FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 525

DATE: 10/5/78

FILMED BY: [illegible]

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

September 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, South Carolina 29020

Re: MUR 525(78)

Dear Mr. Green:

Enclosed please find a copy of the signed conciliation agreement entered into by the Holland in Congress Committee and the Federal Election Commission. Also enclosed is a copy of the certification of the Commission's acceptance of the agreement.

The file in this matter is now closed.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

7 3 0 4 0 0 6 5 2 7 7

GCO# 4733

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Holland in Congress Committee) MUR 525(78)

'78 SEP 1 AM 11:49

CONCILIATION AGREEMENT

005874

This matter having been instituted by the Commission in the ordinary course of carrying out its supervisory responsibilities, and, after an investigation, the Commission having found reasonable cause to believe that the Holland in Congress Committee (hereinafter "the Respondent") has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. § 437(a)(5) do hereby agree as follows:

I. The Federal Election Commission has jurisdiction over the Respondent and the subject matter in this case.

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

III. Respondent enters into this agreement with the Commission voluntarily.

IV. The pertinent facts are as follows:

A. The Committee received $2728.01 in contributions derived from four fund-raising events which was never deposited in a designated campaign depository.

B. This undeposited $2728.01 was used to make cash expenditures which included the payment of costs of these fund-

7 8 0 4 0 0 5 2 8 1

raising events and the payment of the Candidate's filing fee.

C. Five of the cash expenditures made with the $2728.01 in undeposited contributions, including the $892 used for the Candidate's filing fee, were in excess of $100.

D. In two instances the Committee received contributions which were not deposited into a campaign depository until after three to seven months had elapsed.

E. The first instance of delayed deposit of contributions involved an $800 check dated June 27, 1975, which was made payable to cash and received personally by the Candidate. Only $500 in cash was delivered to the Committee in July, 1975. The Committee received possession of the remaining $300 in cash in January, 1976, and immediately deposited that sum.

F. The second instance of delayed deposit involved $3,525 in contributions received by the Committee as the result of a fund-raising event held on October 14, 1975. Of this amount $1,650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited. The cash involved was not delivered to the headquarters of the Committee until probably January, 1976. The portion of the cash not deposited at that time was placed in a file with the contributions list for 1975 where it remained until April of that year.

G. The Committee accepted contributions from eight incorporated entities.

7 8 0 4 0 6 5 2 8 1

WHEREFORE, Respondent agrees:

A. That Respondent failed to deposit into a designated campaign depository $2728.01 in contributions derived from four fund-raising events.

B. That failure to deposit all contributions into a designated campaign depository constitutes a violation 2 U.S.C. § 437b(a)(1).

C. That Respondent made five cash expenditures in excess of $100, including payment of the candidate's filing fee.

D. That failure to make all committee expenditures by means of checks drawn on a campaign depository constitutes a violation of 2 U.S.C. § 437b(a)(1).

E. That Respondent did not deposit contributions totaling $1283 for periods ranging from three to seven months after receipt.

F. That failure to deposit all contributions within a reasonable time constitutes a violation of 2 U.S.C. § 437b(a)(1).

G. That Respondent accepted contributions from eight incorporated entities.

H. That acceptance of contributions from incorporated entities constitutes violation of 2 U.S.C. § 441b(a).

I. That Respondent will now, and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.

J. That Respondent will pay a civil penalty of $200.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

V. General Conditions

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

B. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. § 437g(a)(5)(A), and that this Agreement, unless violated, shall constitute a complete bar to any further action by the Commission with regard to the matter set forth in this Agreement.

C. It is mutually agreed that this Agreement will become effective on the date that all parties hereto have executed the same and the Commission has approved the entire Agreement.

FEDERAL ELECTION COMMISSION

9/15/78
Date

William C. Oldaker
General Counsel
Federal Election Commission

8/29/78
Date

James D. Green
Treasurer
Holland in Congress Committee

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 525 (78)
Holland in Congress Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 13, 1978, the Commission determined by a vote of 5-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Give final approval to the conciliation agreement attached to the General Counsel's Report dated September 5, 1978, which has been signed by the Committee.

2. Send the letter attached to the General Counsel's Report dated September 5, 1978, together with a copy of the conciliation agreement signed by the General Counsel, to the Committee.

3. Close the file in this matter.

Voting for these determinations were Commissioners Harris, Springer, Staebler, Thomson, and Tiernan.

9/14/78
Date

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

Report signed: 9-8-78
Received in Office of Commission Secretary: 9-8-78, 5:05
Circulated on 48 hour vote basis: 9-11-78 4:00

7 8 0 4 0 0 6 5 2 8 4

September 8, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have tah attached General Counsel's Report on MUR 525 distributed to the Commission on a 48 hour tally basis.

Thank you.

7 8 0 4 0 0 6 5 2 8 5

BEFORE THE FEDERAL ELECTION COMMISSION

SEPTEMBER 5, 1978

In the Matter of	)	
	)	
Holland for Congress Committee	)	MUR 525(78)
	)	

GENERAL COUNSEL'S REPORT

On August 14, 1978, the Commission found reasonable cause to believe that the Holland in Congress Committee ("the Committee") violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a). A proposed conciliation agreement was sent to the Committee on August 17; this agreement included in its provisions a civil penalty of $200.

The proposed conciliation agreement has now been signed by the Committee's treasurer and returned to this Office, together with a check for $200.

RECOMMENDATION

1. Give final approval to the attached conciliation agreement which has been signed by the Committee.

2. Send attached letter, together with a copy of the conciliation agreement signed by the General Counsel, to the Committee.

3. Close the file in this matter.

9/8/78
Date

William C. Oldaker
General Counsel

Packet Contains:
1. Conciliation Agreement
2. Letter
3. Certification

7 8 0 4 0 0 6 5 2 8 6

Weissenborn GCC* 4733

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Holland in Congress Committee) MUR 525(78)

'78 SEP 1 AM 11:49

CONCILIATION AGREEMENT

005874

This matter having been instituted by the Commission in the ordinary course of carrying out its supervisory responsibilities, and, after an investigation, the Commission having found reasonable cause to believe that the Holland in Congress Committee (hereinafter "the Respondent") has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. § 437(a)(5) do hereby agree as follows:

I. The Federal Election Commission has jurisdiction over the Respondent and the subject matter in this case.

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

III. Respondent enters into this agreement with the Commission voluntarily.

IV. The pertinent facts are as follows:

A. The Committee received $2728.01 in contributions derived from four fund-raising events which was never deposited in a designated campaign depository.

B. This undeposited $2728.01 was used to make cash expenditures which included the payment of costs of these fund-

7 8 0 4 0 0 5 2 3 7

raising events and the payment of the Candidate's filing fee.

C. Five of the cash expenditures made with the $2728.01 in undeposited contributions, including the $892 used for the Candidate's filing fee, were in excess of $100.

D. In two instances the Committee received contributions which were not deposited into a campaign depository until after three to seven months had elapsed.

E. The first instance of delayed deposit of contributions involved an $800 check dated June 27, 1975, which was made payable to cash and received personally by the Candidate. Only $500 in cash was delivered to the Committee in July, 1975. The Committee received possession of the remaining $300 in cash in January, 1976, and immediately deposited that sum.

F. The second instance of delayed deposit involved $3,525 in contributions received by the Committee as the result of a fund-raising event held on October 14, 1975. Of this amount $1,650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited. The cash involved was not delivered to the headquarters of the Committee until probably January, 1976. The portion of the cash not deposited at that time was placed in a file with the contributions list for 1975 where it remained until April of that year.

G. The Committee accepted contributions from eight incorporated entities.

7 8 0 4 0 5 5 2 8 4

WHEREFORE, Respondent agrees:

A. That Respondent failed to deposit into a designated campaign depository $2728.01 in contributions derived from four fund-raising events.

B. That failure to deposit all contributions into a designated campaign depository constitutes a violation 2 U.S.C. § 437b(a)(1).

C. That Respondent made five cash expenditures in excess of $100, including payment of the candidate's filing fee.

D. That failure to make all committee expenditures by means of checks drawn on a campaign depository constitutes a violation of 2 U.S.C. § 437b(a)(1).

E. That Respondent did not deposit contributions totaling $1283 for periods ranging from three to seven months after receipt.

F. That failure to deposit all contributions within a reasonable time constitutes a violation of 2 U.S.C. § 437b(a)(1).

G. That Respondent accepted contributions from eight incorporated entities.

H. That acceptance of contributions from incorporated entities constitutes violation of 2 U.S.C. § 441b(a).

I. That Respondent will now, and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.

J. That Respondent will pay a civil penalty of $200.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

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V. General Conditions

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

B. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. § 437g(a)(5)(A), and that this Agreement, unless violated, shall constitute a complete bar to any further action by the Commission with regard to the matter set forth in this Agreement.

C. It is mutually agreed that this Agreement will become effective on the date that all parties hereto have executed the same and the Commission has approved the entire Agreement.

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FEDERAL ELECTION COMMISSION

Date

William C. Oldaker
General Counsel
Federal Election Commission

3/29/78
Date

James D. Green
James D. Green
Treasurer
Holland in Congress Committee

7 8 0 1 0 0 5 5 2 9 1

Cashier's Check
South Carolina National Bank
Camden, South Carolina

Main

67-145
532

№ 50840

Date Aug. 29, 1978

Pay to the Order of U.S. Treasury $ 200.00

SCN$200dls00cts Dollars

For Holland in Congress

Authorized Signature Jane C. Price

⑈050840⑈ ⑆0532⑈0145⑆ ⑈30⑈ 09 9999 2⑈

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, South Carolina 29020

Re: MUR 525(78)

Dear Mr. Green:

Enclosed please find a copy of the signed conciliation agreement entered into by the Holland in Congress Committee and the Federal Election Commission. Also enclosed is a copy of the certification of the Commission's acceptance of the agreement.

The file in this matter is now closed.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

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7 8 0 4 0 0 5 5 2 9 1

Cashier's Check
South Carolina National Bank
Camden, South Carolina Main

67-145
532

№ 50840

Date Aug. 29, 1978

Pay to the Order of U.S. Treasury $ 200.00

SCN$200dls00cts Dollars

For Holland in Congress

Authorized Signature Jane C. Price

⑈050840⑈ ⑆0532⑈0145⑆ ⑈30⑈ 09 9999 2⑈

RSWELL, GREEN & CANTEY
CERTIFIED PUBLIC ACCOUNTANTS
POST OFFICE BOX 862
CAMDEN, SOUTH CAROLINA 29020

RETURN RECEIPT REQUESTED

CERTIFIED
No. 792519
MAIL

Ms. Anne A. Weissenborn
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

7 8 0 1 0 1

FEDERAL ELECTION COMMISSION

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

August 16, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Arnold M. Levinson, President
Brittons
1337 Main Street
Columbia, SC 29201

Re: MUR 525(78)

Dear Mr. Levinson:

The Federal Election Commission has found no reasonable cause to believe that Brittons has violated 2 U.S.C. § 441b(a) in view of your explanation that the contribution of $200 made to the Holland in Congress Committee by means of a check drawn on a Brittons account was charged to your personal drawing account which constitutes part of your salary. The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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

August 16, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, SC 29020

Re: MUR 525(78)

Dear Mr. Green:

This letter is to inform you that the Federal Election Commission has found reasonable cause to believe that the Holland in Congress Committee has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a).

Having made these determinations the Commission is under a duty to made every endeavor for a period of not less then thirty (30) days to correct these violations by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe violations have occurred, institute civil suit. 2 U.S.C. § 437g(a)(5)(B).

Enclosed please find a conciliation agreement which the Commission is prepared to recommend to the Commission in settlement of the Committee's violations of 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a). If you agree with the provisions of this agreement, please sign it and return it to the Commission within ten days of your receipt of this letter. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

7 8 0 4 0 0 6 5 2 9

AW 525

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:

Mr James D. Green

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438166	

(Always obtain signature of addressee or agent)

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

K. Reach

4. DATE OF DELIVERY

POSTMARK

C MOUNT PLEASANT S.C. AUG 22 1978 USPO

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-337

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FEDERAL ELECTION COMMISSION

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

August 16, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Paul E. Short, Jr.
Strickland, Short and Keels, P.A.
P.O. Box 547
Chester, SC 29706

Re: MUR 525(78)

Dear Mr. Short:

The Federal Election Commission has decided to take no further action with regard to the apparent violation of 2 U.S.C. § 441b(a) by Strickland, Short and Keels, P.A., in view of your explanation that $100.00 of the $110 contribution allegedly made by your professional association to the Holland in Congress Committee consisted of a personal cash contribution from yourself, and in view of the fact that the remaining $10.00 contribution made by means of a corporate account has been refunded by the Committee.

The file is now closed in this matter. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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AW 525 ✓

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:
Paul E. Short, Jr.
Chester, S.C.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	938169	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☑ Authorized agent
June A. Baker

4. DATE OF DELIVERY
8-19-78

POSTMARK

5. ADDRESS (Complete only if requested)
NA

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-337

7 8 0 1 0 0 6 5 2 9 1

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

August 16, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. C. A. Hanlon
Berkley Land Corporation
c/o R. D. Belk
1095 Broad Street
Sumter, SC 29150

Re: MUR 525(78)

Dear Mr. Hanlon:

The Federal Election Commission has decided to take no further action with regard to the violation of 2 U.S.C. § 441b(a) by the Berkley Land Corporation in view of the fact that the contribution made to the Holland in Congress Committee by means of a corporate account has been reimbursed by the Committee.

The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland for Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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7 8 0 4 0 5 5 3 0 1

HW 525

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:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438168	

SUMTER, S.C. AUG 22 1978 PM 29150

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
8-21-78

POSTMARK

5. ADDRESS (Complete only if requested)
1695 Broad

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977—O—239-595

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

August 16, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Elton Duncan
Duncan Oil Company
1265 East White Street
Rock Hill, SC 29730

Re: MUR 525(78)

Dear Mr. Duncan:

The Federal Election Commission has decided to take no further action with regard to the violation of 2 U.S.C. § 441b(a) by the Duncan Oil Company in view of the fact that the contribution made to the Holland in Congress Committee by means of a corporate account has been reimbursed by the Committee.

The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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7 8 0 4 0 0 5 5 3 0 1

AIU 525

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:

Mr Elton Duncan

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438167	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 8-26-78

POSTMARK AUG 26 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS CB

☆ GPO : 1977—O-234-337

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 525 (78)
Holland for Congress Committee	)	
et al	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 15, 1978, the Commission approved by a vote of 4-0 the General Counsel's recommendation to insert "$200.00" as the amount of civil penalty in paragraph "J" of the proposed conciliation agreement circulated to the Commission on August 10, 1978 regarding the above-captioned matter.

Commissioners Aikens and Tiernan were not present at the time of the vote.

Attest:

8/15/78 Marjorie W. Emmons

Date

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 8-11-78, 12:14
Circulated on 48 hour vote basis: 8-11-78, 1:30

7 9 0 4 0 0 5 5 3 0 1

August 11, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have the attached Memorandum distributed to the Commission on a 48 hour tally basis.

Thank you.

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

August 11, 1978

MEMORANDUM TO: The Commission

FROM: William C. Oldaker
General Counsel

DATE: August 11, 1978

SUBJECT: MUR 525 - The Holland in Congress Committee Supplemental General Counsel's Report

In the proposed conciliation agreement circulated to the Commission on August 10, 1978, paragraph "J" did not include a recommendation for a civil penalty. The General Counsel's Office recommends that a $200.00 civil penalty be inserted in that paragraph.

7 8 0 4 0 0 5 5 3 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 525 (78)
Holland in Congress Committee,	)	
et al	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 14, 1978, the Commission determined by a vote of 4-0 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 Holland in Congress Committee has violated 2 U.S.C. §437b(a)(1) and 2 U.S.C. §441b(a).

2. Find no reasonable cause to believe that Brittons has violated 2 U.S.C. §441b(a).

3. Take no further action with regard to violations of 2 U.S.C. §441b(a) by Berkeley Land Corporation, Duncan Oil Company, and Strickland, Short and Keels, P.A.

4. Send the letters and conciliation agreement attached to the General Counsel's Report dated August 8, 1978.

Commissioners Aikens, Harris, Staebler and Thomson voted on this matter.

ATTEST:

Date: 8/14/78

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

Received in Office of Commission Secretary: 8-10-78, 10:22
Circulated on 48 hour vote basis: 8-10-78, 1:00

7 8 0 4 0 0 5 5 3 0 7

August 10, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have the attached General Counsel's Report on MUR 525 distributed to the Commission on a 48 hour tally basis.

Thank you.

7804006530 8

BEFORE THE FEDERAL ELECTION COMMISSION

AUGUST 8, 1978

In the Matter of	)	
	)	
Holland for Congress Committee	)	MUR 525(78)
et al	)	

GENERAL COUNSEL'S REPORT

I. Summary of Allegations and Commission Action

During their examination of the records of the Holland for Congress Committee, the auditors discovered that the Committee had failed to deposit certain contributions in a designated campaign account in violation of § 437b(a)(1), that the Committee had failed to deposit certain other contributions within a reasonable time of their receipt in violation of 2 U.S.C. § 437b(a)(1), and that some expenditures in excess of $100 had been made by means other than checks drawn on a designated account, also in violation of 2 U.S.C. § 437b(a)(1) and (b). The auditors also discovered evidence of four apparent corporate contributions, placing the contributors and the Committee in apparent violation of 2 U.S.C. § 441b(a).

On May 16, 1976, the Commission found reason to believe that the above violations had occurred.

Evidence

On June 1, 1976, letters were sent to all respondents informing them of the Commission's findings. Legal analyses and recommendations with regard to each apparent violation follows:

1) Failure to deposit contributions into and to make expenditures from a designated campaign depository

2 U.S.C. § 437b(a)(1) requires that all contributions received by a committee be deposited in a designated checking account and that

all expenditures made by a committee be made by checks drawn on such accounts.

Here the auditors found that the Committee had failed to deposit $2,728.01 received from four fund-raising events. Rather, the money was used to make cash expenditures which included the payment of the expenses of these fund-raising events and the payment of the Candidate's filing fee. The Committee treasurer has explained that the cash expenditures involving fund-raising events were made by volunteer fund-raisers who personally made the arrangements for the events involved. The treasurer concedes the impropiety of these cash payments by the volunteers plus the cash payment of the Candidate's filing fee. He points out that all such expenditures have now been properly documented and reported, and states that proper control have now been instituted to assure that such failure to use campaign depositories will not reoccur. Also, the Committee had not reported the receipt and expenditure of $1,499.61 of the above monies until the auditors recommended that they do so on Janaury 16, 1978.

The Office of General Counsel recommends a finding of reasonable cause to believe that the Committee violated 2 U.S.C. § 437b(a) by failing to deposit $2728.01 in contributions into a campaign depository.

2) <u>Failure to make timely deposits of contributions</u>

The auditors found two instances in which contributions received by the Committee were not deposited into campaign accounts after three to seven months of receipt. The first instance involved an $800 check dated June 27, 1975, received from a union political action committee. The check, was received by the Candidate who personally executed a receipt for the full $800. According to the

treasurer's letter, only $500.00 in cash was delivered to the Committee in July,1975, although the entire $800.00 was reported because the Committee had been orally advised that that sum had been received. The discrepancy was discovered in October, 1975, when bank statements were being reconciled with the Committee's records. The Committee received possession of the remaining $300 in January, 1976, and immediately deposited the money. No information has been provided as to whom had possession prior to January or why the delay occurred.

In the second instance of delayed deposits, the Committee, on October 14, 1975, received $3,525 from a fund-raising event held in Fort Mill, South Carolina, of which $1,650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited but used instead to pay the Candidate's filing fee. The Committee treasurer has explained that the checks received at the fund-raising event were mailed to him; however, the cash received was later hand-delivered, probably in January although he has been unable to determine the exact date. He states,

> Apparently $300.00 of the cash was deposited in January of 1976, with the balance of the funds placed in the regular file along with the contributions list of 1975 since they pertained to activities for that year. Since a new file was stated for 1976 the fact that the money was not deposited was not discovered until the bank statements were reconciled in preparation of the April 10 report.

Present Commission regulations as set forth in 11 C.F.R. § 103.3 concerning the timing of deposits were not in effect in 1975 and early 1976. It may be assumed, however, that 2 U.S.C. § 437b(a) requires the deposit of contributions within a reasonable time of their receipt. Here delays of from three to seven months occurred between the date of receipt and the date of deposit. The Office of General Counsel finds these delays unreasonably long and therefore recommends a finding of reasonable cause to believe that the Committee violated 2 U.S.C. § 437b(a).

3) Failure to make all expenditures in excess of $100 by means of checks drawn on campaign depositories

2 U.S.C. § 437b(a)(1) and (b) require that all committee expenditures in excess of $100 be made by means of checks drawn on a designated campaign depository.

Here, the auditors found that five cash expenditures totaling $2,115.07 with monies derived from four fund raising events were in excess of $100. These payments included the $892 used to pay the Candidate's filing fee plus four payments for expenditures incurred in holding the fund-raising events. The Committee states that the latter payments were made by volunteers, while the payment for the filing fee "admittedly should not have been made by cash but in the rush of the work load in our office due to the April 15 filing deadline was inadvertently done."

The Office of General Counsel recommends a finding of reasonable cause to believe that the Committee violated 2 U.S.C. § 437b(a)(1) and (b) by making or permitting to be made cash expenditures in excess of $100.

4) Corporate Contributions

2 U.S.C. § 441b(a) prohibits the making and knowing acceptance of corporate contributions. Here the auditors found evidence of nine apparent corporate contributions totaling $955. Four of these contributions, those from Berkeley Land Corporation, Britton, Duncan Oil Company, and Strickland, Short and Keels, P.A., exceeded $100.

(1) Contribution from Berkeley Land Corporation - $250

The contribution from the Berkeley Land Corporation was made on January 17, 1977, and refunded by the Committee on December 13, 1977. The response received from the Corporation attributes this contribution to an error.

(2) Contribution from Britton - $200

The contribution received by means of a Brittons' check was received in 1976 and refunded by the Committee on February 23, 1978. The president of the Corporation, Mr. Arnold M. Levinson, has written in reply to the letter from the Office of General Counsel that the corporate check in question was charged to his personal drawing account which "constitutes part of my salary at Brittons."

Because the account to which this check was charged comprises part of Mr. Levinson's salary, it does not fall within the category of a reimbursable drawing account, contributions from which are considered corporate in nature until reimbursement takes place. Therefore, the Office of General Counsel recommends a finding of no reasonable cause to believe that Brittons made a corporate contribution to the Committee.

(3) Contribution from Duncan Oil Company, Inc. - $250

The contribution from Duncan Oil Company was received on July 22, 1976, and refunded by the Committee on October 7, 1977, following an inquiry made by the Committee upon the recommendation of the Audit Division. Mr. Elton Duncan's reply to the letter from the Office of General Counsel explains that the check in question was mistakenly written using the company checkbook rather than his personal checkbook, a mistake which he attributed to his failing eyesight.

(4) Contribution from Strickland, Short and Keels, P.A. - $110.

The two contributions here involved consist of a $10 check received by the Committee in October, 1975, and a $100 cash contribution received by the Committee in October, 1976. The full $110 was refunded by the Committee on February 23, 1978.

In response to the letter from the Office of General Counsel, Mr. Paul E. Short, Jr., has written that the $10 contribution made in 1975 consisted of payment for tickets for a reception. An employee of Strickland, Short and Keels, P.A. mistakenly used a corporate check to pay for these tickets while Mr. Short was out. With regard to the $100 contribution made in 1976, Mr. Short states that this involved a personal cash contribution made by himself to either the Candidate or his representative. The address in the Committee's records for Mr. Short was his office address which included the name of his professional association, hence the confusion about who was the actual contributor.

(5) Acceptance of Corporate Contributions by the Committee

Given the above information received from the apparent corporate respondents in this matter, it has been determined that the Committee accepted corporate contributions totaling $655 from eight incorporated entities. The largest of these contributions was the $250 received from Berkeley Land Corporation. All of these contributions have been refunded by the Committee.

The Committee treasurer has explained in his recent letter that during the period from January 1, 1975, to June 30, 1977, it received more than fifty contributions which were made on checks other than personal accounts. Of these the Committee claims that it had reason to believe that an incorporated entity was involved in only three instances; the Office of General Counsel interprets this to mean that in only three instances did the term "Inc." appear on the face of the check involved. In these instances the Committee claims inadvertent acceptance and deposit.

The treasurer's letter also states that during the period of audit examination the committee did not have adequate internal control procedure for determining whether or not company checks were from incorporated entities. The treasurer writes that adequate procedures have now been established.

Because all corporate contributions have been refunded, the Office of General Counsel recommends that no further action be taken against Berkeley Land Corpoation, Duncan Oil Company, and Strickland, Short and Keels, P.A. We recommend a finding of reasonable cause to believe that the Committee accepted corporate contributions in violation of 2 U.S.C. § 441b(a).

RECOMMENDATIONS

1. Find reasonable cause to believe that the Holland in Congress Committee has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a).

2. Find no reasonable cause to believe that Brittons has violated 2 U.S.C. § 441b(a).

3. Take no further action with regard to violations of 2 U.S.C. § 441b(a) by Berkeley Land Corporation, Duncan Oil Company, and Strickland, Short and Keels, P.A.

4. Send attached letters and conciliation agreement.

8/8/78
Date

William C. Oldaker
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Holland in Congress Committee	)	MUR 525(78)

CONCILIATION AGREEMENT

This matter having been instituted by the Commission in the ordinary course of carrying out its supervisory responsibilities, and, after an investigation, the Commission having found reasonable cause to believe that the Holland in Congress Committee (hereinafter "the Respondent") has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. § 437(a)(5) do hereby agree as follows:

I. The Federal Election Commission has jurisdiction over the Respondent and the subject matter in this case.

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

III. Respondent enters into this agreement with the Commission voluntarily.

IV. The pertinent facts are as follows:

A. The Committee received $2728.01 in contributions derived from four fund-raising events which was never deposited in a designated campaign depository.

B. This undeposited $2728.01 was used to make cash expenditures which included the payment of costs of these fund-

raising events and the payment of the Candidate's filing fee.

C. Five of the cash expenditures made with the $2728.01 in undeposited contributions, including the $892 used for the Candidate's filing fee, were in excess of $100.

D. In two instances the Committee received contributions which were not deposited into a campaign depository until after three to seven months had elapsed.

E. The first instance of delayed deposit of contributions involved an $800 check dated June 27, 1975, which was made payable to cash and received personally by the Candidate. Only $500 in cash was delivered to the Committee in July, 1975. The Committee received possession of the remaining $300 in cash in January, 1976, and immediately deposited that sum.

F. The second instance of delayed deposit involved $3,525 in contributions received by the Committee as the result of a fund-raising event held on October 14, 1975. Of this amount $1,650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited. The cash involved was not delivered to the headquarters of the Committee until probably January, 1976. The portion of the cash not deposited at that time was placed in a file with the contributions list for 1975 where it remained until April of that year.

G. The Committee accepted contributions from eight incorporated entities.

WHEREFORE, Respondent agrees:

A. That Respondent failed to deposit into a designated campaign depository $2728.01 in contributions derived from four fund-raising events.

B. That failure to deposit all contributions into a designated campaign depository constitutes a violation 2 U.S.C. § 437b(a)(1).

C. That Respondent made five cash expenditures in excess of $100, including payment of the candidate's filing fee.

D. That failure to make all committee expenditures by means of checks drawn on a campaign depository constitutes a violation of 2 U.S.C. § 437b(a)(1).

E. That Respondent did not deposit contributions totaling $1283 for periods ranging from three to seven months after receipt.

F. That failure to deposit all contributions within a reasonable time constitutes a violation of 2 U.S.C. § 437b(a)(1).

G. That Respondent accepted contributions from eight incorporated entities.

H. That acceptance of contributions from incorporated entities constitutes violation of 2 U.S.C. § 441b(a).

I. That Respondent will now, and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.

J. That Respondent will pay a civil penalty of pursuant to 2 U.S.C. § 437g(a)(5)(B).

V. General Conditions

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

B. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. § 437g(a)(5)(A), and that this Agreement, unless violated, shall constitute a complete bar to any further action by the Commission with regard to the matter set forth in this Agreement.

C. It is mutually agreed that this Agreement will become effective on the date that all parties hereto have executed the same and the Commission has approved the entire Agreement.

FEDERAL ELECTION COMMISSION

_____
Date

_____
William C. Oldaker
General Counsel
Federal Election Commission

_____
Date

_____
James D. Green
Treasurer
Holland in Congress Committee

7 8 0 4 0 1 6 3 3 1

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Elton Duncan
Duncan Oil Company
1265 East White Street
Rock Hill, SC 29730

Re: MUR 525(78)

Dear Mr. Duncan:

The Federal Election Commission has decided to take no further action with regard to the violation of 2 U.S.C. § 441b(a) by the Duncan Oil Company in view of the fact that the contribution made to the Holland in Congress Committee by means of a corporate account has been reimbursed by the Committee.

The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. C. A. Hanlon
Berkley Land Corporation
c/o R. D. Belk
1095 Broad Street
Sumter, SC 29150

Re: MUR 525(78)

Dear Mr. Hanlon:

The Federal Election Commission has decided to take no further action with regard to the violation of 2 U.S.C. § 441b(a) by the Berkley Land Corporation in view of the fact that the contribution made to the Holland in Congress Committee by means of a corporate account has been reimbursed by the Committee.

The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland for Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Paul E. Short, Jr.
Strickland, Short and Keels, P.A.
P.O. Box 547
Chester, SC 29706

Re: MUR 525(78)

Dear Mr. Short:

The Federal Election Commission has decided to take no further action with regard to the apparent violation of 2 U.S.C. § 441b(a) by Strickland, Short and Keels, P.A., in view of your explanation that $100.00 of the $110 contribution allegedly made by your professional association to the Holland in Congress Committee consisted of a personal cash contribution from yourself, and in view of the fact that the remaining $10.00 contribution made by means of a corporate account has been refunded by the Committee.

The file is now closed in this matter. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, SC 29020

Re: MUR 525(78)

Dear Mr. Green:

This letter is to inform you that the Federal Election Commission has found reasonable cause to believe that the Holland in Congress Committee has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a).

Having made these determinations the Commission is under a duty to made every endeavor for a period of not less then thirty (30) days to correct these violations by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe violations have occurred, institute civil suit. 2 U.S.C. § 437g(a)(5)(B).

Enclosed please find a conciliation agreement which the Commission is prepared to recommend to the Commission in settlement of the Committee's violations of 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a). If you agree with the provisions of this agreement, please sign it and return it to the Commission within ten days of your receipt of this letter. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Arnold M. Levinson, President
Brittons
1337 Main Street
Columbia, SC 29201

Re: MUR 525(78)

Dear Mr. Levinson:

The Federal Election Commission has found no reasonable cause to believe that Brittons has violated 2 U.S.C. § 441b(a) in view of your explanation that the contribution of $200 made to the Holland in Congress Committee by means of a check drawn on a Brittons account was charged to your personal drawing account which constitutes part of your salary. The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

004572

HOLLAND IN CONGRESS
P.O. Box 759 842
Camden, S.C. 29020

JAMES D. GREEN
Treasurer

FEDERAL ELECTION COMMISSION

'78 JUL 18 PM 12:34

Ms. Anne A. Weissenborn
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Ms. Weissenborn,

This letter is written pursuant to General Counsel Oldaker's written request for clarification of certain items and in accordance with 2 U.S.C. 437 g (a) (3) (B) is to remain confidential.

We wish to apologize for the delay in our reply and offer not as an excuse but as extentuating circumstances the death of my attorney's father as was mentioned in our telephone conversation of yesterday and increased committee work necessitated by the recent primary election in which the Congressman was involved.

The $800.00 contribution was by check in June of 1975 payable to cash from a political action committee for which the Congressman personally executed a receipt (copies of which are enclosed); however, only $500.00 in cash was delivered to the committee in July although the entire $800.00 was reported on the second quarter report since the committee was orally advised of the $800.00 receipt in June. The discrepancy was not uncovered until later probably around the first of October, 1975 at the time the third quarter report was due and the bank statements were reconciled with our records. The additional $300.00 was first delivered to the committee in January of 1976 and immediately deposited.

Fund raisers did make cash expenditures in payment of fund-raising events and a cash expenditure was made of the candidates filing fee as is well documented and while concedely such cash payments were improper all such funds have been accounted for and receipts furnished for all expenditures which expenditures were themselves all proper campaign expenditures and were all made by fund raisers and the committee without intent to violate any rules, regulations or laws.

Our fund raisers were all volunteers who personally made arrangements to hold fund-raising activites incurring a moral obligation if not a legal obligation for the expenses of the fund-raising activity such as restaurant charges, etc. which expenses the fund raisers were perhaps over zealous in causing to be paid, however, reference to our voluminous correspondence indicates proper controls have now been instituted to insure that cash expenditures for campaign expenses no longer occur.

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In the second instance mentioned by Mr. Oldaker in which funds were not timely deposited the funds represented cash and checks from a fund-raising event in Fort Mill, South Carolina. The checks from this event as well as a list of contributors were mailed to the office of the treasurer of the committee by the chairman of the committee. The cash was not promptly remitted through the mail but the cash was later hand delivered (exact date or dates are unknown since no receipts can be located after a diligent search although we assume such to be in January of 1976). Apparently $300.00 of the cash was deposited in January of 1976 with the balance of the funds place in the regular file along with the contributions list of 1975 since they pertained to activites for that year. Since a new file was started for 1976 the fact that the money was not deposited was not discovered until the bank statements were reconciled in preparation of the April 10 report. The remaining funds were deposited after payment of the candidate's filing fee by the committee which payment admittedely should not have been made by cash but in the rush of the workload in our office due to the April 15 filing deadline was inadvertently done.

During the period from January 1, 1975 to June 30, 1977 the committee received over fifty contributions which were made on checks other than personal checks. These contributions were received and credited to the individual designated or the payor. With the exception of three checks the committee had no reason to believe that the contributions were from other than individuals. The checks which did indicate an incorporated business were received along with a number of checks from fund-raising events and were inadvertently accepted and deposited; of course, refunds were made upon discovery of the improper acceptance. During the period under examination the committee did not have adequate internal control procedures to provide sufficient documentation as to whether a company check was from an incorporated business, however, the committee has since established adequate procedures to preclude the receipt of contribution from an incorporated business.

The committee's receipts and expenditures were made in good faith with full disclosure to the FEC, all funds have been accounted for and all improper receipts refunded, and proper controls and procedures have been instituted to facilitate full compliance with all election related laws. The committee has offered its complete cooperation to the audit staff and has at all times been candid, honest and forthright for all of which reasons we feel that no action should be taken against the committee since all violations appear to the committee to be technical violations; certainly none could be deemed to be against the spirit and intent of the election laws which we view to ensure fair and impartial elections through the control of contributions to and expenditures of political candidates.

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If we can be of further assistance, please advise.

Yours very truly,

HOLLAND IN CONGRESS COMMITTEE

James D. Green

JDG/kmp
cc: J. Ernest Kinard, Jr.

Enclosures

7804006553

T. W. U. A. LOCAL 1093 COPE
P.O. BOX 2634 CRS
ROCK HILL, S. C. 29730

676

June 27, 1975

67-73
532

PAY TO THE ORDER OF Cash $ 800.00

Eight Hundred and no/100 DOLLARS

C&S THE CITIZENS & SOUTHERN NATIONAL BANK OF SOUTH CAROLINA ROCK HILL, S.C. 29730

TWUA LOCAL 1093 COPE

Russell C. McClain

J B Comer

FOR

"000676" ⑆053200073⑆ "6071 1504" "0000080000"

Cash

NAME Cash Lost TLC AMOUNT 800.00

DATE 6-27-75

REASON Donation to Holland Campaign Cash

Kenneth L. Holland

CHECK NUMBER # 676

Congressman
Ken Holland
P.O. Box [redacted], Camden, South Carolina 29020

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15 JUL 1978

Ms. Anne A. Weissenborn
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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Yours truly,

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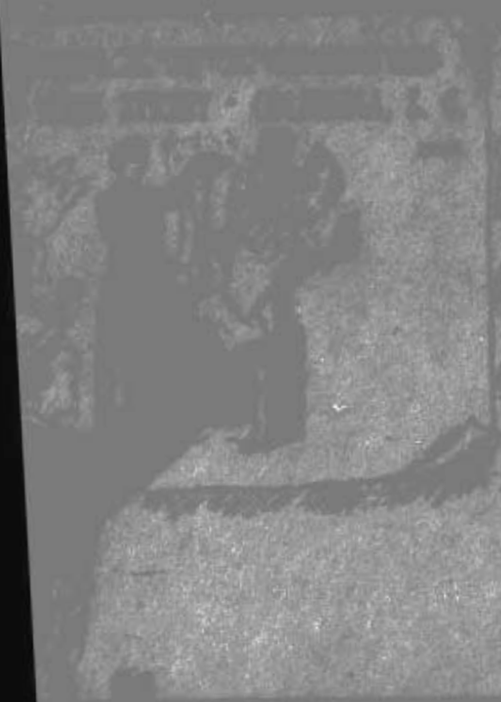

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Ms. Anne Weissenborn
Federal Election Commission
1315 K Street N. W.
Washington, D. C. 20463

ACC 3888

RECEIVED
FEDERAL ELECTION
COMMISSION

78 JUN 22 AM 11 :2

Berkley Land Corporation
c/o R. D. Belk
1095 Broad Street
Sumter, South Carolina 29150

June 19, 1978

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

803848

Re: MUR (78)

Dear Mr. Oldaker:

This is written in response to your letter of June 1, 1978, concerning the Berkley Land Corporation and a contribution made to the Holland in Congress Committee on January 17, 1977.

This check was refunded to Berkley Land Corporation by Mr. Jimmy D. Green, Treasurer of the Holland in Congress Committee, with an explanation as to why it could not be accepted.

This error is regretted and if any further information is needed, please let me know.

Sincerely,

C. A. Hanlon

C. A. Hanlon
Berkley Land Corporation

CAH

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Berkley Land Corporation
c/o R. D. Belk
1095 Broad Street
Sumter, S. C. 29150

79 JUN 22 AM 11:32

COLUMBIA, S.C.

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

Scc3839

FILED
FEDERAL ELECTION
COMMISSION

PHONE 328-1826

DISTRIBUTOR

DUNCAN OIL COMPANY

P. O. BOX 1082

1265 EAST WHITE STREET

ROCK HILL, S. C. 29730

78 JUN 16 AM 11:41

June 9, 1978

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

803678

Dear Sirs,

I did not intend to make a contribution in the name of Duncan Oil Company to the Holland in Congress Committee. I keep my personal checkbook beside the company checkbook and picked the company checkbook by mistake when writing the contribution. The mistake was due to my failing eyesight. One eye is 20-300 and the other is non-functional. The Committee has refunded the money to the company.

Sincerely,

Elton Duncan

Mr. Elton Duncan

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Elton Duncan
Duncan Oil Company
P.O. Box 1082
Rock Hill, South Carolina 29730

Re: MUR 525(78)

Dear Mr. Duncan,

This letter is to inform you that the Federal Election Commission has found reason to believe that the Duncan Oil Company has violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by making a contribution to the Holland in Congress Committee. It is our understanding that this contribution was made on July 22, 1976, and was in the sum of $250. Contributions made from corporate accounts represent violations of 2 U.S.C. §441b(a).

Under the Act you have an opportunity to demonstrate that no action should be taken against you. 2 U.S.C. §437g(a)(4). Please submit any legal or factual information which you believe would be relevant to the Commission's consideration of this matter.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the

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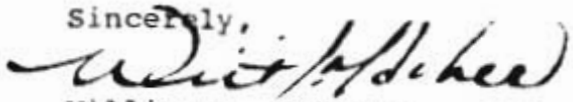
Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,



William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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Duncan Oil Company
P.O. Box 1082 - 1265 E. White St.
ROCK HILL, S.C. 29730

AMOCO

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FEDERAL ELECTION COMMISSION

'78 JUN 16 AM 11:41

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

US Postage

FEDERAL ELECTION COMMISSION

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, South Carolina 29020

Re: MUR 525(78)

Dear Mr. Green:

The Federal Election Commission has found reason to believe that the Holland in Congress Committee has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe that the Committee failed to deposit into a designated account $2728.01 in contributions in violation of 2 U.S.C. §437b(a)(1); used $2,115.07 out of the above-mentioned $2728.01 to make five cash expenditures in excess of $100 each in violation of 2 U.S.C. §437b(a)(1); and failed to deposit within a reasonable time of their receipt certain other contributions also in violation of 2 U.S.C. §437b(a)(1). In the last regard particular attention has been given to the apparent fact that $300 of an $800 contribution received on June 28, 1975, was not deposited until January 28, 1976, and to the apparent fact that of $3,525 received on October 14, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited.

Under the Act you have an opportunity to demonstrate that no action should be taken against the Committee. 2 U.S.C. §437g(a)(4). Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of these matters. In particular we request that the Committee provide explanations for the late deposits cited above plus explanations of the circumstances surrounding the apparent failure to deposit $2728.01 in contributions derived from four fund-raisers held on March 14, April 30, July 23 and October 14, 1975, and the use of this money to make cash expenditures in payment of expenses of the fund-raising events and the candidate's filing fee.

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The Commission has also found reason to believe that the Committee accepted contributions from nine incorporated entities in violation of 2 U.S.C. §441b(a). The contributors in question are Berkley Land Corporation ($250), Britton's, Inc. ($200), Dabney Real Estate Agency ($70), Duncan Oil Company ($250), Frontier Auto Sales ($20), Gene's Fine Food ($25), Karesh's Fashion Shop ($10), Piedmont Distribution Company ($20), and Strickland, Short and Keels, P.A. ($110). Please submit any legal or factual information not already submitted to the Audit Division of this Commission concerning the acceptance of these contributions which you believe would be useful to the Commission. We understand that all necessary reimbursements of these contributions have been made.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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MUR 525 AW

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:

The Honorable Kenneth L. Holland

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438478	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

JUN 2 1978

☆ GPO 1977—O-234-337

AW 525

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:

James D. Green, Treasurer

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438473	

(Always obtain signature of addressee or agent)

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

K. Peach

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

JUN 9 1978

☆ GPO 1977—O-234-337

FEDERAL ELECTION COMMISSION

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The President
Britton's, Inc.
1337 Main Street
Columbia, South Carolina

Re: MUR 525(78)

Dear Sir:

This letter is to inform you that the Federal Election Commission has found reason to believe that Britton's has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe that your company made a contribution from a corporate account to the Holland in Congress Committee in the sum of $200. Such a contribution represents a violation of 2 U.S.C. §441b(a).

Under the Act you have an opportunity to demonstrate that no action should be taken against you. 2 U.S.C. §437g(a)(4). Please submit any factual or legal information which you believe would be relevant to the Commission's consideration of this matter.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the

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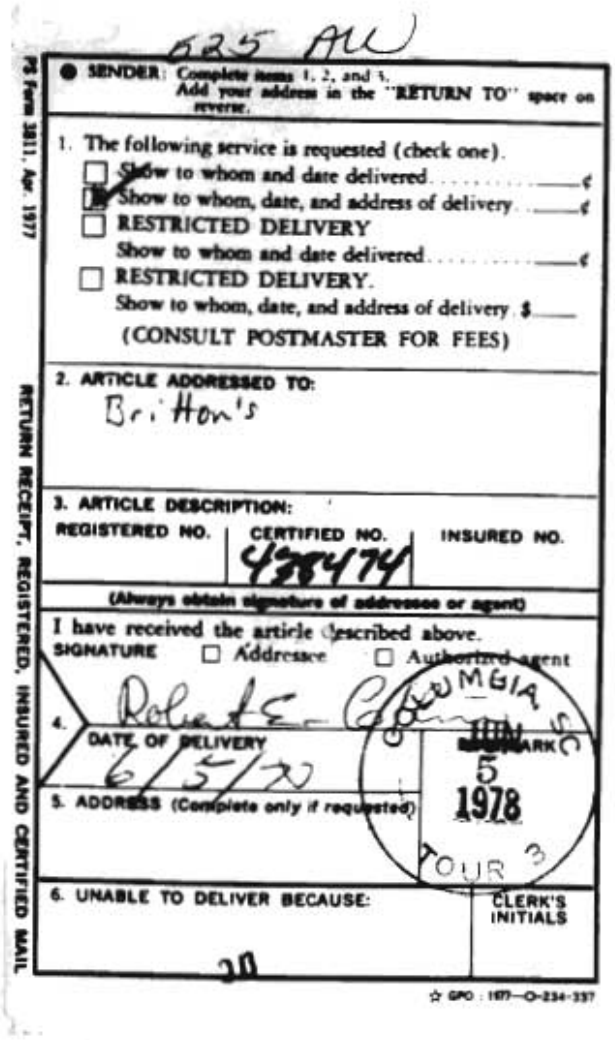
Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland


625 AW

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: Brithon's

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438474	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 6/5/78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

JUN 5 1978 TOUR 3

☆ GPO : 1977—O-234-337

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The President
Berkley Land Corporation
c/o R. D. Belk
1095 Broad Street
Sumter, South Carolina 29150

Re: MUR 525(78)

Dear Sir:

This letter is to inform you that the Federal Election Commission has found reason to believe that the Berkley Land Corporation has violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by making a contribution to the Holland in Congress Committee. It is our understanding that this contribution was made on January 17, 1977, and was in the sum of $250. Contributions made with corporate monies represent violations of 2 U.S.C. §441b(a).

Under the Act you have an opportunity to demonstrate that no action should be taken against you. 2 U.S.C. §437g(a)(4). Please submit any legal or factual information which you believe would be relevant to the Commission's consideration of this matter.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

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This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth C. Holland

525 AW

PS Form 3811, Mar. 1976

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

2. ARTICLE ADDRESSED TO:

Berkley Land Corporation

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. 435475 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY 6/5/78 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

30

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Strickland, Short and Keels, P.A.
P.O. Box 547
Chester, South Carolina

Re: MUR 525(78)

Dear Sirs:

This letter is to inform you that the Federal Election Commission has found reason to believe that Strickland, Short and Keels, P.A., has violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by making contributions to the Holland in Congress Committee totaling $110. Contributions made by means of corporate accounts represent violations of 2 U.S.C. §441b(a).

Under the Act you have an opportunity to demonstrate that no action should be taken against you. 2 U.S.C. §437g(a)(4). Please submit any legal or factual information which you believe would be relevant to the Commission's consideration of this matter.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

7804065315

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth C. Holland

525 AW

PS Form 3811, Mar. 1978

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

2. ARTICLE ADDRESSED TO:

Strickland, Short and Kells

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	839476	

(Always obtain signature of addressee or agent)

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

Anne A. Baker

4. DATE OF DELIVERY 6-5-78

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1979—O-203-456

7804065347

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Elton Duncan
Duncan Oil Company
P.O. Box 1082
Rock Hill, South Carolina 29730

Re: MUR 525(78)

Dear Mr. Duncan,

This letter is to inform you that the Federal Election Commission has found reason to believe that the Duncan Oil Company has violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by making a contribution to the Holland in Congress Committee. It is our understanding that this contribution was made on July 22, 1976, and was in the sum of $250. Contributions made from corporate accounts represent violations of 2 U.S.C. §441b(a).

Under the Act you have an opportunity to demonstrate that no action should be taken against you. 2 U.S.C. §437g(a)(4). Please submit any legal or factual information which you believe would be relevant to the Commission's consideration of this matter.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the

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Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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MUR 525 AU

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:
Mr. Elton Duncan
Duncan Oil Company

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438477	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
6-6-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

ROCK HILL S.C. POSTMARK
JUN 6 1978
CLERK'S INITIALS

☆ GPO : 1977—O-234-337

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

May 25, 1978

MEMORANDUM TO: ELISSA GARR

FROM: PEGGY CHANEY

SUBJECT: CERTIFICATION ON MUR 525 (78)

Attached is the certification I discussed with you on the phone this date.

Marge has signed it, but maybe Bill or the attorney on the case should check it out.

The certification circulated with the memo had the wrong date, "May 16, 1978", as the date regarding the nine corporations. If just the date is changed, then there would be no explaination as to the change from ten to nine.

ATTACHMENT: Certification

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 525(78)
Holland in Congress Committee,	)	
et. al.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 25, 1978, the Commission adopted by a vote of 6-0 the following actions in the above-captioned matter:

1. Approve the recommendation in the memorandum from the General Counsel, undated, Subject: "MUR 525 - Correction," to vitiate the Reason to Believe finding made by the Commission on May 16, 1978 regarding Pate Construction Company.

2. Approve the recommendations in the amended First General Counsel's Report dated May 12, 1978, as follows:

   a. Find Reason to Believe that the Holland in Congress Committee violated 2 U.S.C. §437b(a)(1) by failing to deposit certain contributions in a designated campaign depository, by failing to deposit certain other contributions within a reasonable time of their receipt, and by making certain expenditures by means other than checks drawn on a designated campaign depository.

   b. Find Reason to Believe that the Holland in Congress Committee violated 2 U.S.C. §441b(a) by accepting contributions from nine corporations.

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c. Find Reason to Believe that Berkley Land Corporation, Britton's Inc., Duncan Oil Company, and Strickland, Short and Keels violated 2 U.S.C. §441b(a) by making corporate contributions to the Holland in Congress Committee.

d. Send the letter attached to the amended First General Counsel's Report.

Marjorie W. Emmons

Date: 5/25/78

Marjorie W. Emmons
Secretary to the Commission

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Received in Office of Commission Secretary: 5-22-78, 12:30
Circulated on a 48 hour vote basis: 5-23-78, 12:30

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION MAY 1 2 1978

MUR # 525

STAFF MEMBER Weissenborn

COMPLAINANT'S NAME: Internally generated (See Attachment I)

RESPONDENT'S NAME: Holland in Congress Committee; Berkley Land Corporatic Britton's; Duncan Oil Company; Strickland, Short, & Kells

RELEVANT STATUTE: 2 U.S.C. §437b(a) and (b)
2 U.S.C. §441b(a)

SUMMARY OF ALLEGATIONS

During the audit of the Holland in Congress Committee's records, the auditors discovered that the Committee had completely failed to deposit certain contributions in a designated account in violation of 2 U.S.C. §437b(a)(1), had failed to deposit certain other contributions within a reasonable time of their receipt in violation of 2 U.S.C. §437b(a)(1), and had made a number of expenditures by means other than checks drawn on a designated account in violation of 2 U.S.C. §437b(a)(1). The auditors also found evidence that corporate contributions were made to the Committee and accepted in violation of 2 U.S.C. §441b(a).

PRELIMINARY LEGAL ANALYSIS

2 U.S.C. §437b(a)(1) requires that all contributions be deposited in a designated checking account and that all expenditures made by a committee be made by checks drawn on such accounts. The

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only exception with regard to expenditures involves those made from a petty cash fund which must be limited to no more than $100 per single transaction. 2 U.S.C. §437b(b).

Here the auditors found that a total of $2728.01 received by a Committee from four fundraisers was never deposited in a Committee account. Rather, this money was used to make cash expenditures which included the payment of the expenses of these fundraising events and the payment of the Candidate's filing fee. Five of these cash expenditures each exceeded $100 for a single transaction. The failure to deposit these receipts represents an apparent violation of 2 U.S.C. §437b(a)(1). The expenditures made from these contribution monies do not appear to have come from a petty cash fund; however, even if they did the five cited above exceeded the $100 limitiation of 2 U.S.C. §437b(b) and thus are in violation of 2 U.S.C. §437b(a)(1).

The auditors also discovered that certain of the Committee's receipts were not deposited in a timely fashion. Of particular concern are a seven month delay in depositing $300 of an $800 contribution received on June 28, 1975, and the disposition of $3,525 received from a fundraiser held October 14, 1975, of which $1650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 6, 1976, and $683 in cash was deposited on April 13, 1976. (The remaining $892 is included in the above-mentioned $2728.01 never deposited.) We believe that these failures to make deposits until after three to seven months of receipt of the contributions involved constitute apparent violations of 2 U.S.C. §437b(a)(1).

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Corporate Contributions

2 U.S.C. §441b(a) prohibits the giving and knowing acceptance of corporate contributions. Here the auditors found evidence of contributions having been made by and accepted from sixteen apparent corporate entities. Information supporting the corporate status of nine contributors has now been supplied to the Audit Division; the Committee has also provided evidence that all necessary refunds have been made. Four of the apparent corporate contributions involved amounts exceeding $100, the corporations concerned being Berkley Land Corporation ($250), Britton's Inc., ($200), Duncan Oil Company ($250), and Strickland, Short and Keels ($110).

RECOMMENDATION

1. Find reason to believe that the Holland in Congress Committee has violated 2 U.S.C. §437b(a)(1) by failing to deposit certain contributions in a designated account, by failing to deposit certain other contributions within a reasonable time of their receipt, and by making a number of expenditures by means other than checks drawn on a designated account.

2. Find reason to believe that the Holland in Congress Committee has violated 2 U.S.C. §441b(a) by accepting contributions from nine corporations.

3. Find reason to believe that Berkley Land Corporation, Britton's Inc, Duncan Oil Company, and Strickland, Short and Keels have violated 2 U.S.C. §441b(a) by making corporate contributions to the Holland in Congress Committee.

4. Send attached letters.

7 8 0 4 0 0 6 3 3 5

May 22, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have the attached Memo and 7 day report distributed to the Commission on a 48 hour tally basis.

Thank you.

7804006535 6

FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: The Commission

FROM: William C. Oldaker

SUBJECT: MUR 525 - Correction

In the First General Counsel's Report regarding MUR 525 submitted to the Commission on May 10, 1978 and approved by the Commission on May 16, 1978, it was indicated that the Holland in Congress Committee had apparently accepted contributions from ten corporations. After the report was submitted it came to our attention that while Pate Construction Company had once been incorporated, it had forfeited that status several months before the contribution was made.

We therefore recommend vitiating the RTB finding made by the Commission on May 16, 1978. We have amended the attached report, certification, and letter to the Committee, and are circulating them on a no-objection basis.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Holland in Congress Committee, et. al.	))))	MUR 525(78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 16, 1978, the Commission approved by a vote of 6-0 the recommendations in the First General Counsel's Report dated May 12, 1978 to take the following actions in the above-captioned matter:

1. Find reason to believe that the Holland in Congress Committee violated 2 U.S.C. §437b(a)(1) by failing to deposit certain contributions in a designated campaign depository, by failing to deposit certain other contributions within a reasonable time of their receipt, and by making certain expenditures by means other than checks drawn on a designated campaign depository.

2. Find reason to believe that the Holland in Congress Committee violated 2 U.S.C. §441b(a) by accepting contributions from ten corporations.

3. Find reason to believe that Berkley Land Corporation, Britton's, Duncan Oil Company, and Strickland, Short, and Kells violated 2 U.S.C. §441b(a) by making corporate contributions to the Holland in Congress Committee.

4. Send the letters attached to the First General Counsel's Report.

Date: 5/17/78

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 5-12-78, 11:47
Circulated on 48 hour vote basis: 5-12-78, 4:30

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May 12, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have the attached 7 day report on MUR 525 distributed to the Commission onaa 48 hour tally basis.

Thank you.

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FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION MAY 1 2 1978

MUR # 525

STAFF MEMBER Weissenborn

COMPLAINANT'S NAME: Internally generated (See Attachment I)

RESPONDENT'S NAME: Holland in Congress Committee; Berkley Land Corporation; Britton's; Duncan Oil Company; Strickland, Short, & Kells.

RELEVANT STATUTE: 2 U.S.C. §437b(a) and (b)
2 U.S.C. §441b(a)

SUMMARY OF ALLEGATIONS

During the audit of the Holland in Congress Committee's records, the auditors discovered that the Committee had completely failed to deposit certain contributions in a designated account in violation of 2 U.S.C. §437b(a)(1), had failed to deposit certain other contributions within a reasonable time of their receipt in violation of 2 U.S.C. §437b(a)(1), and had made a number of expenditures by means other than checks drawn on a designated account in violation of 2 U.S.C. §437b(a)(1). The auditors also found evidence that corporate contributions were made to the Committee and accepted in violation of 2 U.S.C. §441b(a).

PRELIMINARY LEGAL ANALYSIS

2 U.S.C. §437b(a)(1) requires that all contributions be deposited in a designated checking account and that all expenditures made by a committee be made by checks drawn on such accounts. The

only exception with regard to expenditures involves those made from a petty cash fund which must be limited to no more than $100 per single transaction. 2 U.S.C. §437b(b).

Here the auditors found that a total of $2728.01 received by a Committee from four fundraisers was never deposited in a Committee account. Rather, this money was used to make cash expenditures which included the payment of the expenses of these fundraising events and the payment of the Candidate's filing fee. Five of these cash expenditures each exceeded $100 for a single transaction. The failure to deposit these receipts represents an apparent violation of 2 U.S.C. §437b(a)(1). The expenditures made from these contribution monies do not appear to have come from a petty cash fund; however, even if they did the five cited above exceeded the $100 limitiation of 2 U.S.C. §437b(b) and thus are in violation of 2 U.S.C. §437b(a)(1).

The auditors also discovered that certain of the Committee's receipts were not deposited in a timely fashion. Of particular concern are a seven month delay in depositing $300 of an $800 contribution received on June 28, 1975, and the disposition of $3,525 received from a fundraiser held October 14, 1975, of which $1650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 6, 1976, and $683 in cash was deposited on April 13, 1976. (The remaining $892 is included in the above-mentioned $2728.01 never deposited.) We believe that these failures to make deposits until after three to seven months of receipt of the contributions involved constitute apparent violations of 2 U.S.C. §437b(a)(1).

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Corporate Contributions

2 U.S.C. §441b(a) prohibits the giving and knowing acceptance of corporate contributions. Here the auditors found evidence of contributions having been made by and accepted from sixteen corporate entities. Information confirming the corporate status of ten contributors has now been supplied to the Audit Division by the Committee; the Committee has also provided evidence that all necessary refunds have been made. Four of the apparent corporate contributions involved amounts exceeding $100, the corporations concerned being Berkley Land Corporation ($250), Britton's ($200), Duncan Oil Company ($250), and Strickland, Short and Kells, P.A. ($110).

RECOMMENDATION

1. Find reason to believe that the Holland in Congress Committee has violated 2 U.S.C. §437b(a)(1) by failing to deposit certain contributions in a designated account, by failing to deposit certain other contributions within a reasonable time of their receipt, and by making a number of expenditures by means other than checks drawn on a designated account.

2. Find reason to believe that the Holland in Congress Committee has violated 2 U.S.C. §441b(a) by accepting contributions from ten corporations.

3. Find reason to believe that Berkley Land Corporation, Britton's, Duncan Oil Company, and Strickland, Short and Kells, P.A. have violated 2 U.S.C. §441b(a) by making corporate contributions to the Holland in Congress Committee.

4. Send attached letters.

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, South Carolina 29020

Re: MUR 525(78)

Dear Mr. Green:

The Federal Election Commission has found reason to believe that the Holland in Congress Committee has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe that the Committee failed to deposit into a designated account $2728.01 in contributions in violation of 2 U.S.C. §437b(a)(1); used $2,115.07 out of the above-mentioned $2728.01 to make five cash expenditures in excess of $100 each in violation of 2 U.S.C. §437b(a)(1); and failed to deposit within a reasonable time of their receipt certain other contributions also in violation of 2 U.S.C. §437b(a)(1). In the last regard particular attention has been given to the apparent fact that $300 of an $800 contribution received on June 28, 1975, was not deposited until January 28, 1976, and to the apparent fact that of $3,525 received on October 14, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited.

Under the Act you have an opportunity to demonstrate that no action should be taken against the Committee. 2 U.S.C. §437g(a)(4). Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of these matters. In particular we request that the Committee provide explanations for the late deposits cited above plus explanations of the circumstances surrounding the apparent failure to deposit $2728.01 in contributions derived from four fund-raisers held on March 14, April 30, July 23 and October 14, 1975, and the use of this money to make cash expenditures in payment of expenses of the fund-raising events and the candidate's filing fee.

The Commission has also found reason to believe that the Committee accepted contributions from nine incorporated entities in violation of 2 U.S.C. §441b(a). The contributors in question are Berkley Land Corporation ($250), Britton's, Inc. ($200), Dabney Real Estate Agency ($70), Duncan Oil Company ($250), Frontier Auto Sales ($20), Gene's Fine Food ($25), Karesh's Fashion Shop ($10), Piedmont Distribution Company ($20), and Strickland, Short and Keels, P.A. ($110). Please submit any legal or factual information not already submitted to the Audit Division of this Commission concerning the acceptance of these contributions which you believe would be useful to the Commission. We understand that all necessary reimbursements of these contributions have been made.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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

January 25, 1978

MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER

FROM: BOB COSTA/TOM HASELHORST

SUBJECT: AUDIT FINDINGS OF THE HOLLAND FOR CONGRESS COMMITTEE

Attached are the audit findings of the Holland for Congress Committee audit. Due to the apparent overall lack of compliance, we recommend that these findings be made a Matter Under Review by your office.

If you have any questions, please do not hesitate to call Tom Haselhorst or Greg Macaulay at 3-4155.

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Audit Findings and Recommendations

A. Corporate Contributions

Section 441b(a) of Title 2, United States Code, states that it is unlawful for any political committee knowingly to accept or receive any contribution from any corporation.

Section 103.3(b) of Title 11, Code of Federal Regulations, requires that contributions which appear to be illegal shall be, within 10 days - (1) returned to the contributor; or (2) deposited into the campaign depository, and reported, in which case the treasurer shall make and retain a written record noting the basis for the appearance of illegality. The treasurer shall make his or her best efforts to determine the legality of the contribution. Refunds shall be made when a contribution cannot be determined to be legal within a reasonable time, and the treasurer shall so note by amending the current report or noting the change on the candidate's or committee's next required report.

Our examination of the Committee's contribution records revealed that the Committee received 18 contributions from 16 corporations totaling $1,395. Four (4) of the contributions totaling $950 were each in excess of $100. There appeared to be no special procedures in use by the Committee to determine if companies or businesses, which sent contributions drawn on their accounts, were incorporated. Subsequent to the audit, the treasurer sent inquiries to each company which has made a contribution on a company check. Positive replies verifying corporate status were received from six (6) companies. The Audit staff verified the remaining ten corporate contributions through an inquiry with the South Carolina Secretary of State.

We discussed the retention of corporate contributions with the Treasurer and he could offer no explanation regarding this matter. He stated that he was unaware that the Committee had accepted corporate contributions other than one which was promptly returned. He stated the Committee would be more careful in the future and agreed to return all corporate contributions.

The Committee has sent the Commission copies of six (6) checks, totaling $395, representing the return of contributions to six (6) of the corporations involved.

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C. Fundraising Activities

Section 434(b)(6), (8), (9), (10) and (11) of Title 2, United States Code, requires a committee to report: the total sum of all receipts made by or for such committee during the reporting period; the total amount of proceeds from the sale of tickets to and mass collections at each dinner, luncheon, rally and other fundraising events; the identification of each person to whom expenditures have been made by such committee within the calendar year in an aggregate amount in excess of $100, including the amount, date and purpose of each such expenditure; and, the total sum of expenditures made by such committee during the calendar year.

Section 437b(a)(1) of Title 2, United States Code, requires a committee to deposit all contributions received by the committee in its designated campaign depository and that no expenditure in excess of $100 to any person in connection with a single purchase or transaction may be made by such committee except by check drawn on its designated campaign depository.

Our examination of the Committee's records of fundraising events revealed that:

1. The Committee did not deposit $2,728.01 received from four (4) fundraisers from a total of $36,971.79 (7.38%) received from all fundraising events during the period of the audit. Of this amount, $1,836.01 (including four (4) contributor checks totaling $475 which were cashed) was used to pay expenses at these events, while $892 was used to pay the Candidate's filing fee.

2. The Committee did not report the receipt or expenditure of $1,499.61 of the amount not deposited.

3. $2,115.37 (including $923.37 not reported) of the funds not deposited by the Committee was used to make five (5) cash expenditures, each in excess of $100 and each involving a single purchase or transaction.

We recommended to the Committee that they file a comprehensive amendment to properly disclose the $1,499.61 in unreported receipts and expenditures. On January 16, 1978, the Commission received the Committee's amended reports.

7804005357

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the undeposited contributions and the cash expenditures in excess of $100 within 30 days of receipt of this letter.

D. Timely Depositing of Contributions

Section 103.3(a) of Title 11, Code of Federal Regulations, requires that all contributions received by a committee shall be deposited in a checking account in the appropriate campaign depository, by the treasurer of the committee or his or her agent, within 10 days of the treasurer's receipt thereof.

Our examination of the Committee's contribution records revealed that a total of $19,383.71 (11.82% of total contributions) was not deposited within 10 days as required.

Our review consisted of examination of the dates on copies of contributor checks and deposit tickets attached thereto. Although we allowed extra time for the late receipt of these contributions due to mail and/or other possible delays, we still found that these deposits were untimely.

During our examination we noted in particular two (2) transactions in which the contributions were not deposited for 3½ to 7 months.

(1) On June 28, 1975, the Committee received an $800 contribution, of which $300 was not deposited until January 28, 1976. We were unable to determine if this contribution was received in the form of a check, money order or cash.

(2) On October 14, 1975, the Committee received $3,525 from a fundraiser of which $1,650 in checks was deposited on November 6, 1975; $300 in cash was deposited on January 28, 1976; $633 in cash was deposited on April 13, 1976 and $892 was never deposited (see Finding C for further explanation).

We discussed these two (2) transactions with the treasurer of the Committee, and he stated that these monies were kept in his desk drawer during this time period. He was unable to offer any other explanation as to why these monies were held for such a long period of time prior to being deposited.

We informed the treasurer of his duties under the Act to deposit all contributions in a timely manner. He assured us that he would comply in the future.

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the late deposit of contributions, particularly the two (2) transactions noted above. We further recommend that the Committee determine the form of the $800 contribution by contacting the contributor and providing supporting documentation. The written explanation and the supporting documentation must be provided within 30 days of receipt of this letter.

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

April 10, 1078

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker Bill

SUBJECT: Withdrawal of MUR 525 from agenda

At the Commission meeting of April 6 it was agreed that consideration of the First General Counsel's Report submitted with regard to MUR 525 would be held over until the meeting of April 13. We now ask that this Report be withdrawn from consideration pending revision.

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

March 31, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: OBJECTIONS

The following MURs circulated on a 24 hour no-objection basis have received objections from Commissioner Tiernan:

MUR 525 (78) - 1st GC Report dated 3-30-78
MUR 527 (78) - 1st GC Report dated 3-30-78
MUR 530 (78) - 1st GC Report dated 3-30-78
MUR 536 (78) - 1st GC Report dated 3-30-78
MUR 541 (78) - 1st GC Report dated 3-30-78 re-circulated 3-31-78
MUR 551 (78) - 1st GC Report dated 3-30-78

These items have been placed on the Executive Session Agenda for April 6, 1978

7804006537

March 30, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have the attached 7 day report on MUR 525 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

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FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION MAR 30 1978

MUR # 525
DATE COMPLAINT RECEIVED BY OGC

STAFF MEMBER Weissenborn

COMPLAINANT'S NAME: Internally generated (Audit) - See Attachment I

RESPONDENT'S NAME: Holland for Congress Committee

RELEVANT STATUTE: 2 U.S.C. §437b(a)(1)

INTERNAL REPORTS CHECKED:

FEDERAL AGENCIES CHECKED:

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SUMMARY OF ALLEGATIONS

During the audit of the Holland for Congress Committee's records, the auditors discovered that the Committee had completely failed to deposit certain contributions in a designated account in violation of 2 U.S.C. §437b(a)(1) and that some expenditures had been made by means other than checks drawn on a designated account in violation of 2 U.S.C. §437b(a)(1). The auditors also found evidence that corporate contributions were made to the Committee and knowingly accepted in violation of 2 U.S.C. §441b(a).

PRELIMINARY LEGAL ANALYSIS

2 U.S.C. §437b(a)(1) requires that all contributions be deposited in a designated checking account and that all expenditures made by a committee be made by checks drawn on such accounts. The

only exception with regard to expenditures involves those made from a petty cash fund which must be limited to no more than $100 per single transaction. 2 U.S.C. §437b(b).

Here the auditors found that a total of $2728.01 received by the Committee from four fundraisers was never deposited in a Committee account. Rather, this money was used to make cash expenditures which included the payment of the expenses of these fundraising events and the payment of the Candidate's filing fee. Five of these cash expenditures each exceeded $100 for a single transaction. The failure to deposit these receipts represents an apparent violation of 2 U.S.C. §437b(a)(1). The expenditures made from these contribution monies do not appear to have come from a petty cash fund; however,even if they did they exceeded the $100 limitation of 2 U.S.C. §437b(b) and they are in violation of 2 U.S.C. §437b(a)(1).

2 U.S.C. §441b(a) prohibits the giving and knowing acceptance of contributions from corporations. Here the auditors found evidence of eighteen contributions from sixteen apparent corporations. Information confirming the corporate or non-corporate status of all but four of these business entities has been received by the Audit Division which is in the process of obtaining the remaining needed evidence. We recommend deferring inclusion of Section 441b(a) violations in this MUR until the Committee's submissions are complete.

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RECOMMENDATION

1. Find reason to believe that the Holland for Congress Committee has violated 2 U.S.C. §437b(a)(1) by failing to deposit certain contributions in a designated campaign depository and by making certain expenditures by means other than checks drawn on a designated campaign depository.

2. Send the attached letter.

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FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland for Congress Committee
P. O. Box 182
Camden, South Carolina 29020

RE: MUR 525(78)

Dear Mr. Green:

The Federal Election Commission has found reason to believe that the Holland for Congress Committee has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe that the Committee failed to deposit $2728.01 in contributions in violation of 2 U.S.C. §437b(a)(1) and that the Committee made expenditures by means other than checks drawn on designated campaign depositories in violation of 2 U.S.C. §437b(a)(1).

Under the Act you have an opportunity to demonstrate that no action should be taken against the Committee. 2 U.S.C. §437g(a)(4). Please submit any factual or legal materials which you believe are relevant to the Commission's investigation of these matters. In particular, we request that the Committee provide explanations of the circumstances surrounding the apparent failure to deposit $2728.01 in contributions derived from four fund-raisers (held on March 14, April 30, July 23 and October 14, 1975) and the use of this money to make cash expenditures in payment of expenses of the fund-raising events and of the candidate's filing fee.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

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This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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ATTACHMENT I

In docket

FEDERAL ELECTION COMMISSION

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

January 25, 1978

MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER

FROM: BOB COSTA/TOM HASELHORST

SUBJECT: AUDIT FINDINGS OF THE HOLLAND FOR CONGRESS COMMITTEE

Attached are the audit findings of the Holland for Congress Committee audit. Due to the apparent overall lack of compliance, we recommend that these findings be made a Matter Under Review by your office.

If you have any questions, please do not hesitate to call Tom Haselhorst or Greg Macaulay at 3-4155.

7804065371

Audit Findings and Recommendations

A. Corporate Contributions

Section 441b(a) of Title 2, United States Code, states that it is unlawful for any political committee knowingly to accept or receive any contribution from any corporation.

Section 103.3(b) of Title 11, Code of Federal Regulations, requires that contributions which appear to be illegal shall be, within 10 days - (1) returned to the contributor; or (2) deposited into the campaign depository, and reported, in which case the treasurer shall make and retain a written record noting the basis for the appearance of illegality. The treasurer shall make his or her best efforts to determine the legality of the contribution. Refunds shall be made when a contribution cannot be determined to be legal within a reasonable time, and the treasurer shall so note by amending the current report or noting the change on the candidate's or committee's next required report.

Our examination of the Committee's contribution records revealed that the Committee received 18 contributions from 16 corporations totaling $1,395. Four (4) of the contributions totaling $950 were each in excess of $100. There appeared to be no special procedures in use by the Committee to determine if companies or businesses, which sent contributions drawn on their accounts, were incorporated. Subsequent to the audit, the treasurer sent inquiries to each company which has made a contribution on a company check. Positive replies verifying corporate status were received from six (6) companies. The Audit staff verified the remaining ten corporate contributions through an inquiry with the South Carolina Secretary of State.

We discussed the retention of corporate contributions with the Treasurer and he could offer no explanation regarding this matter. He stated that he was unaware that the Committee had accepted corporate contributions other than one which was promptly returned. He stated the Committee would be more careful in the future and agreed to return all corporate contributions.

The Committee has sent the Commission copies of six (6) checks, totaling $395, representing the return of contributions to six (6) of the corporations involved.

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Recommendation

We recommend that the Committee return the remaining $1,000 to the 10 corporate contributors and that the Committee provide satisfactory documentation, such as cancelled checks, to the Commission for all of the corporate contributions (list attached), within 30 days from receipt of this letter.

B. Receipts and Expenditures Not Reported

Section 434(b)(8) of Title 2, United States Code, requires a committee to disclose the total sum of all receipts made by or for such committee during the reporting period. Section 434(b)(11) of Title 2, United States Code, requires a committee to disclose the total sum of expenditures made by such committee during the calendar year.

Our examination of the Committee's records of contributions and expenditures revealed that the Committee understated their receipts and expenditures by $2,190.49 as a result of not reporting certain transactions.

We were able to determine that the understatement in receipts resulted from unreported contributions totaling $2,830.49 (including $1,499.61 from fundraising events. Finding C), less the incorrect reporting of bank adjustments and the return of unpaid contributor checks totaling $640.

The understatement of expenditures resulted from unreported expenditures totaling $3,198.63 (including $1,499.61 from fundraising events. Finding C), less an overstatement of expenditures totaling $1,008.14, which the Committee reported in an attempt to correct its receipts and expenditures to agree with the correct ending cash balance.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

C. Fundraising Activities

Section 434(b)(6), (8), (9), (10) and (11) of Title 2, United States Code, requires a committee to report: the total sum of all receipts made by or for such committee during the reporting period; the total amount of proceeds from the sale of tickets to and mass collections at each dinner, luncheon, rally and other fundraising events; the identification of each person to whom expenditures have been made by such committee within the calendar year in an aggregate amount in excess of $100, including the amount, date and purpose of each such expenditure; and, the total sum of expenditures made by such committee during the calendar year.

Section 437b(a)(1) of Title 2, United States Code, requires a committee to deposit all contributions received by the committee in its designated campaign depository and that no expenditure in excess of $100 to any person in connection with a single purchase or transaction may be made by such committee except by check drawn on its designated campaign depository.

Our examination of the Committee's records of fundraising events revealed that:

1. The Committee did not deposit $2,728.01 received from four (4) fundraisers from a total of $36,971.79 (7.38%) received from all fundraising events during the period of the audit. Of this amount, $1,836.01 (including four (4) contributor checks totaling $475 which were cashed) was used to pay expenses at these events, while $892 was used to pay the Candidate's filing fee.

2. The Committee did not report the receipt or expenditure of $1,499.61 of the amount not deposited.

3. $2,115.37 (including $923.37 not reported) of the funds not deposited by the Committee was used to make five (5) cash expenditures, each in excess of $100 and each involving a single purchase or transaction.

We recommended to the Committee that they file a comprehensive amendment to properly disclose the $1,499.61 in unreported receipts and expenditures. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the undeposited contributions and the cash expenditures in excess of $100 within 30 days of receipt of this letter.

D. Timely Depositing of Contributions

Section 103.3(a) of Title 11, Code of Federal Regulations, requires that all contributions received by a committee shall be deposited in a checking account in the appropriate campaign depository, by the treasurer of the committee or his or her agent, within 10 days of the treasurer's receipt thereof.

Our examination of the Committee's contribution records revealed that a total of $19,383.71 (11.82% of total contributions) was not deposited within 10 days as required.

Our review consisted of examination of the dates on copies of contributor checks and deposit tickets attached thereto. Although we allowed extra time for the late receipt of these contributions due to mail and/or other possible delays, we still found that these deposits were untimely.

During our examination we noted in particular two (2) transactions in which the contributions were not deposited for 3½ to 7 months.

(1) On June 28, 1975, the Committee received an $800 contribution, of which $300 was not deposited until January 28, 1976. We were unable to determine if this contribution was received in the form of a check, money order or cash.

(2) On October 14, 1975, the Committee received $3,525 from a fundraiser of which $1,650 in checks was deposited on November 6, 1975; $300 in cash was deposited on January 28, 1976; $683 in cash was deposited on April 13, 1976 and $892 was never deposited (see Finding C for further explanation).

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#3,525

We discussed these two (2) transactions with the treasurer of the Committee, and he stated that these monies were kept in his desk drawer during this time period. He was unable to offer any other explanation as to why these monies were held for such a long period of time prior to being deposited.

We informed the treasurer of his duties under the Act to deposit all contributions in a timely manner. He assured us that he would comply in the future.

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the late deposit of contributions, particularly the two (2) transactions noted above. We further recommend that the Committee determine the form of the $800 contribution by contacting the contributor and providing supporting documentation. The written explanation and the supporting documentation must be provided within 30 days of receipt of this letter.

E. Itemization of Individual Contributions

Section 434(b)(2) of Title 2, United States Code, requires a committee to disclose the full name, mailing address, and the occupation and the principal place of business, if any, of each person who has made one or more contributions within the calendar year in an aggregate amount in excess of $100, together with the amount and date of such contributions.

Our examination of the Committee's contribution records revealed that the Committee did not itemize 24 contributions, (16.7% of itemizable contributions) totaling $1,630 (4.4% of the dollar value of itemizable contributions), of $100 or less from 15 contributors whose aggregate contributions exceeded $100. The Committee was unable to provide a reason for the omission of these contributions from the reports.

The examination also revealed that five (5) additional contributions (3.5% of itemizable contributions) from five (5) contributors, totaling $1,300 (3.5% of the dollar value of itemizable contributions), each in excess of $100 were not itemized. Again, the Committee was unable to provide a reason for the omission of these contributions from the report.

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We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1973, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

F. Itemization of Transfers Received

Section 434(b)(4) of Title 2, United States Code, requires a committee to disclose the name and address of all political committees from which transfers are received, together with the amounts and dates of the transfers.

Our examination revealed that the Committee did not itemize 39 transfers (23.5% of all transfers) from 23 political action committees totaling $3,890 (5.0% of the dollar value of all transfers). With the exception of two (2) transfers from two (2) political action committees totaling $400, all transfers were $100 or less. The treasurer of the Committee explained that, due to a misunderstanding of the statutory requirements, the Committee only itemized contributions from political committees which in the aggregate exceeded $100.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

G. Retention of Supporting Documentation for Expenditures

Section 432(d) of Title 2, United States Code, provides that it shall be the duty of the treasurer to obtain and keep a receipted bill for every expenditure made by or on behalf of such committee in excess of $100 in amount, and for any such expenditures in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100.

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Section 102.9(c)(4) of Title 11, Code of Federal Regulations provides that when a receipted bill is not available, the treasurer may keep the cancelled check and bill, invoice or other contemporaneous memorandum.

The Committee made at least 163 expenditures for which it was required to maintain supporting documentation. That total included 27 expenditures totaling $10,479.63 (16.6% of total items requiring such documentation and 6.8% of the total dollar value of such items) for which the Committee had not kept a receipted bill, invoice or other contemporaneous memoranda as required. However, with the exception of two (2) expenditures totaling $1,136.52 (Finding C), the Committee records did contain a cancelled check in support of each of those expenditures.

We recommended to the Committee that they obtain supporting documentation for the above stated expenditures and provide copies of them to the Commission.

Committee officials have since obtained the required documentation in support of 4 of the 27 items noted as inadequately supported. As a result, 23 committee expenditures totaling $3,717.47 remain inadequately supported.

Recommendation

We recommend that the Committee further attempt to obtain the supporting documentation for the 23 expenditures and provide copies of them or documentation of the attempts to obtain them to the Audit staff within 30 days from receipt of this letter.

II. Itemization of Expenditures Aggregating in Excess of $100 in a Calendar Year

Section 434(b)(9) and (10) of Title 2, United States Code, requires that the Committee disclose the identification of each person to whom expenditures in an aggregate amount in excess of $100 have been made during a calendar year, together with the amount, date, and purpose of each such expenditure.

Our examination of the Committee's expenditures records revealed that the Committee failed to itemize 15 expenditures totaling $3,743.55, (9.2% of the total itemizable items and 2.6% of the total dollar value of such items) made to eleven individuals that were each in excess of, or aggregated in excess of, $100. The Committee was unable to provide a reason for the omission of the expenditures from the report.

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We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

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

February 9, 1978

MEMORANDUM TO: Robert J. Costa

THROUGH: Orlando B. Potter

FROM: William C. Oldaker

SUBJECT: Audit Report of the Holland for Congress Committee

The Office of General Counsel has reviewed the audit report concerning the Holland for Congress Committee, such audit having been undertaken pursuant to 2 U.S.C. §438(a)(8). Based on the information presented in that report, we have the following comments. We concur in the actions recommended by the Audit Division where not specifically stated otherwise.

CORPORATE CONTRIBUTIONS

Part A of the Audit Report states that examination of the Committee's contribution records revealed the receipt of eighteen contributions from sixteen apparent corporations totaling $1,395.00, in violation of 2 U.S.C. §441b(a). The corporate status of these sixteen businesses has been verified by the Audit Division. The auditors found no evidence that the Committee had attempted to determine if companies or businesses making contributions were in fact incorporated. Subsequent to the audit, the Committee refunded six of the eighteen contributions.

We concur with the Audit Division's recommendation that the remaining ten corporate contributions be returned. We also intend to institute a compliance action concerning this matter.

FUNDRAISING ACTIVITIES

Part C of the Audit Report states that the Committee failed to deposit $2,728.01 received from four fundraisers. From this amount, the Committee made five cash expenditures

A-139

FEDERAL ELECTION COMMISSION

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

January 25, 1978

MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER OBP.

FROM: RJC BOB COSTA/TOM HASELHORST TH

SUBJECT: AUDIT FINDINGS OF THE HOLLAND FOR CONGRESS COMMITTEE

Attached are the audit findings of the Holland for Congress Committee audit. Due to the apparent overall lack of compliance, we recommend that these findings be made a Matter Under Review by your office.

If you have any questions, please do not hesitate to call Tom Haselhorst or Greg Macaulay at 3-4155.

Audit Findings and Recommendations

A. Corporate Contributions

Section 441b(a) of Title 2, United States Code, states that it is unlawful for any political committee knowingly to accept or receive any contribution from any corporation.

Section 103.3(b) of Title 11, Code of Federal Regulations, requires that contributions which appear to be illegal shall be, within 10 days - (1) returned to the contributor; or (2) deposited into the campaign depository, and reported, in which case the treasurer shall make and retain a written record noting the basis for the appearance of illegality. The treasurer shall make his or her best efforts to determine the legality of the contribution. Refunds shall be made when a contribution cannot be determined to be legal within a reasonable time, and the treasurer shall so note by amending the current report or noting the change on the candidate's or committee's next required report.

Our examination of the Committee's contribution records revealed that the Committee received 18 contributions from 16 corporations totaling $1,395. Four (4) of the contributions totaling $950 were each in excess of $100. There appeared to be no special procedures in use by the Committee to determine if companies or businesses, which sent contributions drawn on their accounts, were incorporated. Subsequent to the audit, the treasurer sent inquiries to each company which has made a contribution on a company check. Positive replies verifying corporate status were received from six (6) companies. The Audit staff verified the remaining ten corporate contributions through an inquiry with the South Carolina Secretary of State.

We discussed the retention of corporate contributions with the Treasurer and he could offer no explanation regarding this matter. He stated that he was unaware that the Committee had accepted corporate contributions other than one which was promptly returned. He stated the Committee would be more careful in the future and agreed to return all corporate contributions.

The Committee has sent the Commission copies of six (6) checks, totaling $395, representing the return of contributions to six (6) of the corporations involved.

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Recommendation

We recommend that the Committee return the remaining $1,000 to the 10 corporate contributors and that the Committee provide satisfactory documentation, such as cancelled checks, to the Commission for all of the corporate contributions (list attached), within 30 days from receipt of this letter.

B. Receipts and Expenditures Not Reported

Section 434(b)(8) of Title 2, United States Code, requires a committee to disclose the total sum of all receipts made by or for such committee during the reporting period. Section 434(b)(11) of Title 2, United States Code, requires a committee to disclose the total sum of expenditures made by such committee during the calendar year.

Our examination of the Committee's records of contributions and expenditures revealed that the Committee understated their receipts and expenditures by $2,190.49 as a result of not reporting certain transactions.

We were able to determine that the understatement in receipts resulted from unreported contributions totaling $2,830.49 (including $1,499.61 from fundraising events, Finding C), less the incorrect reporting of bank adjustments and the return of unpaid contributor checks totaling $640.

The understatement of expenditures resulted from unreported expenditures totaling $3,198.63 (including $1,499.61 from fundraising events, Finding C), less an overstatement of expenditures totaling $1,008.14, which the Committee reported in an attempt to correct its receipts and expenditures to agree with the correct ending cash balance.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

C. Fundraising Activities

Section 434(b)(6), (8), (9), (10) and (11) of Title 2, United States Code, requires a committee to report: the total sum of all receipts made by or for such committee during the reporting period; the total amount of proceeds from the sale of tickets to and mass collections at each dinner, luncheon, rally and other fundraising events; the identification of each person to whom expenditures have been made by such committee within the calendar year in an aggregate amount in excess of $100, including the amount, date and purpose of each such expenditure; and, the total sum of expenditures made by such committee during the calendar year.

Section 437b(a)(1) of Title 2, United States Code, requires a committee to deposit all contributions received by the committee in its designated campaign depository and that no expenditure in excess of $100 to any person in connection with a single purchase or transaction may be made by such committee except by check drawn on its designated campaign depository.

Our examination of the Committee's records of fundraising events revealed that:

1. The Committee did not deposit $2,728.01 received from four (4) fundraisers from a total of $36,971.79 (7.38%) received from all fundraising events during the period of the audit. Of this amount, $1,036.01 (including four (4) contributor checks totaling $475 which were cashed) was used to pay expenses at these events, while $892 was used to pay the Candidate's filing fee.

2. The Committee did not report the receipt or expenditure of $1,499.61 of the amount not deposited.

3. $2,115.37 (including $923.37 not reported) of the funds not deposited by the Committee was used to make five (5) cash expenditures, each in excess of $100 and each involving a single purchase or transaction.

We recommended to the Committee that they file a comprehensive amendment to properly disclose the $1,499.61 in unreported receipts and expenditures. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the undeposited contributions and the cash expenditures in excess of $100 within 30 days of receipt of this letter.

D. Timely Depositing of Contributions

Section 103.3(a) of Title 11, Code of Federal Regulations, requires that all contributions received by a committee shall be deposited in a checking account in the appropriate campaign depository, by the treasurer of the committee or his or her agent, within 10 days of the treasurer's receipt thereof.

Our examination of the Committee's contribution records revealed that a total of $19,383.71 (11.82% of total contributions) was not deposited within 10 days as required.

Our review consisted of examination of the dates on copies of contributor checks and deposit tickets attached thereto. Although we allowed extra time for the late receipt of these contributions due to mail and/or other possible delays, we still found that these deposits were untimely.

During our examination we noted in particular two (2) transactions in which the contributions were not deposited for 3½ to 7 months.

(1) On June 28, 1975, the Committee received an $800 contribution, of which $300 was not deposited until January 28, 1976. We were unable to determine if this contribution was received in the form of a check, money order or cash.

(2) On October 14, 1975, the Committee received $3,525 from a fundraiser of which $1,650 in checks was deposited on November 6, 1975; $300 in cash was deposited on January 28, 1976; $683 in cash was deposited on April 13, 1976 and $892 was never deposited (see Finding C for further explanation).

We discussed these two (2) transactions with the treasurer of the Committee, and he stated that these monies were kept in his desk drawer during this time period. He was unable to offer any other explanation as to why these monies were held for such a long period of time prior to being deposited.

We informed the treasurer of his duties under the Act to deposit all contributions in a timely manner. He assured us that he would comply in the future.

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the late deposit of contributions, particularly the two (2) transactions noted above. We further recommend that the Committee determine the form of the $800 contribution by contacting the contributor and providing supporting documentation. The written explanation and the supporting documentation must be provided within 30 days of receipt of this letter.

E. Itemization of Individual Contributions

Section 434(b)(2) of Title 2, United States Code, requires a committee to disclose the full name, mailing address, and the occupation and the principal place of business, if any, of each person who has made one or more contributions within the calendar year in an aggregate amount in excess of $100, together with the amount and date of such contributions.

Our examination of the Committee's contribution records revealed that the Committee did not itemize 24 contributions, (16.7% of itemizable contributions) totaling $1,630 (4.4% of the dollar value of itemizable contributions), of $100 or less from 15 contributors whose aggregate contributions exceeded $100. The Committee was unable to provide a reason for the omission of these contributions from the reports.

The examination also revealed that five (5) additional contributions (3.5% of itemizable contributions) from five (5) contributors, totaling $1,300 (3.5% of the dollar value of itemizable contributions), each in excess of $100 were not itemized. Again, the Committee was unable to provide a reason for the omission of these contributions from the report.

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We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

F. Itemization of Transfers Received

Section 434(b)(4) of Title 2, United States Code, requires a committee to disclose the name and address of all political committees from which transfers are received, together with the amounts and dates of the transfers.

Our examination revealed that the Committee did not itemize 39 transfers (23.5% of all transfers) from 28 political action committees totaling $3,890 (5.0% of the dollar value of all transfers). With the exception of two (2) transfers from two (2) political action committees totaling $400, all transfers were $100 or less. The treasurer of the Committee explained that, due to a misunderstanding of the statutory requirements, the Committee only itemized contributions from political committees which in the aggregate exceeded $100.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

G. Retention of Supporting Documentation for Expenditures

Section 432(d) of Title 2, United States Code, provides that it shall be the duty of the treasurer to obtain and keep a receipted bill for every expenditure made by or on behalf of such committee in excess of $100 in amount, and for any such expenditures in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100.

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Section 102.9(c)(4) of Title 11, Code of Federal Regulations provides that when a receipted bill is not available, the treasurer may keep the cancelled check and bill, invoice or other contemporaneous memorandum.

The Committee made at least 163 expenditures for which it was required to maintain supporting documentation. That total included 27 expenditures totaling $10,479.63 (16.6% of total items requiring such documentation and 6.8% of the total dollar value of such items) for which the Committee had not kept a receipted bill, invoice or other contemporaneous memoranda as required. However, with the exception of two (2) expenditures totaling $1,136.52 (Finding C), the Committee records did contain a cancelled check in support of each of those expenditures.

We recommended to the Committee that they obtain supporting documentation for the above stated expenditures and provide copies of them to the Commission.

Committee officials have since obtained the required documentation in support of 4 of the 27 items noted as inadequately supported. As a result, 23 committee expenditures totaling $8,717.47 remain inadequately supported.

Recommendation

We recommend that the Committee further attempt to obtain the supporting documentation for the 23 expenditures and provide copies of them or documentation of the attempts to obtain them to the Audit staff within 30 days from receipt of this letter.

H. Itemization of Expenditures Aggregating in Excess of $100 in a Calendar Year

Section 434(b)(9) and (10) of Title 2, United States Code, requires that the Committee disclose the identification of each person to whom expenditures in an aggregate amount in excess of $100 have been made during a calendar year, together with the amount, date, and purpose of each such expenditure.

Our examination of the Committee's expenditures records revealed that the Committee failed to itemize 15 expenditures totaling $3,743.55, (9.2% of the total itemizable items and 2.6% of the total dollar value of such items) made to eleven individuals that were each in excess of, or aggregated in excess of, $100. The Committee was unable to provide a reason for the omission of the expenditures from the report.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

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List of Corporate Contributions to be Returned

Dixie Chemical & Supply Co.	$ 10.00
Strickland, Short & Keels - P.A.	100.00
Strickland, Short & Keels - P.A.	10.00
Shillinglaw's Clean Up and Body Shop	20.00
Small Engine Service	10.00
Columbia Burlap Bag Co.	25.00
Murray Realty & Construction Co.	25.00
Britton's	200.00
Edisto Co.	100.00
Star Amusement Co.	250.00
Berkeley Land Corp.	250.00
Total	$1,000.00

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 525

FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 525

DATE: 10/5/78

FILMED BY: [illegible]

DATE: 11/8/78

REFILM BY: L.A.B.

New MUR added

FRED H. STRICKLAND (1950-1973)
PAUL E. SHORT, JR.
WILLIAM C. KEELS

Soc
803718

STRICKLAND, SHORT & KEELS, P.A.
ATTORNEYS AT LAW
P. O. BOX 547
CHESTER, S. C. 29706

100 MAIN STREET
PHONE 385-6155

322 DEARBORN STREET
GREAT FALLS, S.C. 29055
482-3335

RECEIVED
FEDERAL ELECTION
COMMISSION

3852

78 JUN 19 PM 12:38

June 14, 1978

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

Attention: Mrs. Anne A. Weissenborn

Re: MUR 527(78)
525

Dear Mrs. Weissenborn:

I am writing in response to your letter of June 1, 1978. I was very surprised to receive your letter in which you indicated that our professional association may have violated the Federal Election Campaign Act of 1971 by making contributions to the Holland in Congress Committee. I knew that I had made personal contributions to Ken Holland's campaign but I was not aware of any contributions that were made by our professional association, therefore, I immediately contacted Mr. James D. Green, Treasurer of the Holland in Congress Committee.

After discussing this matter with Mr. Green I believe that I can explain these discrepancies. Mr. Green advises that my name and address is listed on his records as follows: Strickland, Short & Keels, P. A., P. O. Box 547, Chester, South Carolina, 29706, Paul E. Short, Jr. Evidently when I made a personal cash contribution of One Hundred and no/100 ($100.00) Dollars to Ken Holland or his representative in October, 1976, these funds were turned over to Mr. Green and I was given credit for this contribution on his records which have my name listed with my professional association's address. Mr. Green's records indicate that this was a cash contribution by me and the discrepancy arose when the contribution was credited to me and my address on his records being listed as Strickland, Short & Keels, P. A., P. O. Box 547, Chester, South Carolina.

Mr. Green advises that the other discrepancy exists in a Ten and no/100 ($10.00) Dollar check which he received from our professional association sometime in October, 1975.

After checking my records I do not find a check written to the Holland in Congress Committee, however, I found a check made payable to Mr. Ralph Garris in the amount of Ten and no/100 ($10.00) Dollars. In October, 1975, I was contacted by Mr. Ralph Garris a friend of Representative Holland and asked whether or not I would like to attend an appreciation reception for Representative Holland in Rock Hill, South Carolina at the Rematta Inn. I indicated that my wife and I would like to attend and that if he would drop by my office I would be glad to purchase a ticket for Ten and no/100 ($10.00) Dollars. Evidently Mr. Garris came to my office sometime later while I was out and my secretary wrote Mr. Garris a check made payable to him in the sum of Ten and no/100 ($10.00) Dollars for my ticket. Subsequently my wife and I attended the appreciation dinner for Congressman Holland. I did not give any more thought to this matter until I received your letter of June 1, 1978, and I discussed it with Mr. Green . It appears that my professional association check for Ten and no/100 ($10.00) Dollars made payable to Mr. Garris was deposited to the Holland for Congress Committee.

If you have any further questions concerning this matter I will be glad to discuss this matter with you at any time. I am leaving for Florida on Saturday, June 17 and will return to my office on June 26, 1978.

Thanking you for your cooperation and consideration in this matter, I remain

Yours very truly,

STRICKLAND, SHORT & KEELS, P. A.

BY: Paul E. Short, Jr.
Paul E. Short, Jr.

PES;jr;cjn

cc: Mr. James B. Green
P. O. Box 862
Camden, South Carolina, 29020

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STRICKLAND, SHORT & KEELS, P.A.
Attorneys At Law
P. O. Box 547
Chester, S. C. 29706

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

Attention: Mrs. Anne A. Weissenborn

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

September 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, South Carolina 29020

Re: MUR 525(78)

Dear Mr. Green:

Enclosed please find a copy of the signed conciliation agreement entered into by the Holland in Congress Committee and the Federal Election Commission. Also enclosed is a copy of the certification of the Commission's acceptance of the agreement.

The file in this matter is now closed.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

GCC# 4733

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Holland in Congress Committee) MUR 525(78)

'78 SEP 1 AM 11:48

CONCILIATION AGREEMENT

805874

This matter having been instituted by the Commission in the ordinary course of carrying out its supervisory responsibilities, and, after an investigation, the Commission having found reasonable cause to believe that the Holland in Congress Committee (hereinafter "the Respondent") has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. § 437(a)(5) do hereby agree as follows:

I. The Federal Election Commission has jurisdiction over the Respondent and the subject matter in this case.

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

III. Respondent enters into this agreement with the Commission voluntarily.

IV. The pertinent facts are as follows:

A. The Committee received $2728.01 in contributions derived from four fund-raising events which was never deposited in a designated campaign depository.

B. This undeposited $2728.01 was used to make cash expenditures which included the payment of costs of these fund-

raising events and the payment of the Candidate's filing fee.

C. Five of the cash expenditures made with the $2728.01 in undeposited contributions, including the $892 used for the Candidate's filing fee, were in excess of $100.

D. In two instances the Committee received contributions which were not deposited into a campaign depository until after three to seven months had elapsed.

E. The first instance of delayed deposit of contributions involved an $800 check dated June 27, 1975, which was made payable to cash and received personally by the Candidate. Only $500 in cash was delivered to the Committee in July, 1975. The Committee received possession of the remaining $300 in cash in January, 1976, and immediately deposited that sum.

F. The second instance of delayed deposit involved $3,525 in contributions received by the Committee as the result of a fund-raising event held on October 14, 1975. Of this amount $1,650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited. The cash involved was not delivered to the headquarters of the Committee until probably January, 1976. The portion of the cash not deposited at that time was placed in a file with the contributions list for 1975 where it remained until April of that year.

G. The Committee accepted contributions from eight incorporated entities.

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WHEREFORE, Respondent agrees:

A. That Respondent failed to deposit into a designated campaign depository $2728.01 in contributions derived from four fund-raising events.

B. That failure to deposit all contributions into a designated campaign depository constitutes a violation 2 U.S.C. § 437b(a)(1).

C. That Respondent made five cash expenditures in excess of $100, including payment of the candidate's filing fee.

D. That failure to make all committee expenditures by means of checks drawn on a campaign depository constitutes a violation of 2 U.S.C. § 437b(a)(1).

E. That Respondent did not deposit contributions totaling $1283 for periods ranging from three to seven months after receipt.

F. That failure to deposit all contributions within a reasonable time constitutes a violation of 2 U.S.C. § 437b(a)(1).

G. That Respondent accepted contributions from eight incorporated entities.

H. That acceptance of contributions from incorporated entities constitutes violation of 2 U.S.C. § 441b(a).

I. That Respondent will now, and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.

J. That Respondent will pay a civil penalty of $200.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

V. General Conditions

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

B. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. § 437g(a)(5)(A), and that this Agreement, unless violated, shall constitute a complete bar to any further action by the Commission with regard to the matter set forth in this Agreement.

C. It is mutually agreed that this Agreement will become effective on the date that all parties hereto have executed the same and the Commission has approved the entire Agreement.

FEDERAL ELECTION COMMISSION

9/15/78
Date

William C. Oldaker
General Counsel
Federal Election Commission

8/29/78
Date

James D. Green
Treasurer
Holland in Congress Committee

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 525 (78)
Holland in Congress Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 13, 1978, the Commission determined by a vote of 5-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Give final approval to the conciliation agreement attached to the General Counsel's Report dated September 5 1978, which has been signed by the Committee.

2. Send the letter attached to the General Counsel's Report dated September 5, 1978, together with a copy of the conciliation agreement signed by the General Counsel, to the Committee.

3. Close the file in this matter.

Voting for these determinations were Commissioners Harris, Springer, Staebler, Thomson, and Tiernan.

9/14/78 — Marjorie W. Emmons

Date — Marjorie W. Emmons
Secretary to the Commission

Report signed:	9-8-78
Received in Office of Commission Secretary:	9-8-78, 5:05
Circulated on 48 hour vote basis:	9-11-78 4:00

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September 8, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have teh attached General Counsel's Report on MUR 525 distributed to the Commission on a 48 hour tally basis.

Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION

SEPTEMBER 5, 1978

In the Matter of	)	
	)	
Holland for Congress Committee	)	MUR 525(78)
	)	

GENERAL COUNSEL'S REPORT

On August 14, 1978, the Commission found reasonable cause to believe that the Holland in Congress Committee ("the Committee") violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a). A proposed conciliation agreement was sent to the Committee on August 17; this agreement included in its provisions a civil penalty of $200.

The proposed conciliation agreement has now been signed by the Committee's treasurer and returned to this Office, together with a check for $200.

RECOMMENDATION

1. Give final approval to the attached conciliation agreement which has been signed by the Committee.

2. Send attached letter, together with a copy of the conciliation agreement signed by the General Counsel, to the Committee.

3. Close the file in this matter.

9/8/78
Date

William C. Oldaker
General Counsel

Packet Contains:
1. Conciliation Agreement
2. Letter
3. Certification

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Wussenborn GCC 4733

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Holland in Congress Committee) MUR 525(78)

'78 SEP 1 AM 11:49

CONCILIATION AGREEMENT

005874

This matter having been instituted by the Commission in the ordinary course of carrying out its supervisory responsibilities, and, after an investigation, the Commission having found reasonable cause to believe that the Holland in Congress Committee (hereinafter "the Respondent") has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. § 437(a)(5) do hereby agree as follows:

I. The Federal Election Commission has jurisdiction over the Respondent and the subject matter in this case.

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

III. Respondent enters into this agreement with the Commission voluntarily.

IV. The pertinent facts are as follows:

A. The Committee received $2728.01 in contributions derived from four fund-raising events which was never deposited in a designated campaign depository.

B. This undeposited $2728.01 was used to make cash expenditures which included the payment of costs of these fund-

raising events and the payment of the Candidate's filing fee.

C. Five of the cash expenditures made with the $2728.01 in undeposited contributions, including the $892 used for the Candidate's filing fee, were in excess of $100.

D. In two instances the Committee received contributions which were not deposited into a campaign depository until after three to seven months had elapsed.

E. The first instance of delayed deposit of contributions involved an $800 check dated June 27, 1975, which was made payable to cash and received personally by the Candidate. Only $500 in cash was delivered to the Committee in July, 1975. The Committee received possession of the remaining $300 in cash in January, 1976, and immediately deposited that sum.

F. The second instance of delayed deposit involved $3,525 in contributions received by the Committee as the result of a fund-raising event held on October 14, 1975. Of this amount $1,650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited. The cash involved was not delivered to the headquarters of the Committee until probably January, 1976. The portion of the cash not deposited at that time was placed in a file with the contributions list for 1975 where it remained until April of that year.

G. The Committee accepted contributions from eight incorporated entities.

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WHEREFORE, Respondent agrees:

A. That Respondent failed to deposit into a designated campaign depository $2728.01 in contributions derived from four fund-raising events.

B. That failure to deposit all contributions into a designated campaign depository constitutes a violation 2 U.S.C. § 437b(a)(1).

C. That Respondent made five cash expenditures in excess of $100, including payment of the candidate's filing fee.

D. That failure to make all committee expenditures by means of checks drawn on a campaign depository constitutes a violation of 2 U.S.C. § 437b(a)(1).

E. That Respondent did not deposit contributions totaling $1283 for periods ranging from three to seven months after receipt.

F. That failure to deposit all contributions within a reasonable time constitutes a violation of 2 U.S.C. § 437b(a)(1).

G. That Respondent accepted contributions from eight incorporated entities.

H. That acceptance of contributions from incorporated entities constitutes violation of 2 U.S.C. § 441b(a).

I. That Respondent will now, and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.

J. That Respondent will pay a civil penalty of $200.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

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V. General Conditions

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

B. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. § 437g(a)(5)(A), and that this Agreement, unless violated, shall constitute a complete bar to any further action by the Commission with regard to the matter set forth in this Agreement.

C. It is mutually agreed that this Agreement will become effective on the date that all parties hereto have executed the same and the Commission has approved the entire Agreement.

FEDERAL ELECTION COMMISSION

Date

William C. Oldaker
General Counsel
Federal Election Commission

3/29/78
Date

James D. Green
James D. Green
Treasurer
Holland in Congress Committee

7 8 0 2 4 0 0 7 2 9 9 6

Cashier's Check
South Carolina National Bank
Camden, South Carolina Main

№ 50840

67-145
532

Date Aug. 29, 1978

Pay to the Order of U.S. Treasury $ 200.00

SCN$200 Dol's 00 Cts Dollars

For Holland in Congress

Authorized Signature Jane C. Price

⑈050840⑈ ⑆0532⑈0145⑆ ⑈30⑈ 09 9999 2⑈

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, South Carolina 29020

Re: MUR 525(78)

Dear Mr. Green:

Enclosed please find a copy of the signed conciliation agreement entered into by the Holland in Congress Committee and the Federal Election Commission. Also enclosed is a copy of the certification of the Commission's acceptance of the agreement.

The file in this matter is now closed.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

7 8 0 4 0 2 7 2 9 9 7

7 8 0 4 0 2 7 2 9 9 B

Cashier's Check
South Carolina National Bank
Camden, South Carolina Main

67-145
532

№ 50840

Date Aug. 29, 1978

Pay to the Order of U.S. Treasury $ 200.00

SCN$20 Dols 00 Cts Dollars

For Holland in Congress

Authorized Signature Jane C. Price

⑈050840⑈ ⑆0532⑉0145⑆ ⑈30⑉ 09 9999 2⑈

CARSWELL, GREEN & CANTEY
CERTIFIED PUBLIC ACCOUNTANTS
POST OFFICE BOX 862
CAMDEN, SOUTH CAROLINA 29020

RETURN RECEIPT REQUESTED

CERTIFIED
No. 792519
MAIL

Ms. Anne A. Weissenborn
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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

August 16, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Arnold M. Levinson, President
Brittons
1337 Main Street
Columbia, SC 29201

Re: MUR 525(78)

Dear Mr. Levinson:

The Federal Election Commission has found no reasonable cause to believe that Brittons has violated 2 U.S.C. § 441b(a) in view of your explanation that the contribution of $200 made to the Holland in Congress Committee by means of a check drawn on a Brittons account was charged to your personal drawing account which constitutes part of your salary. The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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

August 16, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, SC 29020

Re: MUR 525(78)

Dear Mr. Green:

This letter is to inform you that the Federal Election Commission has found reasonable cause to believe that the Holland in Congress Committee has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a).

Having made these determinations the Commission is under a duty to made every endeavor for a period of not less then thirty (30) days to correct these violations by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe violations have occurred, institute civil suit. 2 U.S.C. § 437g(a)(5)(B).

Enclosed please find a conciliation agreement which the Commission is prepared to recommend to the Commission in settlement of the Committee's violations of 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a). If you agree with the provisions of this agreement, please sign it and return it to the Commission within ten days of your receipt of this letter. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

7 8 0 1 7 3 0 2 1 7

AW 525

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:

Mr James D Green

16

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438166	

(Always obtain signature of addressee or agent)

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

K. Peach

4. DATE OF DELIVERY

POSTMARK

C MD
AUG 22 1978
C PO

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-337

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7 8 2 4 2 2 7 3 0 0 2

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

August 16, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Paul E. Short, Jr.
Strickland, Short and Keels, P.A.
P.O. Box 547
Chester, SC 29706

Re: MUR 525(78)

Dear Mr. Short:

The Federal Election Commission has decided to take no further action with regard to the apparent violation of 2 U.S.C. § 441b(a) by Strickland, Short and Keels, P.A., in view of your explanation that $100.00 of the $110 contribution allegedly made by your professional association to the Holland in Congress Committee consisted of a personal cash contribution from yourself, and in view of the fact that the remaining $10.00 contribution made by means of a corporate account has been refunded by the Committee.

The file is now closed in this matter. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

7 8 0 4 0 7 3 0 2 0 3 2

AW 525 ✓

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:
Paul E. Short, Jr.
Chester, SC

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438169	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☑ Authorized agent
June A. Baker

4. DATE OF DELIVERY
8-19-78

POSTMARK

5. ADDRESS (Complete only if requested)
N/A

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-337

7804073004
7804065209

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

August 16, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. C. A. Hanlon
Berkley Land Corporation
c/o R. D. Belk
1095 Broad Street
Sumter, SC 29150

Re: MUR 525(78)

Dear Mr. Hanlon:

The Federal Election Commission has decided to take no further action with regard to the violation of 2 U.S.C. § 441b(a) by the Berkley Land Corporation in view of the fact that the contribution made to the Holland in Congress Committee by means of a corporate account has been reimbursed by the Committee.

The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland for Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

7807300545

AW 525

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:

NACA [illegible]

SUMTER S.C. AUG 22 PM 1978 29150

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438168	

(Always obtain signature of addressee or agent)

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

C. W. [illegible]

4. DATE OF DELIVERY
8-21-78

POSTMARK

5. ADDRESS (Complete only if requested)
1695 [illegible]

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1977—O-239-595

7 8 0 4 0 0 7 3 0 0 6
2 8 0 4 0 0 6 5 3 0

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

August 16, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Elton Duncan
Duncan Oil Company
1265 East White Street
Rock Hill, SC 29730

Re: MUR 525(78)

Dear Mr. Duncan:

The Federal Election Commission has decided to take no further action with regard to the violation of 2 U.S.C. § 441b(a) by the Duncan Oil Company in view of the fact that the contribution made to the Holland in Congress Committee by means of a corporate account has been reimbursed by the Committee.

The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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A-U 525

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:

Mr. Elton Duncan

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438167	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 8-24-78

POSTMARK AUG 26 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS CB

☆ GPO : 1977—O-234-337

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 525 (78)
Holland for Congress Committee	)	
et al	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 15, 1978, the Commission approved by a vote of 4-0 the General Counsel's recommendation to insert "$200.00" as the amount of civil penalty in paragraph "J" of the proposed conciliation agreement circulated to the Commission on August 10, 1978 regarding the above-captioned matter.

Commissioners Aikens and Tiernan were not present at the time of the vote.

Attest:

Date 8/15/78 Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 8-11-78, 12:14
Circulated on 48 hour vote basis: 8-11-78, 1:30

7 8 2 0 0 2 3 0 0 2 2

August 11, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have the attached Memorandum distributed to the Commission on a 48 hour tally basis.

Thank you.

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

August 11, 1978

MEMORANDUM TO: The Commission

FROM: William C. Oldaker
General Counsel

DATE: August 11, 1978

SUBJECT: MUR 525 - The Holland in Congress Committee Supplemental General Counsel's Report

In the proposed conciliation agreement circulated to the Commission on August 10, 1978, paragraph "J" did not include a recommendation for a civil penalty. The General Counsel's Office recommends that a $200.00 civil penalty be inserted in that paragraph.

7 8 0 4 3 0 0 0 1 1 6 5 3 2 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 525 (78)
Holland in Congress Committee,	)	
et al	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 14, 1978, the Commission determined by a vote of 4-0 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 Holland in Congress Committee has violated 2 U.S.C. §437b(a)(1) and 2 U.S.C. §441b(a).

2. Find no reasonable cause to believe that Brittons has violated 2 U.S.C. §441b(a).

3. Take no further action with regard to violations of 2 U.S.C. §441b(a) by Berkeley Land Corporation, Duncan Oil Company, and Strickland, Short and Keels, P.A.

4. Send the letters and conciliation agreement attached to the General Counsel's Report dated August 8, 1978.

Commissioners Aikens, Harris, Staebler and Thomson voted on this matter.

ATTEST:

Date: 8/14/78

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

Received in Office of Commission Secretary: 8-10-78, 10:22
Circulated on 48 hour vote basis: 8-10-78, 1:00

7 8 0 4 0 0 7 3 0 1 2

August 10, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have the attached General Counsel's Report on MUR 525 distributed to the Commission on a 48 hour tally basis.

Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION

AUGUST 8, 1978

In the Matter of	)	
	)	
Holland for Congress Committee	)	MUR 525(78)
et al	)	

GENERAL COUNSEL'S REPORT

I. Summary of Allegations and Commission Action

During their examination of the records of the Holland for Congress Committee, the auditors discovered that the Committee had failed to deposit certain contributions in a designated campaign account in violation of § 437b(a)(1), that the Committee had failed to deposit certain other contributions within a reasonable time of their receipt in violation of 2 U.S.C. § 437b(a)(1), and that some expenditures in excess of $100 had been made by means other than checks drawn on a designated account, also in violation of 2 U.S.C. § 437b(a)(1) and (b). The auditors also discovered evidence of four apparent corporate contributions, placing the contributors and the Committee in apparent violation of 2 U.S.C. § 441b(a).

On May 16, 1976, the Commission found reason to believe that the above violations had occurred.

Evidence

On June 1, 1976, letters were sent to all respondents informing them of the Commission's findings. Legal analyses and recommendations with regard to each apparent violation follows:

1) Failure to deposit contributions into and to make expenditures from a designated campaign depository

2 U.S.C. § 437b(a)(1) requires that all contributions received by a committee be deposited in a designated checking account and that

all expenditures made by a committee be made by checks drawn on such accounts.

Here the auditors found that the Committee had failed to deposit $2,728.01 received from four fund-raising events. Rather, the money was used to make cash expenditures which included the payment of the expenses of these fund-raising events and the payment of the Candidate's filing fee. The Committee treasurer has explained that the cash expenditures involving fund-raising events were made by volunteer fund-raisers who personally made the arrangements for the events involved. The treasurer concedes the impropiety of these cash payments by the volunteers plus the cash payment of the Candidate's filing fee. He points out that all such expenditures have now been properly documented and reported, and states that proper control have now been instituted to assure that such failure to use campaign depositories will not reoccur. Also, the Committee had not reported the receipt and expenditure of $1,499.61 of the above monies until the auditors recommended that they do so on Janaury 16, 1978.

The Office of General Counsel recommends a finding of reasonable cause to believe that the Committee violated 2 U.S.C. § 437b(a) by failing to deposit $2728.01 in contributions into a campaign depository.

2) Failure to make timely deposits of contributions

The auditors found two instances in which contributions received by the Committee were not deposited into campaign accounts after three to seven months of receipt. The first instance involved an $800 check dated June 27, 1975, received from a union political action committee. The check, was received by the Candidate who personally executed a receipt for the full $800. According to the

treasurer's letter, only $500.00 in cash was delivered to the Committee in July, 1975, although the entire $800.00 was reported because the Committee had been orally advised that that sum had been received. The discrepancy was discovered in October, 1975, when bank statements were being reconciled with the Committee's records. The Committee received possession of the remaining $300 in January, 1976, and immediately deposited the money. No information has been provided as to whom had possession prior to January or why the delay occurred.

In the second instance of delayed deposits, the Committee, on October 14, 1975, received $3,525 from a fund-raising event held in Fort Mill, South Carolina, of which $1,650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited but used instead to pay the Candidate's filing fee. The Committee treasurer has explained that the checks received at the fund-raising event were mailed to him; however, the cash received was later hand-delivered, probably in January although he has been unable to determine the exact date. He states,

> Apparently $300.00 of the cash was deposited in January of 1976, with the balance of the funds placed in the regular file along with the contributions list of 1975 since they pertained to activities for that year. Since a new file was stated for 1976 the fact that the money was not deposited was not discovered until the bank statements were reconciled in preparation of the April 10 report.

Present Commission regulations as set forth in 11 C.F.R. § 103.3 concerning the timing of deposits were not in effect in 1975 and early 1976. It may be assumed, however, that 2 U.S.C. § 437b(a) requires the deposit of contributions within a reasonable time of their receipt. Here delays of from three to seven months occurred between the date of receipt and the date of deposit. The Office of General Counsel finds these delays unreasonably long and therefore recommends a finding of reasonable cause to believe that the Committee violated 2 U.S.C. § 437b(a).

3) Failure to make all expenditures in excess of $100 by means of checks drawn on campaign depositories

2 U.S.C. § 437b(a)(1) and (b) require that all committee expenditures in excess of $100 be made by means of checks drawn on a designated campaign depository.

Here, the auditors found that five cash expenditures totaling $2,115.07 with monies derived from four fund raising events were in excess of $100. These payments included the $892 used to pay the Candidate's filing fee plus four payments for expenditures incurred in holding the fund-raising events. The Committee states that the latter payments were made by volunteers, while the payment for the filing fee "admittedly should not have been made by cash but in the rush of the work load in our office due to the April 15 filing deadline was inadvertently done."

The Office of General Counsel recommends a finding of reasonable cause to believe that the Committee violated 2 U.S.C. § 437b(a)(1) and (b) by making or permitting to be made cash expenditures in excess of $100.

4) Corporate Contributions

2 U.S.C. § 441b(a) prohibits the making and knowing acceptance of corporate contributions. Here the auditors found evidence of nine apparent corporate contributions totaling $955. Four of these contributions, those from Berkeley Land Corporation, Britton, Duncan Oil Company, and Strickland, Short and Keels, P.A., exceeded $100.

(1) Contribution from Berkeley Land Corporation - $250

The contribution from the Berkeley Land Corporation was made on January 17, 1977, and refunded by the Committee on December 13, 1977. The response received from the Corporation attributes this contribution to an error.

(2) Contribution from Britton - $200

The contribution received by means of a Brittons' check was received in 1976 and refunded by the Committee on February 23, 1978. The president of the Corporation, Mr. Arnold M. Levinson, has written in reply to the letter from the Office of General Counsel that the corporate check in question was charged to his personal drawing account which "constitutes part of my salary at Brittons."

Because the account to which this check was charged comprises part of Mr. Levinson's salary, it does not fall within the category of a reimbursable drawing account, contributions from which are considered corporate in nature until reimbursement takes place. Therefore, the Office of General Counsel recommends a finding of no reasonable cause to believe that Brittons made a corporate contribution to the Committee.

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(3) Contribution from Duncan Oil Company, Inc. - $250

The contribution from Duncan Oil Company was received on July 22, 1976, and refunded by the Committee on October 7, 1977, following an inquiry made by the Committee upon the recommendation of the Audit Division. Mr. Elton Duncan's reply to the letter from the Office of General Counsel explains that the check in question was mistakenly written using the company checkbook rather than his personal checkbook, a mistake which he attributed to his failing eyesight.

(4) Contribution from Strickland, Short and Keels, P.A. - $110.

The two contributions here involved consist of a $10 check received by the Committee in October, 1975, and a $100 cash contribution received by the Committee in October, 1976. The full $110 was refunded by the Committee on February 23, 1978.

In response to the letter from the Office of General Counsel, Mr. Paul E. Short, Jr., has written that the $10 contribution made in 1975 consisted of payment for tickets for a reception. An employee of Strickland, Short and Keels, P.A. mistakenly used a corporate check to pay for these tickets while Mr. Short was out. With regard to the $100 contribution made in 1976, Mr. Short states that this involved a personal cash contribution made by himself to either the Candidate or his representative. The address in the Committee's records for Mr. Short was his office address which included the name of his professional association, hence the confusion about who was the actual contributor.

(5) Acceptance of Corporate Contributions by the Committee

Given the above information received from the apparent corporate respondents in this matter, it has been determined that the Committee accepted corporate contributions totaling $655 from eight incorporated entities. The largest of these contributions was the $250 received from Berkeley Land Corporation. All of these contributions have been refunded by the Committee.

The Committee treasurer has explained in his recent letter that during the period from January 1, 1975, to June 30, 1977, it received more than fifty contributions which were made on checks other than personal accounts. Of these the Committee claims that it had reason to believe that an incorporated entity was involved in only three instances; the Office of General Counsel interprets this to mean that in only three instances did the term "Inc." appear on the face of the check involved. In these instances the Committee claims inadvertent acceptance and deposit.

The treasurer's letter also states that during the period of audit examination the committee did not have adequate internal control procedure for determining whether or not company checks were from incorporated entities. The treasurer writes that adequate procedures have now been established.

Because all corporate contributions have been refunded, the Office of General Counsel recommends that no further action be taken against Berkeley Land Corpoation, Duncan Oil Company, and Strickland, Short and Keels, P.A. We recommend a finding of reasonable cause to believe that the Committee accepted corporate contributions in violation of 2 U.S.C. § 441b(a).

RECOMMENDATIONS

1. Find reasonable cause to believe that the Holland in Congress Committee has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a).

2. Find no reasonable cause to believe that Brittons has violated 2 U.S.C. § 441b(a).

3. Take no further action with regard to violations of 2 U.S.C. § 441b(a) by Berkeley Land Corporation, Duncan Oil Company, and Strickland, Short and Keels, P.A.

4. Send attached letters and conciliation agreement.

8/8/78
Date

William C. Oldaker
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Holland in Congress Committee	)	MUR 525(78)

CONCILIATION AGREEMENT

This matter having been instituted by the Commission in the ordinary course of carrying out its supervisory responsibilities, and, after an investigation, the Commission having found reasonable cause to believe that the Holland in Congress Committee (hereinafter "the Respondent") has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. § 437(a)(5) do hereby agree as follows:

I. The Federal Election Commission has jurisdiction over the Respondent and the subject matter in this case.

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

III. Respondent enters into this agreement with the Commission voluntarily.

IV. The pertinent facts are as follows:

A. The Committee received $2728.01 in contributions derived from four fund-raising events which was never deposited in a designated campaign depository.

B. This undeposited $2728.01 was used to make cash expenditures which included the payment of costs of these fund-

raising events and the payment of the Candidate's filing fee.

C. Five of the cash expenditures made with the $2728.01 in undeposited contributions, including the $892 used for the Candidate's filing fee, were in excess of $100.

D. In two instances the Committee received contributions which were not deposited into a campaign depository until after three to seven months had elapsed.

E. The first instance of delayed deposit of contributions involved an $800 check dated June 27, 1975, which was made payable to cash and received personally by the Candidate. Only $500 in cash was delivered to the Committee in July, 1975. The Committee received possession of the remaining $300 in cash in January, 1976, and immediately deposited that sum.

F. The second instance of delayed deposit involved $3,525 in contributions received by the Committee as the result of a fund-raising event held on October 14, 1975. Of this amount $1,650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited. The cash involved was not delivered to the headquarters of the Committee until probably January, 1976. The portion of the cash not deposited at that time was placed in a file with the contributions list for 1975 where it remained until April of that year.

G. The Committee accepted contributions from eight incorporated entities.

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WHEREFORE, Respondent agrees:

A. That Respondent failed to deposit into a designated campaign depository $2728.01 in contributions derived from four fund-raising events.

B. That failure to deposit all contributions into a designated campaign depository constitutes a violation 2 U.S.C. § 437b(a)(1).

C. That Respondent made five cash expenditures in excess of $100, including payment of the candidate's filing fee.

D. That failure to make all committee expenditures by means of checks drawn on a campaign depository constitutes a violation of 2 U.S.C. § 437b(a)(1).

E. That Respondent did not deposit contributions totaling $1283 for periods ranging from three to seven months after receipt.

F. That failure to deposit all contributions within a reasonable time constitutes a violation of 2 U.S.C. § 437b(a)(1).

G. That Respondent accepted contributions from eight incorporated entities.

H. That acceptance of contributions from incorporated entities constitutes violation of 2 U.S.C. § 441b(a).

I. That Respondent will now, and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.

J. That Respondent will pay a civil penalty of pursuant to 2 U.S.C. § 437g(a)(5)(B).

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V. General Conditions

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

B. It is further agreed that this Conciliation Agreement is entered into in accordance with 2 U.S.C. § 437g(a)(5)(A), and that this Agreement, unless violated, shall constitute a complete bar to any further action by the Commission with regard to the matter set forth in this Agreement.

C. It is mutually agreed that this Agreement will become effective on the date that all parties hereto have executed the same and the Commission has approved the entire Agreement.

FEDERAL ELECTION COMMISSION

Date

William C. Oldaker
General Counsel
Federal Election Commission

Date

James D. Green
Treasurer
Holland in Congress Committee

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Elton Duncan
Duncan Oil Company
1265 East White Street
Rock Hill, SC 29730

Re: MUR 525(78)

Dear Mr. Duncan:

The Federal Election Commission has decided to take no further action with regard to the violation of 2 U.S.C. § 441b(a) by the Duncan Oil Company in view of the fact that the contribution made to the Holland in Congress Committee by means of a corporate account has been reimbursed by the Committee.

The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. C. A. Hanlon
Berkley Land Corporation
c/o R. D. Belk
1095 Broad Street
Sumter, SC 29150

Re: MUR 525(78)

Dear Mr. Hanlon:

The Federal Election Commission has decided to take no further action with regard to the violation of 2 U.S.C. § 441b(a) by the Berkley Land Corporation in view of the fact that the contribution made to the Holland in Congress Committee by means of a corporate account has been reimbursed by the Committee.

The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland for Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Paul E. Short, Jr.
Strickland, Short and Keels, P.A.
P.O. Box 547
Chester, SC 29706

Re: MUR 525(78)

Dear Mr. Short:

The Federal Election Commission has decided to take no further action with regard to the apparent violation of 2 U.S.C. § 441b(a) by Strickland, Short and Keels, P.A., in view of your explanation that $100.00 of the $110 contribution allegedly made by your professional association to the Holland in Congress Committee consisted of a personal cash contribution from yourself, and in view of the fact that the remaining $10.00 contribution made by means of a corporate account has been refunded by the Committee.

The file is now closed in this matter. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, SC 29020

Re: MUR 525(78)

Dear Mr. Green:

This letter is to inform you that the Federal Election Commission has found reasonable cause to believe that the Holland in Congress Committee has violated 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a).

Having made these determinations the Commission is under a duty to made every endeavor for a period of not less then thirty (30) days to correct these violations by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(A). If we are unable to reach agreement during that period, the Commission may, upon a finding of probable cause to believe violations have occurred, institute civil suit. 2 U.S.C. § 437g(a)(5)(B).

Enclosed please find a conciliation agreement which the Commission is prepared to recommend to the Commission in settlement of the Committee's violations of 2 U.S.C. § 437b(a)(1) and 2 U.S.C. § 441b(a). If you agree with the provisions of this agreement, please sign it and return it to the Commission within ten days of your receipt of this letter. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Arnold M. Levinson, President
Brittons
1337 Main Street
Columbia, SC 29201

Re: MUR 525(78)

Dear Mr. Levinson:

The Federal Election Commission has found no reasonable cause to believe that Brittons has violated 2 U.S.C. § 441b(a) in view of your explanation that the contribution of $200 made to the Holland in Congress Committee by means of a check drawn on a Brittons account was charged to your personal drawing account which constitutes part of your salary. The file in this matter is now closed. A copy of this letter will be included in the public disclosure file of the Holland in Congress Committee.

Thank you for your cooperation. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

804572

HOLLAND IN CONGRESS
P.O. Box 759 522
Camden, S.C. 29020

RECEIVED
FEDERAL ELECTION
COMMISSION

JAMES D. GREEN
Treasurer

'78 JUL 18 PM 12:34

Ms. Anne A. Weissenborn
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Ms. Weissenborn,

This letter is written pursuant to General Counsel Oldaker's written request for clarification of certain items and in accordance with 2 U.S.C. 437 g (a) (3) (B) is to remain confidential.

We wish to apologize for the delay in our reply and offer not as an excuse but as extentuating circumstances the death of my attorney's father as was mentioned in our telephone conversation of yesterday and increased committee work necessitated by the recent primary election in which the Congressman was involved.

The $800.00 contribution was by check in June of 1975 payable to cash from a political action committee for which the Congressman personally executed a receipt (copies of which are enclosed); however, only $500.00 in cash was delivered to the committee in July although the entire $800.00 was reported on the second quarter report since the committee was orally advised of the $800.00 receipt in June. The discrepancy was not uncovered until later probably around the first of October, 1975 at the time the third quarter report was due and the bank statements were reconciled with our records. The additional $300.00 was first delivered to the committee in January of 1976 and immediately deposited.

Fund raisers did make cash expenditures in payment of fund-raising events and a cash expenditure was made of the candidates filing fee as is well documented and while concedely such cash payments were improper all such funds have been accounted for and receipts furnished for all expenditures which expenditures were themselves all proper campaign expenditures and were all made by fund raisers and the committee without intent to violate any rules, regulations or laws.

Our fund raisers were all volunteers who personally made arrangements to hold fund-raising activites incurring a moral obligation if not a legal obligation for the expenses of the fund-raising activity such as restaurant charges, etc. which expenses the fund raisers were perhaps over zealous in causing to be paid, however, reference to our voluminous correspondence indicates proper controls have now been instituted to insure that cash expenditures for campaign expenses no longer occur.

In the second instance mentioned by Mr. Oldaker in which funds were not timely deposited the funds represented cash and checks from a fund-raising event in Fort Mill, South Carolina. The checks from this event as well as a list of contributors were mailed to the office of the treasurer of the committee by the chairman of the committee. The cash was not promptly remitted through the mail but the cash was later hand delivered (exact date or dates are unknown since no receipts can be located after a diligent search although we assume such to be in January of 1976). Apparently $300.00 of the cash was deposited in January of 1976 with the balance of the funds place in the regular file along with the contributions list of 1975 since they pertained to activites for that year. Since a new file was started for 1976 the fact that the money was not deposited was not discovered until the bank statements were reconciled in preparation of the April 10 report. The remaining funds were deposited after payment of the candidate's filing fee by the committee which payment admittedely should not have been made by cash but in the rush of the workload in our office due to the April 15 filing deadline was inadvertently done.

During the period from January 1, 1975 to June 30, 1977 the committee received over fifty contributions which were made on checks other than personal checks. These contributions were received and credited to the individual designated or the payor. With the exception of three checks the committee had no reason to believe that the contributions were from other than individuals. The checks which did indicate an incorporated business were received along with a number of checks from fund-raising events and were inadvertently accepted and deposited; of course, refunds were made upon discovery of the improper acceptance. During the period under examination the committee did not have adequate internal control procedures to provide sufficient documentation as to whether a company check was from an incorporated business, however, the committee has since established adequate procedures to preclude the receipt of contribution from an incorporated business.

The committee's receipts and expenditures were made in good faith with full disclosure to the FEC, all funds have been accounted for and all improper receipts refunded, and proper controls and procedures have been instituted to facilitate full compliance with all election related laws. The committee has offered its complete cooperation to the audit staff and has at all times been candid, honest and forthright for all of which reasons we feel that no action should be taken against the committee since all violations appear to the committee to be technical violations; certainly none could be deemed to be against the spirit and intent of the election laws which we view to ensure fair and impartial elections through the control of contributions to and expenditures of political candidates.

If we can be of further assistance, please advise.

Yours very truly,

HOLLAND IN CONGRESS COMMITTEE

James D Green

JDG/kmp
cc: J. Ernest Kinard, Jr.

Enclosures

7 8 0 4 0 2 7 3 0 3 3

T. W. U. A. LOCAL 1093 COPE
P.O. BOX 2634 CRS
ROCK HILL, S. C. 29730

676

67-73
532

June 27, 1975

PAY TO THE ORDER OF Cash $ 800.00

Eight Hundred and no/100 DOLLARS

C&S THE CITIZENS & SOUTHERN NATIONAL BANK OF SOUTH CAROLINA ROCK HILL, S.C. 29730

TWUA LOCAL 1093 COPE
Burgel C. McClain
J B Comer

"000676" ⑆053200731⑆ "6071 1504" "0000080000"

NAME Cash Lost TLB AMOUNT 800.00

DATE 6-27-75

REASON Donation to Holland Campaign Acct.

Kathy L Holland

CHECK NUMBER # 676

Congressman
Ken Holland
P.O. Box [illegible], Camden, South Carolina 29020

'78 JUL [illegible]

COLUMBIA
JUL
1978

Ms. Anne A. Weissenborn
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ACC 3888

RECEIVED
FEDERAL ELECTION
COMMISSION

78 JUN 22 AM 11 52

Berkley Land Corporation
c/o R. D. Belk
1095 Broad Street
Sumter, South Carolina 29150

June 19, 1978

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

803848

Re: MUR (78)

Dear Mr. Oldaker:

This is written in response to your letter of June 1, 1978, concerning the Berkley Land Corporation and a contribution made to the Holland in Congress Committee on January 17, 1977.

This check was refunded to Berkley Land Corporation by Mr. Jimmy D. Green, Treasurer of the Holland in Congress Committee, with an explanation as to why it could not be accepted.

This error is regretted and if any further information is needed, please let me know.

Sincerely,

C. A. Hanlon

C. A. Hanlon
Berkley Land Corporation

CAH

7 8 0 1 2 7 1 0 3 8 5 7 7

Berkley Land Corporation
c/o R. D. Belk
109[illegible] Broad Street
Sumter, S. C. 29150

'18 JUN 22 AM 11:32

COLUMBIA, S.C.

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

Lcc 3839

RECEIVED
FEDERAL ELECTION
COMMISSION

PHONE 328-1826

DISTRIBUTOR

P. O. BOX 1082

DUNCAN OIL COMPANY

1265 EAST WHITE STREET

ROCK HILL, S. C. 29730

78 JUN 16 AM 11:41

June 9, 1978

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

803678

Dear Sirs,

I did not intend to make a contribution in the name of Duncan Oil Company to the Holland in CCongress Committee. I keep my personal checkbook beside the company checkbook and picked the company checkbook by mistake when writing the contribution. The mistake was due to my failing eyesight. One eye is 20-300 and the other is non-functional. The Committee has refunded the money to the company.

Sincerely,

Elton Duncan

Mr. Elton Duncan

7 8 0 4 0 2 7 3 0 4 0

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Elton Duncan
Duncan Oil Company
P.O. Box 1082
Rock Hill, South Carolina 29730

Re: MUR 525(78)

Dear Mr. Duncan,

This letter is to inform you that the Federal Election Commission has found reason to believe that the Duncan Oil Company has violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by making a contribution to the Holland in Congress Committee. It is our understanding that this contribution was made on July 22, 1976, and was in the sum of $250. Contributions made from corporate accounts represent violations of 2 U.S.C. §441b(a).

Under the Act you have an opportunity to demonstrate that no action should be taken against you. 2 U.S.C. §437g(a)(4). Please submit any legal or factual information which you believe would be relevant to the Commission's consideration of this matter.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the

Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

8017069543

Duncan Oil Company
P O Box 1082 - 1265 E White St
ROCK HILL S C 29730

AMOCO

FEDERAL ELECTION COMMISSION

'78 JUN 16 AM 11:41

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

U.S. Postage

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, South Carolina 29020

Re: MUR 525(78)

Dear Mr. Green:

The Federal Election Commission has found reason to believe that the Holland in Congress Committee has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe that the Committee failed to deposit into a designated account $2728.01 in contributions in violation of 2 U.S.C. §437b(a)(1); used $2,115.07 out of the above-mentioned $2728.01 to make five cash expenditures in excess of $100 each in violation of 2 U.S.C. §437b(a)(1); and failed to deposit within a reasonable time of their receipt certain other contributions also in violation of 2 U.S.C. §437b(a)(1). In the last regard particular attention has been given to the apparent fact that $300 of an $800 contribution received on June 28, 1975, was not deposited until January 28, 1976, and to the apparent fact that of $3,525 received on October 14, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited.

Under the Act you have an opportunity to demonstrate that no action should be taken against the Committee. 2 U.S.C. §437g(a)(4). Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of these matters. In particular we request that the Committee provide explanations for the late deposits cited above plus explanations of the circumstances surrounding the apparent failure to deposit $2728.01 in contributions derived from four fund-raisers held on March 14, April 30, July 23 and October 14, 1975, and the use of this money to make cash expenditures in payment of expenses of the fund-raising events and the candidate's filing fee.

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The Commission has also found reason to believe that the Committee accepted contributions from nine incorporated entities in violation of 2 U.S.C. §441b(a). The contributors in question are Berkley Land Corporation ($250), Britton's, Inc. ($200), Dabney Real Estate Agency ($70), Duncan Oil Company ($250), Frontier Auto Sales ($20), Gene's Fine Food ($25), Karesh's Fashion Shop ($10), Piedmont Distribution Company ($20), and Strickland, Short and Keels, P.A. ($110). Please submit any legal or factual information not already submitted to the Audit Division of this Commission concerning the acceptance of these contributions which you believe would be useful to the Commission. We understand that all necessary reimbursements of these contributions have been made.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

MUR 525 AW

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:

The Honorable Kenneth L. Holland

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438478	

(Always obtain signature of addressee or agent)

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

Mochee

4. DATE OF DELIVERY

JUN 2 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

INITIALS

☆ GPO: 1977-O-234-337

AW 525

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:

James D. Green, Treasurer

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438473	

(Always obtain signature of addressee or agent)

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

K. Poeach

4. DATE OF DELIVERY | POSTMARK

JUN 9 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE | CLERK'S INITIALS

☆ GPO: 1977-O-234-337

FEDERAL ELECTION COMMISSION

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The President
Britton's, Inc.
1337 Main Street
Columbia, South Carolina

Re: MUR 525(78)

Dear Sir:

This letter is to inform you that the Federal Election Commission has found reason to believe that Britton's has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe that your company made a contribution from a corporate account to the Holland in Congress Committee in the sum of $200. Such a contribution represents a violation of 2 U.S.C. §441b(a).

Under the Act you have an opportunity to demonstrate that no action should be taken against you. 2 U.S.C. §437g(a)(4). Please submit any factual or legal information which you believe would be relevant to the Commission's consideration of this matter.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the

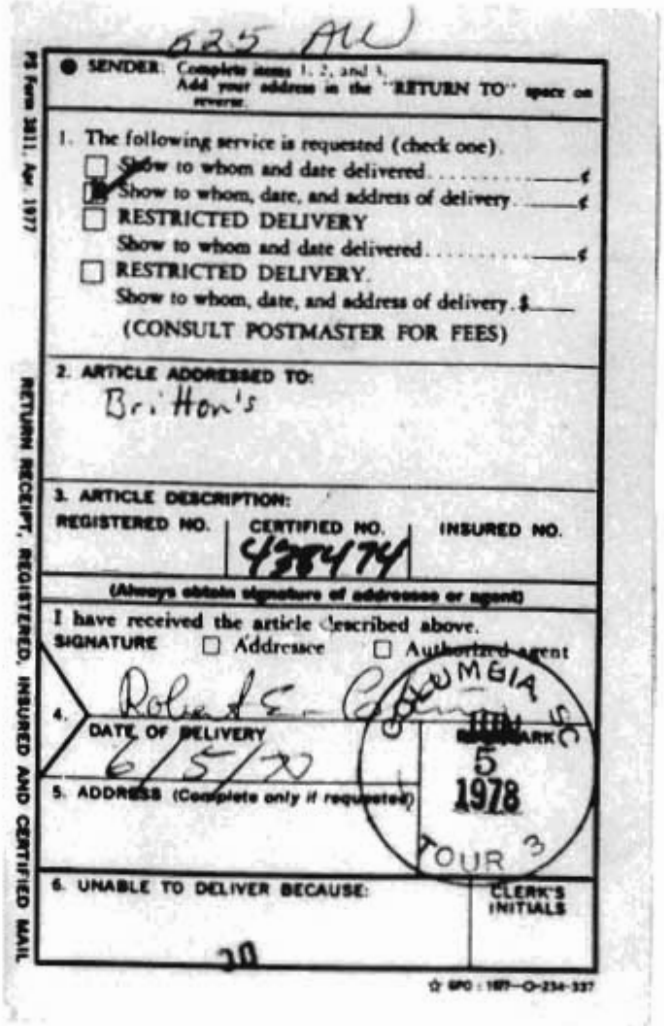
7 8 2 0 0 7 3 0 4 7

Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland


625 AW

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: Brithon's

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 438474 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
4. Robert E. Cummins

DATE OF DELIVERY 6/5/78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

COLUMBIA SC 5 1978 TOUR 3

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

☆ GPO : 1977—O-234-337

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The President
Berkley Land Corporation
c/o R. D. Belk
1095 Broad Street
Sumter, South Carolina 29150

Re: MUR 525(78)

Dear Sir:

This letter is to inform you that the Federal Election Commission has found reason to believe that the Berkley Land Corporation has violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by making a contribution to the Holland in Congress Committee. It is our understanding that this contribution was made on January 17, 1977, and was in the sum of $250. Contributions made with corporate monies represent violations of 2 U.S.C. §441b(a).

Under the Act you have an opportunity to demonstrate that no action should be taken against you. 2 U.S.C. §437g(a)(4). Please submit any legal or factual information which you believe would be relevant to the Commission's consideration of this matter.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth C. Holland

525 AW

PS Form 3811, Mar. 1976

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

2. ARTICLE ADDRESSED TO:

Berkley Land Corporation

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. 435475 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY 6/5/78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

SHAPIRO, MASS. 01950

7900100007

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Strickland, Short and Keels, P.A.
P.O. Box 547
Chester, South Carolina

Re: MUR 525(78)

Dear Sirs:

This letter is to inform you that the Federal Election Commission has found reason to believe that Strickland, Short and Keels, P.A., has violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by making contributions to the Holland in Congress Committee totaling $110. Contributions made by means of corporate accounts represent violations of 2 U.S.C. §441b(a).

Under the Act you have an opportunity to demonstrate that no action should be taken against you. 2 U.S.C. §437g(a)(4). Please submit any legal or factual information which you believe would be relevant to the Commission's consideration of this matter.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

7801073051

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth C. Holland

525 AW

PS Form 3811, Mar. 1974

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

2. ARTICLE ADDRESSED TO:

Strickland, Short and Kells

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438476	

(Always obtain signature of addressee or agent)

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

Anne A. Baker

4. DATE OF DELIVERY 6-5-78 | POSTMARK

5. ADDRESS (Complete only if requested)

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

☆ GPO: 1976—O-203-456

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth C. Holland

525 AU

PS Form 3811, Mar. 1976

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

2. ARTICLE ADDRESSED TO:

Strickland, Short and Kells

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	839476	

(Always obtain signature of addressee or agent)

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

Anne A. Baker

4. DATE OF DELIVERY 6-3-78

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1976—O-203-456

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth C. Holland

7804073054

525 AW

PS Form 3811, Mar. 1978

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

2. ARTICLE ADDRESSED TO:

Strickland, Short and Kells

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	P38476	

(Always obtain signature of addressee or agent)

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

Jane A. Baker

4. DATE OF DELIVERY 6-5-78

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1979—O-203-454

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Elton Duncan
Duncan Oil Company
P.O. Box 1082
Rock Hill, South Carolina 29730

Re: MUR 525(78)

Dear Mr. Duncan,

This letter is to inform you that the Federal Election Commission has found reason to believe that the Duncan Oil Company has violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by making a contribution to the Holland in Congress Committee. It is our understanding that this contribution was made on July 22, 1976, and was in the sum of $250. Contributions made from corporate accounts represent violations of 2 U.S.C. §441b(a).

Under the Act you have an opportunity to demonstrate that no action should be taken against you. 2 U.S.C. §437g(a)(4). Please submit any legal or factual information which you believe would be relevant to the Commission's consideration of this matter.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the

780 4007 3053

Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

7804007305 4

MUR 525 AU

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:
Mr. Elton Duncan
Duncan Oil Company

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 438477 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
6-6-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

ROCK HILL POSTMARK JUN 6 1978 S. CAROLINA

CLERK'S INITIALS

☆ GPO : 1977—O-234-337

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

May 25, 1978

MEMORANDUM TO: ELISSA GARR

FROM: PEGGY CHANEY

SUBJECT: CERTIFICATION ON MUR 525 (78)

Attached is the certification I discussed with you on the phone this date.

Marge has signed it, but maybe Bill or the attorney on the case should check it out.

The certification circulated with the memo had the wrong date, "May 16, 1978", as the date regarding the nine corporations. If just the date is changed, then there would be no explaination as to the change from ten to nine.

ATTACHMENT: Certification

7804073055

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 525(78)
Holland in Congress Committee,	)	
et. al.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 25, 1978, the Commission adopted by a vote of 6-0 the following actions in the above-captioned matter:

1. Approve the recommendation in the memorandum from the General Counsel, undated, Subject: "MUR 525 - Correction," to vitiate the Reason to Believe finding made by the Commission on May 16, 1978 regarding Pate Construction Company.

2. Approve the recommendations in the amended First General Counsel's Report dated May 12, 1978, as follows:

   a. Find Reason to Believe that the Holland in Congress Committee violated 2 U.S.C. §437b(a)(1) by failing to deposit certain contributions in a designated campaign depository, by failing to deposit certain other contributions within a reasonable time of their receipt, and by making certain expenditures by means other than checks drawn on a designated campaign depository.

   b. Find Reason to Believe that the Holland in Congress Committee violated 2 U.S.C. §441b(a) by accepting contributions from nine corporations.

c. Find Reason to Believe that Berkley Land Corporation, Britton's Inc., Duncan Oil Company, and Strickland, Short and Keels violated 2 U.S.C. §441b(a) by making corporate contributions to the Holland in Congress Committee.

d. Send the letter attached to the amended First General Counsel's Report.

Marjorie W. Emmons

Date: 5/25/78

Marjorie W. Emmons
Secretary to the Commission

7 8 0 4 0 0 2 7 3 0 5 7

Received in Office of Commission Secretary: 5-22-78, 12:30
Circulated on a 48 hour vote basis: 5-23-78, 12:30

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION MAY 12 1978

MUR # 525

STAFF MEMBER Weissenborn

COMPLAINANT'S NAME: Internally generated (See Attachment I)

RESPONDENT'S NAME: Holland in Congress Committee; Berkley Land Corporatic Britton's; Duncan Oil Company; Strickland, Short, & Kells

RELEVANT STATUTE: 2 U.S.C. §437b(a) and (b)
2 U.S.C. §441b(a)

SUMMARY OF ALLEGATIONS

During the audit of the Holland in Congress Committee's records, the auditors discovered that the Committee had completely failed to deposit certain contributions in a designated account in violation of 2 U.S.C. §437b(a)(1), had failed to deposit certain other contributions within a reasonable time of their receipt in violation of 2 U.S.C. §437b(a)(1), and had made a number of expenditures by means other than checks drawn on a designated account in violation of 2 U.S.C. §437b(a)(1). The auditors also found evidence that corporate contributions were made to the Committee and accepted in violation of 2 U.S.C. §441b(a).

PRELIMINARY LEGAL ANALYSIS

2 U.S.C. §437b(a)(1) requires that all contributions be deposited in a designated checking account and that all expenditures made by a committee be made by checks drawn on such accounts. The

only exception with regard to expenditures involves those made from a petty cash fund which must be limited to no more than $100 per single transaction. 2 U.S.C. §437b(b).

Here the auditors found that a total of $2728.01 received by a Committee from four fundraisers was never deposited in a Committee account. Rather, this money was used to make cash expenditures which included the payment of the expenses of these fundraising events and the payment of the Candidate's filing fee. Five of these cash expenditures each exceeded $100 for a single transaction. The failure to deposit these receipts represents an apparent violation of 2 U.S.C. §437b(a)(1). The expenditures made from these contribution monies do not appear to have come from a petty cash fund; however, even if they did the five cited above exceeded the $100 limitiation of 2 U.S.C. §437b(b) and thus are in violation of 2 U.S.C. §437b(a)(1).

The auditors also discovered that certain of the Committee's receipts were not deposited in a timely fashion. Of particular concern are a seven month delay in depositing $300 of an $800 contribution received on June 28, 1975, and the disposition of $3,525 received from a fundraiser held October 14, 1975, of which $1650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 6, 1976, and $683 in cash was deposited on April 13, 1976. (The remaining $892 is included in the above-mentioned $2728.01 never deposited.) We believe that these failures to make deposits until after three to seven months of receipt of the contributions involved constitute apparent violations of 2 U.S.C. §437b(a)(1).

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Corporate Contributions

2 U.S.C. §441b(a) prohibits the giving and knowing acceptance of corporate contributions. Here the auditors found evidence of contributions having been made by and accepted from sixteen apparent corporate entities. Information supporting the corporate status of nine contributors has now been supplied to the Audit Division; the Committee has also provided evidence that all necessary refunds have been made. Four of the apparent corporate contributions involved amounts exceeding $100, the corporations concerned being Berkley Land Corporation ($250), Britton's Inc., ($200), Duncan Oil Company ($250), and Strickland, Short and Keels ($110).

RECOMMENDATION

1. Find reason to believe that the Holland in Congress Committee has violated 2 U.S.C. §437b(a)(1) by failing to deposit certain contributions in a designated account, by failing to deposit certain other contributions within a reasonable time of their receipt, and by making a number of expenditures by means other than checks drawn on a designated account.

2. Find reason to believe that the Holland in Congress Committee has violated 2 U.S.C. §441b(a) by accepting contributions from nine corporations.

3. Find reason to believe that Berkley Land Corporation, Britton's Inc, Duncan Oil Company, and Strickland, Short and Keels have violated 2 U.S.C. §441b(a) by making corporate contributions to the Holland in Congress Committee.

4. Send attached letters.

May 22, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have the attached Memo and 7 day report distributed to the Commission on a 48 hour tally basis.

Thank you.

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FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: The Commission

FROM: William C. Oldaker

SUBJECT: MUR 525 - Correction

In the First General Counsel's Report regarding MUR 525 submitted to the Commission on May 10, 1978 and approved by the Commission on May 16, 1978, it was indicated that the Holland in Congress Committee had apparently accepted contributions from ten corporations. After the report was submitted it came to our attention that while Pate Construction Company had once been incorporated, it had forfeited that status several months before the contribution was made.

We therefore recommend vitiating the RTB finding made by the Commission on May 16, 1978. We have amended the attached report, certification, and letter to the Committee, and are circulating them on a no-objection basis.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 525(78)
Holland in Congress Committee, et. al.	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 16, 1978, the Commission approved by a vote of 6-0 the recommendations in the First General Counsel's Report dated May 12, 1978 to take the following actions in the above-captioned matter:

1. Find reason to believe that the Holland in Congress Committee violated 2 U.S.C. §437b(a)(1) by failing to deposit certain contributions in a designated campaign depository, by failing to deposit certain other contributions within a reasonable time of their receipt, and by making certain expenditures by means other than checks drawn on a designated campaign depository.

2. Find reason to believe that the Holland in Congress Committee violated 2 U.S.C. §441b(a) by accepting contributions from ten corporations.

3. Find reason to believe that Berkley Land Corporation, Britton's, Duncan Oil Company, and Strickland, Short, and Kells violated 2 U.S.C. §441b(a) by making corporate contributions to the Holland in Congress Committee.

4. Send the letters attached to the First General Counsel's Report.

Date: 5/17/78

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 5-12-78, 11:47
Circulated on 48 hour vote basis: 5-12-78, 4:30

7 8 0 4 0 3 0 6 3 3 7 4

May 12, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have the attached 7 day report on MUR 525 distributed to the Commission onaa 48 hour tally basis.

Thank you.

7 8 0 4 0 0 7 6 3 0 6 4

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION MAY 1 2 1978

MUR # 525

STAFF MEMBER Weissenborn

COMPLAINANT'S NAME: Internally generated (See Attachment I)

RESPONDENT'S NAME: Holland in Congress Committee; Berkley Land Corporation; Britton's; Duncan Oil Company; Strickland, Short, & Kells.

RELEVANT STATUTE: 2 U.S.C. §437b(a) and (b)
2 U.S.C. §441b(a)

SUMMARY OF ALLEGATIONS

During the audit of the Holland in Congress Committee's records, the auditors discovered that the Committee had completely failed to deposit certain contributions in a designated account in violation of 2 U.S.C. §437b(a)(1), had failed to deposit certain other contributions within a reasonable time of their receipt in violation of 2 U.S.C. §437b(a)(1), and had made a number of expenditures by means other than checks drawn on a designated account in violation of 2 U.S.C. §437b(a)(1). The auditors also found evidence that corporate contributions were made to the Committee and accepted in violation of 2 U.S.C. §441b(a).

PRELIMINARY LEGAL ANALYSIS

2 U.S.C. §437b(a)(1) requires that all contributions be deposited in a designated checking account and that all expenditures made by a committee be made by checks drawn on such accounts. The

only exception with regard to expenditures involves those made from a petty cash fund which must be limited to no more than $100 per single transaction. 2 U.S.C. §437b(b).

Here the auditors found that a total of $2728.01 received by a Committee from four fundraisers was never deposited in a Committee account. Rather, this money was used to make cash expenditures which included the payment of the expenses of these fundraising events and the payment of the Candidate's filing fee. Five of these cash expenditures each exceeded $100 for a single transaction. The failure to deposit these receipts represents an apparent violation of 2 U.S.C. §437b(a)(1). The expenditures made from these contribution monies do not appear to have come from a petty cash fund; however, even if they did the five cited above exceeded the $100 limitiation of 2 U.S.C. §437b(b) and thus are in violation of 2 U.S.C. §437b(a)(1).

The auditors also discovered that certain of the Committee's receipts were not deposited in a timely fashion. Of particular concern are a seven month delay in depositing $300 of an $800 contribution received on June 28, 1975, and the disposition of $3,525 received from a fundraiser held October 14, 1975, of which $1650 in checks was deposited on November 6, 1975, $300 in cash was deposited on January 6, 1976, and $683 in cash was deposited on April 13, 1976. (The remaining $892 is included in the above-mentioned $2728.01 never deposited.) We believe that these failures to make deposits until after three to seven months of receipt of the contributions involved constitute apparent violations of 2 U.S.C. §437b(a)(1).

Corporate Contributions

2 U.S.C. §441b(a) prohibits the giving and knowing acceptance of corporate contributions. Here the auditors found evidence of contributions having been made by and accepted from sixteen corporate entities. Information confirming the corporate status of ten contributors has now been supplied to the Audit Division by the Committee; the Committee has also provided evidence that all necessary refunds have been made. Four of the apparent corporate contributions involved amounts exceeding $100, the corporations concerned being Berkley Land Corporation ($250), Britton's ($200), Duncan Oil Company ($250), and Strickland, Short and Kells, P.A. ($110).

RECOMMENDATION

1. Find reason to believe that the Holland in Congress Committee has violated 2 U.S.C. §437b(a)(1) by failing to deposit certain contributions in a designated account, by failing to deposit certain other contributions within a reasonable time of their receipt, and by making a number of expenditures by means other than checks drawn on a designated account.

2. Find reason to believe that the Holland in Congress Committee has violated 2 U.S.C. §441b(a) by accepting contributions from ten corporations.

3. Find reason to believe that Berkley Land Corporation, Britton's, Duncan Oil Company, and Strickland, Short and Kells, P.A. have violated 2 U.S.C. §441b(a) by making corporate contributions to the Holland in Congress Committee.

4. Send attached letters.

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland in Congress Committee
P.O. Box 182
Camden, South Carolina 29020

Re: MUR 525(78)

Dear Mr. Green:

The Federal Election Commission has found reason to believe that the Holland in Congress Committee has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe that the Committee failed to deposit into a designated account $2728.01 in contributions in violation of 2 U.S.C. §437b(a)(1); used $2,115.07 out of the above-mentioned $2728.01 to make five cash expenditures in excess of $100 each in violation of 2 U.S.C. §437b(a)(1); and failed to deposit within a reasonable time of their receipt certain other contributions also in violation of 2 U.S.C. §437b(a)(1). In the last regard particular attention has been given to the apparent fact that $300 of an $800 contribution received on June 28, 1975, was not deposited until January 28, 1976, and to the apparent fact that of $3,525 received on October 14, 1975, $300 in cash was deposited on January 28, 1976, $683 in cash was deposited on April 13, 1976, and $892 was never deposited.

Under the Act you have an opportunity to demonstrate that no action should be taken against the Committee. 2 U.S.C. §437g(a)(4). Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of these matters. In particular we request that the Committee provide explanations for the late deposits cited above plus explanations of the circumstances surrounding the apparent failure to deposit $2728.01 in contributions derived from four fund-raisers held on March 14, April 30, July 23 and October 14, 1975, and the use of this money to make cash expenditures in payment of expenses of the fund-raising events and the candidate's filing fee.

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The Commission has also found reason to believe that the Committee accepted contributions from nine incorporated entities in violation of 2 U.S.C. §441b(a). The contributors in question are Berkley Land Corporation ($250), Britton's, Inc. ($200), Dabney Real Estate Agency ($70), Duncan Oil Company ($250), Frontier Auto Sales ($20), Gene's Fine Food ($25), Karesh's Fashion Shop ($10), Piedmont Distribution Company ($20), and Strickland, Short and Keels, P.A. ($110). Please submit any legal or factual information not already submitted to the Audit Division of this Commission concerning the acceptance of these contributions which you believe would be useful to the Commission. We understand that all necessary reimbursements of these contributions have been made.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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

January 25, 1978

MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER

FROM: BOB COSTA/TOM HASELHORST

SUBJECT: AUDIT FINDINGS OF THE HOLLAND FOR CONGRESS COMMITTEE

Attached are the audit findings of the Holland for Congress Committee audit. Due to the apparent overall lack of compliance, we recommend that these findings be made a Matter Under Review by your office.

If you have any questions, please do not hesitate to call Tom Haselhorst or Greg Macaulay at 3-4155.

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Audit Findings and Recommendations

A. Corporate Contributions

Section 441b(a) of Title 2, United States Code, states that it is unlawful for any political committee knowingly to accept or receive any contribution from any corporation.

Section 103.3(b) of Title 11, Code of Federal Regulations, requires that contributions which appear to be illegal shall be, within 10 days - (1) returned to the contributor; or (2) deposited into the campaign depository, and reported, in which case the treasurer shall make and retain a written record noting the basis for the appearance of illegality. The treasurer shall make his or her best efforts to determine the legality of the contribution. Refunds shall be made when a contribution cannot be determined to be legal within a reasonable time, and the treasurer shall so note by amending the current report or noting the change on the candidate's or committee's next required report.

Our examination of the Committee's contribution records revealed that the Committee received 18 contributions from 16 corporations totaling $1,395. Four (4) of the contributions totaling $950 were each in excess of $100. There appeared to be no special procedures in use by the Committee to determine if companies or businesses, which sent contributions drawn on their accounts, were incorporated. Subsequent to the audit, the treasurer sent inquiries to each company which has made a contribution on a company check. Positive replies verifying corporate status were received from six (6) companies. The Audit staff verified the remaining ten corporate contributions through an inquiry with the South Carolina Secretary of State.

We discussed the retention of corporate contributions with the Treasurer and he could offer no explanation regarding this matter. He stated that he was unaware that the Committee had accepted corporate contributions other than one which was promptly returned. He stated the Committee would be more careful in the future and agreed to return all corporate contributions.

The Committee has sent the Commission copies of six (6) checks, totaling $395, representing the return of contributions to six (6) of the corporations involved.

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C. Fundraising Activities

Section 434(b)(6), (8), (9), (10) and (11) of Title 2, United States Code, requires a committee to report: the total sum of all receipts made by or for such committee during the reporting period; the total amount of proceeds from the sale of tickets to and mass collections at each dinner, luncheon, rally and other fundraising events; the identification of each person to whom expenditures have been made by such committee within the calendar year in an aggregate amount in excess of $100, including the amount, date and purpose of each such expenditure; and, the total sum of expenditures made by such committee during the calendar year.

Section 437b(a)(1) of Title 2, United States Code, requires a committee to deposit all contributions received by the committee in its designated campaign depository and that no expenditure in excess of $100 to any person in connection with a single purchase or transaction may be made by such committee except by check drawn on its designated campaign depository.

Our examination of the Committee's records of fundraising events revealed that:

1. The Committee did not deposit $2,72[illegible].01 received from four (4) fundraisers from a total of $36,971.79 (7.38%) received from all fundraising events during the period of the audit. Of this amount, $1,[illegible]36.01 (including four (4) contributor checks totalling $475 which were cashed) was used to pay expenses at these events, while $592 was used to pay the Candidate's filing fee.

2. The Committee did not report the receipt or expenditure of $1,499.61 of the amount not deposited.

3. $2,115.37 (including $923.37 not reported) of the funds not deposited by the Committee was used to make five (5) cash expenditures, each in excess of $100 and each involving a single purchase or transaction.

We recommended to the Committee that they file a comprehensive amendment to properly disclose the $1,499.61 in unreported receipts and expenditures. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the undeposited contributions and the cash expenditures in excess of $100 within 30 days of receipt of this letter.

D. Timely Depositing of Contributions

Section 103.3(a) of Title 11, Code of Federal Regulations, requires that all contributions received by a committee shall be deposited in a checking account in the appropriate campaign depository, by the treasurer of the committee or his or her agent, within 10 days of the treasurer's receipt thereof.

Our examination of the Committee's contribution records revealed that a total of $19,303.71 (11.82% of total contributions) was not deposited within 10 days as required.

Our review consisted of examination of the dates on copies of contributor checks and deposit tickets attached thereto. Although we allowed extra time for the late receipt of these contributions due to mail and/or other possible delays, we still found that these deposits were untimely.

During our examination we noted in particular two (2) transactions in which the contributions were not deposited for 3½ to 7 months.

(1) On June 28, 1975, the Committee received an $800 contribution, of which $300 was not deposited until January 28, 1976. We were unable to determine if this contribution was received in the form of a check, money order or cash.

(2) On October 14, 1975, the Committee received $3,525 from a fundraiser of which $1,650 in checks was deposited on November 6, 1975; $300 in cash was deposited on January 28, 1976; $633 in cash was deposited on April 13, 1976 and $892 was never deposited (see Finding C for further explanation).

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We discussed these two (2) transactions with the treasurer of the Committee, and he stated that these monies were kept in his desk drawer during this time period. He was unable to offer any other explanation as to why these monies were held for such a long period of time prior to being deposited.

We informed the treasurer of his duties under the Act to deposit all contributions in a timely manner. He assured us that he would comply in the future.

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the late deposit of contributions, particularly the two (2) transactions noted above. We further recommend that the Committee determine the form of the $800 contribution by contacting the contributor and providing supporting documentation. The written explanation and the supporting documentation must be provided within 30 days of receipt of this letter.

FEDERAL ELECTION COMMISSION

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

April 10, 1078

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker Bill

SUBJECT: Withdrawal of MUR 525 from agenda

At the Commission meeting of April 6 it was agreed that consideration of the First General Counsel's Report submitted with regard to MUR 525 would be held over until the meeting of April 13. We now ask that this Report be withdrawn from consideration pending revision.

FEDERAL ELECTION COMMISSION

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

March 31, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: OBJECTIONS

The following MURs circulated on a 24 hour no-objection basis have received objections from Commissioner Tiernan:

MUR 525 (78) - 1st GC Report dated 3-30-78
MUR 527 (78) - 1st GC Report dated 3-30-78
MUR 530 (78) - 1st GC Report dated 3-30-78
MUR 536 (78) - 1st GC Report dated 3-30-78
MUR 541 (78) - 1st GC Report dated 3-30-78 re-circulated 3-31-78
MUR 551 (78) - 1st GC Report dated 3-30-78

These items have been placed on the Executive Session Agenda for April 6, 1978

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March 30, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 525

Please have the attached 7 day report on MUR 525 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

7 8 0 4 0 0 7 3 0 7 3 7 2

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION MAR 30 1978

MUR # 525
DATE COMPLAINT RECEIVED BY OGC

STAFF MEMBER Weissenborn

COMPLAINANT'S NAME: Internally generated (Audit) - See Attachment I

RESPONDENT'S NAME: Holland for Congress Committee

RELEVANT STATUTE: 2 U.S.C. §437b(a)(1)

INTERNAL REPORTS CHECKED:

FEDERAL AGENCIES CHECKED:

SUMMARY OF ALLEGATIONS

During the audit of the Holland for Congress Committee's records, the auditors discovered that the Committee had completely failed to deposit certain contributions in a designated account in violation of 2 U.S.C. §437b(a)(1) and that some expenditures had been made by means other than checks drawn on a designated account in violation of 2 U.S.C. §437b(a)(1). The auditors also found evidence that corporate contributions were made to the Committee and knowingly accepted in violation of 2 U.S.C. §441b(a).

PRELIMINARY LEGAL ANALYSIS

2 U.S.C. §437b(a)(1) requires that all contributions be deposited in a designated checking account and that all expenditures made by a committee be made by checks drawn on such accounts. The

only exception with regard to expenditures involves those made from a petty cash fund which must be limited to no more than $100 per single transaction. 2 U.S.C. §437b(b).

Here the auditors found that a total of $2728.01 received by the Committee from four fundraisers was never deposited in a Committee account. Rather, this money was used to make cash expenditures which included the payment of the expenses of these fundraising events and the payment of the Candidate's filing fee. Five of these cash expenditures each exceeded $100 for a single transaction. The failure to deposit these receipts represents an apparent violation of 2 U.S.C. §437b(a)(1). The expenditures made from these contribution monies do not appear to have come from a petty cash fund; however,even if they did they exceeded the $100 limitation of 2 U.S.C. §437b(b) and they are in violation of 2 U.S.C. §437b(a)(1).

2 U.S.C. §441b(a) prohibits the giving and knowing acceptance of contributions from corporations. Here the auditors found evidence of eighteen contributions from sixteen apparent corporations. Information confirming the corporate or non-corporate status of all but four of these business entities has been received by the Audit Division which is in the process of obtaining the remaining needed evidence. We recommend deferring inclusion of Section 441b(a) violations in this MUR until the Committee's submissions are complete.

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RECOMMENDATION

1. Find reason to believe that the Holland for Congress Committee has violated 2 U.S.C. §437b(a)(1) by failing to deposit certain contributions in a designated campaign depository and by making certain expenditures by means other than checks drawn on a designated campaign depository.

2. Send the attached letter.

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Green, Treasurer
Holland for Congress Committee
P. O. Box 182
Camden, South Carolina 29020

RE: MUR 525(78)

Dear Mr. Green:

The Federal Election Commission has found reason to believe that the Holland for Congress Committee has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe that the Committee failed to deposit $2728.01 in contributions in violation of 2 U.S.C. §437b(a)(1) and that the Committee made expenditures by means other than checks drawn on designated campaign depositories in violation of 2 U.S.C. §437b(a)(1).

Under the Act you have an opportunity to demonstrate that no action should be taken against the Committee. 2 U.S.C. §437g(a)(4). Please submit any factual or legal materials which you believe are relevant to the Commission's investigation of these matters. In particular, we request that the Committee provide explanations of the circumstances surrounding the apparent failure to deposit $2728.01 in contributions derived from four fund-raisers (held on March 14, April 30, July 23 and October 14, 1975) and the use of this money to make cash expenditures in payment of expenses of the fund-raising events and of the candidate's filing fee.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4039.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public. If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Kenneth L. Holland

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ATTACHMENT I

hr docket

FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

January 25, 1978

MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER

FROM: BOB COSTA/TOM HASELHORST

SUBJECT: AUDIT FINDINGS OF THE HOLLAND FOR CONGRESS COMMITTEE

Attached are the audit findings of the Holland for Congress Committee audit. Due to the apparent overall lack of compliance, we recommend that these findings be made a Matter Under Review by your office.

If you have any questions, please do not hesitate to call Tom Haselhorst or Greg Macaulay at 3-4155.

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Audit Findings and Recommendations

A. Corporate Contributions

Section 441b(a) of Title 2, United States Code, states that it is unlawful for any political committee knowingly to accept or receive any contribution from any corporation.

Section 103.3(b) of Title 11, Code of Federal Regulations, requires that contributions which appear to be illegal shall be, within 10 days - (1) returned to the contributor; or (2) deposited into the campaign depository, and reported, in which case the treasurer shall make and retain a written record noting the basis for the appearance of illegality. The treasurer shall make his or her best efforts to determine the legality of the contribution. Refunds shall be made when a contribution cannot be determined to be legal within a reasonable time, and the treasurer shall so note by amending the current report or noting the change on the candidate's or committee's next required report.

Our examination of the Committee's contribution records revealed that the Committee received 18 contributions from 16 corporations totaling $1,395. Four (4) of the contributions totaling $950 were each in excess of $100. There appeared to be no special procedures in use by the Committee to determine if companies or businesses, which sent contributions drawn on their accounts, were incorporated. Subsequent to the audit, the treasurer sent inquiries to each company which has made a contribution on a company check. Positive replies verifying corporate status were received from six (6) companies. The Audit staff verified the remaining ten corporate contributions through an inquiry with the South Carolina Secretary of State.

We discussed the retention of corporate contributions with the Treasurer and he could offer no explanation regarding this matter. He stated that he was unaware that the Committee had accepted corporate contributions other than one which was promptly returned. He stated the Committee would be more careful in the future and agreed to return all corporate contributions.

The Committee has sent the Commission copies of six (6) checks, totaling $395, representing the return of contributions to six (6) of the corporations involved.

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Recommendation

We recommend that the Committee return the remaining $1,000 to the 10 corporate contributors and that the Committee provide satisfactory documentation, such as cancelled checks, to the Commission for all of the corporate contributions (list attached), within 30 days from receipt of this letter.

B. Receipts and Expenditures Not Reported

Section 434(b)(C) of Title 2, United States Code, requires a committee to disclose the total sum of all receipts made by or for such committee during the reporting period. Section 434(b)(11) of Title 2, United States Code, requires a committee to disclose the total sum of expenditures made by such committee during the calendar year.

Our examination of the Committee's records of contributions and expenditures revealed that the Committee understated their receipts and expenditures by $2,190.49 as a result of not reporting certain transactions.

We were able to determine that the understatement in receipts resulted from unreported contributions totaling $2,830.49 (including $1,499.61 from fundraising events, Finding C), less the incorrect reporting of bank adjustments and the return of unpaid contributor checks totaling $640.

The understatement of expenditures resulted from unreported expenditures totaling $3,193.63 (including $1,499.61 from fundraising events, Finding C), less an overstatement of expenditures totaling $1,003.14, which the Committee reported in an attempt to correct its receipts and expenditures to agree with the correct ending cash balance.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

C. Fundraising Activities

Section 434(b)(6), (8), (9), (10) and (11) of Title 2, United States Code, requires a committee to report: the total sum of all receipts made by or for such committee during the reporting period; the total amount of proceeds from the sale of tickets to and mass collections at each dinner, luncheon, rally and other fundraising events; the identification of each person to whom expenditures have been made by such committee within the calendar year in an aggregate amount in excess of $100, including the amount, date and purpose of each such expenditure; and, the total sum of expenditures made by such committee during the calendar year.

Section 437b(a)(1) of Title 2, United States Code, requires a committee to deposit all contributions received by the committee in its designated campaign depository and that no expenditure in excess of $100 to any person in connection with a single purchase or transaction may be made by such committee except by check drawn on its designated campaign depository.

Our examination of the Committee's records of fundraising events revealed that:

1. The Committee did not deposit $2,728.01 received from four (4) fundraisers from a total of $36,971.79 (7.38%) received from all fundraising events during the period of the audit. Of this amount, $1,836.01 (including four (4) contributor checks totaling $475 which were cashed) was used to pay expenses at these events, while $892 was used to pay the Candidate's filing fee.

2. The Committee did not report the receipt or expenditure of $1,499.61 of the amount not deposited.

3. $2,115.37 (including $923.37 not reported) of the funds not deposited by the Committee was used to make five (5) cash expenditures, each in excess of $100 and each involving a single purchase or transaction.

We recommended to the Committee that they file a comprehensive amendment to properly disclose the $1,499.61 in unreported receipts and expenditures. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the undeposited contributions and the cash expenditures in excess of $100 within 30 days of receipt of this letter.

D. Timely Depositing of Contributions

Section 103.3(a) of Title 11, Code of Federal Regulations, requires that all contributions received by a committee shall be deposited in a checking account in the appropriate campaign depository, by the treasurer of the committee or his or her agent, within 10 days of the treasurer's receipt thereof.

Our examination of the Committee's contribution records revealed that a total of $19,383.71 (11.82% of total contributions) was not deposited within 10 days as required.

Our review consisted of examination of the dates on copies of contributor checks and deposit tickets attached thereto. Although we allowed extra time for the late receipt of these contributions due to mail and/or other possible delays, we still found that these deposits were untimely.

During our examination we noted in particular two (2) transactions in which the contributions were not deposited for 3½ to 7 months.

(1) On June 28, 1975, the Committee received an $600 contribution, of which $300 was not deposited until January 28, 1976. We were unable to determine if this contribution was received in the form of a check, money order or cash.

(2) On October 14, 1975, the Committee received $3,525 from a fundraiser of which $1,650 in checks was deposited on November 6, 1975; $300 in cash was deposited on January 28, 1976; $683 in cash was deposited on April 13, 1976 and $892 was never deposited (see Finding C for further explanation).

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We discussed these two (2) transactions with the treasurer of the Committee, and he stated that these monies were kept in his desk drawer during this time period. He was unable to offer any other explanation as to why these monies were held for such a long period of time prior to being deposited.

We informed the treasurer of his duties under the Act to deposit all contributions in a timely manner. He assured us that he would comply in the future.

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the late deposit of contributions, particularly the two (2) transactions noted above. We further recommend that the Committee determine the form of the $800 contribution by contacting the contributor and providing supporting documentation. The written explanation and the supporting documentation must be provided within 30 days of receipt of this letter.

E. Itemization of Individual Contributions

Section 434(b)(2) of Title 2, United States Code, requires a committee to disclose the full name, mailing address, and the occupation and the principal place of business, if any, of each person who has made one or more contributions within the calendar year in an aggregate amount in excess of $100, together with the amount and date of such contributions.

Our examination of the Committee's contribution records revealed that the Committee did not itemize 24 contributions, (16.7% of itemizable contributions) totaling $1,630 (4.4% of the dollar value of itemizable contributions), of $100 or less from 15 contributors whose aggregate contributions exceeded $100. The Committee was unable to provide a reason for the omission of these contributions from the reports.

The examination also revealed that five (5) additional contributions (3.5% of itemizable contributions) from five (5) contributors, totaling $1,300 (3.5% of the dollar value of itemizable contributions), each in excess of $100 were not itemized. Again, the Committee was unable to provide a reason for the omission of these contributions from the report.

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We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

F. Itemization of Transfers Received

Section 434(b)(4) of Title 2, United States Code, requires a committee to disclose the name and address of all political committees from which transfers are received, together with the amounts and dates of the transfers.

Our examination revealed that the Committee did not itemize 39 transfers (23.5% of all transfers) from 23 political action committees totaling $3,390 (5.0% of the dollar value of all transfers). With the exception of two (2) transfers from two (2) political action committees totaling $400, all transfers were $100 or less. The treasurer of the Committee explained that, due to a misunderstanding of the statutory requirements, the Committee only itemized contributions from political committees which in the aggregate exceeded $100.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

G. Retention of Supporting Documentation for Expenditures

Section 432(d) of Title 2, United States Code, provides that it shall be the duty of the treasurer to obtain and keep a receipted bill for every expenditure made by or on behalf of such committee in excess of $100 in amount, and for any such expenditures in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100.

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Section 102.9(e)(4) of Title 11, Code of Federal Regulations provides that when a receipted bill is not available, the treasurer may keep the cancelled check and bill, invoice or other contemporaneous memorandum.

The Committee made at least 163 expenditures for which it was required to maintain supporting documentation. That total included 27 expenditures totaling $10,479.63 (16.6% of total items requiring such documentation and 6.8% of the total dollar value of such items) for which the Committee had not kept a receipted bill, invoice or other contemporaneous memoranda as required. However, with the exception of two (2) expenditures totaling $1,136.52 (Finding C), the Committee records did contain a cancelled check in support of each of those expenditures.

We recommended to the Committee that they obtain supporting documentation for the above stated expenditures and provide copies of them to the Commission.

Committee officials have since obtained the required documentation in support of 4 of the 27 items noted as inadequately supported. As a result, 23 committee expenditures totaling $3,717.47 remain inadequately supported.

Recommendation

We recommend that the Committee further attempt to obtain the supporting documentation for the 23 expenditures and provide copies of them or documentation of the attempts to obtain them to the Audit staff within 30 days from receipt of this letter.

H. Itemization of Expenditures Aggregating in Excess of $100 in a Calendar Year

Section 434(b)(9) and (10) of Title 2, United States Code, requires that the Committee disclose the identification of each person to whom expenditures in an aggregate amount in excess of $100 have been made during a calendar year, together with the amount, date, and purpose of each such expenditure.

Our examination of the Committee's expenditures records revealed that the Committee failed to itemize 15 expenditures totaling $3,743.55, (9.2% of the total itemizable items and 2.6% of the total dollar value of such items) made to eleven individuals that were each in excess of, or aggregated in excess of, $100. The Committee was unable to provide a reason for the omission of the expenditures from the report.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

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

February 9, 1978

MEMORANDUM TO: Robert J. Costa

THROUGH: Orlando B. Potter

FROM: William C. Oldaker

SUBJECT: Audit Report of the Holland for Congress Committee

The Office of General Counsel has reviewed the audit report concerning the Holland for Congress Committee, such audit having been undertaken pursuant to 2 U.S.C. §438(a)(8). Based on the information presented in that report, we have the following comments. We concur in the actions recommended by the Audit Division where not specifically stated otherwise.

CORPORATE CONTRIBUTIONS

Part A of the Audit Report states that examination of the Committee's contribution records revealed the receipt of eighteen contributions from sixteen apparent corporations totaling $1,395.00, in violation of 2 U.S.C. §441b(a). The corporate status of these sixteen businesses has been verified by the Audit Division. The auditors found no evidence that the Committee had attempted to determine if companies or businesses making contributions were in fact incorporated. Subsequent to the audit, the Committee refunded six of the eighteen contributions.

We concur with the Audit Division's recommendation that the remaining ten corporate contributions be returned. We also intend to institute a compliance action concerning this matter.

FUNDRAISING ACTIVITIES

Part C of the Audit Report states that the Committee failed to deposit $2,728.01 received from four fundraisers. From this amount, the Committee made five cash expenditures

involving single purchases in excess of $100, totaling $2,115.37 (including an $892.00 payment for the candidate's filing fee). The failure to deposit contributions and to make expenditures only by check drawn on a committee account constitutes a violation of 2 U.S.C. §437b(a).

The Committee also failed to report the receipt of some of the $2,728.01 as well as failing to identify in its reports one contributor and three payees as required by 2 U.S.C. §434(b). Because the Committee has filed a comprehensive amendment disclosing the unreported receipts and expenditures, we believe no further action is needed as to the reporting violations cited above. We will, however, include the apparent violations of 2 U.S.C. §437b(a) in the anticipated MUR.

With regard to the remaining findings of the Audit Report, we recommend that these matters be treated through the normal Audit procedure.

A-159

FEDERAL ELECTION COMMISSION

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

January 25, 1978

MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER

FROM: BOB COSTA/TOM HASELHORST

SUBJECT: AUDIT FINDINGS OF THE HOLLAND FOR CONGRESS COMMITTEE

Attached are the audit findings of the Holland for Congress Committee audit. Due to the apparent overall lack of compliance, we recommend that these findings be made a Matter Under Review by your office.

If you have any questions, please do not hesitate to call Tom Haselhorst or Greg Macaulay at 3-4155.

Audit Findings and Recommendations

A. Corporate Contributions

Section 441b(a) of Title 2, United States Code, states that it is unlawful for any political committee knowingly to accept or receive any contribution from any corporation.

Section 103.3(b) of Title 11, Code of Federal Regulations, requires that contributions which appear to be illegal shall be, within 10 days - (1) returned to the contributor; or (2) deposited into the campaign depository, and reported, in which case the treasurer shall make and retain a written record noting the basis for the appearance of illegality. The treasurer shall make his or her best efforts to determine the legality of the contribution. Refunds shall be made when a contribution cannot be determined to be legal within a reasonable time, and the treasurer shall so note by amending the current report or noting the change on the candidate's or committee's next required report.

Our examination of the Committee's contribution records revealed that the Committee received 16 contributions from 16 corporations totaling $1,395. Four (4) of the contributions totaling $950 were each in excess of $100. There appeared to be no special procedures in use by the Committee to determine if companies or businesses, which sent contributions drawn on their accounts, were incorporated. Subsequent to the audit, the treasurer sent inquiries to each company which has made a contribution on a company check. Positive replies verifying corporate status were received from six (6) companies. The Audit staff verified the remaining ten corporate contributions through an inquiry with the South Carolina Secretary of State.

We discussed the retention of corporate contributions with the Treasurer and he could offer no explanation regarding this matter. He stated that he was unaware that the Committee had accepted corporate contributions other than one which was promptly returned. He stated the Committee would be more careful in the future and agreed to return all corporate contributions.

The Committee has sent the Commission copies of six (6) checks, totaling $395, representing the return of contributions to six (6) of the corporations involved.

Recommendation

We recommend that the Committee return the remaining $1,000 to the 10 corporate contributors and that the Committee provide satisfactory documentation, such as cancelled checks, to the Commission for all of the corporate contributions (list attached), within 30 days from receipt of this letter.

B. Receipts and Expenditures Not Reported

Section 434(b)(C) of Title 2, United States Code, requires a committee to disclose the total sum of all receipts made by or for such committee during the reporting period. Section 434(b)(11) of Title 2, United States Code, requires a committee to disclose the total sum of expenditures made by such committee during the calendar year.

Our examination of the Committee's records of contributions and expenditures revealed that the Committee understated their receipts and expenditures by $2,190.49 as a result of not reporting certain transactions.

We were able to determine that the understatement in receipts resulted from unreported contributions totaling $2,830.49 (including $1,499.61 from fundraising events, Finding C), less the incorrect reporting of bank adjustments and the return of unpaid contributor checks totaling $640.

The understatement of expenditures resulted from unreported expenditures totaling $3,198.63 (including $1,499.61 from fundraising events, Finding C), less an overstatement of expenditures totaling $1,008.14, which the Committee reported in an attempt to correct its receipts and expenditures to agree with the correct ending cash balance.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

C. Fundraising Activities

Section 434(b)(6), (8), (9), (10) and (11) of Title 2, United States Code, requires a committee to report: the total sum of all receipts made by or for such committee during the reporting period; the total amount of proceeds from the sale of tickets to and mass collections at each dinner, luncheon, rally and other fundraising events; the identification of each person to whom expenditures have been made by such committee within the calendar year in an aggregate amount in excess of $100, including the amount, date and purpose of each such expenditure; and, the total sum of expenditures made by such committee during the calendar year.

Section 437b(a)(1) of Title 2, United States Code, requires a committee to deposit all contributions received by the committee in its designated campaign depository and that no expenditure in excess of $100 to any person in connection with a single purchase or transaction may be made by such committee except by check drawn on its designated campaign depository.

Our examination of the Committee's records of fundraising events revealed that:

1. The Committee did not deposit $2,728.01 received from four (4) fundraisers from a total of $36,971.79 (7.38%) received from all fundraising events during the period of the audit. Of this amount, $1,036.01 (including four (4) contributor checks totaling $475 which were cashed) was used to pay expenses at these events, while $892 was used to pay the Candidate's filing fee.

2. The Committee did not report the receipt or expenditure of $1,499.61 of the amount not deposited.

3. $2,115.37 (including $923.37 not reported) of the funds not deposited by the Committee was used to make five (5) cash expenditures, each in excess of $100 and each involving a single purchase or transaction.

We recommended to the Committee that they file a comprehensive amendment to properly disclose the $1,499.61 in unreported receipts and expenditures. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the undeposited contributions and the cash expenditures in excess of $100 within 30 days of receipt of this letter.

D. Timely Depositing of Contributions

Section 103.3(a) of Title 11, Code of Federal Regulations, requires that all contributions received by a committee shall be deposited in a checking account in the appropriate campaign depository, by the treasurer of the committee or his or her agent, within 10 days of the treasurer's receipt thereof.

Our examination of the Committee's contribution records revealed that a total of $19,383.71 (11.82% of total contributions) was not deposited within 10 days as required.

Our review consisted of examination of the dates on copies of contributor checks and deposit tickets attached thereto. Although we allowed extra time for the late receipt of these contributions due to mail and/or other possible delays, we still found that these deposits were untimely.

During our examination we noted in particular two (2) transactions in which the contributions were not deposited for 3½ to 7 months.

(1) On June 28, 1975, the Committee received an $800 contribution, of which $300 was not deposited until January 28, 1976. We were unable to determine if this contribution was received in the form of a check, money order or cash.

(2) On October 14, 1975, the Committee received $3,525 from a fundraiser of which $1,650 in checks was deposited on November 6, 1975; $300 in cash was deposited on January 28, 1976; $683 in cash was deposited on April 13, 1976 and $892 was never deposited (see Finding C for further explanation).

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We discussed these two (2) transactions with the treasurer of the Committee, and he stated that these monies were kept in his desk drawer during this time period. He was unable to offer any other explanation as to why these monies were held for such a long period of time prior to being deposited.

We informed the treasurer of his duties under the Act to deposit all contributions in a timely manner. He assured us that he would comply in the future.

Recommendation

We recommend that the Committee provide a written explanation disclosing all details surrounding the late deposit of contributions, particularly the two (2) transactions noted above. We further recommend that the Committee determine the form of the $800 contribution by contacting the contributor and providing supporting documentation. The written explanation and the supporting documentation must be provided within 30 days of receipt of this letter.

E. Itemization of Individual Contributions

Section 434(b)(2) of Title 2, United States Code, requires a committee to disclose the full name, mailing address, and the occupation and the principal place of business, if any, of each person who has made one or more contributions within the calendar year in an aggregate amount in excess of $100, together with the amount and date of such contributions.

Our examination of the Committee's contribution records revealed that the Committee did not itemize 24 contributions, (16.7% of itemizable contributions) totaling $1,630 (4.4% of the dollar value of itemizable contributions), of $100 or less from 15 contributors whose aggregate contributions exceeded $100. The Committee was unable to provide a reason for the omission of these contributions from the reports.

The examination also revealed that five (5) additional contributions (3.5% of itemizable contributions) from five (5) contributors, totaling $1,300 (3.5% of the dollar value of itemizable contributions), each in excess of $100 were not itemized. Again, the Committee was unable to provide a reason for the omission of these contributions from the report.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

F. Itemization of Transfers Received

Section 434(b)(4) of Title 2, United States Code, requires a committee to disclose the name and address of all political committees from which transfers are received, together with the amounts and dates of the transfers.

Our examination revealed that the Committee did not itemize 39 transfers (23.5% of all transfers) from 28 political action committees totaling $3,390 (5.0% of the dollar value of all transfers). With the exception of two (2) transfers from two (2) political action committees totaling $400, all transfers were $100 or less. The treasurer of the Committee explained that, due to a misunderstanding of the statutory requirements, the Committee only itemized contributions from political committees which in the aggregate exceeded $100.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

G. Retention of Supporting Documentation for Expenditures

Section 432(d) of Title 2, United States Code, provides that it shall be the duty of the treasurer to obtain and keep a receipted bill for every expenditure made by or on behalf of such committee in excess of $100 in amount, and for any such expenditures in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100.

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Section 102.9(c)(4) of Title 11, Code of Federal Regulations provides that when a receipted bill is not available, the treasurer may keep the cancelled check and bill, invoice or other contemporaneous memorandum.

The Committee made at least 163 expenditures for which it was required to maintain supporting documentation. That total included 27 expenditures totaling $10,479.63 (16.6% of total items requiring such documentation and 6.8% of the total dollar value of such items) for which the Committee had not kept a receipted bill, invoice or other contemporaneous memoranda as required. However, with the exception of two (2) expenditures totaling $1,136.52 (Finding C), the Committee records did contain a cancelled check in support of each of those expenditures.

We recommended to the Committee that they obtain supporting documentation for the above stated expenditures and provide copies of them to the Commission.

Committee officials have since obtained the required documentation in support of 4 of the 27 items noted as inadequately supported. As a result, 23 committee expenditures totaling $8,717.47 remain inadequately supported.

Recommendation

We recommend that the Committee further attempt to obtain the supporting documentation for the 23 expenditures and provide copies of them or documentation of the attempts to obtain them to the Audit staff within 30 days from receipt of this letter.

H. Itemization of Expenditures Aggregating in Excess of $100 in a Calendar Year

Section 434(b)(9) and (10) of Title 2, United States Code, requires that the Committee disclose the identification of each person to whom expenditures in an aggregate amount in excess of $100 have been made during a calendar year, together with the amount, date, and purpose of each such expenditure.

Our examination of the Committee's expenditures records revealed that the Committee failed to itemize 15 expenditures totaling $3,743.55, (9.2% of the total itemizable items and 2.6% of the total dollar value of such items) made to eleven individuals that were each in excess of, or aggregated in excess of, $100. The Committee was unable to provide a reason for the omission of the expenditures from the report.

We recommended to the Committee that they file comprehensive amendments for the audit period to include the required information. On January 16, 1978, the Commission received the Committee's amended reports.

Recommendation

Since the Committee has amended their reports to disclose this information, no additional action is recommended.

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List of Corporate Contributions to be Returned

Dixie Chemical & Supply Co.	$ 10.00
Strickland, Short & Keels - P.A.	100.00
Strickland, Short & Keels - P.A.	10.00
Shillinglaw's Clean Up and Body Shop	20.00
Small Engine Service	10.00
Columbia Burlap Bag Co.	25.00
Murray Realty & Construction Co.	25.00
Britton's	200.00
Edisto Co.	100.00
Star Amusement Co.	250.00
Berkeley Land Corp.	250.00
Total	$1,000.00

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FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 525