributions resulting from two fundraisers held by the Service Station Dealers PAC.

1/ SSDPAC's Contribution to the GFSC in excess of the limits permissible under the Act is being handled in a separate MUR. (MUR 409 (77))

7904013506 8

LEGAL ANALYSIS

In view of the fact that $14,001 of the $15,000 given by SSDPAC to GFSC was earmarked for Green's campaign, a re-evaluation of the previous repayment determination by the Commission is warranted.

Since the excessive contributions which GFSC received from SSDPAC were earmarked, a repayment to the PAC would allow the funds, which were intended to go to Green's campaign, to be contributed by SSDPAC to other campaigns.

We should therefore recommend that the excessive contributions illegally transferred to GFSC be paid to the United States Treasurer, since the identity of the original contributors cannot be determined.

Additional violation:

The Green for Senate Committee accepted earmarked contributions from the PAC without the proper disclosure of the original contributors available. It is incumbent upon the recipient committee of any contributions, to keep complete and accurate records of receipts. The GFSC's failure to do so, appears to be in violation of 2 U.S.C. §434(b).

CONCLUSION

The Green for Senate Committee is in violation of 2 U.S.C. §441a for either accepting excess contributions from the Service Station Dealers PAC, or for accepting earmarked funds from SSDPAC,

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concerning which earmarked funds the GFSC did not know or attempt to learn the identity of the contributors or the amounts of their individual contributions, thereby possibly accepting contributions in excess of the amount permitted by §441a(a)(1)(A).

RECOMMENDATION

The Commission has previously found reasonable cause to believe that the GFSC violated 2 U.S.C. §441a.

It is recommended that the Commission find reason to believe a violation of §434(b) has occurred and send the attached notification.

2/23/78
Date

William C. Oldaker
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 427 (77)
Green for Senate Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 7, 1978, the Commission accepted the Interim Investigatory Report dated February 3, 1978 without objection.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

February 7, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: MUR 427 (77) - Interim Investigatory Report dated February 3, 1978

The above-mentioned document was circulated to the Commissioners on February 6, 1978 at 10:30.

No objections were received to the Interim Report.

ATTACHMENT:
Certification

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AMERICAN REVOLUTION BICENTENNIAL 1776-1976

February 3, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. GArr

SUBJECT: MUR 427

Please have the attached Interim Investigatory Report on MUR 427 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION
February 3, 1978

In the Matter of	)	
	)	MUR 427 (77)
	)	
Green for Senate Committee	)	

INTERIM INVESTIGATORY REPORT

The facts of this case center on the acceptance by the respondent, Green for Senate Committee (GFSC) of $15,000 from the Service Station Dealers PAC (SSDPAC).

The Commission has found reasonable cause to believe that the GFSC violated 2 U.S.C. §441a by accepting contributions in excess of the limits in the Act.

Since that Commission determination, it has come to our attention that the funds given to the GFSC were proceeds from two fundraisers held by SSDPAC rather than an outright contribution.

On January 17, 1978, Thomas Anderson, Executive Director of SSDPAC was deposed in Philadelphia, Pennsylvania. Mr. Anderson's statements as well as reports filed by SSDPAC indicate that SSDPAC was acting as an intermediary as defined by 2 U.S.C. §441a(a)(7) and (8).

Upon receipt of the aforementioned deposition, and an opportunity to analyze it, this office will be in a position to make a recommendation to the Commission.

2/3/78
DATE

William C. Oldaker
GENERAL COUNSEL

7904013507 4

December 30, 1977

MEMORANDUM TO: Marge Emmons

FROM: Jeff Bowman

SUBJECT: MUR 427(77) Team#2 Staff Member-Callahan

Please have the attached Interim Investigative Report on MUR 427(77) distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of January 4, 1978.

Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION
December 21, 1977

In the Matter of)
) MUR 427 (77)
Green for Senate Committee)

INTERIM INVESTIGATORY REPORT

The recent facts of this case, which are detailed in our Interim Report to the Commission of November 29, 1977, center on the acceptance by the respondent Green for Senate Committee (the Committee) of contributions from the Service Station Dealers PAC (SSDPAC), in possible violation of 2 U.S.C. §441a.

In MUR 409 involving SSDPAC, the Commission has ordered the Executive Director of SSDPAC to provide us with information relevant to this matter. SSDPAC has not responded within the time required by the subpoena, and on the two occasions when we contacted its attorney, he informed us the material was still being prepared. In view of this delay the Commission directed us on December 21, 1977, to move to compel production of the subpoenaed materials. As of this writing, we are preparing the motion papers and have still not received the answers.

Once this information is received we will be able to make a recommendation concerning the Committee.

7904013507 6

30 December 1977
DATE

William C. Oldaker
General Counsel

November 23, 1977

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427(77) Team #2 Callahan

Please have the attached Interim Status Report on MUR 427 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of November 29, 1977.

Thank you.

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 23, 1977

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427(77) Team #2 Callahan

Please have the attached Interim Status Report on MUR 427 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of November 29, 1977.

Thank you.

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OFFICE OF THE
COMMISSION SECRETARY
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AMERICAN REVOLUTION BICENTENNIAL 1776-1976

BEFORE THE FEDERAL ELECTION COMMISSION

November 23, 1977

In the Matter of	)	
	)	MUR 427 (77)
The Green for Senate Committee	)	

INTERIM STATUS REPORT

The facts of this case, which are detailed in our report to the Commission of August 8, 1977, center on the acceptance by the respondent Green for Senate Committee (the Committee) of contributions from the Service Station Dealers PAC (SSDPAC), in possible violation of 2 U.S.C. §441a.

On August 16, 1977, we notified the Committee of the Commission's determination that contributions it had received from SSDPAC in excess of an individual's contribution limitations should be repaid because the PAC was an unregistered and unqualified multicandidate committee.

Subsequent to this determination, SSDPAC submitted its 1974, 1975, and 1976 comprehensive reports. Upon receipt and review of these reports, it was discovered that SSDPAC had transferred not $10,000 but $15,000 in proceeds from fundraisers to the Committee.

We also noted that in SSDPAC's Schedule B of itemized expenditures, the two fundraisers were specifically listed as Green for Senate fundraisers, and not for the general treasury of SSDPAC. Moreover, each of the fundraiser expense items (i.e., catering, hall rental, ticket printing and the band) were expressly for the purpose of raising money for Green. (See attached excerpt.)

Following the Commission's last discussion of this matter on October 19th, we began a re-examination and re-evaluation of both the Committee's case and that of SSPAC to determine the extent of

7904013507 9

the connection, if any, between these two groups. In the separate MUR involving SSDPAC, we have asked the Commission to order the Executive Director of SSDPAC to provide us with information which will help us determine whether any illegal contributions were accepted by the Committee. If the fundraisers run by SSDPAC on behalf of the Committee had been authorized by the Committee, it may be that SSDPAC was acting as an intermediary pursuant to 2 U.S.C. §441a(a) (7) and (8) and not simply as an unregistered and unqualified multicandidate committee making excessive contributions to the Green Committee.

Upon receipt of the requested information from SSDPAC, a final recommendation will be made to the Commission regarding this matter.

DATE: 23 December 1977

WILLIAM C. OLDAKER
GENERAL COUNSEL

CHARLES N. STEELE
ASSOCIATE GENERAL COUNSEL

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Schedule B
1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Expenditures
Campaign Fundraising, Loans, and Transfers for Lines 20, 22, 23, and/or 24 of FEC Form 3

(see Instructions on back)

Page 2 of 3 for
LINE NUMBER 20
(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full
SERVICE STATION DEALERS POLITICAL ACTION COMMITTEE

Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Palumbo's Restaurant Phila., Pa.	Deposit-Green for Senate Dinner Phila., Pa.	2/22/76	1,000.00
Palumbo's Restaurant Phila., Pa.	Green for Senate Dinner, Phila., Pa.	3/3/76	6,307.00
William Dammion Phila., Pa.	Refund for Tickets-Green Dinner, Phila,Pa.	3/29/76	250.00
Terminal Press Phila., Pa.	Tickets for Green Dinner, Phila., Pa.	3/29/76	23.32
Herman Pinting & Litho Inc. Pittsburg, Pa.	Tickets for Green Dinner, Pittsburg,Pa.	3/29/76	125.61
Herman Printing & Litho Inc. Pittsburg, Pa.	Drawing tickets for Dinner-Pittsburg,Pa.	4/23/76	50.88
Sheraton Sun on the Mall Pittsburg, Pa.	Green for Senate Dinner (5/23/76)Pittsburg,Pa.	6/7/76	3,767.57
Herb Fedel Pittsburg, Pa.	Reimburse for Band for Green dinner Dance (5/23/76),Pittsburg,Pa.	6/14/76	225.00
Subtotal of expenditures this page (optional) ▶			$11,749.38
Total this period (last page this line number only) ▶			$

7904013508 1

Page

AGC 2159

703492

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109
TELEPHONE: (215) 491-5200
CABLE ADDRESS: MORLEBOCK
TELEX: 83-1315

1800 M STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 872-8000

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

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

600 WEST SIXTH STREET
LOS ANGELES, CALIFORNIA 90017
TELEPHONE: (213) 687-6600

2 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131
TELEPHONE: (305) 371-5200

ASSOCIATED OFFICE:
130, RUE DU FAUBOURG ST. HONORÉ
PARIS 8, FRANCE
TELEPHONE: 266-88-97

November 29, 1977

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

Re: Green For Senate Committee - MUR 427

Dear Mr. Oldaker:

Thank you for your letter of November 21, 1977, informing us that the Commission is presently reviewing records in connection with our proposed transfer of funds, as described in my letter of November 4, and that we may expect in the future to receive notification of a Commission determination.

If there is any further information which appropriately might be requested of us, please be assured that such information will be promptly provided.

Very truly yours,

Gregory Harvey

Gregory M. Harvey

GMH/jt

7904013508 2

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

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PHILADELPHIA PA NOV 29 '77

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

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 21, 1977

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

Re: MUR 427

Dear Mr. Harvey:

This is in response to your letter of November 4, 1977, setting out how your client intends to effectuate the transfer of funds to the Service Station Dealers PAC as requested by the Commission.

The Commission is presently reviewing records in connection with this matter. We will notify you when a Commission determination is made concerning the transfer of funds from the National Congress of Petroleum Retailers to the Green for Senate Committee.

Sincerely yours,

William C. Oldaker
General Counsel

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LCC 1972

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109
TELEPHONE: (215) 491-9200
CABLE ADDRESS: MORLEBOCK
TELEX: 83-1315

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WASHINGTON, D.C. 20036
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HARRISBURG, PENNSYLVANIA 17102
TELEPHONE: (717) 236-1787

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LOS ANGELES, CALIFORNIA 90017
TELEPHONE: (213) 687-5900

ASSOCIATED OFFICE:
120, RUE DU FAUBOURG ST. HONORÉ
PARIS 8, FRANCE
TELEPHONE: 359-69-57

RECEIVED
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COMMISSION
'77 NOV 4 PM 12:31

November 4, 1977

703229

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

Attention: Suzanne Callahan, Esquire

Re: Green for Senate Committee

Dear Ms. Callahan:

On behalf of the Green for Senate Committee, this will respond to your request that the Commission be advised formally of the manner by which the Committee intends to return to the "Service Station Dealers Political Action Committee" $13,000.

The Committee has received an oral commitment from the "National Congress of Petroleum Retailers," 2021 K Street, N.W., Suite 301, Washington, D.C., which the Committee is informed is a federally registered political action committee and had such status prior to the 1976 Pennsylvania primary election, to contribute $10,000 to the Committee. In the event that receipt of such contribution is determined to be acceptable to the Commission and the contribution is received by the Committee, William J. Green has agreed with the Committee to contribute to the Committee within 30 days thereafter such additional amount, up to $3,000, as may be necessary to allow the Committee to transfer the total sum of $13,000 to the Service Station Dealers Political Action Committee.

We would appreciate your advising the undersigned of the manner by which the Commission's approval of these arrangements might be obtained and your request for such additional information, if any, as might be necessary in this connection.

Respectfully yours,

Gregory M. Harvey

Gregory M. Harvey

cjm

cc: William J. Green

7904013508 5

MORGAN, LEWIS & BOCKIUS
1800 M STREET N.W.
WASHINGTON, D.C. 20036

7904013508

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

HAND DELIVER

Attn: Suzanne Callahan, Esquire

FEDERAL ELECTION COMMISSION

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

October 14, 1977

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427 (77)

Please have the attached report on MUR 427 (77) distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of October 19, 1977.

Thank you.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

BEFORE THE FEDERAL ELECTION COMMISSION

OCTOBER 13, 1977

In the Matter of	)	
	)	MUR 427
Green for Senate Committee	)	

INTERIM REPORT

On December 3, 1976, the Disclosure Division notified the Green for Senate Committee (GFSC) that the Commission had found reasonable cause to believe that they had accepted a contribution in violation of 2 U.S.C. §441.

On July 29, 1977, the Commission voted to request that the GFSC repay $8,000 in excess contributions which they had received from the Service Station Dealers PAC (SSDPAC), an unregistered committee. The respondent was notified of the Commission's decision on August 16, 1977.

On August 23, 1977, Mr. Green called us and stated that the GFSC did not have the funds to repay the SSDPAC.

On August 26, 1977, Dr. Timothy Michals, treasurer for the GFSC, wrote the Commission indicating that counsel for Green's committee was reviewing the Commission's request and would contact the Commission as soon as possible.

Further review by us of the GFSC and SSDPAC reports indicates that the Committee had accepted not $10,000, but $15,000, in contributions from the SSDPAC. This means that the total amount of improper contributions was $13,000, not $8,000.

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Treasurer Michals was notified of this finding via phone on September 21, 1977 and a confirmation letter was sent to him on October 3, 1977. We requested him to notify us how the Committee would go about returning the improper amount of contributions.

On September 27, 1977, Gregory Harvey, counsel for the GFSC, called the Commission. Mr. Harvey stated that the GFSC is presently in debt and did not have $13,000 to use for repayment purposes. Mr. Harvey said he will be in Washington during the first two weeks of October and will make an appointment to discuss this matter with FEC representatives. Mr. Harvey stated he would send a written statement concerning the Committee's position in this matter. As of this writing, we are awaiting his letter and visit.

10/13/77
Date

William C. Oldaker
General Counsel

79040135089

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 3, 1977

Dr. Timothy Michals
Treasurer
Green for Senate Committee
7008 Green Hill Road
Philadelphia, Pennsylvania 19154

Re: MUR 427 (77)

Dear Dr. Michals:

This is to confirm the information given to you during the telephone call made to you on September 21, 1977, by Suzanne Callahan, a member of our staff.

In our August 16, 1977 letter to you, we referred to $10,000 in contributions that the Green for Senate Committee had received from the Service Station Dealers PAC.

Further review of our records indicates that the Green for Senate Committee had received not $10,000 but $15,000 from this PAC, as outlined below:

3/10/76	$ 300
3/27/76	100
4/24/76	4,600
8/6/76	1,000
9/16/76	4,000
11/5/76	5,000
Total	$15,000

These figures are reflected in your reports as well as those submitted by the Service Station Dealers PAC on September 15, 1977.

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AMERICAN REVOLUTION BICENTENNIAL 1776-1976

As you are aware, as set forth in 2 U.S.C. §441a (a)(2)(A), qualified multi-candidate committees are permitted to contribute $5,000 per candidate per election. Given the fact that Service Station Dealers PAC is not a qualified multi-candidate committee and could therefore contribute not more than $1,000 per candidate or committee per election (again, see our letter of August 16, 1977), your committee has accepted and retained $13,000 in excess contributions in this matter.

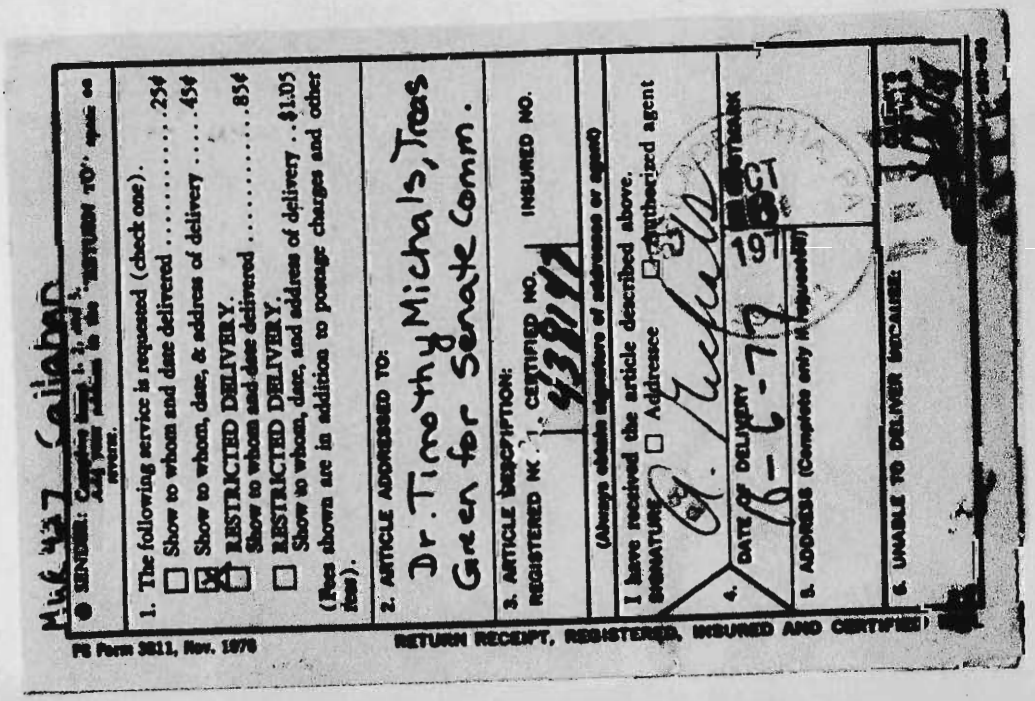
We would appreciate a response from you within 5 days of your receipt of this letter setting out how you propose to deal with the non-allowable portion of this contribution.

If you have any questions, please direct them to Suzanne Callahan (523-4166), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

cc: Gregory Harvey, Esquire



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SEP 23 1977

Dr. Timothy Michals
Treasurer
Green for Senate Committee
7008 Green Hill Road
Philadelphia, Pennsylvania 19154

Re: MUR 427 (77)

Dear Dr. Michals:

This is to confirm the information given to you during the telephone call made to you on September 21, 1977, by Suzanne Callahan, a member of our staff.

In our August 16, 1977 letter to you, we referred to $10,000 in contributions that the Green for Senate Committee had received from the Service Station Dealers PAC.

Further review of our records indicates that the Green for Senate Committee had received not $10,000 but $15,000 from this PAC, as outlined below:

3/10/76	$ 300
3/27/76	100
4/24/76	4,600
8/6/76	1,000
9/16/76	4,000
11/5/76	5,000
Total	$15,000

These figures are reflected in your reports as well as those submitted by the Service Station Dealers PAC on September 15, 1977.

7904013509 2

As you are aware, as set forth in 2 U.S.C. §441a (a)(2)(A), qualified multi-candidate committees are permitted to contribute $5,000 per candidate per election. Given the fact that Service Station Dealers PAC is not a qualified multi-candidate committee and could therefore contribute not more than $1,000 per candidate or committee per election (again, see our letter of August 16, 1977), your committee has accepted and retained $13,000 in excess contributions in this matter.

We would appreciate a response from you within 5 days of your receipt of this letter setting out how you propose to deal with the non-allowable portion of this contribution.

If you have any questions, please direct them to Suzanne Callahan (523-4166), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

cc: Gregory Harvey, Esquire

AMC
9/29

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MC1338

RECEIVED
FEDERAL ELECTION
COMMISSION

August 26, 1977

'76 SEP 1 AM 11:19

T89622
772581

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

Dear Mr. Oldoker:

We have received your letter of August 16th.

Mr. Green, the candidate, spoke to Suzanne Callahan, who indicated that their conversation complies with your request to respond within ten (10) days.

As Mr. Green indicated to Ms. Callahan, we don't currently have assets of $8,000.00 as our report filed with the Commission clearly indicates.

Counsel for our committee is studying this matter and will contact the Commission as soon as possible.

Sincerely,

Dr. Timothy Michals
Treasurer
Green for Senate Committee

TM:z

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ATLANTIC CITY N.J. PM 30 AUG 1977

WASHINGTON AUG 30 '77 D.C.

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

'76 SEP 1 AM 10:46

FEDERAL ELECTION COMMISSION

10:17 AM

FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 16, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Timothy Michals, Treasurer
Green for Senate Committee
P.O. Box 1000
Philadelphia, Pa. 19107

Re: In reply please refer to MUR 427(77)

Dear Dr. Michals:

This letter is in reference to the Commission's January 12, 1977 notification to you that entries in your reports of receipts and expenditures gave the Commission reasonable cause to believe that the Green for Senate Committee may have accepted a contribution in violation of 2 U.S.C. section 441a.

In your letter to the Commission of February 7, 1977, you stated that Thomas Anderson, Executive Director and Norman Zarwin, attorney for the Service Station Dealers PAC, advised you that the PAC was registered with the Commission and was therefore permitted to make contributions in the amount given to your committee.

In fact, the Service Station Dealers PAC is not registered with the FEC and is therefore not a qualified multicandidate committee.

Consistent with these determinations, and further pursuant to section 110.9 of the Commission's Regulations, the Commission is now requesting that the Green for Senate Committee return the excessive portion of the $10,000 contribution it received from the Service Station Dealers PAC.

The portion to be returned to the PAC is $8,000. As set forth in 2 U.S.C. section 441a, a non-qualified multicandidate committee could be considered no more than an individual contributor and allowed $1,000 per candidate or committee, per election. Since the Green for Senate Committee managed the campaign for the primary and the general election, it could receive no more than $2,000 from the Service Station Dealers PAC.

7904013509 6

The Commission wants to be informed by you, within 10 days of your receipt of this letter, of how you intend to effectuate this transfer of funds.

If you have any questions, please do not hesitate to contact me. The staff member assigned to this matter is Suzanne Callahan (telephone no. 202/523-4166).

Sincerely,

William C. Oldaker
General Counsel

7904013509 7

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

8/16/77

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Timothy Michals, Treasurer
Green for Senate Committee
P.O. Box 1000
Philadelphia, Pa. 19107

Re: In reply please refer to MUR 427(77)

Dear Dr. Michals:

This letter is in reference to the Commission's January 12, 1977 notification to you that entries in your reports of receipts and expenditures gave the Commission reasonable cause to believe that the Green for Senate Committee may have accepted a contribution in violation of 2 U.S.C. section 441a.

In your letter to the Commission of February 7, 1977, you stated that Thomas Anderson, Executive Director and Norman Zarwin, attorney for the Service Station Dealers PAC, advised you that the PAC was registered with the Commission and was therefore permitted to make contributions in the amount given to your committee.

In fact, the Service Station Dealers PAC is not registered with the FEC and is therefore not a qualified multicandidate committee.

Consistent with these determinations, and further pursuant to section 110.9 of the Commission's Regulations, the Commission is now requesting that the Green for Senate Committee return the excessive portion of the $10,000 contribution it received from the Service Station Dealers PAC.

The portion to be returned to the PAC is $8,000. As set forth in 2 U.S.C. section 441a, a non-qualified multicandidate committee could be considered no more than an individual contributor and allowed $1,000 per candidate or committee, per election. Since the Green for Senate Committee managed the campaign for the primary and the general election, it could receive no more than $2,000 from the Service Station Dealers PAC.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

7904013509 8

The Commission wants to be informed by you, within 10 days of your receipt of this letter, of how you intend to effectuate this transfer of funds.

If you have any questions, please do not hesitate to contact me. The staff member assigned to this matter is Suzanne Callahan (telephone no. 202/523-4166).

8/12/77

Sincerely,

/s/
William C. Oldaker
General Counsel

/9040135099

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 11, 1977

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: MUR 427 (77) - Revised Notification to Respondent

The above-mentioned document was transmitted to the Commissioners on August 10, 1977 at 2:30 p.m.

As of 2:45 p.m., August 11, 1977, no objections have been received in the Office of Commission Secretary to the revised letter.

7904013510 0

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

August 10, 1977

MEMORANDUM TO: Marjorie Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427 (77)

Please have the attached letter on MUR 427 (77) circulated to the Commission on a 24 hour no-objection basis.

Thank you.

7904013510 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 427 (77)
Green For Senate Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 11, 1977, the Commission adopted the recommendation of the General Counsel regarding the revised notification in the above-captioned matter.

Marjorie W Emmons

Marjorie W. Emmons
Secretary to the Commission

7904013510 2

FEDERAL ELECTION COMMISSION

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

MEMORANDUM

TO: COMMISSIONERS

FROM: BILL OLDAKER Bill

SUBJECT: MUR 427 (77) REVISED NOTIFICATION TO RESPONDENT

On August 8, 1977, the Commission voted to request the Green for Senate Committee return $8,000 to the Service Station Dealers PAC because the contribution was in violation was of 2 U.S.C. section 441a. During the discussion, the Commission also recommended that the notification letter to the Respondent proposed by the Office of the General Counsel be revised in two ways. The General Counsel's Office agrees with this recommendation. Attached is the revised letter

7904013510 3

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Timothy Michals, Treasurer
Green for Senate Committee
P.O. Box 1000
Philadelphia, Pa. 19107

Re: In reply please refer to MUR 427(77)

Dear Dr. Michals:

This letter is in reference to the Commission's January 12, 1977 notification to you that entries in your reports of receipts and expenditures gave the Commission reasonable cause to believe that the Green for Senate Committee may have accepted a contribution in violation of 2 U.S.C. section 441a.

In your letter to the Commission of February 7, 1977, you stated that Thomas Anderson, Executive Director and Norman Zarwin, attorney for the Service Station Dealers PAC, advised you that the PAC was registered with the Commission and was therefore permitted to make contributions in the amount given to your committee.

In fact, the Service Station Dealers PAC is not registered with the FEC and is therefore not a qualified multicandidate committee.

Consistent with these determinations, and further pursuant to section 110.9 of the Commission's Regulations, the Commission is now requesting that the Green for Senate Committee return the excessive portion of the $10,000 contribution it received from the Service Station Dealers PAC.

The portion to be returned to the PAC is $8,000. As set forth in 2 U.S.C. section 441a, a non-qualified multicandidate committee could be considered no more than an individual contributor and allowed $1,000 per candidate or committee, per election. Since the Green for Senate Committee managed the campaign for the primary and the general election, it could receive no more than $2,000 from the Service Station Dealers PAC.

7904013510 4

The Commission wants to be informed by you, within 10 days of your receipt of this letter, of how you intend to effectuate this transfer of funds.

If you have any questions, please do not hesitate to contact me. The staff member assigned to this matter is Suzanne Callahan (telephone no. 202/523-4166).

Sincerely,

William C. Oldaker
General Counsel

7904013510 5

July 29, 1977

MEMORANDUM TO: Marjorie Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 427 (77)

Please have the attached General Counsel's Report on MUR 427 (77) distributed to the Commission and placed on the agenda for the Commission meeting of August 8, 1977.

Thank you.

79040135106

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 427 (77)
Green for Senate Committee	)	

GENERAL COUNSEL'S REPORT

I. Allegation

The Green for Senate Committee (The Committee) in Pennsylvania, has accepted and retained $10,000 in contributions from the Service Dealers PAC. Since the contributing PAC is not a qualified multi-candidate committee, the Green for Senate Committee has accepted a contribution from a committee which has violated 2 U.S.C. section 441a.

II. Evidence

The Committee was given the $10,000 by the Service Station Dealers PAC as five (5) contributions, set out below:

> $300 on March 10, 1976; $100 on March 25, 1976;
> $4,600 on April 24, 1976; $1,000 on August 6, 1976;
> and $4,000 on September 16, 1976.

This information had resulted from a routine records analysis by the Disclosure Division. On December 3, 1976, based on this information, the Commission found reason to believe that the Green for Senate Committee had accepted a contribution which violated 2 U.S.C. section 441a. On January 12, 1977, the Commission found reasonable cause to believe that the Committee had received a contribution which was in violation of section 441a. The Committee was notified by the Disclosure Division of both findings.

7904013510 7

On February 7, 1977, Neil B. Godick, the Assistant Treasurer for the Committee, responded. He stated he had been advised by the Executive Director and an attorney for the Service Station Dealers PAC that the PAC was indeed registered with the Commission and permitted to make the contributions in question.

The Disclosure Division considered this to be a reasonable response from the Committee pending response from the Service Station Dealers PAC on this same question. A memo in the Committee's file states, "The Green for Senate Committee has responded to this as best they can. We will have to await a response from the Service Station Dealers PAC before we can pursue the Green Committee any further."

III. Analysis

On July 20, 1977, the Commission found reasonable cause to believe that the Service Station Dealers PAC violated 2 U.S.C. section 441a. (on March 23, 1977, the Commission found reasonable cause to believe the Service Station Dealers PAC had violated sections 433 and 434) This PAC, then, is not a qualified multi-candidate committee and has exceeded the contribution limitations set forth in section 441a.

By the same token, the Green for Senate Committee has violated section 110.9(a) of the regulations which state, "No candidate or political committee shall accept any contribution or make any expenditures in violation of the provisions of Part 110."

Although the Committee accepted the contribution in good faith, they retained this contribution after being advised by the Commission that the contribution was questionable.

As set forth in section 441a, the Green for Senate Committee

7904013510 8

should be able to retain $1,000 per election from a non-qualified committee. Therefore, an excess of $8,000 has been accepted and retained by the Committee, ($1,000 for the primary and $1,000 for the general election being the acceptable limits).

IV. Recommendation

It is recommended that the Commission send the attached letter to the Green for Senate Committee requesting that it return to the Service Station Dealers PAC, the excess contribution of $8,000 received.

WILLIAM C. OLDAKER
GENERAL COUNSEL

DATE: 7/28/77

7904013510 9

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Timothy Michels, Treasurer
Green for Senate Committee
P.O. Box 1000
Philadelphia, Pa. 19107

Re: In reply please refer to
MUR 427 (77)

Dear Dr. Michels:

This letter is in reference to the Commission's January 12, 1977 notification to you that entries in your reports of receipts and expenditures gave the Commission reasonable cause to believe that the Green for Senate Committee may have accepted a contribution in violation of 2 U.S.C. section 441a.

The Commission has just determined that there is reasonable cause to believe that the Service Station Dealers PAC, which contributed $10,000 to your committee, is not a qualified multi-candidate committee and has exceeded the contribution limitations set forth in 2 U.S.C. section 441a.

Consistent with these determinations, and further pursuant to section 110.9 of the Commission's Regulations, the Commission is now requesting that the Green for Senate Committee return the excessive portion of the contribution to the Service Station Dealers PAC.

The portion to be returned to the PAC is $8,000. As set forth in 2 U.S.C. section 441a, a non-qualified multicandidate committee could be considered no more than an individual contributor and allowed $1,000 per candidate or committee, per election. Since the Green for Senate Committee managed the campaign for the primary and the general election, it could receive no more than $2,000 from the Service Station Dealers PAC.

The Commission wants to be informed by you, within 10 days of your receipt of this letter, of how you intend to effectuate this transfer of funds.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

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If you have any questions, please do not hesitate to contact me. The staff member assigned to this matter is Suzanne Callahan (telephone no. 523-4166).

Sincerely,

William C. Oldaker
General Counsel

79040135111

Schedule A
Page 2
Name of committee (in full)

Receipts and Itemizations for Lines 16, 17 and 18 of Page 1

Date (month, day, year)

Name of candidate you support or oppose (if any)

Green for Senate Committee

Full name, mailing address and ZIP code	Occupation / Principal place of business	Date (month, day, year)	Amount received
Maryland Non-Partisan Political League, 1300 Conn. Ave., N.W., Washington, D.C. 20036	n/a	2/20/76	$5,0
American Express Officers Committee for Responsible Government, 1701 K St., N.W. Suite 205, Washington, D.C. 20006	n/a	3/4/76	$200
Savings Association Political Election Committee, P.O. Box 5601, Washington, D.C. 20016	n/a	3/4/76	$1,0
Laborers' Political League, 905 16th St., N.W., Washington, D.C. 20006	n/a	3/29/76	$1,0
Service Station Dealers Political Action Committee, 41 Drexel Sq., Suite 417, Bala Cynwyd, Pa. 19004	n/a	3/29/76 2/25/76	[illegible]
Southern Political Activity Division, [illegible] Ave., [illegible]			

Page Total

Grand Total

7904013512

Members [illegible] (Last name only)

Name of Committee (In Full)

Green for Senate Committee

Name, mailing address and ZIP code	Date (month, day, year)	Amount of receipt this period
Sheet Metal Workers League for Political Education 4010 Levick St., Phila. Pa. 19135	4/22/76	$25.
Place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-Date ..... > $ 25		
Name, mailing address and ZIP code	Date (month, day, year)	Amount of receipt this period
I.L.G.W.U. Campaign Committee — 1710 Broadway, New York, N.Y. 10019	4/22/76	$2,500.
Place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ..... > $ 2600		
Name, mailing address and ZIP code	Date (month, day, year)	Amount of receipt this period
Railway Clerks Political Leigue — 6300 River Rd., Rosemont Ill. 60018	4/23/76	$100.
Place of business: n/a / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ..... > $ 1000		
Name, mailing address and ZIP code	Date (month, day, year)	Amount of receipt this period
Carpenters' Legislative Improvement Committee	4/23/76	$500.
Place of business: 101 Constitution Ave. N.W. Washington D.C. 20001 / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ..... > $ 500		
Name, mailing address and ZIP code	Date (month, day, year)	Amount of receipt this period
Teamsters Local No. 115 Political Action Fund — 2833 Cottman Ave., Phila., Pa. 19149	4/24/76	$250.
Place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ..... > $ 250.		
Name, mailing address and ZIP code	Date (month, day, year)	Amount of receipt this period
S.O.D.E.L.C. (Committee Chairman Name) — Oak Brook Square, Oak Brook, Ill.	4/24/76	$ 4,600
Place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date		

7904013513

CONTINUED

Name and Address	Occupation	Date (month, day, year)	Amount of Receipt
Lundy County Democratic Committee P.O. Box 351 Lewisburg, Pa. 17837		8-6-76	200.00
Name and Address	Occupation	Date (month, day, year)	Amount of Receipt
Stephen R. Wojdak, Senatorial Campaign Funding Committee 567 Custer Ave. Phila., Pa.		8-6-76	200.00
Name and Address	Occupation	Date (month, day, year)	Amount of Receipt
Vendor Station Dealers Political Action Committee Decker Sq. Cynwyd, Pa.		8-6-76	1000.00
Name and Address	Occupation	Date (month, day, year)	Amount of Receipt
National Committee for an Effective Congress 30th St. New York, N.Y. 10016		8-9-76	4,500.00
Name and Address	Occupation	Date (month, day, year)	Amount of Receipt
Attorneys Congressional Campaign Trust 555 15th St., N.W., Suite 410 Wash., D.C. 20005		8-10-76	2,500.00
Name and Address	Occupation	Date (month, day, year)	Amount of Receipt
U.S. Executives Voluntary Nonpartisan Political Fund 221 Avenue of the Americas New York, N.Y. 10020		8-16-76	[illegible]

7904013514

Name and Address	Date (month, day, year)	Amount of Contribution
Tenfarmers Action Fund Broadway, Suite 902 York, N.Y. 10038	9-11-76	5000.00
Occupation:		
Check Contribution enclosed Amount Previously Reported: 6-5 5000.00		
Name and Address	Date (month, day, year)	Amount of Contribution
Public Affairs Comm. of Savings Associations P.O. Box 797 Harrisburg, Pa. 17108	9-15-76	200.00
Occupation:		
Check Contribution enclosed Amount Previously Reported: 6-5 500.00		
Name and Address	Date (month, day, year)	Amount of Contribution
Podiatry Political Action Comm. 20 Chevy Chase Circle Wash., D.C. 20015	9-15-76	500.00
Occupation:		
Check Contribution enclosed Amount Previously Reported: 6-5 500.00		
Name and Address	Date (month, day, year)	Amount of Contribution
Service Station Dealers Political Action Com. 2 Decker Sq. Bala Cynwyd, Pa.	9-16-76	4000.00
Occupation:		
Check Contribution enclosed Amount Previously Reported: 6-5 10,000.00		
Name and Address	Date (month, day, year)	Amount of Contribution
Political & Educational Fund of the Building & Construction (refunded) Trades Dept. N. 16th St., N.W. Rm. 603, Wash. D.C. 20006	9-17-76	1000.00
Occupation:		
Check Contribution enclosed Amount Previously Reported: 6-5 1000.00		
Name and Address	Date (month, day, year)	Amount of Contribution
Democratic Senatorial Campaign Comm. Rm 130, Senate Office Bldg. Wash., D.C.	9-21-76	20[illegible]
Occupation:		
Check Contribution enclosed Amount Previously Reported: 6-5 1000.00		

7904013515

In reply please refer to
RAD0099 NB
2/17
due

FEDERAL ELECTION COMMISSION

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

January 12, 1977

Dr. Timothy Michels, Treasurer
Green for Senate Committee
Post Office Box 1000
Philadelphia, Pennsylvania 19107

Dear Dr. Michels:

You have been notified twice that certain entries in the October 10 Quarterly Report of Receipts and Expenditures filed by your committee raised problems under Section 441 of the Federal Election Campaign Act of 1971, as amended.

We received a response from you on December 20, 1976, however, we found your response to be inadequate. Your failure to provide an adequate response gives the Commission reasonable cause to believe that you may have committed a violation of the Act. Should you fail to correct this matter within thirty (30) days of receipt of this letter, this matter will be turned over to our office of General Counsel for appropriate statutory action.

Sincerely,

Commissioner

19040135116

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

Due ~~12/16/76~~ 12/22/76

December 3, 1976

1b 0378

Dr. Timothy Michels, Treasurer
Green for Senate Committee
Post Office Box 1000
Philadelphia, Pennsylvania 19107

Dear Dr. Michels:

On November 3, 1976, you were notified that certain entries in the October 10 Quarterly Report of Receipts and Expenditures filed by your committee raised problems under section 441 of the Federal Election Campaign Act of 1971, as amended.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of section 441.

The Commission intends to take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within ten (10) days of receipt of this letter. If you have any questions, please do not hesitate to contact Nancy Davis (202/382-3484) our reports analyst assigned to you.

Sincerely,

Vernon A. Thomson

Commissioner

19040135117

RUDOLPH, PALITZ AND COMPANY
CERTIFIED PUBLIC ACCOUNTANTS
1845 WALNUT STREET
PHILADELPHIA, PA. 19103
215 - 564-1125

'77 FEB 14 AM 11: 42
FEDERAL ELECTION COMMISSION

February 7, 1977

770502

Commissioner Thomas E. Harris
Federal Election Commission
1325 K Street, N.W.
Washington, D.C.

Re: Green for Senate Committee No. C00033522
Your No. RAD 0099 ND

Dear Commissioner Harris:

Please excuse our delay in responding to your January 12, 1977 letter to us regarding contributions received from Plumbers Union Local #609 and Service Station Dealers Political Action Committee.

Plumbers Union Local #609

We have been advised by Attorney Robert Kelly that the contribution received is an acceptable contribution as it was a transfer from the National Union's registered Political Action Committee to the Local Union for the Green for Senate Committee. We have been further advised by Attorney Kelly that the contribution was not made from Plumbers' Union Local #609 funds. If any wrong has been committed, it is that the original contributor was not properly identified. If your office advises, we will file an amended report.

Service Station Dealers Political Action Committee

We have been advised by Thomas Anderson, Executive Director, and Norman Zarwin, attorney for the Service Station Dealers Political Action Committee, of the following:

1. The Service Station Dealers PAC is registered with the FEC and is permitted to make contributions in the amount made to the Green for Senate Committee.

2. Tickets were sold for a "fund raising dinner" on or about April 15, 1976, at which time William Green was the speaker. The excess of the revenues over the expenses of the dinner were contributed to the Green for Senate Committee. No single person purchased more than four (4) tickets at $25 each for the dinner.

7904013518

If any wrong has been committed, it is that the original contributor was not properly recorded as an "event" on line 15(b) and 15(c) on FEC Form 3. If your office advises, we will file an amended report.

Sincerely,

Neil B. Godick
Assistant Treasurer

NBG:ys
CC: Dr. Timothy Michals
Gregory Harvey, Esq.

79040135119

MEMORANDUM: FOR FILES

RE: TELECON

FROM: Sandy Kopp

DATE: 3/15/77

NAME OF COMMITTEE: Green For Senate Committee

RE: RAD 95 Plumers Union
The response received 2/7/77 regarding the Plumers Union is adequate. The local union was acting as an agent.

RE: RAD 99 Service Station Dealers
The Service Station Dealers PAC is not registered with the FEC. I discussed this matter with Bruce Shelton of the NON-Party Team. He said that they are sending a third letter to the Service Station Dealers because they are a non-registered committee. To date the FEC has received no response from them.

The Green for Senate Committee has responded to this as best as they can. We will have to await a response from the Service Station Dealers before we can pursue the Green Committee any further.

Bruce will keep us posted regarding further correspondence from the Service Station Dealers.

79040135120

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 427

Date Filmed 6/26/79 Camera No. --- 2

Cameraman J.A.Q.

7904035121