FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 587

Date Filmed 3/16/79 Camera No. --- 2

Cameraman GPC

7 9 0 1 0 1 1 1 3 0 5

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

February 16, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

S. Strother Smith
Smith, Robinson and Vinyard Inc.
117 W. Main Street
Arlington, Virginia 24210

RE: MUR 587 (78)

Dear Mr. Smith:

On February 14, 1979, the Commission voted to accept the terms set forth in the Conciliation Agreement of MUR 587(78). A copy of the Commission's determination and of the Conciliation Agreement is enclosed for your records.

Accordingly, the Commission intends to close its file on this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosures

Commission Certification
Conciliation Agreement

7904011305

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Washington County (VA) Republican Committee;	)	MUR 587 (78)
	)	
Robert F. Tauscher, Treasurer	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondents Washington County Republican Committee and its Treasurer, Robert E. Tauscher, violated 2 U.S.C. §441b;

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Washington County Republican Committee and Robert Tauscher (hereafter the respondents Committee and Tauscher) having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondents Committee and Tauscher and the subject matter of this proceeding.

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

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

A. Respondent Committee is, and at all times relevant hereto was, a "political committee' defined by 2 U.S.C. §431(d), which supports Federal and non-Federal candidates.

B. On October 18, 1977, the Committee accepted a $400 corporate contribution from the law firm of Smith, Robinson, & Vinyard, Inc., for specific use in the 1977 Virginia Gubernatorial Election.

C. Part 102.6 of the Commission's Regulations permit political committees to maintain a single account to make contributions to Federal and non-Federal candidates but only if all contributions received are permissible under the Act.

D. The Federal Election Campaign Act of 1971, as amended, prohibits contributions from corporations to Federal candidates and to political committees which support Federal and non-Federal candidates.

E. On March 30, 1978, the former Treasurer of respondent Committee was informed that since the respondent Committee was a Federal "political committee," the $400 corporate contribution would have to be refunded or transferred to a separate, segregated, State account in accordance with the provisions of 11 C.F.R. §102.6, and he disagreed with that ruling.

F. On October 2, 1978, respondents transferred $400 into a separate, segregated, State account pursuant to 11 C.F.R. §102.6.

WHEREFORE, respondents agree:

7 9 0 4 0 1 1 1 3 0 R

IV. Respondents failure to establish a separate, state account for the purpose of making contributions to Federal officeholders from Smith, Robinson, & Vinyard, Inc. was in violation of 11 C.F.R. §102.6(a)(2)(ii).

V. The Commission does not contend that the respondents intentionally violated any provision of the Act.

VI. Respondents will not engage in future action in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq., and submit that they have not knowingly done so in the past.

GENERAL CONDITIONS:

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

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

2/15/79
Date

William C. Oldaker
General Counsel

Date

S. Strother Smith, Chairman
Washington County Republican Committee

7 0 0 4 0 1 1 1 3 0 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 587 (78)
Washington County (VA)	)	
Republican Committee	)	
Robert F. Tauscher, Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 14, 1979, the Commission determined by a vote of 5-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated February 8, 1979, regarding the above-captioned matter:

1. Accept the Conciliation Agreement.
2. Close the file.

Voting for this determination were Commissioners Springer, Aikens, McGarry, Thomson, and Harris.

Attest:

2/14/79
Date

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

Signed by General Counsel: 2-8-79
Received in Office of Commission Secretary: 2-9-79, 12:33, Friday
Circulated on 48 hour vote basis: 2-12-79, 10:30, Monday

7 9 0 1 0 1 1 3 1 0

February 9, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 587

Please have the attached General Counsel's Report on MUR 587 distributed to the Commission on a 48 hour tally basis.

Thank you.

7904011311

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
February 8, 1979

79 FEB 9 P12: 33

In the Matter of	)	
	)	
Washington County (VA)	)	MUR 587 (78)
Republican Committee	)	
Robert F. Tauscher, Treasurer	)	

GENERAL COUNSEL'S REPORT

After a prolonged conciliation effort, the respondents have, through the Chairman for the Committee, decided to sign the attached conciliation agreement.

Although the words "... for the District of Columbia ..." were struck from paragraph VII, the Office of General Counsel does not find this objectionable and would therefore recommend that the Commission accept the signed conciliation agreement.

Recommendation

1. Accept the Conciliation Agreement
2. Close the file.

2/8/79
Date

William C. Oldaker
General Counsel

Attachment

Conciliation Agreement

7 9 0 0 1 1 1 3 1 2

D. Brown 9050

SMITH, ROBINSON & VINYARD

ATTORNEYS AT LAW, INC.
117 WEST MAIN STREET
ABINGDON, VIRGINIA 24210
(703) 628-7186

S. STROTHER SMITH
WM. HOBART ROBINSON
ROBERT AUSTIN VINYARD

STEPHEN J. KALISTA
JOHN JEFFREY FLUCK

WISE, VA. OFFICE
(703) 328-3119
OAKWOOD, VA. OFFICE
(703) 498-3111
CLINTWOOD, VA. OFFICE
(703) 926-4703
PLEASE REPLY TO:
ABINGDON OFFICE

79 FEB 5 P2:25

January 31, 1979

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

[redacted]

Re: MUR 587 (78)

900697

Dear Mr. Oldaker:

Reference your letter of January 22, 1979, I am returning the signed Conciliation Agreement.

Sincerely yours,

SMITH, ROBINSON & VINYARD

S. Strother Smith III

S. Strother Smith, III

SSS:nr

7904011315

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Washington County (VA) Republican Committee;	)	MUR 587 (78)
	)	
Robert F. Tauscher, Treasurer	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondents Washington County Republican Committee and its Treasurer, Robert E. Tauscher, violated 2 U.S.C. §441b;

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Washington County Republican Committee and Robert Tauscher (hereafter the respondents Committee and Tauscher) having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondents Committee and Tauscher and the subject matter of this proceeding.

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

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

A. Respondent Committee is, and at all times relevant hereto was, a "political committee' defined by 2 U.S.C. §431(d), which supports Federal and non-Federal candidates.

7 9 0 4 0 1 1 3 1 1

B. On October 18, 1977, the Committee accepted a $400 corporate contribution from the law firm of Smith, Robinson, & Vinyard, Inc., for specific use in the 1977 Virginia Gubernatorial Election.

C. Part 102.6 of the Commission's Regulations permit political committees to maintain a single account to make contributions to Federal and non-Federal candidates but only if all contributions received are permissible under the Act.

D. The Federal Election Campaign Act of 1971, as amended, prohibits contributions from corporations to Federal candidates and to political committees which support Federal and non-Federal candidates.

E. On March 30, 1978, the former Treasurer of respondent Committee was informed that since the respondent Committee was a Federal "political committee," the $400 corporate contribution would have to be refunded or transferred to a separate, segregated, State account in accordance with the provisions of 11 C.F.R. §102.6, and he disagreed with that ruling.

F. On October 2, 1978, respondents transferred $400 into a separate, segregated, State account pursuant to 11 C.F.R. §102.6.

WHEREFORE, respondents agree:

7 9 0 4 0 1 1 3 1 5

IV. Respondents failure to establish a separate, state account for the purpose of making contributions to Federal officeholders from Smith, Robinson, & Vinyard, Inc. was in violation of 11 C.F.R. §102.6(a)(2)(ii).

V. The Commission does not contend that the respondents intentionally violated any provision of the Act.

VI. Respondents will not engage in future action in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq., and submit that they have not knowingly done so in the past.

GENERAL CONDITIONS:

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

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

Date

William C. Oldaker
General Counsel

Date

S. Strother Smith, Chairman
Washington County Republican Committee

7 9 0 4 0 1 1 1 3 1 5

D. Brown GCW
9050

SMITH, ROBINSON & VINYARD

ATTORNEYS AT LAW, INC.
117 WEST MAIN STREET
ABINGDON, VIRGINIA 24210

(703) 628-7186

S. STROTHER SMITH
WM. HOBART ROBINSON
ROBERT AUSTIN VINYARD

STEPHEN J. KALISTA
JOHN JEFFREY FLUCK

WISE, VA. OFFICE
(703) 328-3119
OAKWOOD, VA. OFFICE
(703) 498-3111
CLINTWOOD, VA. OFFICE
(703) 988-4703
PLEASE REPLY TO:
ABINGDON OFFICE

RECEIVED
FEDERAL ELECTION
COMMISSION

79 FEB 5 P2:25

January 31, 1979

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

[redacted]

Re: MUR 587 (78)

900697

Dear Mr. Oldaker:

Reference your letter of January 22, 1979, I am returning the signed Conciliation Agreement.

Sincerely yours,

SMITH, ROBINSON & VINYARD

S. Strother Smith III

S. Strother Smith, III

SSS:nr

7 9 0 1 1 1 3 1 7

SMITH, ROBINSON & VINYARD
ATTORNEYS AT LAW, INC.
117 WEST MAIN STREET
ABINGDON, VIRGINIA 24210

'85 P2:25

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

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

January 22, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

S. Strother Smith
Smith, Robinson and Vinyard, Inc.
117 W. Main Street
Arlington, Virginia 24210

RE: MUR 587(78)

Dear Mr. Smith:

This refers to your recent suggested change to the Commission's proposed conciliation agreement. Please note that paragraph IV of the enclosed agreement has been amended in light of your suggested changes to our original proposal. Please note also that paragraphs V and IX have been omitted entirely from this agreement.

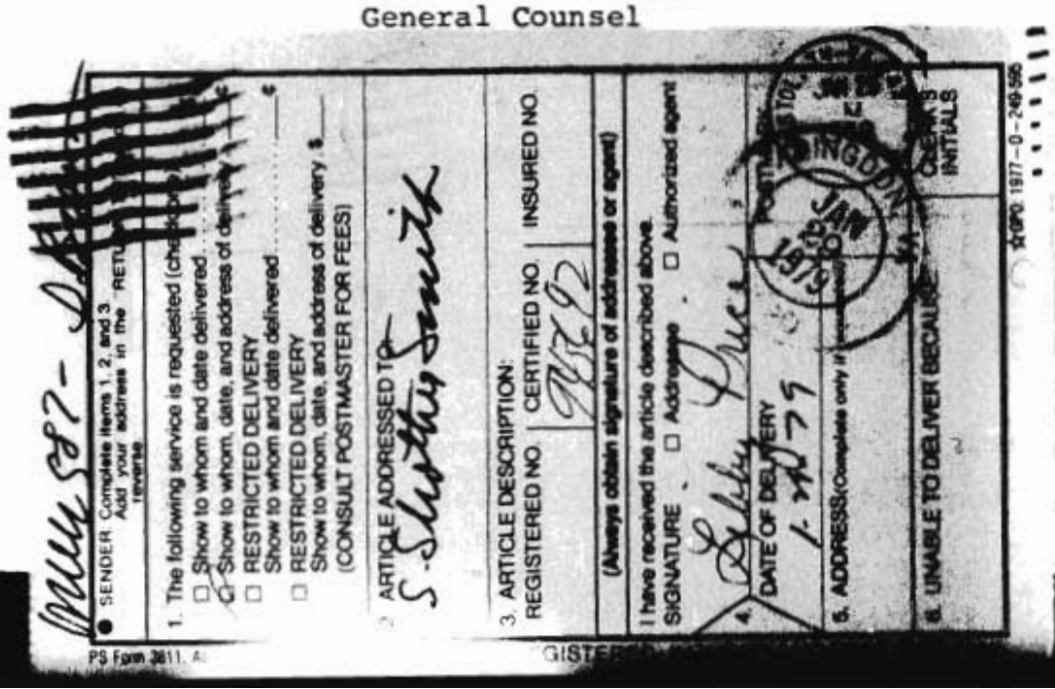
Please sign the agreement and return it to the Commission within five days. I will then recommend that the Commission ratify the agreement.

If you have any further questions, please contact Duane A. Brown, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

William C. Oldaker
General Counsel

Enclosure



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Washington County (VA) Republican Committee;	)	MUR 587 (78)
	)	
Robert F. Tauscher, Treasurer	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondents Washington County Republican Committee and its Treasurer, Robert E. Tauscher, violated 2 U.S.C. §441b;

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Washington County Republican Committee and Robert Tauscher (hereafter the respondents Committee and Tauscher) having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondents Committee and Tauscher and the subject matter of this proceeding.

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

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

A. Respondent Committee is, and at all times relevant hereto was, a "political committee' defined by 2 U.S.C. §431(d), which supports Federal and non-Federal candidates.

B. On October 18, 1977, the Committee accepted a $400 corporate contribution from the law firm of Smith, Robinson, & Vinyard, Inc., for specific use in the 1977 Virginia Gubernatorial Election.

C. Part 102.6 of the Commission's Regulations permit political committees to maintain a single account to make contributions to Federal and non-Federal candidates but only if all contributions received are permissible under the Act.

D. The Federal Election Campaign Act of 1971, as amended, prohibits contributions from corporations to Federal candidates and to political committees which support Federal and non-Federal candidates.

E. On March 30, 1978, the former Treasurer of respondent Committee was informed that since the respondent Committee was a Federal "political committee," the $400 corporate contribution would have to be refunded or transferred to a separate, segregated, State account in accordance with the provisions of 11 C.F.R. §102.6, and he disagreed with that ruling.

F. On October 2, 1978, respondents transferred $400 into a separate, segregated, State account pursuant to 11 C.F.R. §102.6.

WHEREFORE, respondents agree:

7 9 0 4 0 1 1 3 2 1

IV. Respondents failure to establish a separate, state account for the purpose of making contributions to Federal officeholders from Smith, Robinson, & Vinyard, Inc. was in violation of 11 C.F.R. §102.6(a)(2)(ii).

V. The Commission does not contend that the respondents intentionally violated any provision of the Act.

VI. Respondents will not engage in future action in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq., and submit that they have not knowingly done so in the past.

GENERAL CONDITIONS:

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

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

Date	William C. Oldaker General Counsel
Date	S. Strother Smith, Chairman Washington County Republican Committee

7 9 0 4 0 1 1 1 3 2 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 587 (78)
Washington County Republican Committee	)	
Robert F. Tauscher, Treasurer	)	
Smith, Robinson and Vinyard, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission do hereby certify that on January 18, 1979, the Commission determined by a vote of 5 to 0 to approve the proposed conciliation agreement and letter attached to the General Counsel's Report dated January 2, 1979.

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

Attest:

1/19/79
Date

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

Received in Office of Commission Secretary: 1-9-79, 12:30
Circulated on a 48 hour vote basis: 1-9-79, 2:00
Objection submitted : 1-11-79, 9:44
Placed on Meeting Agenda of January 18, 1979.
Objection withdrawn at meeting of January 18, 1979 and above action taken.

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

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS mwe

DATE: JANUARY 11, 1979

SUBJECT: OBJECTION - MUR 587 - General Counsel's Report dated 1-2-79; Received in OCS: 1-9-79, 12:30

The above-named document was circulated on a 48 hour vote basis at 2:00, January 9, 1979.

Commissioner Tiernan submitted an objection to the revised report at 9:44, January 11, 1979, thereby placing MUR 587 on the Executive Session Agenda for January 18, 1979.

7904011132 1

January 9, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 587

Please have the attached revised General Counsel's Report on MUR 587 distributed to the Commission on a 48 hour tally basis.

Thank you.

7904011325

January 9, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 587

Please have the General Counsel's Report on MUR 587 withdrawn from circulation to the Commission. A revised report will be circulated as soon as possible. Thank you.

7 9 0 4 0 1 1 1 3 2 6

January 8, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 587

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

Thank you.

7904011327

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

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

'9 JAN 9 A11:29

January 9, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 587

Please have the General Counsel's Report on MUR 587 withdrawn from circulation to the Commission. A revised report will be circulated as soon as possible. Thank you.

MUR 587 was circulated on a 48 hour vote basis at 3:00, January 8, 1979.

7 9 0 4 0 1 1 3 2 8

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

79 JAN 8 P12: 05

In the Matter of	)	
	)	
Washington County Republican Committee	)	MUR 587(78)
	)	
Robert F. Tauscher, Treasurer	)	
Smith, Robinson and Vinyard, Inc.	)	

79 JAN 9 P12: 30

GENERAL COUNSEL'S REPORT

Background

On September 5, 1978, the Commission found reasonable cause to believe that respondents Washington County Republican Committee ("the Committee") and Robert Tauscher were in violation of 2 U.S.C. §441b for accepting, and respondent Smith, Robinson, and Vinyard, Inc. ("the Corporation") violated 2 U.S.C. §441b for making a $400 corporate contribution.

Discussion

This matter has been in conciliation since September 11, 1978. The negotiations have included several drafts before arriving at the proposed agreement which is attached for Commission approval. Counsel for the respondents has given verbal approval to the content of this draft.

Recommendation

Approve the proposed conciliation agreement attached to this report and send the attached letter.

2 January 1979
Date

William C. Oldaker
General Counsel

Attachments
Conciliation Agreement
Letter to S. Strother Smith

7 9 0 1 1 1 3 2 9

FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

S. Strother Smith
Smith, Robinson and Vinyard, Inc.
117 W. Main Street
Arlington, Virginia 24210

RE: MUR 587(78)

Dear Mr. Smith:

This refers to your recent suggested change to the Commission's proposed conciliation agreement. Please note that paragraph IV of the enclosed agreement has been amended in light of your suggested changes to our original proposal. Please note also that paragraphs V and IX have been omitted entirely from this agreement.

Please sign the agreement and return it to the Commission within five days. I will then recommend that the Commission ratify the agreement.

If you have any further questions, please contact Duane A. Brown, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

7904011130

GCM 5735

BEFORE THE FEDERAL ELECTION COMMISSION
October 11, 1978

'78 NOV 30 PM 1:03

In the Matter of	)	
	)	
Washington County (VA) Republican Committee;	)	MUR 587 (78)
Robert F. Tauscher, Treasurer	)	

808797

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondents Washington County Republican Committee and its Treasurer, Robert F. Tauscher, violated 2 U.S.C. §441b;

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Washington County Republican Committee and Robert Tauscher (hereafter the respondents Committee and Tauscher) having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondents Committee and Tauscher and the subject matter of this proceeding.

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

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

A. Respondent Committee is, and at all times relevant hereto was, a "political committee" defined by 2 U.S.C. §431(d), which supports Federal and non-Federal candidates.

B. On October 18, 1977, the Committee accepted a $400 corporate contribution from the law firm of Smith, Robinson, & Vinyard, Inc., for specific use in the 1977 Virginia Gubernatorial Election.

C. Part 102.6 of the Commission's Regulations permit political committees to maintain a single account to make contributions to Federal and non-Federal candidates but only if all contributions received are permissible under the Act.

D. The Federal Election Campaign Act of 1971, as amended, prohibits contributions from corporations to Federal candidates and to political committees which support Federal and non-Federal candidates.

E. On March 30, 1978, the former Treasurer of respondent Committee was informed that since the respondent Committee was a Federal "political committee," the $400 corporate contribution would have to be refunded or transferred to a separate, segregated, State account in accordance with the provisions of 11 C.F.R. §102.6 , and he disagreed with that ruling.

F. On October 2, 1978, respondents transferred $400 into a separate, segregated, State account pursuant to 11 C.F.R. §102.6,

WHEREFORE, respondents agree:

7 9 0 4 0 1 1 3 3 2

~~IV. Respondents' failure to place into a separate, State account the corporate contribution from Smith, Robinson, & Vinyard, Inc. was in violation of 11 C.F.R. §102.6(a)(2)(ii).~~ NO SSI

V. That appropriate officers of the respondent Committee will voluntarily testify before any Commission proceeding, or before any other proceeding, at which the matters at issue herein are relevant, only in the Western District of Virginia

VI. Respondents will not engage in future action in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq., and submit that they have not knowingly done so in the past.

GENERAL CONDITIONS:

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

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

IX. It is agreed that respondents ~~shall have 30 days from the date this agreement becomes effective to comply with and~~ having complied with the demand of the F.E.C. this matter is dismissed with prejudice. SSI

~~to implement the requirements contained in this agreement and to so notify the Commission.~~

Date

William C. Oldaker
General Counsel

11/26/78
Date

S. Strother Smith, Chairman
Washington County Republican
Committee

Signed as amended in blue ink in the signer's hand.

7 9 0 4 0 1 1 3 3 4

SMITH, ROBINSON & VINYARD
ATTORNEYS AT LAW, INC.
117 WEST MAIN STREET
ABINGDON, VIRGINIA 24210

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

FEDERAL ELECTION COMMISSION

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

October 26, 1978

S. Strother Smith, Esquire
Smith, Robinson, & Vinyard, Inc.
117 W. Main Street
Abingdon, Virginia 24210

Re: MUR 587(78)

Dear Mr. Smith:

This refers to your letter of September 12, 1978, with enclosure, in which you put forth a number of suggested changes to the Commission's proposed conciliation agreement. This is to also note receipt of Mr. Tauscher's letter of October 2, 1978 in which he stated that $400 had been transferred to the party's state account. Based on the information contained in these letters and your proposed agreement, the Commission, on October 25, 1978, determined to continue efforts at conciliation with a further revised agreement. A copy of this agreement is attached. Please note that paragraphs III, IV, V, VI, and VII of the enclosed agreement have been amended in light of your suggested changes to our original proposal. Please note also that the enclosed agreement contains no provision for a civil penalty. It does, however, provide that the Commission has jurisdiction over the respondents in the subject matter of this proceeding. If you agree with the provisions of the enclosed agreement, please sign it and return it to the Commission within ten days. I will then recommend that the Commission ratify the agreement.

As we advised you previously, the Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A).

7 9 0 4 0 1 1 1 3 3 6

If you have any questions please contact Philip Kellett, the staff member assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION
October 11, 1978

In the Matter of	)	
	)	
Washington County (VA) Republican Committee;	)	MUR 587 (78)
Robert F. Tauscher, Treasurer	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondents Washington County Republican Committee and its Treasurer, Robert F. Tauscher, violated 2 U.S.C. §441b;

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Washington County Republican Committee and Robert Tauscher (hereafter the respondents Committee and Tauscher) having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondents Committee and Tauscher and the subject matter of this proceeding.

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

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

A. Respondent Committee is, and at all times relevant hereto was, a "political committee" defined by 2 U.S.C. §431(d), which supports Federal and non-Federal candidates.

B. On October 18, 1977, the Committee accepted a $400 corporate contribution from the law firm of Smith, Robinson, & Vinyard, Inc., for specific use in the 1977 Virginia Gubernatorial Election.

C. Part 102.6 of the Commission's Regulations permit political committees to maintain a single account to make contributions to Federal and non-Federal candidates but only if all contributions received are permissible under the Act.

D. The Federal Election Campaign Act of 1971, as amended, prohibits contributions from corporations to Federal candidates and to political committees which support Federal and non-Federal candidates.

E. On March 30, 1978, the former Treasurer of respondent Committee was informed that since the respondent Committee was a Federal "political committee," the $400 corporate contribution would have to be refunded or transferred to a separate, segregated, State account in accordance with the provisions of 11 C.F.R. §102.6 , and he disagreed with that ruling.

F. On October 2, 1978, respondents transferred $400 into a separate, segregated, State account pursuant to 11 C.F.R. §102.6,

WHEREFORE, respondents agree:

7 0 0 1 1 1 3 3 0

IV. Respondents' failure to place into a separate, State account the corporate contribution from Smith, Robinson, & Vinyard, Inc. was in violation of 11 C.F.R. §102.6(a)(2)(ii).

V. That appropriate officers of the respondent Committee will voluntarily testify before any Commission proceeding, or before any other proceeding, at which the matters at issue herein are relevant.

VI. Respondents will not engage in future action in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq., and submit that they have not knowingly done so in the past.

GENERAL CONDITIONS:

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

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

IX. It is agreed that respondents shall have 30 days from the date this agreement becomes effective to comply with and

to implement the requirements contained in this agreement and to so notify the Commission.

Date	William C. Oldaker General Counsel
Date	S. Strother Smith, Chairman Washington County Republican Committee

7 9 0 1 0 1 1 1 3 4 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 587 (78)
Washington County Republican Committee;	)	
Robert F. Tauscher, Treasurer;	)	
Smith, Robinson, & Vinyard, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 25, 1978, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated October 11, 1978, regarding the above-captioned matter:

1. Approve the proposed conciliation agreement attached to the above-named report.

2. Approve and authorize the sending of the letter to the respondents attached to the above-named report, along with the conciliation agreement.

Voting for this determination were Commissioners Harris, Staebler, Thomson, and Springer.

10/25/78
Date

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

Report signed: 10-19-78
Report received in Office of Commission Secretary: 10-20-78, 1:46
Circulated on 48 hour vote basis: 10-23-78, 9:00

October 20, 1978

MEMORANDUM TO: Marge Emmons

FROM: Eliza T. Garr

SUBJECT: MUR 587

Please have the attached General Counsel's Report on MUR 587 distributed to the Commission on a 48 hour tally basis.

Thank you.

7904011343

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
October 11, 1978

78 OCT 20 P 1: 46

In the Matter of	)	
	)	
Washington County Republican Committee;	)	MUR 587 (78)
Robert F. Tauscher, Treasurer;	)	
Smith, Robinson, & Vinyard, Inc.	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND:

On September 5, 1978, the Commission found reasonable cause to believe that respondents Washington County Republican Committee ("the Committee") and Robert Tauscher were in violation of 2 U.S.C. §441b for accepting, and respondent Smith, Robinson, & Vinyard, Inc. ("the Corporation") violated 2 U.S.C. §441b for making a $400 corporate contribution. A proposed conciliation agreement was received by respondents on September 11, 1978.

II. EVIDENCE AND DISCUSSION:

Under §102.6 of the Commission's regulations, the contribution to respondent Committee would not have been absolutely prohibited if the Committee had set up a segregated State account to receive corporate contributions. The Committee has had notice of this regulation at least since March 30, 1978, when the Disclosure Division notified them of this. Our previous discussion with Mrs. Strother Smith, who is respondent Committee's counsel, as well as a member of the contributing law firm, are set out in the Interim Reports to the Commission of June 21, and

July 21, 1978. In these discussions, counsel advised us that a separate State account had been established and that the contribution would be transferred, but provided no documentation in support of this information. In order to obtain voluntary compliance with the Act, in light of this situation, the Commission determined to conclude this matter by entering into a conciliation agreement with the respondents.

On September 12, 1978, respondents' counsel wrote the Commission with suggested changes in the Commission's proposed agreement.1/ These changes and deletions are marked on the agreement itself. (See attachment II) Most significantly respondents propose that no civil penalty be assessed against them and that an admission of a violation be stricken. On October 2, 1978, respondents advised us that $400 had been transferred to the respondent Committee's separate State account. (See attachment I).

In light of respondents' suggested changes and the fact that the funds have been transferred to their State account, we are recommending the Commission approve a new proposed agreement. (See attachment III). We are recommending that no provision for a civil penalty be included in the new agreement, since voluntary compliance has been obtained with the transfer of funds.

The new proposed agreement incorporates some of the changes made by the respondents relating to the facts of this matter. (Compare paragraph III of both attached agreements). Furthermore, the new agreement includes the admission of a violation which respondents sought to have stricken from our original proposed

1/ While Mr. Smith was adamant when he stated that his counter offer was final, we think his position should also be viewed in light of the provisions of the agreement he found acceptable and of the treasurer's October 2 letter. Given these considerations, we think further conciliation might be productive.

7 9 0 4 0 1 1 1 3 4 5

agreement, but reference to Commission regulation §102.6(a)(2)(ii) is made instead for clarification. (See paragraph IV of Attachment II). Respondents had proposed that paragraphs I, II, and IX of the original agreement, relating to the Commission's jurisdiction over this matter, be stricken. The new proposed agreement reinserts these paragraphs. (See paragraphs I, II, and VII of Attachment II).

III. RECOMMENDATION:

Approve the proposed conciliation agreement and letter attached to this report, and authorize the sending of these to respondents.

10/19/78
Date

William C. Oldaker
General Counsel

Attachments:

I: Letter of October 2, 1978 from Respondent Tauscher
II: Letter of September 12, 1978 from Respondents' counsel, with attachment
III: New proposed agreement and letter to Respondent.

7 0 0 4 0 1 1 1 3 4 7

ATTACHMENT I

GCC-
5089
B.L.
Rettett

RECEIVED
FEDERAL ELECTION
COMMISSION

Box 281, Route #1
Abingdon, Virginia
24210
October 2, 1978

'78 OCT 6 PM 12:24

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

806721

Re: MUR587 (78)

Dear Mr. Oldaker:

The incident in question as outlined in your letters of June 1, 1978 and September 6, 1978 to S.Strother Smith of Abingdon Virginia, please be advised that $400.00 has, this date, been deposited in the Washington County Republican Party-State Candidate Support Account at the Washington County National Bank, Abingdon, Virginia

This deposit represents the first monies available and authorized by the Washington County Republican Committee as available to satisfy the instructions in your letter. Monies collected earlier were used to retire existing outstanding debts carried over from 1977 and those accruing for 1978 operating expenses.

The Republican Committee of Washington County currently maintains three separate accounts at Washington County National Bank, Abingdon, Virginia. (1) Washington County Republican Party-Operating Expense Account (2) Washington County Republican Party-Federal Candidate Support Account (3) Washington County Republican Party-State Candidate Support Account.

As you know, this matter has been handled between yourself and the Chairman of the Washington County Republican Committee, S. Strother Smith III since receipt of your initial communication dated June 1, 1978.

Very truly yours,

Robert E. Tauscher

Robert E. Tauscher, Treasurer
Washington County Republican Committee.

ATTACHMENT II

7 0 0 4 0 1 1 1 3 5 0

501

BEFORE THE FEDERAL ELECTION COMMISSION

806488

In the Matter of	)	
	)	
Washington County (VA) Republican Committee;	)	MUR 587(78)
Robert F. Tauscher, Treasurer	)	
	)	Kellett

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondents Washington County Republican Committee and its Treasurer, Robert F. Tauscher, violated 2 U.S.C. §441b;

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Washington County Republican Committee and Robert Tauscher (hereafter the respondents Committee and Tauscher) having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. ~~That the Federal Election Commission has jurisdiction over respondents Committee and Tauscher and the subject matter of this proceeding.~~

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

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

A. Respondent Committee is, and at all times relevant hereto was, a "political committee" defined by 2 U.S.C. §431(d), for not only Federal but also for the State & Local Cand.

B. On October 18, 1977, the Committee accepted a $400 corporate contribution from the law firm of Smith, Robinson, & Vinyard, Inc, for specific use in the 1977 State Elec

C. The Federal Election Campaign Act of 1971, as amended, prohibits contributions to Federal candidates and political committees from corporations but cannot prohibit contributions to State Can or Comm

D. On March 30, 1978, the former Treasurer of respondent Committee was informed that since the respondent Committee was a Federal "political committee," the $400 corporate contribution would have to be refunded or transferred to a separate, segregated, State account in accordance with the provisions of 11 C.F.R. §102.6(b), & he disagreed with that ruling.

WHEREFORE, respondents agree:

IV. Respondents' acceptance of a corporation contribution from Smith, Robinson, & Vinyard, Inc. was not in violation of 2 U.S.C. §441b.

V. That respondent ~~Teucsher and~~ other appropriate officers of the respondent Committee will voluntarily testify before any Commission proceeding, or before any other proceeding, at which the matters at issue herein are relevant.

~~VI. Respondents will pay a civil penalty to the United States Treasury in the amount of One Hundred ($100.00) Dollars pursuant to §437g(a)(6)(B).~~

VII. Respondents ~~shall refund $400 to Smith, Robinson, & Vinyard, Inc. or~~ shall transfer $400 to a separate State campaign account of the respondent Committee pursuant to 11 C.F.R. §102.6.

VIII. Respondents will not intentionally engage in future action in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq, and submit that they have not done so in the past.

GENERAL CONDITIONS:

IX. ~~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 for the District of Columbia.~~

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

XI. It is agreed that respondents shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained in this agreement and to so notify the Commission.

September 12, 1978
DATE

S. Stratton Smith
~~ROBERT F. TAUSCHER, TREASURER~~ Chairman
WASHINGTON COUNTY REPUBLICAN COMMITTEE

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

SMITH, ROBINSON & VINYARD

ATTORNEYS AT LAW, INC.
117 WEST MAIN STREET
ABINGDON, VIRGINIA 24210

(703) 628-7186

S. STROTHER SMITH
WM. HOBART ROBINSON
ROBERT AUSTIN VINYARD

STEPHEN J. KALISTA
JOHN JEFFREY FLUCK

WISE, VA. OFFICE
(703) 328-3119
OAKWOOD, VA. OFFICE
(703) 498-3111
CLINTWOOD, VA. OFFICE
(703) 926-4703
PLEASE REPLY TO:
ABINGDON OFFICE

September 12, 1978

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

Dear Mr. Kellett:

This letter is in response to a letter to me as Chairman of the Washington County Republican Committee from William C. Oldaker, General Counsel.

As I told you when I last talked to you on the telephone, the members of my Committee frankly feel that any action whatsoever in this regard by the Federal Election Commission is a matter of bureaucratic harrassment and frankly, when I brought the matter before my Committee this past Monday night, the majority of the Committee wish to say, in effect, "millions for defense and not one cent for tribute". After discussing the matter with them to a great extent and going into the situation of the time and expense that would be involved to successfully litigate a matter such as this, I finally got them to agree to the Consiliation Agreement that you will find attached herewith as changed as noted by my initials "SSS III".

You are hereby notified that Robert Tauscher is extremely ill and presently in the hospital and is not able to take part in any negotiations of this matter. You are further notified that I was authorized by the Republican Committee of Washington County to handle all of these matters and that Mr. Tauscher has no responsibility for these.

You will note from the Consiliation Agreement that we do not agree that the Federal Election Commission has jurisdiction over the subject matter of this proceeding, though we do admit that to the extent that the Federal Election Commission is operating constitutionally and within the limitations of the intent of Congress in passing 2 U.S.C., §440, et. sig., that we are somewhat controlled by that committee, at least as to Federal elections.

As to Paragraph II, we do not admit that we have had a reasonable opportunity to demonstrate that no action should be taken in the matter because we have not been afforded a proper hearing in the matter by a jury of our piers in a district where the offense, if any, was committed and that we, if we get to any kind of litigation involving this matter, will insist on our rights to be tried by a jury of our piers in the district where the offense was committed if, in fact, any offense was committed.

As to Paragraph III, we will accept sub-paragraph A with the additional words that we are a political committee not only for federal elections but also for state and local elections. We would also add to that for the record that we are an ongoing political committee for the Republican party for all Republican candidates who run for election in Washington County, Virginia, and that we do not, nor have we ever heretofore spent moneys collected for Federal candidates on state campaigns nor have we spent moneys collected for state campaigns on federal campaigns. Furthermore, you should know that all candidates for federal office in the Commonwealth of Virginia run at a time when there are no local candidates elected nor are there any state candidates elected.

As to sub-paragraph B, we admit that allegation with the addition that that contribution was made for the specific purpose of being donated to the state wide candidacies of John Dalton for Governor, Joe Canada for Lt. Governor, and Marshall Coleman for Attorney General. This money was specifically earmarked for state election campaigns and was used by the committee strictly for state elections.

As to sub-paragraph C, we admit that the Federal Election Campaign Act of 1971, as amended, prohibits contributions to Federal candidates and political committees from corporations but we deny the constitutionality of that Act as it applies to us and we further deny the constitutionality of that Act if it is held in any way, shape or form to limit in any way, shape or form contributions by corporations to state or local candidates or to committees operating for state or local candidates.

As to sub-paragraph D, we agree to sub-paragraph D with the addition that he disagreed with that ruling.

As to Paragraph IV, our only admission in that is as follows:

> "Respondents' acceptance of a corporation contribution from Smith, Robinson & Vinyard, Inc. was NOT in violation of 2 U.S.C. §441b if that section is constitutional and valid and it was not in violation of any valid law or regulation of the federal government or any other government which would have jurisdiction over the Respondents."

As to Paragraph V, we specifically do not say that Mr. Tauscher would testify but we do agree that other appropriate officers of the Respondent Committee will testify before any Commission proceeding which is held in the Western District of Virginia or before any other proceeding which is held at the Western District of Virginia and at which the matters at issue herein are relevant. In regard to the Western District of Virginia, we are talking about the Abingdon Division of the Western District of Virginia.

As to Paragraph VI, we absolutely will not, without an appropriate Court Order pay any civil penalty to the U. S. Treasury pursuant to any regulations that you might list.

As to Paragraph VII, we do agree that, in order to settle this matter and without waiving any of our positions heretofore taken, we will transfer $400 to a separate State campaign account of the respondent Committee but we will do so under protest only and we state at this point that we feel that such a transfer, if not illegal, is certainly immoral and improper because it means that moneys which were donated to our Committee specifically for Federal campaign purposes in this Federal election year are to be diverted from the purpose for which they were donated to a purpose which may be entirely different from the purpose of the maker of the donation. In many instances we will have donations made in a Federal election year which are intended to be used for Republican candidates for Federal office and these donations are made by persons who call themselves local Democrats and who may even be Democratic office holders on the local leval. Thus, it is very possible that the $400 that is transferred to a separate State campaign account could be moneys which are donated by Democratic office holders and then turned around and used against those very office holders in accordance with your order. We would state that this is not only unreasonable but immoral and we would do so only under protest as a way of settling this matter. In this regard, you should know that at least 50 percent of our Committee indicated that they felt very strong feelings that we should not even agree to this.

As to Paragraph VIII, we do agree that we will not intentionally engage in future actions in violation of the Federal Campaign Act to the extent that the Federal Campaign Act is constitutional and is proper but that we further submit that we have not done so in the past.

As to Paragraph IX, we specifically deny all points in Paragraph IX and we specifically deny that the U. S. District Court for the District of Columbia has any valid constitutional jurisdiction over us.

We do agree that the Agreement, as amended, and as interpreted and expanded by this letter will become effective as of the date that all parties have executed the same and the Commission has approved it. We do agree with Paragraph XI.

As to the signer of this Agreement, since Mr. Tauscher is sick and in the hospital and unable to take part in any negotiations, I have signed it as Chairman. Under our Party Plan, I am authorized to do so.

I have been specifically instructed by my Committee to inform you that this offer of settlement is our absolute bottom line. I will not write any more letters to you or to anyone else since my time as charged to my clients is $75 per hour and my experience with the United States Government is that they don't tend to pay me for my time.

I will further state that I agree with my Committee that this matter is a matter of harrassment since I know of specific violations of the law as passed by Congress which have been reported to your Committee by Democrat candidates for Congress and by business men paying contributions of very large amounts of

stock in corporations which have watered down the other stockholders holdings and who have had no action taken against them whatsoever. Furthermore, I would respectfully submit that this is a matter to try to impede the political activity of law abiding, honest, local citizens who are simply trying to elect candidates who they feel are the best qualified to run our State, our County and our Nation.

That resolution was passed unanimously by my Committee.

I am sending a copy of this letter to the Honorable William C. Wampler and all of the members of the Virginia Congressional Delegation as well as Senator Scott and Senator Byrd so that they will be aware of the positions that your Commission is taking. I am sure that the position that you are taking in this situation is far beyond the intent of Congress when Congress passed this legislation.

If we do not hear from you that the Commission has accepted this compromise offer within two weeks of our mailing of this letter, that is by no later than October 1, 1978, we will assume that your commission has rejected it and we will prepare to take whatever action is necessary to defend ourselves in the Courts.

Sincerely yours,

SMITH, ROBINSON & VINYARD

S. Strother Smith III

S. Strother Smith, III, Chariman
Washington County Republican Committee

SSS:nr

Enclosure

cc: Hon. William C. Wampler
Hon. Harry F. Byrd, Jr.
Hon. William C. Scott
Hon. J. Kenneth Robinson
Hon. Caldwell Butler
Hon. William Whitehurst
Hon. Robert Daniels
Hon. William C. Wampler
Hon. Paul Trible

P. S. You should know that all decisions made by the Washington County Republican Committee and reported by me to you in this letter were made unanimously.

ATTACHMENT III

7 9 0 1 0 1 1 3 3 3

FEDERAL ELECTION COMMISSION

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

S. Strother Smith, Esquire
Smith, Robinson, & Vinyard, Inc.
117 W. Main Street
Abingdon, Virginia 24210

Re: MUR 587(78)

Dear Mr. Smith:

This refers to your letter of September 12, 1978, with enclosure, in which you put forth a number of suggested changes to the Commission's proposed conciliation agreement. This is to also note receipt of Mr. Tauscher's letter of October 2, 1978 in which he stated that $400 had been transferred to the party's state account. Based on the information contained in these letters and your proposed agreement, the Commission, on October , 1978, determined to continue efforts at conciliation with a further revised agreement. A copy of this agreement is attached. Please note that paragraphs III, IV, V, VI, and VII of the enclosed agreement have been amended in light of your suggested changes to our original proposal. Please note also that the enclosed agreement contains no provision for a civil penalty. It does, however, provide that the Commission has jurisdiction over the respondents in the subject matter of this proceeding. If you agree with the provisions of the enclosed agreement, please sign it and return it to the Commission within ten days. I will then recommend that the Commission ratify the agreement.

As we advised you previously, the Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A).

If you have any questions please contact Philip Kellett, the staff member assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

GCC#
5089

RECEIVED
FEDERAL ELECTION
COMMISSION

Box 281, Route #1
Abingdon, Virginia
24210
October 6, 1978 OCT 19 PM 12:24

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

806721

Re: MUR587 (78)

Dear Mr. Oldaker:

The incident in question as outlined in your letters of June 1, 1978 and September 6, 1978 to S.Strother Smith of Abingdon Virginia, please be advised that $400.00 has, this date, been deposited in the Washington County Republican Party-State Candidate Support Account at the Washington County National Bank, Abingdon, Virginia

This deposit represents the first monies available and authorized by the Washington County Republican Committee as available to satisfy the instructions in your letter. Monies collected earlier were used to retire existing outstanding debts carried over from 1977 and those accruing for 1978 operating expenses.

The Republican Committee of Washington County currently maintains three separate accounts at Washington County National Bank, Abingdon, Virginia. (1) Washington County Republican Party-Operating Expense Account (2) Washington County Republican Party-Federal Candidate Support Account (3) Washington County Republican Party-State Candidate Support Account.

As you know, this matter has been handled between yourself and the Chairman of the Washington County Republican Committee, S. Strother Smith III since receipt of your initial communication dated June 1, 1978.

Very truly yours,

Robert E. Tauscher

Robert E. Tauscher, Treasurer
Washington County Republican Committee.

Robert E. Tauscher, Treasurer
Washington County Republican Party
Box 281, Route #1
Abingdon, Virginia, 24210

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

SMITH, ROBINSON & VINYARD

ATTORNEYS AT LAW, INC.
117 WEST MAIN STREET
ABINGDON, VIRGINIA 24210
(703) 628-7186

S. STROTHER SMITH
WM. HOBART ROBINSON
ROBERT AUSTIN VINYARD

STEPHEN J. KALISTA
JOHN JEFFREY FLUCK

WISE, VA. OFFICE
(703) 328-3119
OAKWOOD, VA. OFFICE
(703) 498-3111
CLINTWOOD, VA. OFFICE
(703) 926-4703
PLEASE REPLY TO:
ABINGDON OFFICE

September 12, 1978

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

Dear Mr. Kellett:

This letter is in response to a letter to me as Chairman of the Washington County Republican Committee from William C. Oldaker, General Counsel.

As I told you when I last talked to you on the telephone, the members of my Committee frankly feel that any action whatsoever in this regard by the Federal Election Commission is a matter of bureaucratic harrassment and frankly, when I brought the matter before my Committee this past Monday night, the majority of the Committee wish to say, in effect, "millions for defense and not one cent for tribute". After discussing the matter with them to a great extent and going into the situation of the time and expense that would be involved to successfully litigate a matter such as this, I finally got them to agree to the Consiliation Agreement that you will find attached herewith as changed as noted by my initials "SSS III".

You are hereby notified that Robert Tauscher is extremely ill and presently in the hospital and is not able to take part in any negotiations of this matter. You are further notified that I was authorized by the Republican Committee of Washington County to handle all of these matters and that Mr. Tauscher has no responsibility for these.

You will note from the Consiliation Agreement that we do not agree that the Federal Election Commission has jurisdiction over the subject matter of this proceeding, though we do admit that to the extent that the Federal Election Commission is operating constitutionally and within the limitations of the intent of Congress in passing 2 U.S.C., §440, et. sig., that we are somewhat controlled by that committee, at least as to Federal elections.

As to Paragraph II, we do not admit that we have had a reasonable opportunity to demonstrate that no action should be taken in the matter because we have not been afforded a proper hearing in the matter by a jury of our piers in a district where the offense, if any, was committed and that we, if we get to any kind of litigation involving this matter, will insist on our rights to be tried by a jury of our piers in the district where the offense was committed if, in fact, any offense was committed.

As to Paragraph III, we will accept sub-paragraph A with the additional words that we are a political committee not only for federal elections but also for state and local elections. We would also add to that for the record that we are an ongoing political committee for the Republican party for all Republican candidates who run for election in Washington County, Virginia, and that we do not, nor have we ever heretofore spent moneys collected for Federal candidates on state campaigns nor have we spent moneys collected for state campaigns on federal campaigns. Furthermore, you should know that all candidates for federal office in the Commonwealth of Virginia run at a time when there are no local candidates elected nor are there any state candidates elected.

As to sub-paragraph B, we admit that allegation with the addition that that contribution was made for the specific purpose of being donated to the state wide candidacies of John Dalton for Governor, Joe Canada for Lt. Governor, and Marshall Coleman for Attorney General. This money was specifically earmarked for state election campaigns and was used by the committee strictly for state elections.

As to sub-paragraph C, we admit that the Federal Election Campaign Act of 1971, as amended, prohibits contributions to Federal candidates and political committees from corporations but we deny the constitutionality of that Act as it applies to us and we further deny the constitutionality of that Act if it is held in any way, shape or form to limit in any way, shape or form contributions by corporations to state or local candidates or to committees operating for state or local candidates.

As to sub-paragraph D, we agree to sub-paragraph D with the addition that he disagreed with that ruling.

As to Paragraph IV, our only admission in that is as follows:

> "Respondents' acceptance of a corporation contribution from Smith, Robinson & Vinyard, Inc. was NOT in violation of 2 U.S.C. §441b if that section is constitutional and valid and it was not in violation of any valid law or regulation of the federal government or any other government which would have jurisdiction over the Respondents."

As to Paragraph V, we specifically do not say that Mr. Tauscher would testify but we do agree that other appropriate officers of the Respondent Committee will testify before any Commission proceeding which is held in the Western District of Virginia or before any other proceeding which is held at the Western District of Virginia and at which the matters at issue herein are relevant. In regard to the Western District of Virginia, we are talking about the Abingdon Division of the Western District of Virginia.

As to Paragraph VI, we absolutely will not, without an appropriate Court Order pay any civil penalty to the U. S. Treasury pursuant to any regulations that you might list.

As to Paragraph VII, we do agree that, in order to settle this matter and without waiving any of our positions heretofore taken, we will transfer $400 to a separate State campaign account of the respondent Committee but we will do so under protest only and we state at this point that we feel that such a transfer, if not illegal, is certainly immoral and improper because it means that moneys which were donated to our Committee specifically for Federal campaign purposes in this Federal election year are to be diverted from the purpose for which they were donated to a purpose which may be entirely different from the purpose of the maker of the donation. In many instances we will have donations made in a Federal election year which are intended to be used for Republican candidates for Federal office and these donations are made by persons who call themselves local Democrats and who may even be Democratic office holders on the local leval. Thus, it is very possible that the $400 that is transferred to a separate State campaign account could be moneys which are donated by Democratic office holders and then turned around and used against those very office holders in accordance with your order. We would state that this is not only unreasonable but immoral and we would do so only under protest as a way of settling this matter. In this regard, you should know that at least 50 percent of our Committee indicated that they felt very strong feelings that we should not even agree to this.

As to Paragraph VIII, we do agree that we will not intentionally engage in future actions in violation of the Federal Campaign Act to the extent that the Federal Campaign Act is constitutional and is proper but that we further submit that we have not done so in the past.

As to Paragraph IX, we specifically deny all points in Paragraph IX and we specifically deny that the U. S. District Court for the District of Columbia has any valid constitutional jurisdiction over us.

We do agree that the Agreement, as amended, and as interpreted and expanded by this letter will become effective as of the date that all parties have executed the same and the Commission has approved it. We do agree with Paragraph XI.

As to the signer of this Agreement, since Mr. Tauscher is sick and in the hospital and unable to take part in any negotiations, I have signed it as Chairman. Under our Party Plan, I am authorized to do so.

I have been specifically instructed by my Committee to inform you that this offer of settlement is our absolute bottom line. I will not write any more letters to you or to anyone else since my time as charged to my clients is $75 per hour and my experience with the United States Government is that they don't tend to pay me for my time.

I will further state that I agree with my Committee that this matter is a matter of harrassment since I know of specific violations of the law as passed by Congress which have been reported to your Committee by Democrat candidates for Congress and by business men paying contributions of very large amounts of

stock in corporations which have watered down the other stockholders holdings and who have had no action taken against them whatsoever. Furthermore, I would respectfully submit that this is a matter to try to impede the political activity of law abiding, honest, local citizens who are simply trying to elect candidates who they feel are the best qualified to run our State, our County and our Nation.

That resolution was passed unanimously by my Committee.

I am sending a copy of this letter to the Honorable William C. Wampler and all of the members of the Virginia Congressional Delegation as well as Senator Scott and Senator Byrd so that they will be aware of the positions that your Commission is taking. I am sure that the position that you are taking in this situation is far beyond the intent of Congress when Congress passed this legislation.

If we do not hear from you that the Commission has accepted this compromise offer within two weeks of our mailing of this letter, that is by no later than October 1, 1978, we will assume that your commission has rejected it and we will prepare to take whatever action is necessary to defend ourselves in the Courts.

Sincerely yours,

SMITH, ROBINSON & VINYARD

S. Strother Smith, III

S. Strother Smith, III, Chariman
Washington County Republican Committee

SSS:nr

Enclosure

cc: Hon. William C. Wampler
Hon. Harry F. Byrd, Jr.
Hon. William C. Scott
Hon. J. Kenneth Robinson
Hon. Caldwell Butler
Hon. William Whitehurst
Hon. Robert Daniels
Hon. William C. Wampler
Hon. Paul Trible

P. S. You should know that all decisions made by the Washington County Republican Committee and reported by me to you in this letter were made unanimously.

GCCM
5010

BEFORE THE FEDERAL ELECTION COMMISSION

806488

In the Matter of	)	
	)	
Washington County (VA) Republican Committee;	)	MUR 587(78)
Robert F. Tauscher, Treasurer	)	
	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondents Washington County Republican Committee and its Treasurer, Robert F. Tauscher, violated 2 U.S.C. §441b;

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Washington County Republican Committee and Robert Tauscher (hereafter the respondents Committee and Tauscher) having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. ~~That the Federal Election Commission has jurisdiction over respondents Committee and Tauscher and the subject matter of this proceeding.~~

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

7 0 0 4 0 1 1 3 5 7

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

A. Respondent Committee is, and at all times relevant hereto was, a "political committee" defined by 2 U.S.C. §431(d), for not only Federal but also for the State & Local Candidates.

B. On October 18, 1977, the Committee accepted a $400 corporate contribution from the law firm of Smith, Robinson, & Vinyard, Inc, for specific use in the 1977 State Election.

C. The Federal Election Campaign Act of 1971, as amended, prohibits contributions to Federal candidates and political committees from corporations but cannot prohibit contributions to State Candidates or Committees.

D. On March 30, 1978, the former Treasurer of respondent Committee was informed that since the respondent Committee was a Federal "political committee," the $400 corporate contribution would have to be refunded or transferred to a separate, segregated, State account in accordance with the provisions of 11 C.F.R. §102.6(b), & he disagreed with that ruling.

WHEREFORE, respondents agree:

IV. Respondents' acceptance of a corporation contribution from Smith, Robinson, & Vinyard, Inc. was not in violation of 2 U.S.C. §441b.

V. That respondent ~~Pauscher and~~ other appropriate officers of the respondent Committee will voluntarily testify before any Commission proceeding, or before any other proceeding, at which the matters at issue herein are relevant.

~~VI. Respondents will pay a civil penalty to the United States Treasury in the amount of One Hundred ($100.00) Dollars pursuant to §437g(a)(6)(B).~~

VII. Respondents ~~shall refund $400 to Smith, Robinson, & Vinyard, Inc. or~~ shall transfer $400 to a separate State campaign account of the respondent Committee pursuant to 11 C.F.R. §102.6.

7 0 2 4 0 1 1 1 3 5 3

VIII. Respondents will not intentionally engage in future action in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq, and submit that they have not done so in the past.

GENERAL CONDITIONS:

IX. ~~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 for the District of Columbia.~~

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

XI. It is agreed that respondents shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained in this agreement and to so notify the Commission.

September 12, 1978
DATE

S. Stratton Smith
~~ROBERT E. TAUSCHER, TREASURER~~ Chairman
WASHINGTON COUNTY REPUBLICAN COMMITTEE

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

SMITH, ROBINSON & VINYARD
ATTORNEYS AT LAW, INC.
117 WEST MAIN STREET
ABINGDON, VIRGINIA 24210

ABINGDON, VA
APR 22
1978
24210

CERTIFIED
No. 587047
MAIL

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

FEDERAL ELECTION COMMISSION

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

September 6, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

S. Strother Smith, Esquire
117 West Main Street
Abingdon, Virginia 24210

Re: MUR 587(78)

Dear Mr. Smith:

On September 5, 1978, the Commission determined there was reasonable cause to believe that the Washington County Republican Committee ("the Committee") is in violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission found reasonable cause to believe that the Committee's continued failure to transfer a $400 corporate contribution to a separate State account, pursuant to Commission regulations at 11 C.F.R.§102.6(b), violates 2 U.S.C.§441b.

The Commission has a duty to attempt to correct such violations for a period of 30 days 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 an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute a civil suit and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign it and return it to the Commission within ten days. I will then recommend that the Commission ratify the agreement. Please note that paragraph VI on page 2

provides for a civil penalty of $100.

If you have any questions or suggestions for changes in the enclosed agreement, please contact Philip Kellett, the staff member assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure:
cc: Robert F. Tauscher

587(78) PLK

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:
S. STROTHER SMITH
117 W. MAIN ST.
ABINGDON, VA. 24210

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943097 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY SEP 11 1978

POSTMARK ABINGDON, VA. SEP 11 1978 USPO

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

GPO: 1977-0-245-595

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Washington County (VA) Republican Committee;	)	MUR 587(78)
Robert F. Tauscher, Treasurer	)	
	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondents Washington County Republican Committee and its Treasurer, Robert F. Tauscher, violated 2 U.S.C. §441b;

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Washington County Republican Committee and Robert Tauscher (hereafter the respondents Committee and Tauscher) having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondents Committee and Tauscher and the subject matter of this proceeding.

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

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

A. Respondent Committee is, and at all times relevant hereto was, a "political committee" defined by 2 U.S.C. §431(d).

B. On October 18, 1977, the Committee accepted a $400 corporate contribution from the law firm of Smith, Robinson, & Vinyard, Inc.

C. The Federal Election Campaign Act of 1971, as amended, prohibits contributions to Federal candidates and political committees from corporations.

D. On March 30, 1978, the former Treasurer of respondent Committee was informed that since the respondent Committee was a Federal "political committee," the $400 corporate contribution would have to be refunded or transferred to a separate, segregated, State account in accordance with the provisions of 11 C.F.R. §102.6(b).

WHEREFORE, respondents agree:

IV. Respondents' acceptance of a corporation contribution from Smith, Robinson, & Vinyard, Inc. was in violation of 2 U.S.C. §441b.

V. That respondent Tauscher and other appropriate officers of the respondent Committee will voluntarily testify before any Commission proceeding, or before any other proceeding, at which the matters at issue herein are relevant.

VI. Respondents will pay a civil penalty to the United States Treasury in the amount of One Hundred ($100.00) Dollars pursuant to §437g(a)(6)(B).

VII. Respondents shall refund $400 to Smith, Robinson, & Vinyard, Inc. or shall transfer $400 to a separate State campaign account of the respondent Committee pursuant to 11 C.F.R. §102.6.

7 9 0 4 0 1 1 1 3 7 4

VIII. Respondents will not engage in future action in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS:

IX. 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 for the District of Columbia.

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

XI. It is agreed that respondents shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained in this agreement and to so notify the Commission.

DATE	ROBERT F. TAUSCHER, TREASURER WASHINGTON COUNTY REPUBLICAN COMMITTEE
DATE	WILLIAM C. OLDAKER GENERAL COUNSEL

7 0 0 4 0 1 1 3 7 5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 587 (78)
Washington County Republican Committee;	)	
Robert F. Tauscher, Treasurer;	)	
Smith, Robinson, & Vinyard, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 5, 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 respondent Committee is in violation of 2 U.S.C. §441b and 11 C.F.R. §102.6.

2. Approve and send the proposed conciliation agreement, attached to the General Counsel's Report dated August 29, 1978, to the respondent Committee.

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

9/5/78
Date

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

Received in Office of Commission Secretary: 8-30-78, 2:12
Circulated on 48 hour vote basis: 8-31-78, 9:30

7 9 0 4 0 1 1 1 3 7 5

August 30, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 587

Please have the attached General Counsel's Report on MUR 587 distributed to the Commission on a 48 hour tally basis.

Thank you.

7904011377

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Washington County Republican Committee;	)	MUR 587(78)
Robert F. Tauscher, Treasurer;	)	
Smith, Robinson, & Vinyard, Inc.	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 24, 1978, the Commission found reason to believe that respondents Washington County Republican Committee ("the Committee") and Robert Tauscher were in violation of 2 U.S.C. §441b for accepting, and respondent Smith, Robinson, & Vinyard, Inc. ("the Corporation") violated §441b for making a $400 corporate contribution.

II. EVIDENCE AND DISCUSSION

Robert Vinyard, a member of the contributing corporation, a law firm, was also treasurer of the respondent Committee at the time the contribution in question was made. The responses of both the Corporation and the Committee to the reason to believe notice are consistent: both believed the Committee to be a state Committee only, free of the §441b prohibition, because it did not support Federal candidates in 1977. The Corporation's response also stated that the $400 it gave to the Committee was for the purpose of purchasing tickets to a fund-raising dinner for Virginia gubernatorial candidate John Dalton.

Under §102.6 of the Commission regulations, the contribution would not have been absolutely prohibited if the Committee had set up a segregated State account to receive corporate contributions.

7 0 1 0 1 1 1 3 7 3

The Committee has had notice of this regulation at least since March 30, 1978, when the Disclosure Division notified them of this. Our previous discussion with Mr. S. Strother Smith, who is respondent Committee's counsel, as well as a member of the contributing law firm, are set out in the Interim Reports to the Commission of June 21, 1978 and July 21, 1978. In these discussions, counsel had promised to forward written documentation to us that a separate State account has been established. As of this writing, however, we have received no such documentation. Moreover, counsel has been unable to specify when the balance of the $400 corporate contribution would be transferred to this State account. The Committee has stated that this depends on when sufficient contributions are received.

The delay encountered with respect to the forwarding of written documentation to the Commission and the transfer of an amount equal to the corporate contribution to the respondent Committee's State account indicates that respondent Committee may not be making a good faith effort to comply with the Act. The promise of respondent Committee's counsel notwithstanding, the Commission is under a duty to conclude this matter expeditiously.

We are recommending that the Commission find reasonable cause to believe that respondent Committee is in violation of the Act and that the situation with respect to the Committee be concluded by entering into a conciliation agreement with them. The proposed conciliation agreement with respondent Committee stipulates a civil penalty of $100 which the Commission may choose to reduce appropriately if respondent Committee shows a good faith effort at com-

7 0 7 4 0 1 1 3 7 0

pliance. The agreement would also require the Committee to take steps to comply with §102.6 of the regulations within 30 days. In view of the fact that respondent Corporation bears no responsibility for the Committee's failure to establish a separate State account, we propose that the Commission take no action with respect to respondent Corporation at this time.

III. RECOMMENDATION

Find reasonable cause to believe that respondent Committee is in violation of 2 U.S.C. §441b and 11 C.F.R. §102.6, and approve the proposed conciliation be sent to the respondent Committee.

8/29/78
DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

ATTACHMENTS:

Letter to Respondent
Proposed Conciliation Agreement

7 0 0 4 0 1 1 1 3 3 0

FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

S. Strother Smith, Esquire
117 West Main Street
Abingdon, Virginia 24210

Re: MUR 587(78)

Dear Mr. Smith:

On September , 1978, the Commission determined there was reasonable cause to believe that the Washington County Republican Committee ("the Committee") is in violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission found reasonable cause to believe that the Committee's continued failure to transfer a $400 corporate contribution to a separate State account, pursuant to Commission regulations at 11 C.F.R.§102.6(b), violates 2 U.S.C.§441b.

The Commission has a duty to attempt to correct such violations for a period of 30 days 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 an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute a civil suit and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign it and return it to the Commission within ten days. I will then recommend that the Commission ratify the agreement. Please note that paragraph VI on page 2

provides for a civil penalty of $100.

If you have any questions or suggestions for changes in the enclosed agreement, please contact Philip Kellett, the staff member assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure:
cc: Robert F. Tauscher.

7 9 0 4 0 1 1 1 3 8 2

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

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS mwe

DATE: JULY 26, 1978

SUBJECT: MUR 587 - Interim Report dated 7-21-78
Signed by OGC: 7-24-78
Received in Office of the Commission
Secretary at 1:52 p.m. on 7-24-78

The above-named document was circulated to the Commission on a 24-hour no-objection basis at 4:30 p.m. on July 24, 1978.

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

7 9 0 7 0 1 1 3 3 6

July 24, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 587

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

Thank you.

7904011384

BEFORE THE FEDERAL ELECTION COMMISSION
July 21, 1978

In the Matter of	)	
	)	
Washington County (VA) Republican Committee;	)	MUR 587(78)
	)	
Robert F. Tauscher, Treasurer;	)	
Smith, Robinson, & Vinyard, Inc.	)	

INTERIM REPORT

On May 24, 1978, the Commission found reason to believe that respondents Washington County Republican Committee ("the Committee") and Robert Tauscher were in violation of 2 U.S.C.§441b for accepting, and respondent Smith, Robinson, & Vinyard, Inc. violated §441b for making a $400 corporate contribution.

Our previous discussion with respondents' counsel is set out in the Interim Report to the Commission of June 21, 1978.

On July 19, 1978, in a telephone conversation with a member of the General Counsel's staff, respondents' counsel advised us that the Committee, on July 15, 1978, voted to establish a separate, segregated, state account to which the $400 corporate contribution will be transferred pursuant to Commission regulations at 11 C.F.R.§102.6. Respondents' counsel also advised that written confirmation and documentation of the Committee's action is being forwarded to this office. We will be prepared to make a recommendation to the Commission when this written documentation is received.

7/24/78
DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

7 0 0 4 0 1 1 1 3 8 3

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

June 22, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: MUR 587 - Interim Report dated 6-20-78, Signed: 6-21-78
Received in OCS: 6-21-78, 1:18

The above-mentioned document was circulated on a 24 hour no-objection basis at 3:30 p.m., June 21, 1978.

As of 3:30 p.m., this date, no objections have been received in the Office of Commission Secretary to the Interim Report.

7 0 0 1 1 1 3 9 5

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 387

Please have the attached Interim report on MUR 528 distributed to the Commission on a 24 hour no@objection basis.

Thank you.

7904011387

BEFORE THE FEDERAL ELECTION COMMISSION
June 20, 1978

In the Matter of	)	
	)	
Washington County (VA) Republican Committee, Robert F. Tauscher, Treasurer; Smith, Robinson, & Vinyard, Inc.	)	MUR 587(78)

INTERIM REPORT

On May 24, 1978, the Commission found reason to believe that respondents were in violation of 2 U.S.C.§441b. We have received written responses from both respondents and have been in telephone contact with them since that time.

On June 13, 1978, respondent Committee's counsel telephoned a member of the General Counsel's staff to advise that the Committee was making arrangements to comply with Commission regulations by establishing a separate, non-federal account and transferring the corporate contribution to that non-federal account.

The Committee's counsel has promised that the Committee will establish the non-federal account and transfer the contribution to that account at the Committee's next meeting in July, and to notify the Commission in writing when this has been done. At that time, we will be prepared to make the appropriate recommendation.

6/21/78
DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

DCC 3860

ROBERT E. TAUSCHER
Box 201, Route 1
Abingdon, Virginia 24210

RECEIVED
FEDERAL ELECTION
COMMISSION

June 16, 1968

JUN 19 PM 12 35

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

803410

Re: MUR 587 (78)

Dear Mr. Oldaker:

S. Strother Smith III, Chairman, Washington County Republican Party, has informed me that he has contatted you by telephone, and that he is taking the required action on this matter (MUR 587 (78).

In a letter dated June 13, 1978 from Mr. S. S. Smith, he advised me that he request you to contact his office in reguard to the above matter. Please send me a copy of all correspondence on this matter so that the Washington County Republican Party Treasurer files may be kept up to date.

Thank You.

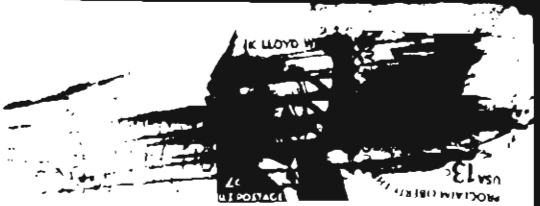
Very truly yours,

Robert E. Tauscher
DCT

Robert E. Tauscher
Treasurer, Washington
County Republican Party.

7 9 0 4 0 1 1 1 3 3 1

ROBERT E. TAUSCHER
Box 28[illegible], Route 1
Abingdon, Virginia 24210



[illegible] 12.85

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

Attention William C. Oldaker
General Counsel

DCC 3736

RECEIVED
FEDERAL ELECTION
COMMISSION

SMITH, ROBINSON & VINYARD
ATTORNEYS AT LAW, INC.
117 WEST MAIN STREET
ABINGDON, VIRGINIA 24210
(703) 628-7186

S. STROTHER SMITH
WM. HOBART ROBINSON
ROBERT AUSTIN VINYARD
ROBERT TAYLOE COPELAND

STEPHEN J. KALISTA
JOHN JEFFREY FLUCK

WISE, VA. OFFICE
(703) 328-5119
OAKWOOD, VA. OFFICE
(703) 498-5111
CLINTWOOD, VA. OFFICE
(703) 926-4705
PLEASE REPLY TO:
ABINGDON OFFICE

'78 JUN 8 AM 11:54

June 5, 1978

803408

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: MUR 587 (78)

Dear Mr. Oldaker:

Please be advised that I have received your letter dated June 1, 1978, reference the possible violation of 2 U.S.C. Section 441b.

I have, on previous occasions, spoken to members of the Federal Election Commission staff reference the accounting practices which were used by the Washington County Republican Committee prior to January 1, 1978. At that time, the Washington County Republican Committee, as a continuing political activity, maintained only one bank account which it used for Federal candidates in years in which there were Federal elections and for State candidates in years in which there were State elections.

In 1977, the Washington County Republican Committee received no contributions nor made any expenditures for the benefit of any Federal candidates; however, it did receive contributions and make expenditures for the benefit of numerous State candidates, including Governor Dalton, Attorney General Coleman, and candidates for the House of Delegates and Lt. Governor.

The contribution made by Smith, Robinson & Vinyard on the 18th day of October, 1977 was for the purchase of dinner tickets to a dinner which honored Governor Dalton in Abingdon. The monies from this dinner were used solely for the benefit of Governor Dalton or other State candidates. Since under the Virginia statute, corporate contributions made to State candidates are not illegal, I cannot understand the reason for your inquiry. This matter has been explained numerous other times to other members of your staff.

When questions involving the accounting practices of the Washington County Republican Committee were first brought to my attention, since I was then serving as Treasurer of that Committee, I directed that we comply with the Commission's request and set up separate accounts for State and Federal Elections. It is my understanding that the succeeding treasurer, Robert Tauscher, Route 1, Abingdon, Virginia, has complied with this. The only reason that this firm's contribution was listed on a report to the Federal Election Commission was the fact that we were not aware of the necessity of filing any further reports after the 1976 election other than the postal cards which certified that we had not received nor expended any funds for the election of any Federal candidate. Please be advised that at no time has this corporation ever contributed any goods, services, or funds for the election of any Federal candidate in violation of 2 U.S.C., Section 441b.

If there are any further questions involving this matter, please advise.

Sincerely yours,

SMITH, ROBINSON & VINYARD

Robert Austin Vinyard

RAV/kpc

SMITH, ROBINSON & [illegible]NYARD
ATTORNEYS AT LAW, INC.
117 WEST MAIN STREET
ABINGDON, VIRGINIA 24210

FEC

JUL 8 AM 11:53

CERTIFIED
No. 133255
MAIL

RETURN RECEIPT REQUESTED

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

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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert A. Vinyard, Esquire
Smith, Robinson & Vinyard
117 Main Street
Abingdon, Virginia 24210

Re: MUR 587 (78)

Dear Mr. Vinyard:

This letter is to notify you that on May 24, 1978, the Commission found reason to believe that your corporation is in violation of certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that your corporation violated 2 U.S.C. §441b by making a contribution to the Washington County Republican Committee on October 18, 1977.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Evidence of your receipt of a refund of the contribution from the committee will also be considered. Where appropriate, statements should be submitted under oath.

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

If you have any questions, please contact Philip Kellett, the staff member assigned to this matter, at 202-523-4001.

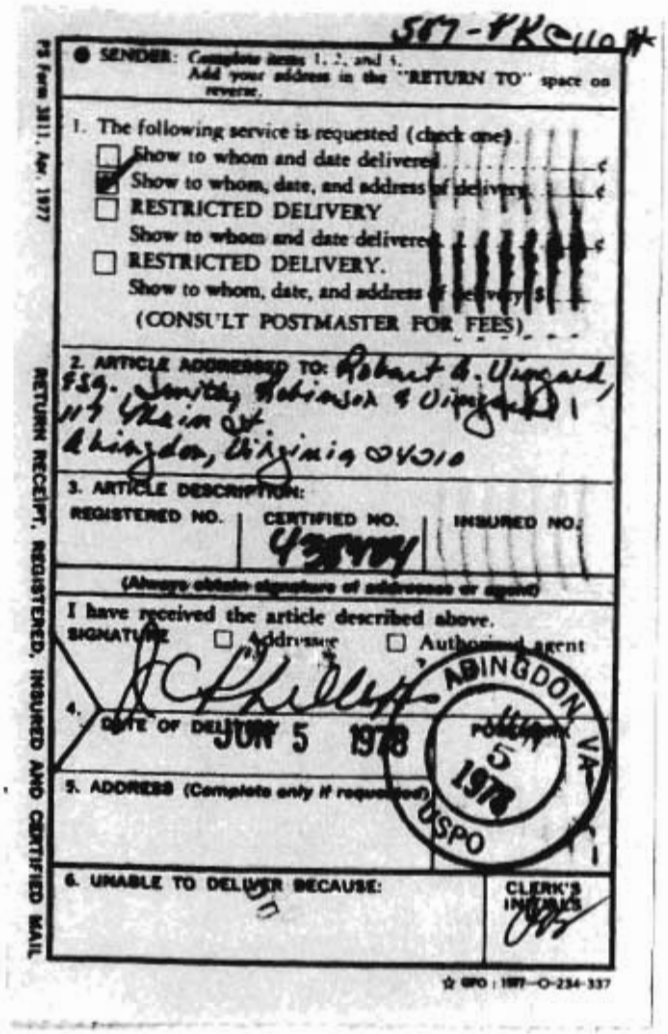
This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

7 9 0 1 0 1 1 1 3 9 4

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

Sincerely yours,

William C. Oldaker
General Counsel



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

June 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Washington County Republican
Committee
Robert F. Tauscher, Treasurer
Route 1, Box 281
Abingdon, Virginia 24210

Re: MUR 587 (78)

Dear Mr. Tauscher:

This letter is to notify you that on May 24, 1978, the Commission found reason to believe that you are in violation of certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that your committee violated 2 U.S.C. §441b by accepting a $400 corporate contribution from Smith, Robinson & Vinyard, Inc. on October 18, 1977.

We have been advised by your committee's former treasurer, Mr. Robert Vinyard, that the committee supported only candidates for state offices in 1977. Nevertheless, your committee is subject to the Act's provisions and Commission regulations until such time as it files a notice of termination with the Commission. Section 102.6(a)(2)(ii) of Commission regulations allows a single committee with a single account to support both federal and non-federal candidates as long as all contributions received are permissible under the Act. The Act prohibits the acceptance of corporate contributions.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Evidence that the amount has been refunded to the contributor or transferred to a separate, non-federal committee will also be considered. Where appropriate, statements should be submitted under oath.

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

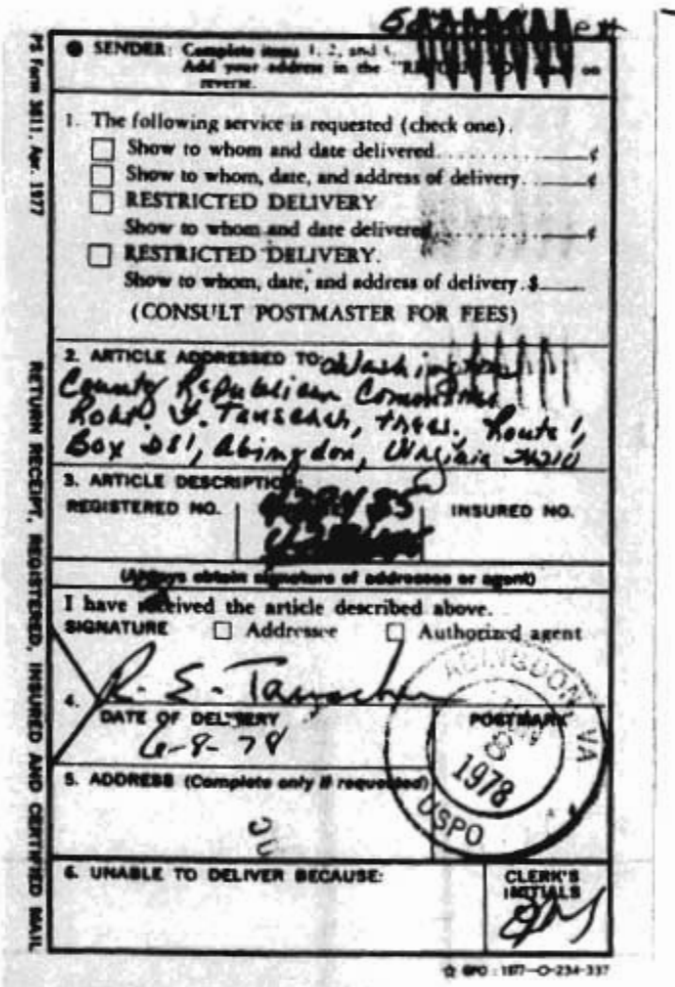
If you have any questions, please contact Philip Kellett, the staff member assigned to this matter, at 202-523-4001.

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 yours,

William C. Oldaker
General Counsel



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: Washington County Republican Committee, Robt. F. Tauscher, Treas., Route 1, Box 281, Abingdon, Virginia 24210

3. ARTICLE DESCRIPTION:
REGISTERED NO. [illegible] INSURED NO.

(Always obtain signature of addressee or agent)

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

4. R. E. Tauscher
DATE OF DELIVERY 6-8-78
POSTMARK ABINGDON VA 8 1978 USPO

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS

☆ GPO : 1977—O-234-337

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter	)	
	)	MUR 587 (78)
Washington County Republican Committee (VA)	)	
Robert F. Tauscher, Treasurer	)	
Smith, Robinson & Vinyard	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 24, 1978, the Commission approved by a vote of 6-0 the recommendations in the First General Counsel's Report dated May 18, 1978 to take the following actions in the above-captioned matter:

1. Find reason to believe that respondent Washington County Republican Committee and respondent Tauscher are in violation of 2 U.S.C. §441b for accepting corporate contributions.

2. Find reason to believe that respondent Smith, Robinson & Vinyard, Inc. are in violation of §441b for making corporate contributions.

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

Date: 5/24/78

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 5-18-78, 4:30
Circulated on 48 hour vote basis: 5-19-78, 2:00
Notification of objection: 5-22-78, 4:30
Objection removed by Commissioner Staebler during Executive Session, 5-24-78. Commissioner Tiernan's objection removed at the same time.

7 9 0 1 0 1 1 1 3 0 3

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

May 22, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: OBJECTION - MUR 587 (78) First General Counsel's Report dated 5-18-78

The above-mentioned document was circulated on a 48 hour vote basis at 2:00 p.m., May 19, 1978.

Commissioner Staebler submitted an objection at 3:39 p.m., this date, thereby placing MUR 587 (78) on the Executive Session Agenda for May 24, 1978.

7 0 0 4 0 1 1 3 0 0

May 18,1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 587(78)

Please have the attached 7 day report on MUR 587 distributed to the Commission onas 48 hour tally basis.

Thank you.

7904011400

FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO COMMISSION MAY 18 1978

MUR NO. 587(78)
STAFF MEMBER(S)

Kellett

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENT'S NAME: Washington County Republican Committee (VA)
Robert F. Tauscher, Treasurer
Route 1, Box 281
Abingdon, VA 24210

Smith, Robinson & Vinyard
117 West Main Street
Abingdon, VA 24210

RELEVANT STATUTE:
2 U.S.C. §441b
11 C.F.R. §102.6

INTERNAL REPORTS CHECKED: 3 SV1/78-21, Public Records

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

This matter was initiated by the Disclosure Division for the respondent committee's acceptance of a corporate contribution. Disclosure's investigation of respondents began when, in the ordinary course of its supervisory responsibilities, it reviewed the respondent committee's 1977 Year End Report of receipts and expenditures. This report indicates that on October 18, 1977 respondent committee received a $400 contribution from the respondent law firm of Smith, Robinson & Vinyard, Inc.

EVIDENCE

It was determined that respondent Smith, Robinson & Vinyard, Inc. is incorporated under Virginia law and is registered with the Corporate Information division of the Virginia Secretary of State as a corporation in good standing as of January 2, 1973.

A surface violation letter was sent by the Disclosure Division on March 27, 1978 informing the respondent committee of the Act's prohibition on corporate contributions to candidates for federal office. In response to Disclosure's letter, Mr. Robert Vinyard, former treasurer of the respondent committee, stated that in 1977 the committee neither received nor expended any funds for the purpose of influencing a federal election and that respondent committee supported only candidates for State offices. Respondent committee has registered with the Commission as a federal committee, however, and in 1976 received and expended in excess of $1,000 in support of federal candidates.

In a telephone conversation with a member of the Disclosure Division staff on March 30, 1978, Mr. Vinyard was advised that the respondent committee would have to refund the contribution or establish a separate, non-federal committee to which the contribution could be transferred. (See 11 C.F.R. §102.6) Mr. Vinyard replied that respondent committee would take one of these options as soon as they had the funds.

RECOMMENDATIONS

1. Find reason to believe that respondent Washington County Republican Committee and respondent Tauscher are in violation of 2 U.S.C. §441b for accepting corporate contributions.

2. And find reason to believe that respondent Smith, Robinson & Vinyard, Inc. are in violation of §441b for making corporate contributions.

3. Send attached letters.

7 9 0 1 0 1 1 1 4 0 2

FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert A. Vinyard, Esquire
Smith, Robinson & Vinyard
117 Main Street
Abingdon, Virginia 24210

Re: MUR 587 (78)

Dear Mr. Vinyard:

This letter is to notify you that on May , 1978, the Commission found reason to believe that your corporation is in violation of certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that your corporation violated 2 U.S.C. §441b by making a contribution to the Washington County Republican Committee on October 18, 1977.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Evidence of your receipt of a refund of the contribution from the committee will also be considered. Where appropriate, statements should be submitted under oath.

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

If you have any questions, please contact Philip Kellett, the staff member assigned to this matter, at 202-523-4001.

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 yours,

William C. Oldaker
General Counsel

FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Washington County Republican
Committee
Robert F. Tauscher, Treasurer
Route 1, Box 281
Abingdon, Virginia 24210

Re: MUR 587 (78)

Dear Mr. Tauscher:

This letter is to notify you that on May , 1978, the Commission found reason to believe that you are in violation of certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that your committee violated 2 U.S.C. §441b by accepting a $400 corporate contribution from Smith, Robinson & Vinyard, Inc. on October 18, 1977.

We have been advised by your committee's former treasurer, Mr. Robert Vinyard, that the committee supported only candidates for state offices in 1977. Nevertheless, your committee is subject to the Act's provisions and Commission regulations until such time as it files a notice of termination with the Commission. Section 102.6(a)(2)(ii) of Commission regulations allows a single committee with a single account to support both federal and non-federal candidates as long as all contributions received are permissible under the Act. The Act prohibits the acceptance of corporate contributions.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Evidence that the amount has been refunded to the contributor or transferred to a separate, non-federal committee will also be considered. Where appropriate, statements should be submitted under oath.

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

If you have any questions, please contact Philip Kellett, the staff member assigned to this matter, at 202-523-4001.

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 yours,

William C. Oldaker
General Counsel

REPORTS ANALYSIS REFERRAL SHEET 4 0 7 D #61

Date 5/1/78

Analyst [illegible]

Team Chief Irene Allen

Compliance Review C. Bowen

TO: OFFICE OF GENERAL COUNSEL

THROUGH: Staff Director [illegible]

FROM: Assistant Staff Director for Reports Analysis [illegible]

DESCRIPTION:

Candidate/Committee Washington County Republican Committee(VA)

Treasurer Robert F. Tauscher, formerly Robert A. Vinyard

Address Route 1, Box 281, Abingdon, Virginia, 24210

REPORTS: (For reports reviewed, amendments, RFAI's, etc, see indices, Attachment 1)

Period Covered from 1/1/77 to 12/31/77

Total Receipts $ 9,312 Total Expenditures $ 11,443

1977 Cash on Hand $ 231(12/31); 2,362(1/1) Debts $ 477

REASON(S) FOR REFERRAL:

Allegation(s)	Cite	Attachment
Contribution from a corporation	2 U.S.C. 441b	2

HISTORY:

3SV1/78-21-sent 3/27/78 — Attachment 3

Telecon of 3/30/78 — Attachment 4

Letter of 4/7/78-inadequate — Attachment 5

Response inadequate because the contributed funds have not been removed from the bank account of the committee in the form of a contribution refund to the donor.

A review of reports filed for 1977 discloses no activity having an influence on Federal elections.

Date of incorporation-1/2/73-confirmed — Attachment 6

RAD File # 84-32

7 9 0 1 0 1 1 1 4 0 3

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS (C)

DATE [illegible]
PAGE 1

PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
[illegible] REPUBLICAN COMMITTEE								ID# C00045484
[illegible] STATEMENT OF ORGANIZATION- AMENDMENT						24MAR78	1	78FEC/069/3003
[illegible] APRIL 10 QUARTERLY	3A - POSTCARD						1	77FEC/[illegible]/2016
OCTOBER 10 QUARTERLY	3A POSTCARD					1JUL77 -30SEP77	2	77FEC/[illegible]
[illegible] REPORT						1OCT77 -31DEC77	2	78FEC/[illegible]
[illegible] REPORT		9,312		11,443		1JAN77 -31DEC77	13	78FEC/067/4125
[illegible] FOR ADDITIONAL INFORMATION						1OCT77 -31DEC77	3	78FEC/[illegible]/0200
[illegible] REPORT	AMENDMENT					1OCT77 -31DEC77	21	78FEC/[illegible]/3003
[illegible] FOR ADDITIONAL INFORMATION						1JAN77 -31DEC77	2	78FEC/[illegible]/1077
[illegible] REPORT	AMENDMENT					1OCT77 -31DEC77	4	78FEC/[illegible]/1951
[illegible] APRIL 10 QUARTERLY	3A - POSTCARD					1JAN78 -31MAR78	2	78FEC/[illegible]/0928
	TOTAL	9,312	0	11,443	0		51	TOTAL PAGES

ATTACHMENT 1

A

Election Commission
K Street, N.W.
ington, D.C. 20463

Itemized Receipts, Contributions, Ticket Purchases, Loans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(See Instructions on back)

Page 2 of 4 for
LINE NUMBER 15 a.
(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

ATTACHMENT 2

Washington County Republican Committee
Robert Austin Vinyard, Treasurer

Full Name, mailing address and ZIP code	Principal place of business	Occupation / Aggregate Year-to-date	Date (month, day, year)	Amount of each receipt this period
James R. Moore (Deceased)	120 Court Street, S.E. Abingdon, VA 24210	Attorney; ☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $ 120.00	10-18-77 10-31-77 11- 3-77	100.00 10.00 10.00
Helen P. Gordon, Route 2, Cleveland, VA		☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $ 200.00	10-14-77	200.00
Paul E. Seyphers, Route 6, Abingdon, VA 24210	Castle Motors, Lebanon, VA 24266	Sales Manager; ☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $ 375.00	9-12-77 11- 7-77	31.00 344.00
Smith, Robinson & Vinyard, 117 West Main Street, Abingdon, VA 24210	117 West Main Street, Abingdon, VA 24210	Law Firm; ☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $ 400.00	10-18-77	400.00
		☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $		
		☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $		

Subtotal of receipts this page (optional) ▷ $ 1,095.00

Total this period (last page this line number only) ▷ $ 2,267.00

In reply please refer to 3SV1/78-21

ATTACHMENT 3

FEDERAL ELECTION COMMISSION

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

March 27, 1978

Robert A. Vinyard, Treasurer
Washington County Republican Committee
117 West Main Street
Abingdon, Virginia 24210

Dear Vinyard:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the January 31 Year End Report of Receipts and Expenditures, we noticed an entry indicating that you may have accepted a contribution from a corporation. Corporate contributions are prohibited by the Act, unless the contribution is made by a separate segregated fund established by the corporation. A copy of that portion of your report is attached for your review and clarification.

The Commission recommends that if you have accepted a prohibited contribution that you return the full amount to the donor. The return of the contribution should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If the identification of the source of this contribution is incomplete or incorrect on the original report, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within ten (10) days of receipt of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact David Greevy (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4048.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Enclosure
Certified Mail:
Return Receipt Requested

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

Itemized Receipts, Contributions, Ticket Purchases, Loans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(see instructions on back)

Page 2 of 2 for
LINE NUMBER 15 a.
(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full
Washington County Republican Committee
Robert Austin Vinyard, Treasurer

Full Name, mailing address and ZIP code	Principal place of business	Occupation / Aggregate Year-to-date	Date (month, day, year)	Amount of each receipt this period
James R. Moore (Deceased)	120 Court Street, S.E. Abingdon, VA 24210	Attorney; ☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $ 120.00	10-18-77 10-31-77 11- 3-77	100.00 10.00 10.00
Helen P. Gordon Route 2 Cleveland, VA		☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $ 200.00	10-14-77	200.00
Paul E. Seyphers Route 6 Abindon, VA 24210	Castle Motors Lebanon, VA 24266	Sales Manager; ☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $ 375.00	9-12-77 11- 7-77	31.00 344.00
Smith, Robinson & Vinyard 117 West Main Street Abingdon, VA 24210	117 West Main Street Abingdon, VA 24210	Law Firm; ☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $ 400.00	10-18-77	400.00
		☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $		
		☐ Check if Contributor is self-employed; Aggregate Year-to-date ▷ $		

Subtotal of receipts this page (optional) ▷ $ 1,045.00

Total this period (last page this line number only) ▷ $ 2,267.00

ATTACHMENT 4

Telecon:

Dug Greevy
3/30/78
Washington County Republican Committee-Robert Vinyard

Vinyard called this day regarding 3SV1/78-21

Vinyard stated:

1. The committee was not active in 1977 in Federal elections. Their activity was only State and local, and primarily concerned with the gubernatorial election. They therefore thought that the committee would not come under the ACT.

2. The corporate contribution referred to was from his law offices.

I spoke to him concerning comingling of funds, and stated that the corporate contribution would have to be refunded , as stated in the letter to the committee, or the committee would need to establish a segregated non-Federal committee and transfer the amount of the contribution to the account of the non-Federal committee.

He replied that they would take either of these options as soon as they had the funds, which may not be for another several months, as they would not be gearing up for the congressional elections until sometime in June.

A letter would be submitted to FEC shortly.

Make note of change in treasurer.

SMITH, ROBINSON & VINYARD

I have either spoken to or written any number of individuals at the Commission. After the receipt of a number of letters, I am at a loss to determine whether these letters are received and are read.

I hope this letter will make the situation clear to you and settle this once and for all.

Sincerely yours,

SMITH, ROBINSON & VINYARD, INC.

Robert A. Vinyard

Enclosure - 1
Letter

RAV:jp

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

8[illegible]1695

ATTACHMENT 5

FEDERAL ELECTION

SMITH, ROBINSON & VINYARD
ATTORNEYS AT LAW, INC.
117 WEST MAIN STREET
ABINGDON, VIRGINIA 24210
(703) 628-7186

S. STROTHER SMITH
WM. HOBART ROBINSON
ROBERT AUSTIN VINYARD
ROBERT TAYLOE COPELAND

STEPHEN J. KALISTA
JOHN JEFFREY FLUCK

WISE, VA. OFFICE
(703) 328-3110
OAKWOOD, VA. OFFICE
(703) 498-3111
CLINTWOOD, VA. OFFICE
(703) 926-4703
PLEASE REPLY TO:
ABINGDON OFFICE

'78 APR 10 PM 1:35

April 7, 1978

Mr. Orlando B. Potter
Staff Director
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Certified Mail - Return Receipt Requested

Ref: 35VI/78-21

Dear Mr. Potter:

I am in receipt of your letter of March 27, 1978 received in my office March 30, 1978. I have already spoken concerning this matter to Mr. David Greevy in your office concerning the questions contained in your letter.

The Report that was made for the 1977 calendar year was made only because another individual in your office requested it. The Washington County Republican Committee neither received nor expended any funds in 1977 for the nomination and/or election of a Federal candidate. All funds received or expended in 1977 were for the nomination and/or election of candidates to State offices from the Commonwealth of Virginia. As such, contributions from corporations are entirely legal under State law and were accepted and expended.

It is my understanding that the Commission asked for this Report because of the fact in this period the Committee did not keep separate accounts for State and Federal elections.

Please be advised that as soon as any funds are received in this calendar year the new Treasurer of the Committee, Mr. Robert Tauscher, Route 1, Abingdon, Virginia 24210, will set up a separate account for Federal elections so that there will be no questions in the future concerning this matter.

In reply please refer to 3SV1/78-21

FEDERAL ELECTION COMMISSION

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

March 27, 1978

RECEIVED

MAR 30 1978

SMITH, ROBINSON & VINYARD

Robert A. Vinyard, Treasurer
Washington County Republican Committee
117 West Main Street
Abingdon, Virginia 24210

Dear Vinyard:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the January 31 Year End Report of Receipts and Expenditures, we noticed an entry indicating that you may have accepted a contribution from a corporation. Corporate contributions are prohibited by the Act, unless the contribution is made by a separate segregated fund established by the corporation. A copy of that portion of your report is attached for your review and clarification.

The Commission recommends that if you have accepted a prohibited contribution that you return the full amount to the donor. The return of the contribution should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If the identification of the source of this contribution is incomplete or incorrect on the original report, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within ten (10) days of receipt of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact David Greevy (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4048.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Enclosure
Certified Mail:
Return Receipt Requested

7 8 0 3 0 7 1 1 9 5 3

SMITH, ROBINSON & VINYARD
ATTORNEYS AT LAW, INC.
117 WEST MAIN STREET
ABINGDON, VIRGINIA 24210

To: Mr. Orlando P. Potter
Staff Director
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

ABINGDON VA. APR -7'78

U.S. POSTAGE 0.98

CERTIFIED
No. 133314
MAIL

8030711054

Attachment 6

Telecon:

Re: Washington County Republican Committee

Called Virginia Secretary of State, Corporate Division, this day to learn that Smith, Robinson & Vinyard is a corporation in good standing, date of incorporation 1/2/73.

David U. Greevy
3/14/78

7 9 0 4 0 1 1 4 1 7

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 587

Date Filmed 3/16/79 Camera No. --- 2

Cameraman GPC

7 9 0 4 0 1 1 1 4 1 3