



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF TÜR # 654

Date Filmed 1/11/79 Camera No. --- 2

Cameraman GPC

MUR 654

PS Form 3811 Apr 1977

78654 250

● 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 C
 Show to whom, date, and address of delivery C
 RESTRICTED DELIVERY
Show to whom and date delivered C
 RESTRICTED DELIVERY
Show to whom, date, and address of delivery \$
(CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO
Terin A. Smith, Esq.
518 Canyon Ave, N.W.
Atlanta, Ga 30308

3 ARTICLE DESCRIPTION
REGISTERED NO CERTIFIED NO INSURED NO
438459
(Always obtain signature of addressee or agent)

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

4 DATE OF DELIVERY POSTMARK
11-27-78

5 ADDRESS (Complete only if requested)
518 Canyon Ave

6 UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

©GPO 1977-0-249-595

PS Form 3811 Apr 1977

654

● 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 C
 Show to whom, date, and address of delivery C
 RESTRICTED DELIVERY
Show to whom and date delivered C
 RESTRICTED DELIVERY
Show to whom, date, and address of delivery \$
(CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO
Demeter Hebert Schmitt

3 ARTICLE DESCRIPTION
REGISTERED NO CERTIFIED NO INSURED NO
438457
(Always obtain signature of addressee or agent)

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

4 DATE OF DELIVERY POSTMARK
NOV 27 1978

5 ADDRESS (Complete only if requested)

6 UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

©GPO 1977-0-249-595

POSTFORM 39111 Apr 1977 RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

654 Edwards

● 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 _____ C
 Show to whom, date, and address of delivery _____ C
 RESTRICTED DELIVERY Show to whom and date delivered _____ C
 RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ _____
 (CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO
John Edwards, General

3 ARTICLE DESCRIPTION
 REGISTERED NO CERTIFIED NO INSURED NO
438462

(Always obtain signature of addressee or agent)

I have received the article described above
 SIGNATURE Addressee Authorized agent
Conrad DeBate

4 DATE OF DELIVERY
 POSTMARK NOV 27 1978

5 ADDRESS Complete only if requested

6 UNABLE TO DELIVER BECAUSE _____ CLERK'S INITIALS _____

2-520 1977 0-749-595

POSTFORM 39111 Apr 1977 RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

DE MURPHY

● 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 _____ C
 Show to whom, date, and address of delivery _____ C
 RESTRICTED DELIVERY Show to whom and date delivered _____ C
 RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ _____
 (CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO
Debra S. Murphy, General

3 ARTICLE DESCRIPTION
 REGISTERED NO CERTIFIED NO INSURED NO
438461

(Always obtain signature of addressee or agent)

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

4 DATE OF DELIVERY
 POSTMARK NOV 27 1978

5 ADDRESS Complete only if requested

6 UNABLE TO DELIVER BECAUSE _____ CLERK'S INITIALS _____

2-520 1977 0-749-595

7904133201

E 162454

PS Form 3811, Rev. 10/77 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 _____ C
 Show to whom, date, and address of delivery _____ C
 RESTRICTED DELIVERY Show to whom and date delivered _____ C
 RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ _____ C
 (CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO

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

 438408

(Always obtain signature of addressee or agent)

I have received the article described above:
 SIGNATURE _____ Addressee _____ Authorized agent _____
 DATE OF DELIVERY _____

5 ADDRESS Complete only if requested by addressee

6 UNABLE TO DELIVER BECAUSE _____





FEDERAL ELECTION COMMISSION

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

November 24, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert O. Anderson
Box 1000
Roswell, New Mexico 88201

Re: MUR 654 (78)

Dear Mr. Anderson:

On November 21, 1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure:
Commission's Certification

cc: The Honorable Harrison H. Schmitt
Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee

79040083205

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert O. Anderson
Box 1000
Roswell, New Mexico 88201

11/24/78

Re: MUR 654 (78)

Dear Mr. Anderson:

On November , 1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

is/

William C. Oldaker
General Counsel

Enclosure:
Commission's Certification

cc: The Honorable Harrison H. Schmitt
Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee

CSJ

79040083207



FEDERAL ELECTION COMMISSION

125 K STREET NW
WASHINGTON, DC 20463

November 24, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. A. Palmer, Esquire
Palmer and Frost, P.A.
Attorneys At Law
200 North Allen
Farmington, New Mexico 87401

Re: MUR 654 (78)

Dear Mr. Palmer:

On November 21, 1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

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

William C. Oldaker
General Counsel

Enclosure:
Commission's Certification

cc: The Honorable Harrison H. Schmitt
Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee

79040034203

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. A. Palmer, Esquire
Palmer and Frost, P.A.
Attorneys At Law
200 North Allen
Farmington, New Mexico 87601

4/24/78

Re: MUR 654 (78)

Dear Mr. Palmer:

On November , 1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

W

William C. Oldaker
General Counsel

Enclosure:
Commission's Certification

cc: The Honorable Harrison H. Schmitt
Randall P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee

79040083209

W



FEDERAL ELECTION COMMISSION

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

November 24, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bryan G. Johnson, Esquire
Johnson and Lanphere, P.C.
Attorneys and Counselors At Law
6400 Uptown Boulevard NE
Suite 200 West
Albuquerque, New Mexico 87110

Re: MUR 654 (78)

Dear Mr. Johnson:

On November 21, 1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

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

William C. Oldaker
General Counsel

Enclosure:
Commission's Certification

cc: The Honorable Harrison H. Schmitt
Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee

79010083210

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bryan G. Johnson, Esquire
Johnson and Lanphere, P.C.
Attorneys and Counselors At Law
6400 Uptown Boulevard NE
Suite 200 West
Albuquerque, New Mexico 87110

11/24/78

Re: MUR 654 (78)

Dear Mr. Johnson:

On November , 1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

151
William C. Oldaker
General Counsel

Enclosure:
Commission's Certification

cc: The Honorable Harrison H. Schmitt
Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee

79040083211

CEJ



FEDERAL ELECTION COMMISSION

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

November 24, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee
and Democrats for Schmitt Committee
Post Office Box 8261
Albuquerque, New Mexico 87108

Re: MUR 654 (78)

Dear Mr. Sullivan:

On November 21, 1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure:
Commission's Certification

cc: The Honorable Harrison H. Schmitt

7 9 7 1 0 0 8 3 2 1 1

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee
and Democrats for Schmitt Committee
Post Office Box 8261
Albuquerque, New Mexico 87108

4/14/78

Re: MUR 654 (78)

Dear Mr. Sullivan:

On November ,1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

/s/

William C. Oldaker
General Counsel

Enclosure:

Commission's Certification

cc: The Honorable Harrison H. Schmitt

CEB

79040083213

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Harrison Schmitt Senatorial)	MUR 654 (78)
Committee)	
Democrats for Schmitt Committee)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 21, 1978, the Commission determined by a vote of 6-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated November 15, 1978, regarding the above-captioned matter:

1. Take no further action against Robert O. Anderson, Tom Bolack, and Edna Oxnard.
2. Take no further action against the Harrison Schmitt Senatorial Committee.
3. Take no further action against the Democrats for Schmitt Committee.
4. Close the file.
5. Send the letters attached to the above-named report.

Attest:

11-21-78

Margaret E. Chaney

 for Marjorie W. Emmons

Date

Secretary to the Commission

Received in Office of Commission Secretary:	11-16-78, 11:07
Circulated on 48 hour vote basis:	11-17-78, 10:30

79040033214

November 16, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 654

Please have the attached General Counsel's Report on MUR 654 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040083215

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
SECRETARY

NOV 16 11:07

In the Matter of)	
)	
Harrison Schmitt Senatorial)	MUR 654 (78)
Committee)	
Democrats for Schmitt Committee)	

GENERAL COUNSEL'S REPORT

I. History of Case

This matter was initiated internally after the random audits of the Harrison Schmitt Senatorial Committee ("the Principal Committee"), the principal campaign of then Senatorial Candidate Harrison H. Schmitt, and the Democrats for Schmitt Committee ("the Authorized Committee"). Senator Schmitt was the successful Senatorial candidate from New Mexico in the 1976 general election.

These random audits revealed that the Principal Committee received nine (9) contributions from eight (8) contributors, each in excess of \$1,000.00. All of these contributions were received after the June 6, 1976, primary election. The auditors also found that the Principal Committee had failed to retain adequate documentation for 108 expenditures, each in excess of \$100.00.

In addition, the auditors found that the Authorized Committee had failed to retain adequate documentation for 23 expenditures, each in excess of \$100.00

The Audit Division formally notified the Committees of its findings and recommendations on April 24, 1978.

70910031215

On July 8, 1978, the Principal Committee supplied documentation indicating that five (5) of the eight (8) contributors had designated that the excessive portions of their contributions be applied to the primary election debts. However, at that time, the Principal Committee did not provide information concerning the three (3) remaining contributions.

On July 17, 1978, this matter was referred to the Office of General Counsel.

The Commission, on September 13, 1978, found reason to believe that the Harrison Schmitt Senatorial Committee violated 2 U.S.C. § 441a(f) by accepting three contributions which were each in excess of the \$1,000.00 per election contribution limitation. The Commission also found reason to believe that the Principal Committee violated 2 U.S.C. § 432(d) by failing to retain documentation for 93 itemizable expenditures. In addition, the Commission found reason to believe that the Democrats for Schmitt Committee violated 2 U.S.C. § 432(d) for 23 itemizable expenditures.

Finally, the Commission found reason to believe that Messrs. Robert O. Anderson, Tom Bolack, and Mrs. Edna Oxnard violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to the Principal Committee.

Letters of notification were mailed to the respondents on September 18, 1978. All respondents in this matter have provided the documentation requested by the Commission.

II. Analysis

1. Excessive Contributions

2 U.S.C. § 441a(a)(1)(A) limits contributions from individuals to \$1,000 per election, while 2 U.S.C. § 441a(f) prohibits political committees from accepting contributions from individuals in excess of \$1,000. 1/

A. Robert O. Anderson

Mr. Robert O. Anderson has submitted an affidavit to the Commission stating that he did not contribute in excess of \$1,000 in 1976 to the Harrison Schmitt Senatorial Committee. (Attachments IA and IB). In addition, he has provided an explanation as to why the Principal Committee's records indicated a total contribution of \$1,200 (Attachment IC).

Apparently, Robert O. Anderson and his son, Robert B. Anderson, both separately contributed to the Harrison Schmitt campaign, but the Principal Committee inadvertently credited Robert O. Anderson's account with his son's contribution, causing the Principal Committee's records to reveal excessive contributions attributed to Robert O. Anderson. (Attachments ID - IF).

B. Tom Bolack

Mr. Bolack through his attorney, J.A. Palmer, has submitted an affidavit stating that the "...contribution of \$1,000 made on or about August 13, 1976,..." was a joint contribution shared with his wife. (Attachments IIA and IIB).

1/ 11 C.F.R. § 110.1(a)(2)(ii) permits contributors to designate in writing that a post-primary contribution is to be used to meet primary expenses provided primary-related debts remain which are equal to or greater than the contribution.

The Principal Committee's records reveal that the Bolacks contributed together \$1,400.00 to the Harrison Schmitt campaign; however, the \$300.00 cash contribution made on October 8, 1976, was refunded. (Attachment IIC).

In light of the above, Tom Bolack and his wife, Alice Bolack, each contributed \$550.00 to the Harrison Schmitt campaign.

C. Mrs. Edna Oxnard

Mrs. Oxnard through her attorney, Bryan G. Johnson, has submitted an affidavit stating that the \$200.00 contribution made on September 15, 1976, was to apply to the June 2, 1976, primary election debt. (Attachments IIIA and IIIB).

The Principal Committee has also provided documentation indicating that Mrs. Oxnard wanted the September 15th contribution applied to the "Primary Debt". (Attachment IIIC).

2. Retention of Receipts

2 U.S.C. § 432(d) requires political committees to obtain and keep receipted bills, stating particulars, for all expenditures aggregating in excess of \$100 to the same person. 11 C.F.R. § 102.9(c)(4) permits committees to substitute canceled checks plus the bill, invoice or other contemporaneous memorandum when receipted bills are unavailable.

Harrison Schmitt Senatorial Committee and Democrats
for Schmitt Committee

On September 15, 1978, the Commission received adequate documentation from the Principal Committee to support 93

70910035217

previously unsupported expenditures in excess of \$100.00. In addition, the Principal Committee has provided adequate documentation from the Democrats for Schmitt Committee for 23 previously unsupported expenditures in excess of \$100.00. (Attachment IV).

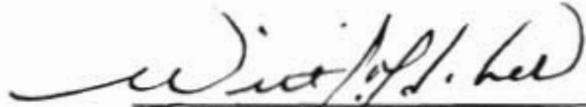
The filing of these documents meets the requirements of 2 U.S.C. § 432(d).

III. Recommendations

1. Take no further action against Robert O. Anderson, Tom Bolack, and Edna Oxnard.
2. Take no further action against the Harrison Schmitt Senatorial Committee.
3. Take no further action against the Democrats for Schmitt Committee.
4. Close file.
5. Send attached letters.

7904073:2:1

Date 11/15/78



William C. Oldaker
General Counsel

Attachments:

Attachments IA, IB, IC, ID, IE, IF
IIA, IIB, IIC, IIIA, IIIB, IIIC, Iv
Four Letters

✓ MUR 654

ROBERT O. ANDERSON
Box 1000
ROSWELL, NEW MEXICO
89201

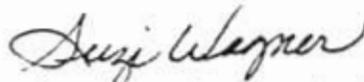
Mr. Conley Edwards
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

Dear Mr. Edwards:

I am enclosing Mr. Anderson's Affidavit regarding his contributions to Harrison Schmitt's campaign in 1976.

If there is anything further, please let me know.

Very truly yours,



Secretary to Mr. Anderson

October 25, 1978

Attachment IA

70040083221

A F F I D A V I T

RECEIVED
FEDERAL ELECTION
COMMISSION

70 OCT 28 PM 1:52

STATE OF NEW MEXICO)
) SS.
COUNTY OF CHAVES)

807409

Robert O. Anderson, Post Office Box 1000, Roswell, New Mexico, being by me first duly sworn on his oath states:

A careful review of records of my political contributions during calendar year 1976, by my staff, has produced no evidence of contributions to the Harrison Schmitt Campaign for Election to U.S. Senate in excess of \$1,000.00 that year, and I have no personal knowledge that my contributions to the Schmitt Campaign during 1976 were in excess of \$1,000.00.

Further Affiant saith not.

[Handwritten Signature]

Subscribed and Sworn to before me this 24th day of October, 1978, by Robert O. Anderson.

[Handwritten Signature]

Notary Public

My Commission expires:

10/2/80

7904003322

Attachment IB

HARRISON SCHMITT SENATORIAL COMMITTEE
P.O. BOX 11667
ALBUQUERQUE, NEW MEXICO 87112

JULY 3
~~February 27, 1978~~

SECOND REQUEST
PLEASE REPLY

Robert C. Anderson
Box 1000
Roswell N.M. 88201

Dear Mr Anderson :

During the 1976 campaign for the United States Senate, your contributions exceeded \$1,000 after the primary election on June 2, 1976. Your contribution of \$ 1000⁰⁰ on 8/11/76 must be designated, "To Pay Primary Debt." Please indicate below that you so designate this contribution and return this letter in the enclosed preaddressed, postage paid envelope.

Very truly yours,



Randall P. Sullivan
Treasurer
Harrison Schmitt Senatorial
Committee

/sc
Enclosure

Signature

Date

Attachment IC

FOR YOUR INFORMATION OUR RECORDS INDICATE THE FOLLOWING CONTRIBUTIONS MADE BY YOU DURING 1976. YOUR CONTRIBUTION WILL BE REFUNDED, AS REQUIRED BY THE FEDERAL ELECTION COMMISSION IF NOT DESIGNATED "TO PAY PRIMARY DEBT".

DATE	REPT.#	TYP	AMT.
11/1/76	1298	CK.	\$ 100.00
8/11/76	0224	CK	1000.00
10/8/76	4078	CK	100.00
			\$ 1200.00

(TICKETS TO GONZALES BANQUET)

790400332

ROBERT O. ANDERSON
Box 1000
ROSWELL, NEW MEXICO
89901

4
GCC#
5199
FEDERAL ELECTION
COMMISSION

OCT 17 11:14

807001

Mr. Conley Edwards
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

Re: MUR 654

Dear Mr. Edwards:

In line with our telephone conversation today, I am enclosing a Xerox copy of Robert O. Anderson's check payable to Harrison Schmitt Senatorial Committee, together with copies of checks written by Robert B. Anderson to Schmitt's Committee in 1976. I have made a careful search of my records and find this to be the only contribution R. O. Anderson made to Senator Schmitt's campaign in 1976.

I believe the confusion is the result of the similarity in the names. Robert B. is Robert O. Anderson's son, and they were both using the same company address in 1976. However, Robert B. Anderson's address is now Box 338, in the event you wish to contact him.

Thank you very much for your courtesy in clearing up this matter.

Very truly yours,

Suzi Wagner
Secretary to Mr. Anderson

October 13, 1978

cc: Senator Harrison Schmitt

Attachment ID

7904008322

J. A. PALMER
REED L. FROST
JOHN E. SCHINDLER

PALMER & FROST, P.A.
ATTORNEYS AT LAW
200 NORTH ALLEN
FARMINGTON, NEW MEXICO 87401

RECEIVED
FEDERAL ELECTION
COMMISSION

Edwards
4

J. M. PALMER (1898-1960)
TELEPHONE 325-0271
AREA CODE 505

10/23 P 3:39

October 20, 1978

807176

Mr. Conley Edwards
Federal Election Commission
1325 K Street NW
Washington, DC 20463

Re: MUR 654
Tom Bolack

Dear Mr. Edwards:

Pursuant to our recent correspondence and telephone conversations, we enclose herewith an Affidavut relating to the contribution in question, which we believe will take care of the questions raised about the contribution.

If we can furnish you with any additional or further information please let us know.

Very truly yours,

PALMER & FROST, P.A.

By J. A. Palmer
J. A. Palmer

JAP/cd

Encs.

79740383227

Attachment II A

HARRISON SCHMITT SENATORIAL COMMITTEE
P.O. BOX 11667
ALBUQUERQUE, NEW MEXICO 87112

JULY 3
~~February~~ 27, 1978

SECOND REQUEST
PLEASE REPLY

TOM BUNACKY Alice Balack
6 SQUIRE LANE
FARMINGTON N.M. 87401

Dear Gov. BARNER :

During the 1976 campaign for the United States Senate, your contributions exceeded \$1,000 after the primary election on June 2, 1976. Your contribution of \$ 1000 on 8/11/76 must be designated, "To Pay Primary Debt." Please indicate below that you so designate this contribution and return this letter in the enclosed preaddressed, postage paid envelope.

Very truly yours,



Randall P. Sullivan
Treasurer
Harrison Schmitt Senatorial
Committee

/sc
Enclosure

Tom Bunack

Signature

Alice Balack July 13, 1976

Date

Attachment IC

Sir,

WE APPRECIATE YOUR CONTRIBUTIONS DURING THE CAMPAIGN.

WE HAVE MADE ONE REFUND OF A CASH CONTRIBUTION TO YOU RECENTLY, DUE TO THE FEDERAL ELECTION COMMISSION AUDIT, AND WILL DO THE SAME WITH THESE, HOWEVER, I DIDN'T KNOW YOU WERE A CANDIDATE THIS YEAR. THE FOLLOWING IS A LIST OF WHAT OUR RECORDS INDICATE YOU CONTRIBUTED DURING 1976.

DATE	AMOUNT	TYPE	AMT
8/13/76	08295	CK	1000.00
10/8/76	1686	CASH	300.00
10/19/76	5545	CASH	100.00

PREVIOUSLY REFUNDED (TICKETS TO GOLDWATER SENATE)

5067

Edwards

4

JOHNSON AND LANPHERE, P.C.

ATTORNEYS AND COUNSELORS AT LAW

6400 UPTOWN BOULEVARD NE, SUITE 200 WEST
ALBUQUERQUE, NEW MEXICO 87110

FEDERAL ELECTION COMMISSION

OCT 20

A10:44

AREA CODE 505
TELEPHONE 881-3333

E. C. IDEN 8888-9551
BRYAN G. JOHNSON
ERIC D. LANPHERE
J. VICTOR FONGETTI
DENNIS M. MCCARY
BILL CHAPPELL, JR.
THOMAS J. MCBRIDE
D. JAMES SORENSON
JOHN M. KIRK
FLOYD D. WILSON

October 17, 1978

887079

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

RE: MJR 654

Dear Mr. Edwards:

I enclose affidavit of Mrs. James G. Oxnard which I trust will
serve to clear up this matter.

I wish to thank you for your many courtesies.

Very truly yours,

JOHNSON AND LANPHERE, P. C.

BY *B.G. Johnson*

BGJ:NKJ
Encl.

Attachment III A

70010031230

A F F I D A V I T

STATE OF NEW MEXICO

COUNTY OF BERNALILLO.....SS

EDNA M. OXNARD, being first duly sworn, states:

That she is the widow of James G. Oxnard and has for many years had no other occupation than as a housewife; that she has never in any manner been actively involved in politics, except to vote and to make contributions to candidates of her choice; that on September 15, 1976, she contributed \$200.00 on behalf of Harrison Schmitt, Republican candidate for the United States Senate, and on October 2, 1976, contributed the further sum of \$200.00, and on October 9, 1976, she made a further contribution of \$750.00. All of these checks bear the typewritten endorsement of "Harrison Schmitt Senatorial Committee"; that to the best of her recollection her contribution on September 15, 1976, was for the purpose of paying primary election debts, and, further states that she actually has no knowledge of how her contributions were applied, and, likewise, had no knowledge of any law that might affect the legality of her contributions.

FURTHER AFFIANT SAYETH NOT.

Edna M. Oxnard

SUBSCRIBED AND SWORN to before me this 16th day of October, 1978.

Robert Johnson

NOTARY PUBLIC

MY COMMISSION EXPIRES:
11-30-78

Attachment III B



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. A. Palmer, Esquire
Palmer and Frost, P.A.
Attorneys At Law
200 North Allen
Farmington, New Mexico 87401

Re: MUR 654 (78)

Dear Mr. Palmer:

On November ,1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure:
Commission's Certification

cc: The Honorable Harrison H. Schmitt
Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee

79049081211



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert O. Anderson
Box 1000
Roswell, New Mexico 88201

Re: MUR 654 (78)

Dear Mr. Anderson:

On November , 1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure:
Commission's Certification

cc: The Honorable Harrison H. Schmitt
Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee

7 9 9 1 0 3 3 2 3 3

HARRISON SCHMITT SENATORIAL COMMITTEE
P.O. BOX 11667
ALBUQUERQUE, NEW MEXICO 87112

JULY 3
February 27, 1978

SECOND REQUEST
PLEASE REPLY

MRS EDNA OXNARD
215 16TH STREET SW
ALBUQ. N.M. 87104

Dear Mrs OXNARD :

During the 1976 campaign for the United States Senate, your contributions exceeded \$1,000 after the primary election on June 2, 1976. Your contribution of \$ 200.00 on 9/16/76 must be designated, "To Pay Primary Debt." Please indicate below that you so designate this contribution and return this letter in the enclosed preaddressed, postage paid envelope.

Very truly yours,

Randall P. Sullivan
Treasurer
Harrison Schmitt Senatorial
Committee

7 0 0 4 0 3 3 2 3

/sc
Enclosure

To pay Primary Debt

Mrs. Edna Oxnard
Signature

July 29, 1978
Date

Attachment III C

DATE	REPT #	TYPE	AMOUNT
9/16/76	4420	CK	\$ 200.00
10/6/76	4670	CK	200.00 (TICKETS TO CONSUME AMOUNT)
10/12/76	5407	CK	<u>750.00</u>
			<u>\$ 1150.00</u>

FOR YOUR INFORMATION THE ABOVE CONTRIBUTIONS WERE RECEIVED FROM YOU IN 1976. THE FEDERAL ELECTION COMMISSION REQUIRES US TO RETURN CONTRIBUTIONS IN EXCESS OF \$1000 PER

Edwards 4 5390

RECEIVED
FEDERAL ELECTION
COMMISSION

Kubiak, Nation & Company

CERTIFIED PUBLIC ACCOUNTANTS

FIRST NATIONAL BANK BUILDING, EAST
5301 CENTRAL NORTHEAST, SUITE 1618
ALBUQUERQUE, NEW MEXICO 87108

October 25, 1978

AREA CODE 505

78 OCT 30 PM 4:32 TELEPHONE 245-5924

JOHN D. KUBIAK, C.P.A.
PAUL J. NATION, C.P.A.
GREG M. SMITH, C.P.A.

807562

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

Re: MUR 654(78)

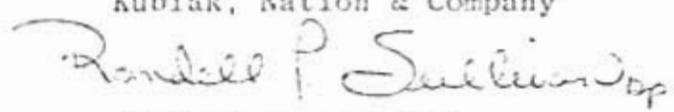
Dear Mr. Oldaker:

This letter is in response to your letter dated September 18, 1978 (a copy of which was received October 14, 1978), regarding the Harrison Schmitt Senatorial Committee and the Commission finding reason to believe the committee violated the Federal Election Campaign Act of 1971.

All responses received from contributors and vendors as required by your audit have been forwarded to you and I believe the committee is in total compliance with the law as it related to contributors. Also, we have made reasonable attempts to obtain all other information as requested, and believe these are in total compliance with our duty under the law.

I hope all the information is satisfactory and the committee will receive notice to that effect.

Very truly yours,
Kubiak, Nation & Company



Randall P. Sullivan,
Treasurer

RPS:bp
Enclosure

Attachment IV

P.S. - Committee's new address is as follows:

P. O. Box 8261
Albuquerque, New Mexico 87108

79010081235



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bryan G. Johnson, Esquire
Johnson and Lanphere, P.C.
Attorneys and Counselors At Law
6400 Uptown Boulevard NE
Suite 200 West
Albuquerque, New Mexico 87110

Re: MUR 654 (78)

Dear Mr. Johnson:

On November , 1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure:
Commission's Certification

cc: The Honorable Harrison H. Schmitt
Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee

70040783266



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee
and Democrats for Schmitt Committee
Post Office Box 8261
Albuquerque, New Mexico 87108

Re: MUR 654 (78)

Dear Mr. Sullivan:

On November ,1978, the Commission voted to terminate its investigation in MUR 654 (78). A copy of the Commission's determination is enclosed for your information.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure:
Commission's Certification

cc: The Honorable Harrison H. Schmitt

7 9 0 4 0 0 8 3 2 3 7

7 0 9 1 0 1 3 1 2 4 3

ROBERT O. ANDERSON
Box 1000
ROSWELL, NEW MEXICO
88601

Mr. Conley Edwards
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

Dear Mr. Edwards:

I am enclosing Mr. Anderson's Affidavit regarding his contributions to Harrison Schmitt's campaign in 1976.

If there is anything further, please let me know.

Very truly yours,



Secretary to Mr. Anderson

October 25, 1978

4204
5313

RECEIVED
FEDERAL ELECTION
COMMISSION

654

A F F I D A V I T

'78 OCT 28 PM 1:42

STATE OF NEW MEXICO)
) SS.
COUNTY OF CHAVES)

807409

Robert O. Anderson, Post Office Box 1000, Roswell, New Mexico, being by me first duly sworn on his oath states:

A careful review of records of my political contributions during calendar year 1976, by my staff, has produced no evidence of contributions to the Harrison Schmitt Campaign for Election to U.S. Senate in excess of \$1,000.00 that year, and I have no personal knowledge that my contributions to the Schmitt Campaign during 1976 were in excess of \$1,000.00.

Further Affiant saith not.

Robert O. Anderson

Subscribed and Sworn to before me this 24th day of October, 1978, by Robert O. Anderson.

Anna Lou Wagner

Notary Public

My Commission expires:

10/12/80

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0481240
79040381240

Mr. Conley Edwards
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

REC'D
FEB 11 1972

Robert O. Anderson
Box 1000
Marshall, New Mexico
88201

3

300M 5390

Kubiak, Nation & Company

CERTIFIED PUBLIC ACCOUNTANTS

FIRST NATIONAL BANK BUILDING, EAST
5301 CENTRAL NORTHEAST, SUITE 1618
ALBUQUERQUE, NEW MEXICO 87108

RECEIVED
FEDERAL ELECTION
COMMISSION

JOHN D. KUBIAK, C.P.A.
PAUL E. NATION, C.P.A.
GREG M. SMITH, C.P.A.

AREA CODE 505
TELEPHONE 255-5924

'78 OCT 30 PM 4:32

October 25, 1978

807562

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

Re: MUR 654(78)

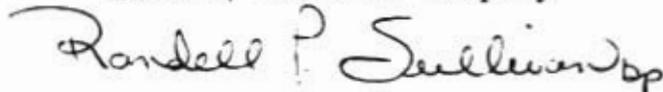
Dear Mr. Oldaker:

This letter is in response to your letter dated September 18, 1978 (a copy of which was received October 14, 1978), regarding the Harrison Schmitt Senatorial Committee and the Commission finding reason to believe the committee violated the Federal Election Campaign Act of 1971.

All responses received from contributors and vendors as required by your audit have been forwarded to you and I believe the committee is in total compliance with the law as it related to contributors. Also, we have made reasonable attempts to obtain all other information as requested, and believe these are in total compliance with our duty under the law.

I hope all the information is satisfactory and the committee will receive notice to that effect.

Very truly yours,
Kubiak, Nation & Company



Randell P. Sullivan,
Treasurer

RPS:bp
Enclosure

P.S. - Committee's new address is as follows:

P. O. Box 8261
Albuquerque, New Mexico 87108

70040083241



FEDERAL ELECTION COMMISSION

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

September 18, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee
and Democrats for Schmitt Committee
P.O. Box 1167
Albuquerque, NM 87112

Re: MUR 654(78)

Dear Mr. Sullivan:

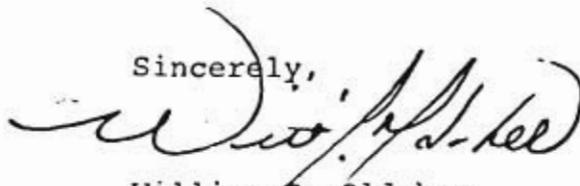
This letter is to inform you that the Federal Election Commission has found reason to believe that the Harrison Schmitt Senatorial Committee and the Democrats for Schmitt Committee have each violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has found reason to believe that the Harrison Schmitt Senatorial Committee has violated 2 U.S.C. § 441a(f) by accepting three contributions which were each in excess of the \$1000 per election limitation on contributions from individuals provided for in 2 U.S.C. § 441a(a)(1)(A), and 2 U.S.C. § 432(d) by failing to retain adequate documentation for 93 itemizable expenditures. With regard to the Democrats for Schmitt Committee, the Commission has found that that Committee has violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for 23 itemizable expenditures in violation of 2 U.S.C. § 432(d). We have numbered this matter MUR 654.

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

This 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 Mr. Conley Edwards, the staff member assigned to this matter, at (202) 523-4529.

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

Sincerely,



William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

7 6 1 1 8 1 2 4 4

Mr. William C. Oldaker,
General Counsel
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20543

NOV 22 1962

RECEIVED
NOV 22 1962

Kubiak, Nation & Company

CERTIFIED PUBLIC ACCOUNTANTS

FIRST NATIONAL BANK BUILDING EAST
5301 CENTRAL NORTH EAST SUITE 1616
ALBUQUERQUE, NEW MEXICO 87108

RETURN RECEIPT
REQUESTED

CERTIFIED

No. 77973

MAIL

J. A. PALMER
REED L. FROST
JOHN E. SCHINDLER

PALMER & FROST, P.A.
ATTORNEYS AT LAW
200 NORTH ALLEN
FARMINGTON, NEW MEXICO

FEDERAL ELECTION COMMISSION

J. M. PALMER (1898-1960)
TELEPHONE 325-0271
AREA CODE 505

October 20, 1978

08/23 P 3:39

807176

Mr. Conley Edwards
Federal Election Commission
1325 K Street NW
Washington, DC 20463

Re: MUR 654
Tom Bolack

Dear Mr. Edwards:

Pursuant to our recent correspondence and telephone conversations, we enclose herewith an Affidavut relating to the contribution in question, which we believe will take care of the questions raised about the contribution.

If we can furnish you with any additional or further information please let us know.

Very truly yours,

PALMER & FROST, P.A.

By J. A. Palmer
J. A. Palmer

JAP/cd

Encs.

7 9 0 4 0 0 3 6 2 4 5

AFFIDAVIT

STATE OF NEW MEXICO)
) SS
 COUNTY OF SAN JUAN)

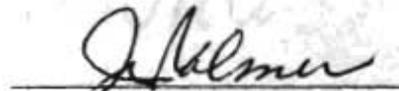
TOM BOLACK, being first duly sworn on oath, states:

That at the time of making a political contribution to the Harrison Schmitt Senatorial Committee on or about August 13, 1976, and for many years prior thereto and until October, 1978, Affiant was married to Alice Bolack, they living and domiciled within the State of New Mexico; that said contribution of \$1,000.00 made on or about August 13, 1976, was by check signed by Affiant, but written on the joint account of Affiant and his wife, Alice Bolack, which account was the community property and jointly owned by Affiant and his wife, Alice; that Affiant and his said wife intended said contribution as a joint contribution or as an individual contribution by each of them of one-half of the total amount thereof; that Affiant signed the check for convenience, but checks from the account were on other occasions signed by Affiant's said wife who was an authorized signatory thereon and the owner of one-half thereof.

Affiant further states that his said wife, Alice Bolack, died during October, 1978.


 TOM BOLACK

SUBSCRIBED & SWORN TO before me this 20th day of October, 1978.

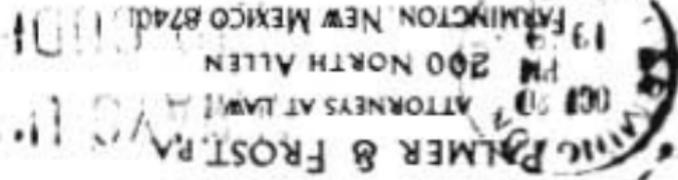

 Notary Public

My Commission expires:

~~My Commission expires~~ **October 30, 1980**

Mr. Conley Edwards
Federal Election Commission
1325 K Street NW
Washington, DC 20463

00123 2-69



111783247

C-10 5-29
Edwards

JOHNSON AND LANPHERE, P.C.

ATTORNEYS AND COUNSELORS AT LAW

6400 UPTOWN BOULEVARD NE, SUITE 200 WEST
ALBUQUERQUE, NEW MEXICO 87110

AREA CODE 505
TELEPHONE 881-3333

REC-20 A10:44

E C IDEN 11889-19551

- BRYAN G. JOHNSON
- ERIC D. LANPHERE
- J. VICTOR PONGETTI
- DENNIS M. MCCARY
- BILL CHARPELL, JR.
- THOMAS J. MCBRIDE
- D. JAMES SORENSON
- JOHN M. KIRK
- FLOYD D. WILSON

October 17, 1978

607079

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

RE: MUR 654

Dear Mr. Edwards:

I enclose affidavit of Mrs. James G. Oxnard which I trust will serve to clear up this matter.

I wish to thank you for your many courtesies.

Very truly yours,

JOHNSON AND LANPHERE, P. C.

BY

B.G. Johnson

BGJ:NKJ
Encl.

20040781241

A F F I D A V I T

STATE OF NEW MEXICO

COUNTY OF BERNALILLO.....SS

EDNA M. OXNARD, being first duly sworn, states:

That she is the widow of James G. Oxnard and has for many years had no other occupation than as a housewife; that she has never in any manner been actively involved in politics, except to vote and to make contributions to candidates of her choice; that on September 15, 1976, she contributed \$200.00 on behalf of Harrison Schmitt, Republican candidate for the United States Senate, and on October 2, 1976, contributed the further sum of \$200.00, and on October 9, 1976, she made a further contribution of \$750.00. All of these checks bear the typewritten endorsement of "Harrison Schmitt Senatorial Committee"; that to the best of her recollection her contribution on September 15, 1976, was for the purpose of paying primary election debts, and, further states that she actually has no knowledge of how her contributions were applied, and, likewise, had no knowledge of any law that might affect the legality of her contributions.

FURTHER AFFIANT SAYETH NOT.

Edna M. Oxnard

SUBSCRIBED AND SWORN to before me this 16th day of October, 1978.

Wanda Johnson

NOTARY PUBLIC

MY COMMISSION EXPIRES:

11-26-78

JOHNSON AND LANPHERE, P.C.

ATTORNEYS AND COUNSELORS AT LAW

26400 UPTOWN BOULEVARD NE, SUITE 200 WEST

ALBUQUERQUE, NEW MEXICO 87110

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NOV 20 1984



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

600#
5199

ROBERT O. ANDERSON
Box 1000
ROSWELL, NEW MEXICO
88201

RECEIVED
OCT 15 1978

10 OCT 17 AM 1:14

807001

Mr. Conley Edwards
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

Re: MUR 654

Dear Mr. Edwards:

In line with our telephone conversation today, I am enclosing a Xerox copy of Robert O. Anderson's check payable to Harrison Schmitt Senatorial Committee, together with copies of checks written by Robert B. Anderson to Schmitt's Committee in 1976. I have made a careful search of my records and find this to be the only contribution R. O. Anderson made to Senator Schmitt's campaign in 1976.

I believe the confusion is the result of the similarity in the names. Robert B. is Robert O. Anderson's son, and they were both using the same company address in 1976. However, Robert B. Anderson's address is now Box 338, in the event you wish to contact him.

Thank you very much for your courtesy in clearing up this matter.

Very truly yours,

Senaj Wagner
Secretary to Mr. Anderson

October 13, 1978

cc: Senator Harrison Schmitt

100-1078-121

25

ROBERT O. ANDERSON

1143

P.O. BOX 1000

ROSWELL, NEW MEXICO 89201

August 10 1976

PAY TO THE ORDER OF Harrison Schmitt Senatorial Committee \$ 1,000.00

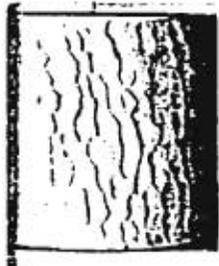
One Thousand and no/100-----DOLLARS

THE FIRST NATIONAL BANK

AT LUBBOCK
LUBBOCK, TEXAS



FOR _____
⑆1113⑆0437⑆ 002 002 8⑆ ⑆0000⑆00000⑆



700

7 0 9 1 0 0 8 3 2 5 3

ROBERT B. ANDERSON
P. O. BOX 1000
ROSWELL, NEW MEXICO 88201

466

January 15, 19 76

PAY TO THE ORDER OF Harrison H. Schmitt for Senator - - - - \$ 100.00

One hundred - - - - - DOLLARS



SECURITY NATIONAL BANK
of Roswell
ROSWELL, NEW MEXICO

FOR *Robert B. Anderson*

⑆ 1 2 2 ⑆ 0 2 2 6 ⑆ 0 2 1 ⑆ 2 0 9 ⑆ ⑆ 0 0 0 0 0 ⑆ 0 0 0 0 ⑆

ROBERT B. ANDERSON
P. O. BOX 1000
ROSWELL, NEW MEXICO 88201

526

July 27, 19 76

PAY TO THE ORDER OF Harrison Schmitt, Senatorial Committee - - - \$ 100.00

One hundred - - - - - DOLLARS



SECURITY NATIONAL BANK
of Roswell
ROSWELL, NEW MEXICO

FOR *Robert B. Anderson*

⑆ 1 2 2 ⑆ 0 2 2 6 ⑆ 0 2 1 ⑆ 2 0 9 ⑆ ⑆ 0 0 0 0 0 ⑆ 0 0 0 0 ⑆

ROBERT B. ANDERSON
P. O. BOX 1000
ROSWELL, NEW MEXICO 88201

547

September 20 19 76

PAY TO THE ORDER OF Schmitt for Senate Committee. - - - - \$ 100.00

One hundred - - - - - DOLLARS



SECURITY NATIONAL BANK
of Roswell
ROSWELL, NEW MEXICO

FOR #1653 *Robert B. Anderson*

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FEDERAL ELECTION COMMISSION

Mr. Conley Edwards
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

Robert O. Anderson
Box 1000
Marshall, New Mexico
NM 8771

HARRISON SCHMITT
NEW MEXICO

654 CE
RECEIVED
FEDERAL ELECTION COMMISSION
GCC#5111

United States Senate
WASHINGTON, D.C. 20510

13 OCT 10 AM 11:54

September 30, 1978

608761

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

Dear Mr. Oldaker:

This letter is in response to your letter of September 18, 1978, concerning the audit of the Harrison Schmitt Senatorial Committee and the Democrats for Schmitt Committee.

Per the phone conversation of September 26, 1978, between Diana Griffin, my administrative assistant, and Conley Edwards, the staff member at the Federal Election Commission (FEC) assigned to the audit, it is my understanding that the supporting documentation for the three individual contributions over \$1000 and the 116 itemizable expenditures which were allegedly inadequately documented was received at the FEC on September 16, 1978.

It is my further understanding that the Committees and I will be contacted by Mr. Edwards or yourself after he has had a chance to review the materials he received from Mr. Sullivan, the Committees Treasurer. At that time, Mr. Edwards or yourself will notify the Committees and myself as to any action required on the Committees' part to rectify any remaining questions.

By copy of this letter, I am notifying the three individuals involved of the current status of the audit.

I look forward to hearing from you soon.

Sincerely,

Harrison Schmitt

cc: Mr. Randall Sullivan
Mr. Robert Anderson
Mrs. Edna Oxnard
Mr. Tom Bolack

79040031213

United States Senate

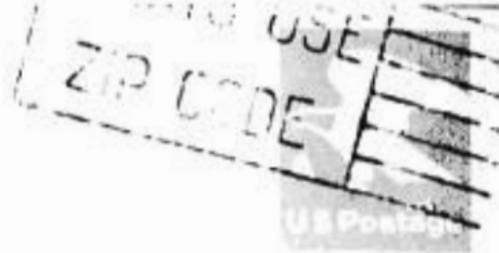
WASHINGTON, D.C. 20510

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AG: 5A

130617

2073



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

JOHNSON AND LANPHERE, P.C.

ATTORNEYS AND COUNSELORS AT LAW
6400 UPTOWN BOULEVARD NE, SUITE 200 WEST
ALBUQUERQUE, NEW MEXICO 87110

900# 5768
FEDERAL ELECTION COMMISSION

AREA CODE 505
TELEPHONE 88-3333

OCT 10 AM 11:53

E C IDEN 889-9551
BRYAN G JOHNSON
ERIC D LANPHERE
J VICTOR PONGETT
DENNIS M MCCARY
BILL CHARPELL JR
THOMAS J MCBRIDE
D JAMES SORENSON
JOHN M KIRK
FLOYD D WILSON

October 5, 1978

806767

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

Re: MUR 654

Attention: Mr. Conley Edwards

Gentlemen:

After further discussion with Mrs. Oxnard concerning her contributions to the 1976 Schmitt campaign, Mrs. Oxnard informed me that to the best of her recollection her contribution on September 15, 1976, was for the purpose of paying primary election debts.

I hope that this information will be of some assistance to you.

Very truly yours,

JOHNSON AND LANPHERE, P. C.

BY B. G. Johnson

BGT:NKJ

100-109832-17

JOHNSON AND LANPHERE, P.C.
ATTORNEYS AND COUNSELORS AT LAW
6400 UPTOWN BOULEVARD NE, SUITE 200 WEST
ALBUQUERQUE, NEW MEXICO 87110

Attention: Mr. Conley Edwards

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

JUL 10 AM 11:53

2 9 3 0 3 4 5 6 7 8

REC# 5094

RECEIVED
FEDERAL ELECTION
COMMISSION

J. M. PALMER (1898-1960)
TELEPHONE 325-0271

18 OCT 10 1978 REAFF: 55

PALMER & FROST, P.A.
ATTORNEYS AT LAW
200 NORTH ALLEN
FARMINGTON, NEW MEXICO 87401

J. A. PALMER
REED L. FROST
JOHN E. SCHINDLER

October 2, 1978

806745

Mr. Conley Edwards
Federal Election Commission
1325 K Street NW
Washington, DC 20463

Re: MUR 654
Mr. Tom Bolack

Dear Mr. Edwards:

Pursuant to our telephone conversation of this date, we acknowledge receipt of your letter of September 18, 1978, addressed to Mr. Tom Bolack.

We thank you for the information which you furnished us, and, as indicated to you, we will investigate the contributions which you indicate your records show were made, and will further advise you as soon as we determine the facts relating to these matters.

We note under 2 USC 437 (g) (a) (1) that any person believing a violation of the act has occurred may file a complaint in writing with the Commission. In our telephone conversation we neglected to inquire as to the name of the complainant, and we would appreciate it if you would advise us as to the name of the person making the sworn complaint.

As we indicated to you on the telephone, our initial reaction to the complaint is that regardless of the source of the cash contribution, there would have been no violation since the \$1,000 contribution would have under the laws of the State of New Mexico been a joint contribution of Mr. and Mrs. Bolack of \$500 each since the contribution would have been made with community funds.

We also indicated to you that Mr. Bolack's son who is an adult is also named Tom and that there is a distance possibility that the contributions may have been confused as having come from him rather than Governor Bolack.

As soon as we have obtained further information, we will communicate further with you, and if you have any additional information which you think might be helpful, we would appreciate your furnishing it to us.

Very truly yours,

PALMER & FROST, P.A.

By J. A. Palmer
J. A. Palmer

JAP/cd

cc: Tom Bolack

7 9 0 4 0 3 1 2 3 0

7 9 0 4 0 7 8 3 2 8
51
PALMER & FROST, P.A.
ATTORNEYS AT LAW
200 NORTH ALLEN
FARMINGTON, NEW MEXICO 87401



Mr. Conley Edwards
Federal Election Commission
1325 K. Street NW
Washington, DC 20463

14110
3055

JOHNSON AND LANPHERE, P.C. ATTORNEYS AND COUNSELORS AT LAW
6400 UPTOWN BOULEVARD NE. SUITE 200 WEST
ALBUQUERQUE, NEW MEXICO 87110

AREA CODE 505
TELEPHONE 881-3333

1978 OCT 2 AM 10:28

E. C. IDEN 1989-19551
BRYAN G. JOHNSON
ERIC D. LANPHERE
J. VICTOR PONGETTI
DENNIS M. MCCARY
BILL CHARPELL, JR.
THOMAS J. MCBRIDE
D. JAMES SORENSON
JOHN M. KIRK
FLOYD D. WILSON

September 26, 1978

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

806607

Re: MUR 654
Attention: Mr. William C. Oldaker
General Counsel

Gentlemen:

As attorney for Mrs. James G. Oxnard, I am replying to your letter of September 18, 1978, which you addressed to Mrs. Edna Oxnard.

You state in your letter that you have found reason to believe that her labor organization may have violated the Federal Election Campaign Act of 1971. Mrs. Oxnard has no connection whatsoever with any labor organization and, in fact, has no connection with any type of organization.

The facts in this case are that by check dated September 15, 1976, Mrs. James G. Oxnard contributed \$200.00 to the Schmitt 76 Dinner, which she attended with some others, primarily to hear Senator Goldwater. Later, on October 2, 1976, Mrs. Oxnard wrote a check for \$200.00 to the Harrison Schmitt for Senate, which represented a bid Mrs. Oxnard made for a cake about 2' x 3' which was auctioned off, which she later donated to a boys' school. Later, on October 9, 1976, Mrs. Oxnard wrote a check as a direct contribution to the Schmitt for Senate Committee. All of these items add up to \$1150.00. Mrs. Oxnard had no idea that she was violating any law in making the contribution, in buying the tickets for the Schmitt dinner or in purchasing the cake at the auction.

In my opinion, there has been no law violation in that what Mrs. Oxnard did was not a "knowing or wilful" violation of the law, which she knew nothing about. It would seem to me that this is such a minor matter that it should not be of concern to anyone. However, I am quite sure that Senator Schmitt or his committee would gladly refund the \$150 to Mrs. Oxnard if that is what you insist should be done.

For your information copies of the three checks are enclosed. All three checks bear the typewritten endorsement "Harrison Schmitt Senatorial Committee".

2011031251

6 2 4 9 6 9 9 3 3
MRS. JAMES G. OXNARD
215 16TH S. W. 242-3323
ALBUQUERQUE, NEW MEXICO 87104

1887

95-32/1070

Sept. 15 1976

PAY TO THE ORDER OF

Schmitt 76 Denier

\$200⁰⁰/₁₀₀

Two hundred & ^{no}/₁₀₀

DOLLARS

MAIN OFFICE
ALBUQUERQUE NATIONAL BANK
ALBUQUERQUE, NEW MEXICO 87103

Mrs. James G. Oxnard

4265 1266
⑆ 070 00321 ⑆ 05 5826 5

⑆0000020000⑆

7 8 8
MRS. JAMES G. OXNARD
215 16TH S. W. 242-3323
ALBUQUERQUE, NEW MEXICO 87104

1927

95-32/1070

Oct. 9 1976

PAY TO THE ORDER OF

Schmitt for Senate Committee

\$750⁰⁰/₁₀₀

Seven hundred fifty & ^{no}/₁₀₀

DOLLARS

MAIN OFFICE
ALBUQUERQUE NATIONAL BANK
ALBUQUERQUE, NEW MEXICO 87103

Mrs. James G. Oxnard

⑆ 070 00321 ⑆ 05 5826 5

⑆0000075000⑆

6 2 4 9 6 9 9 3 3
MRS. JAMES G. OXNARD
215 16TH S. W. 242-3323
ALBUQUERQUE, NEW MEXICO 87104

1897

95-32/1070

Oct. 2 1976

PAY TO THE ORDER OF

Harrison Schmitt for Senate

\$200⁰⁰/₁₀₀

Two hundred & ^{no}/₁₀₀

DOLLARS

MAIN OFFICE
ALBUQUERQUE NATIONAL BANK
ALBUQUERQUE, NEW MEXICO 87103

Mrs. James G. Oxnard

⑆ 070 00321 ⑆ 05 5826 5

⑆0000020000⑆

FEDERAL ELECTION COMMISSION

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

POSTAGE AND FEES PAID



Mr. Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee
and Democrats for Schmitt Committee
P.O. Box 1167
Albuquerque, NM ~~87112~~

87103

CERTIFIED

943230



FORWARD
TO WRITER



7-1 FILE. CE. 235
7/25

CE AW 654

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 C
 - Show to whom, date, and address of delivery C
 - RESTRICTED DELIVERY
Show to whom and date delivered C
 - RESTRICTED DELIVERY
Show to whom, date, and address of delivery \$ _____
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Randell P. Sullivan

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943230	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY	POSTMARK
---------------------	----------

5. ADDRESS (Complete only if requested)

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

copy of first to CE



FEDERAL ELECTION COMMISSION

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

September 18, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee
and Democrats for Schmitt Committee
P.O. Box 1167
Albuquerque, NM 87112

Re: MUR 654(78)

Dear Mr. Sullivan:

This letter is to inform you that the Federal Election Commission has found reason to believe that the Harrison Schmitt Senatorial Committee and the Democrats for Schmitt Committee have each violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has found reason to believe that the Harrison Schmitt Senatorial Committee has violated 2 U.S.C. § 441a(f) by accepting three contributions which were each in excess of the \$1000 per election limitation on contributions from individuals provided for in 2 U.S.C. § 441a(a)(1)(A), and 2 U.S.C. § 432(d) by failing to retain adequate documentation for 93 itemizable expenditures. With regard to the Democrats for Schmitt Committee, the Commission has found that that Committee has violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for 23 itemizable expenditures in violation of 2 U.S.C. § 432(d). We have numbered this matter MUR 654.

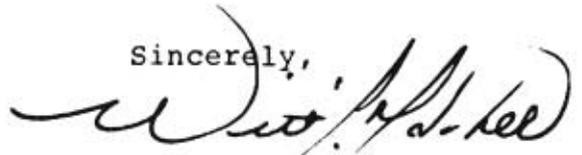
Under the Act you have an opportunity to demonstrate why no action should be taken against the Committees. 2 U.S.C. § 437g(a)(4). Please submit any legal or factual information which you believe would be relevant to the Commission's consideration of this matter.

70910033267

This 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 Mr. Conley Edwards, the staff member assigned to this matter, at (202) 523-4529.

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

Sincerely,



William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

20071030 1268



FEDERAL ELECTION COMMISSION

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

September 18, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tom Bolack
B Square Ranch
Farmington, New Mexico 87401

Re: MUR 654

Dear Mr. Bolack:

The Federal Election Commission has found reason to believe that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that you contributed in excess of the \$1,000 per election contributions limitation in 1976 to the Harrison Schmitt Senatorial Committee in violation of 2 U.S.C. § 441a(a)(1)(A). We have numbered this matter MUR 654.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials not previously submitted to the Audit Division of this Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have not responded within that period, we will proceed on the basis of the information currently in hand. If you have any questions, please contact Mr. Conley Edwards, the staff person assigned to this matter, at (202) 523-4529.

79040083269

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

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

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

7001008:270

AW 654

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 _____ c
- Show to whom, date, and address of delivery _____ c
- RESTRICTED DELIVERY Show to whom and date delivered _____ c
- RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ _____ (CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO:
Mr. Tom Bolack

3 ARTICLE DESCRIPTION
REGISTERED NO. CERTIFIED NO. INSURED NO.
943224

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE Addressee Authorized agent
Tom Bolack

4 DATE OF DELIVERY _____

5 ADDRESS (Complete only if requested)

6 UNABLE TO DELIVER BECAUSE _____

CLERK'S INITIALS
[Signature]

POSTMARK
N
1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tom Bolack
B Square Ranch
Farmington, New Mexico 87401

Re: MUR 654

Dear Mr. Bolack:

The Federal Election Commission has found reason to believe that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that you contributed in excess of the \$1,000 per election contributions limitation of 1976 to the Harrison Schmitt Senatorial Committee in violation of 2 U.S.C. § 441a(a)(1)(A). We have numbered this matter MUR 654.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials not previously submitted to the Audit Division of this Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have not responded within that period, we will proceed on the basis of the information currently in hand. If you have any questions, please contact Mr. Conley Edwards, the staff person assigned to this matter, at (202) 523-4829.

79040083271

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

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

Sincerely,

William C. Oidaker
General Counsel

cc: The Honorable Harrison Schmitt

C&D. 9-18-78

79040083272



FEDERAL ELECTION COMMISSION

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

September 18, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee
and Democrats for Schmitt Committee
P.O. Box 1167
Albuquerque, NM 87112

Re: MUR 654(78)

Dear Mr. Sullivan:

This letter is to inform you that the Federal Election Commission has found reason to believe that the Harrison Schmitt Senatorial Committee and the Democrats for Schmitt Committee have each violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has found reason to believe that the Harrison Schmitt Senatorial Committee has violated 2 U.S.C. § 441a(f) by accepting three contributions which were each in excess of the \$1000 per election limitation on contributions from individuals provided for in 2 U.S.C. § 441a(a)(1)(A), and 2 U.S.C. § 432(d) by failing to retain adequate documentation for 93 itemizable expenditures. With regard to the Democrats for Schmitt Committee, the Commission has found that that Committee has violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for 23 itemizable expenditures in violation of 2 U.S.C. § 432(d). We have numbered this matter MUR 654.

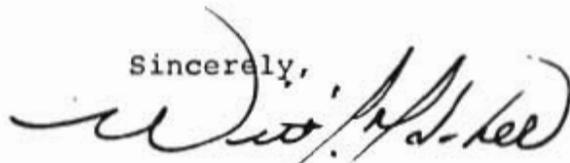
Under the Act you have an opportunity to demonstrate why no action should be taken against the Committees. 2 U.S.C. § 437g(a)(4). Please submit any legal or factual information which you believe would be relevant to the Commission's consideration of this matter.

79040083273

This 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 Mr. Conley Edwards, the staff member assigned to this matter, at (202) 523-4529.

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

Sincerely,



William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

7904008327

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee
and Democrats for Schmitt Committee
P.O. Box 1167
Albuquerque, NM 87112

Re: MUR 654(78)

Dear Mr. Sullivan:

This letter is to inform you that the Federal Election Commission has found reason to believe that the Harrison Schmitt Senatorial Committee and the Democrats for Schmitt Committee have each violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has found reason to believe that the Harrison Schmitt Senatorial Committee has violated 2 U.S.C. § 441a(f) by accepting three contributions which were each in excess of the \$1000 per election limitation on contributions from individuals provided for in 2 U.S.C. § 441a(a)(1)(A), and 2 U.S.C. § 432(d) by failing to retain adequate documentation for 93 itemizable expenditures. With regard to the Democrats for Schmitt Committee, the Commission has found that that Committee has violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for 23 itemizable expenditures in violation of 2 U.S.C. § 432(d). We have numbered this matter MUR 654.

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

CED. 9-18-78

79040083275

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

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

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

CdJ. 9-18-78

79040083275



FEDERAL ELECTION COMMISSION

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

September 18, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert C. Anderson
Box 1000
Roswell, New Mexico 88201

Re: MUR 654

Dear Mr. Anderson,

The Federal Election Commission has found reason to believe that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that you contributed in excess of the \$1,000 per election contribution limitation in 1976 to the Harrison Schmitt Senatorial Committee in violation of 2 U.S.C. § 441a(a)(1)(A). We have numbered this matter MUR 654.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials not previously submitted to the Audit Division of this Commission which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If we have not heard from you within that period, we will proceed on the basis of the information currently in hand. If you have any questions, please contact Mr. Conley Edwards, the staff member assigned to this matter, at (202) 523-4529.

75010783277

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

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

7 9 0 4 0 0 8 3 2 7 8

AW 654

PS Form 3811, Apr 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO
 Mr. Robert C. Anderson

3. ARTICLE DESCRIPTION
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 943227

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
 Schmitt

5. ADDRESS (Complete only if requested)
 H. S. Schmitt
 Russell D. Schmitt

6. UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS
 D.M.

POSTMARK
 1978

☆GPO 1977-0-249-596

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert C. Anderson
Box 1000
Roswell, New Mexico 88201

Re: MUR 654

Dear Mr. Anderson,

The Federal Election Commission has found reason to believe that you may have violated the Federal Election Campaign Act of 1971, as amended (The Act). Specifically, it appears that you contributed in excess of the \$1,000 per election contribution limitation in 1976 to the Harrison Schmitt Senatorial Committee in violation of 2 U.S.C. § 461a(a)(1)(A). We have numbered this matter MUR 654.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials not previously submitted to the Audit Division of this Commission which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If we have not heard from you within that period, we will proceed on the basis of the information currently in hand. If you have any questions, please contact Samuel W. Edwards, the staff member assigned to this matter, at (202) 523-4829.

79040083279

This matter will remain confidential in accordance with 5 U.S.C. § 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

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

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

C&D. 9-18-76

79040083280



FEDERAL ELECTION COMMISSION

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

September 18, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Edna Oxnard
215 16th Street, NW
Albuquerque, New Mexico 87112

RE: MUR 654

Dear Mrs. Oxnard,

The Federal Election Commission has found reason to believe that your labor organization may have violated the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that you contributed in excess of the \$1,000 per election contribution limitation in 1976 to the Harrison Schmitt Senatorial Committee in violation of 2 U.S.C. § 441a(a)(1)(A). We have numbered this matter MUR 654.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials not previously submitted to the Audit Division of this Commission which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If we have not heard from you within that period, we will proceed on the basis of the information currently in hand. If you have any questions, please contact Mr. Conley Edwards, the staff member assigned to this matter, at (202) 523-4529.

10040783281

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

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

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

HW 654

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. c
 Show to whom, date, and address of delivery. c
 RESTRICTED DELIVERY
 Show to whom and date delivered. c
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO
 Mrs. Edna Oldaker

3. ARTICLE DESCRIPTION
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 943229

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
 9-22

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

U.S. POSTAL SERVICE
 SEP 22 1978
 DEPT

7 9 0 0 1 0 0 8 3 2 9 2

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Edna Oxnard
215 16th Street, NW
Albuquerque, New Mexico 87112

RE: MUR 654

Dear Mrs. Oxnard,

The Federal Election Commission has found reason to believe that your labor organizations may have violated the Federal Election Campaign Act of 1971 as amended ("the Act").

Specifically, it appears that you contributed in excess of the \$1,000 per election contribution limitation in 1976 to the Harrison Schmitt Senatorial Committee in violation of 2 U.S.C. § 441a(a)(1)(A). We have numbered this matter MUR 654.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials not previously submitted to the Audit Division of this Commission which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If we have not heard from you within that period, we will proceed on the basis of the information currently in hand. If you have any questions, please contact Mr. Conley Edwards, the staff member assigned to this matter, at (202) 523-4529.

79040083283

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

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

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

CEJ 9-18-78

79040083284

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 654
Harrison Schmitt Senatorial Committee)	
Democrats for Schmitt Committee)	

CERTIFICATION

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

1. Find reason to believe that the Harrison Schmitt Senatorial Committee has violated 2 U.S.C. §441a(f) and 2 U.S.C. §432(d).
2. Find reason to believe that the Democrats for Schmitt Committee has violated 2 U.S.C. §432(d).
3. Find reason to believe that Messrs. Robert C. Anderson, Tom Bolack, and Mrs. Edna Oxnard have violated 2 U.S.C. §441a(a) (1) (A) by making excessive contributions to the Harrison Schmitt Senatorial Committee.
4. Send the letter attached to the General Counsel's First Report in MUR 654.

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

Attest:

9/15/78

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

79910033283



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *MJE by pc*

SUBJECT: MUR 654 - First General Counsel's Report
dated 8-28-78, Received in the
Office of Commission Secretary
8-28-78, 10:26

DATE: AUGUST 29, 1978

The above-named document was circulated on a 48 hour vote basis at 3:00 p.m., August 28, 1978.

Commissioner Aikens submitted an objection at 2:37. August 29, 1978, thereby placing MUR 654 on the Executive Session Agenda for September 13, 1978.

cc: Commissioner Aikens

7 9 0 4 0 0 8 3 2 8 5



August 28, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 654

Please have the attached First General Counsel's
Report on MUR 654 distributed to the Commission on a 48
hour tally basis.

Thank you.

79040083287

FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO COMMISSION AUG 28 1978

MUR NO. 654
STAFF MEMBER(S) _____

EDWARDS

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D (Audit)

RESPONDENT'S NAME: Harrison Schmitt Senatorial Committee
Democrats for Schmitt Committee

RELEVANT STATUTE: 2 U.S.C. § 432(d)
2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(f)

INTERNAL REPORTS CHECKED:

FEDERAL AGENCIES CHECKED: NONE

GENERATION OF MATTER

This matter was referred to the Office of General Counsel from the Audit Division on the basis of information disclosed in the records of the Harrison Schmitt Senatorial Committee and the Democrats for Schmitt Committee.

SUMMARY OF ALLEGATIONS

During their review of the records of the Harrison Schmitt Senatorial Committee, the auditors discovered nine contributions from eight contributors, each aggregating in excess of \$1000. All of these contributions were received after the primary election. In three instances the Committee has not provided documentation indicating an intent on the part of the contributors to designate a portion of their respective contributions to the primary election. Therefore there exist apparent violations of 2 U.S.C. § 441a(a)(1)(A) on the part of the latter three contributors and apparent violations of 2 U.S.C. § 441a(f) on the part of the Committee for having respectively made and accepted excessive contributions.

The auditors also found that the Harrison Schmitt Senatorial Committee had failed to retain adequate documentation for 108 expenditures each aggregating in excess of \$100, in violation of 2 U.S.C. § 432(d). Although the Committee was notified by the Audit Division on April 24, 1978, that the needed documentation should be submitted within 30 days, and despite receipt of time extensions totaling 33 days, the Committee has supplied documentation for only 15 of the expenditures at issue. The Committee reports having mailed its requests for documents from the remaining payees on July 3, 1978. The auditors believe that these delays warrant a finding that the

Committee has not exerted its best efforts in fulfilling the requirements of 2 U.S.C. § 432(d).

During the review of the records of the Democrats for Schmitt Committee, the auditors found that that Committee had failed to retain adequate documentation for 23 expenditures each aggregating in excess of \$100, in violation of 2 U.S.C. § 432(d). The Committee was notified on April 24, 1978, that the needed documentation should be submitted within 30 days and was later granted extensions totaling 33 days. Nevertheless, it was only on July 3, 1978, that the Committee mailed requests to the 23 payees requesting receipts or other documentation. The auditors believe that these delays warrant a finding that the Committee has failed to exert its best efforts concerning the documentation of expenditures which is required by 2 U.S.C. § 432(d).

PRELIMINARY LEGAL ANALYSIS

1. Excessive Contributions - Harrison Schmitt Senatorial Committee

2 U.S.C. § 441a(a)(1)(A) limits contributions from individuals to \$1000 per election, while 2 U.S.C. § 441a(f) prohibits political committees from accepting any contributions which violate Section 441a(a)(1)(A). 11 C.F.R. § 110.1(a)(2)(ii) permits contributors to designate in writing that a post-primary contribution is to be used to meet primary expenses provided primary-related debts remain which are equal to or greater than the contribution.

Here the Committee's contribution records disclosed nine contributions from eight contributors, each aggregating in excess of \$1000, which were received after the primary election. The Committee's contributor record cards indicated that the contributions in excess of the \$1000 limitation per person had been designated for use with regard to the primary election. Written documentation from the contributors was not provided to the auditors at that time.

More recently the Committee has supplied written designations from five contributors, leaving three contributors in apparent violation of 2 U.S.C. § 441a(a)(1)(A). The persons involved in these violations are Messrs. Robert C. Anderson, Tom Bolack, and Mrs. Edna Oxnard. The Committee is in apparent violation of 2 U.S.C. § 441a(f) for having accepted these excessive contributors.

2. Retention of Receipts - Harrison Schmitt Senatorial Committee

2 U.S.C. § 432(d) requires political committees to obtain and keep receipted bills, stating particulars, for all expenditures aggregating in excess of \$100 to the same person. 11 C.F.R. § 102.9(c)(4) permits committees to substitute canceled checks plus the bill, invoice or other contemporaneous memorandum when receipted bills are unavailable.

Here the auditors found that the Harrison Schmitt Senatorial Committee had retained only canceled checks for 108 expenditures aggregating in excess of \$100. These expenditures totaled \$31,392.37, or 6% of the dollar amount of itemized expenditures.

The Committee has responded to the Audit Division's recommendation that the missing documentation be supplied by forwarding documentation in support of 15 expenditures. Despite a 33 day extension of the original 30 day time limit set by the Audit Division in its April 24 letter, the Committee only mailed requests for receipts or other documents to the remaining 93 payees on July 3, 1978.

The Office of General Counsel agrees that the Committee has not exerted its best efforts to collect documentation for 93 expenditures aggregating in excess of \$100. Therefore we recommend a finding of reason to believe that the Committee is in violation of 2 U.S.C. § 432(d).

3. Retention of Receipts - The Democrats for Schmitt Committee

The auditors found that the Democrats for Schmitt Committee had failed to retain adequate documentation for 23 expenditures aggregating in excess of \$1000. These expenditures totaled \$6,486.45, or 32% of the dollar amount of itemized expenditures.

Despite receipt of the notification from the Audit Division dated July 24, 1978, and despite the same extensions of time as were given the Harrison Schmitt Senatorial Committee, the Democrats for Schmitt Committee only mailed requests for receipts or other documentation to the 23 payees on July 3, 1978.

The Office of General Counsel agrees that the Democrats for Schmitt Committee has not exerted its best efforts to obtain documentation for 23 expenditures aggregating in excess of \$100. Therefore we recommend a finding of reason to believe that the Committee is in violation of 2 U.S.C. § 432(d).

RECOMMENDATION

1. Find reason to believe that the Harrison Schmitt Senatorial Committee has violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 432(d).

2. Find reason to believe that the Democrats for Schmitt Committee has violated 2 U.S.C. § 432(d).

3. Find reason to believe that Messrs. Robert C. Anderson, Tom Bolack, and Mrs. Edna Oxnard have violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to the Harrison Schmitt Senatorial Committee.

4. Send attached letters.

Handwritten initials



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20461

July 17, 1978

MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER ^{AL for}
STAFF DIRECTOR _{ODP.}

FROM: BOB COSTA *RC*

SUBJECT: AUDITS OF THE HARRISON SCHMITT SENATORIAL
COMMITTEE AND THE DEMOCRATS FOR SCHMITT

In a letter dated April 24, 1978, we formally advised the Harrison Schmitt Senatorial Committee and the Democrats for Schmitt ("the Committee(s)") of our audit findings and related recommendations. The Committees had been requested to comply with our recommendations within 30 days of receipt of our letter (see Attachment). The Committees initially requested and received a 30 day extension and subsequently requested an additional three (3) days, which was also granted. The Committees were advised that their responses would be due on July 5, 1978.

Harrison Schmitt Senatorial Committee

On July 8, 1978, the Committee submitted the required amendment and/or documentation with respect to our recommendations for findings B, C, D, E, G, and H. The Committee partially complied with our recommendation for finding A, but did not comply with our recommendation for finding F.

Finding A - Contributions in Excess of Limitation

We recommended that the Committee refund the excessive contributions (\$2,825) or obtain the required documentation from the contributors and submit it for our review. The Committee submitted the required documentation for five (5) of the eight (8) contributions, totalling \$2,225. For the remaining three (3) excessive contributions the Committee submitted copies of second request letters, sent to the contributors on July 3, 1978.

It is our opinion that the Committee has not complied with our recommendation since the remaining three (3) contributions have not been refunded.



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Finding F - Preservation of Receipts

We recommended that the Committee obtain the supporting documentation for 108 expenditures or present evidence of its efforts to do so. The Committee submitted the necessary supporting documentation for 15 expenditures, totalling \$11,779.96. Additionally, the Committee submitted copies of 93 letters, dated July 3, 1978, to the payees requesting copies of billing statements, invoices, or other contemporaneous memoranda of the transaction.

It is our opinion that the Committee has not exercised best efforts to obtain the necessary supporting documentation, since the letters to the payees were dated July 3, 1978.

Democrats for Schmitt

The Committee has not complied with our recommendation for finding A. We recommended that the Committee obtain and submit the required supporting documentation for 23 expenditures or present evidence of their efforts to do so. The same extensions received by the Harrison Schmitt Senatorial Committee were granted to the Democrats for Schmitt. The Committee submitted copies of 23 letters, dated July 3, 1978, to the payees requesting copies of billing statements, invoices, or other contemporaneous memoranda of the transaction.

It is our opinion that the Committee has not exercised best efforts to obtain the necessary supporting documentation, since the letters to the payees were dated July 3, 1978.

This matter is being referred to your office for consideration and recommendation of appropriate action. If you have any questions, please contact Tom Nurthen or Joanne McSorley on extension 3-4155.

Attachment as stated



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20463

Mr. Randall P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee.
Post Office Box 11667
Albuquerque, New Mexico 87112

Dear Mr. Sullivan:

The attached is to formally advise you of the findings and recommendations of the Audit staff resulting from the audit of Harrison Schmitt Senatorial Committee and Democrats for Schmitt. These matters were discussed with your committees at the conclusion of the fieldwork in Albuquerque, New Mexico on January 17, 1978.

You are requested to comply with the stated recommendations within 30 days of the receipt of this letter. After expiration of the 30 day period, the Audit staff will present a final audit report to the Commission for approval and subsequent public release. Efforts to comply with the recommendations will be noted in the report when presented. Failure to comply with the recommendations will also be noted.

If you have any questions, please do not hesitate to contact Ms. Joanne McSorley or Mr. Thomas J. Nurthen at (202) 523-4155.

Sincerely,

Robert J. Costa
Assistant Staff Director
for the Audit Division

cc: Honorable Harrison Schmitt

Attached as stated

CERTIFIED MAIL:
RETURN RECEIPT REQUESTED



Audit Findings and Recommendations with Respect to
the Harrison Schmitt Senatorial Committee

A. Contributions in Excess of Limitation

Section 441a(a)(1)(A) and (f) of Title 2 of the United States Code states, in part, that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000. In addition, no candidate or political committee shall knowingly accept any contribution in violation of the provisions of this section.

Section 110.1(a)(2)(ii) of the Commission's Regulations states that: "With respect to any election" means, in the case of a contribution not designated in writing for a particular election, for a primary election, if made on or before the date of the election, or for a general election, if made after the date of the primary election.

An analysis of the contribution records disclosed that nine (9) contributions from eight (8) contributors, each aggregating in excess of \$1,000 and totaling \$10,825.00, were received after the date of the primary election. Information contained on the Committee's contributor record cards indicated that the contributions in excess of the limitations (\$2,825.00) were designated for the primary election.

Although the treasurer stated that the Committee's records contained written documentation from the contributors to support the primary election designation of the excess contributions, he was unable to provide such documentation for the Audit staff's review. The treasurer further stated he will attempt to obtain the required documentation and submit it to the Audit staff.

Recommendation

The Audit staff recommends that the Committee refund the contributions in excess of the limitation (\$2,825.00) or obtain the required documentation from the contributors and submit it for the Audit staff's review within 30 days of receipt of this letter.

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B. Contributions of Currency

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

In addition, Section 110.4(c)(2) of the Commission's Regulations states that a candidate or committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor.

Information contained on the contribution records indicated that the Committee accepted four (4) cash contributions each exceeding \$100 and totaling \$900.00.

The treasurer stated that the contributions were received during his absence by another representative of the Committee, but he expressed a willingness to refund the amounts in excess of \$100.

Recommendation

The Audit staff recommends that the Committee refund the cash contributions in excess of \$100 to the contributors, and submit to the staff evidence of the refund within 30 days of receipt of this letter.

C. Disclosure of Expenditures

Section 434(b)(9) of Title 2 of the United States Code states, in part, that each report shall disclose the identification of each person to whom expenditures have been made by such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, together with the amount, date, and purpose of each such expenditure.

It was determined that the candidate's unreimbursed travel expenses, totaling \$6031.92, were reported by the Committee as loans received from the candidate and as unitemized expenditures. These transactions were also disclosed on the Committee's Schedule C.

Since the Committee has been reporting all the candidate expenditures, we recommended that the Committee disclose the required itemizable expenditures as being made by the candidate for the purpose of meals, lodging and other travel expenses. The treasurer agreed with our recommendation and stated he will file an amendment disclosing the recommended changes.

Recommendation

The Audit staff recommends that the Committee file an amended report disclosing the required transactions within 30 days of receipt of this letter.

D. Itemization of Transfers

Section 434(b)(4) of Title 2 of the United States Code states, in part, that each report shall disclose the name and address of each political committee from which the reporting committee received any transfer of funds, together with the amounts and dates of all transfers.

During the audit, it was determined that the Committee did not itemize 15 transfers from political committees which totaled \$1,120.00. These transfers represent approximately 15% of the number and 1% of the dollar amount of all transfers received.

The treasurer expressed a willingness to file an amended report itemizing the transfers.

Recommendation

The Audit staff recommends that the Committee file an amended report within 30 days of receipt of this letter itemizing the transfers.

E. Disclosure of Occupation and Principal Place of Business

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

It was determined that the Committee did not disclose the contributors' occupation and/or principal place of business for 114 contributions which, in the aggregate, exceeded \$100, and totaled \$28,975.00. This represents approximately 16% of the number and 17% of the dollar amount of itemizable contributions.

We were informed by the treasurer that he attempted to obtain the information, but such attempts were not always documented, however, he agreed to make additional attempts to obtain the required information and file an amended report disclosing the information.

Recommendation

The Audit staff recommends that the Committee file an amended report disclosing the information, or furnish evidence of its efforts to obtain the information, within 30 days of receipt of this letter.

F. Preservation of Receipts

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

In addition, Section 102.9(c)(4) of the Commission's Regulations states, in part, that instead of a receipted bill, the treasurer may keep the cancelled check showing payment of the bill; and the bill, invoice, or other contemporaneous memorandum.

Our review of the Committee's expenditure records disclosed 108 expenditures, each aggregating in excess of \$100 and totaling \$31,392.37 that were not supported by receipted bills, invoices, or other contemporaneous memoranda. This represents approximately 15% of the number and 6% of the dollar amount of itemized expenditures. Cancelled checks were presented for each of the expenditures.

The treasurer was not aware that the expenditure records were incomplete, but he has agreed to make efforts to obtain the missing documentation.

Recommendation

The Audit staff recommends that the Committee obtain the supporting documentation and submit copies to the Audit staff, or present evidence of its efforts to do so, within 30 days of receipt of this letter.

G. Disclosure of Changes in Statement of Organization

Section 433(b)(5) and (9) of Title 2 of the United States Code states, in part, that a statement of organization shall include the name, address, and position of the principal officers, and a listing of all banks or other repositories used.

In addition, Section 433(c) of Title 2 of the United States Code states that any change in information previously submitted in a statement of organization shall be reported to the Commission within a 10-day period following the change.

Our review of the Committee's records revealed that the Committee did not amend its statement of organization to disclose the current treasurer. In addition, the Committee did not disclose three (3) additional depositories used during a portion of 1976. However, all receipts and expenditures attributable to the depositories were properly disclosed by the Committee.

The treasurer informed us he was unaware that this information required disclosure, but he expressed a willingness to file an amended statement of organization disclosing the changes.

Recommendation

The Audit staff recommends that the Committee file an amended statement of organization within 30 days of receipt of this letter disclosing the treasurer and depositories.

H. Disclosure of In-Kind Contributions

Section 104.3 (a)(1) and (2) of the Commission's Regulations requires that each in-kind contribution in excess of \$100 be itemized as a receipt and expenditure on the appropriate schedules, and identified as an "in-kind contribution."

It was determined that the Committee itemized 17 in-kind contributions, each exceeding \$100 and totaling \$2,985.36, on the receipts schedules, but did not identify them as "in-kind contributions;" in addition, the Committee disclosed these items as unitemized expenditures. This represents 100% of the number and dollar value of itemizable in-kind contributions.

We were informed by the treasurer that these discrepancies were the result of an apparent oversight by the Committee, and he expressed a willingness to file an amended report itemizing the in-kind items as expenditures, reducing unitemized expenditures, and identifying each of the items on the appropriate schedules as "in-kind contributions."

Recommendation

The Audit staff recommends that the Committee file an amended report disclosing the corrections within 30 days of receipt of this letter.

I. Other Matter

Presented below is a matter noted during the audit for which the Audit staff feels no action is warranted. The Committee has been advised of this discrepancy and informed of the respective requirements of the Act.

Nine (9) contributions which aggregated in excess of \$100 and totaled \$1,285.00 were not itemized.

6-21-67

Audit Findings and Recommendations with Respect to Democrats for Schmitt

A. Preservation of Receipts

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

In addition, Section 102.9(c)(4) of the Commission's Regulations states, in part, that instead of a receipted bill, the treasurer may keep the cancelled check showing payment of the bill; and the bill, invoice, or other contemporaneous memorandum.

During the course of the audit, it was determined that 23 expenditures which aggregated in excess of \$100 and totaled \$6,486.45 were not supported by receipted bills, invoices, or other contemporaneous memoranda. However, cancelled checks were presented for each of the expenditures. This represents approximately 72% of the number and 32% of the dollar amount of expenditures requiring supporting documentation.

The treasurer stated that this resulted because of an apparent oversight by the Committee, and he will attempt to obtain the required documentation.

Recommendation

The Audit staff recommends that the Committee obtain the supporting documentation and submit it to the Audit staff, or present evidence of its efforts to do so, within 30 days of receipt of this letter.

10010083300



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Randell P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee
and Democrats for Schmitt Committee
P.O. Box 1167
Albuquerque, NM 87112

Re: MUR 654(78)

Dear Mr. Sullivan:

This letter is to inform you that the Federal Election Commission has found reason to believe that the Harrison Schmitt Senatorial Committee and the Democrats for Schmitt Committee have each violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has found reason to believe that the Harrison Schmitt Senatorial Committee has violated 2 U.S.C. § 441a(f) by accepting three contributions which were each in excess of the \$1000 per election limitation on contributions from individuals provided for in 2 U.S.C. § 441a(a)(1)(A), and 2 U.S.C. § 432(d) by failing to retain adequate documentation for 93 itemizable expenditures. With regard to the Democrats for Schmitt Committee, the Commission has found that that Committee has violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for 23 itemizable expenditures in violation of 2 U.S.C. § 432(d). We have numbered this matter MUR 654.

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

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This 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 Mr. Conley Edwards, the staff member assigned to this matter, at (202) 523-4529.

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

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20461

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tom Bolack
B Square Ranch
Farmington, New Mexico 87401

Re: MUR 654

Dear Mr. Bolack:

The Federal Election Commission has found reason to believe that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that you contributed in excess of the \$1,000 per election contributions limitation in 1976 to the Harrison Schmitt Senatorial Committee in violation of 2 U.S.C. § 441a(a)(1)(A). We have numbered this matter MUR 654.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials not previously submitted to the Audit Division of this Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If you have not responded within that period, we will proceed on the basis of the information currently in hand. If you have any questions, please contact Mr. Conley Edwards, the staff person assigned to this matter, at (202) 523-4529.

79040083301

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

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

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

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FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Edna Oxnard
215 16th Street, NW
Albuquerque, New Mexico 87112

RE: MUR 654

Dear Mrs. Oxnard,

The Federal Election Commission has found reason to believe that your labor organization may have violated the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that you contributed in excess of the \$1,000 per election contribution limitation in 1976 to the Harrison Schmitt Senatorial Committee in violation of 2 U.S.C. § 441a(a)(1)(A). We have numbered this matter MUR 654.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials not previously submitted to the Audit Division of this Commission which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If we have not heard from you within that period, we will proceed on the basis of the information currently in hand. If you have any questions, please contact Mr. Conley Edwards, the staff member assigned to this matter, at (202) 523-4529.

7904083305

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

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

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

79740083305



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert C. Anderson
Box 1000
Roswell, New Mexico 88201

Re: MUR 654

Dear Mr. Anderson,

The Federal Election Commission has found reason to believe that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that you contributed in excess of the \$1,000 per election contribution limitation in 1976 to the Harrison Schmitt Senatorial Committee in violation of 2 U.S.C. § 441a(a)(1)(A). We have numbered this matter MUR 654.

Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials not previously submitted to the Audit Division of this Commission which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If we have not heard from you within that period, we will proceed on the basis of the information currently in hand. If you have any questions, please contact Mr. Conley Edwards, the staff member assigned to this matter, at (202) 523-4529.

79040183307

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

Sincerely,

William C. Oldaker
General Counsel

cc: The Honorable Harrison Schmitt

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FEDERAL ELECTION COMMISSION

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

July 17, 1978

MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER ^{B.L. for}
STAFF DIRECTOR _{ODP}

FROM: BOB COSTA *BC*

SUBJECT: AUDITS OF THE HARRISON SCHMITT SENATORIAL
COMMITTEE AND THE DEMOCRATS FOR SCHMITT

70019133307

In a letter dated April 24, 1978, we formally advised the Harrison Schmitt Senatorial Committee and the Democrats for Schmitt ("the Committee(s)") of our audit findings and related recommendations. The Committees had been requested to comply with our recommendations within 30 days of receipt of our letter (see Attachment). The Committees initially requested and received a 30 day extension and subsequently requested an additional three (3) days, which was also granted. The Committees were advised that their responses would be due on July 5, 1978.

Harrison Schmitt Senatorial Committee

On July 8, 1978, the Committee submitted the required amendments and/or documentation with respect to our recommendations for findings B, C, D, E, G, and H. The Committee partially complied with our recommendation for finding A, but did not comply with our recommendation for finding F.

Finding A - Contributions in Excess of Limitation

We recommended that the Committee refund the excessive contributions (\$2,825) or obtain the required documentation from the contributors and submit it for our review. The Committee submitted the required documentation for five (5) of the eight (8) contributions, totalling \$2,225. For the remaining three (3) excessive contributions the Committee submitted copies of second request letters, sent to the contributors on July 3, 1978.

It is our opinion that the Committee has not complied with our recommendation since the remaining three (3) contributions have not been refunded.



Finding F - Preservation of Receipts

We recommended that the Committee obtain the supporting documentation for 108 expenditures or present evidence of its efforts to do so. The Committee submitted the necessary supporting documentation for 15 expenditures, totalling \$11,779.96. Additionally, the Committee submitted copies of 93 letters, dated July 3, 1978, to the payees requesting copies of billing statements, invoices, or other contemporaneous memoranda of the transaction.

It is our opinion that the Committee has not exercised best efforts to obtain the necessary supporting documentation, since the letters to the payees were dated July 3, 1978.

Democrats for Schmitt

The Committee has not complied with our recommendation for finding A. We recommended that the Committee obtain and submit the required supporting documentation for 23 expenditures or present evidence of their efforts to do so. The same extensions received by the Harrison Schmitt Senatorial Committee were granted to the Democrats for Schmitt. The Committee submitted copies of 23 letters, dated July 3, 1978, to the payees requesting copies of billing statements, invoices, or other contemporaneous memoranda of the transaction.

It is our opinion that the Committee has not exercised best efforts to obtain the necessary supporting documentation, since the letters to the payees were dated July 3, 1978.

This matter is being referred to your office for consideration and recommendation of appropriate action. If you have any questions, please contact Tom Nurthen or Joanne McSorley on extension 3-4155.

Attachment as stated



FEDERAL ELECTION COMMISSION

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

Mr. Randall P. Sullivan, Treasurer
Harrison Schmitt Senatorial Committee.
Post Office Box 11667
Albuquerque, New Mexico 87112

Dear Mr. Sullivan:

The attached is to formally advise you of the findings and recommendations of the Audit staff resulting from the audit of Harrison Schmitt Senatorial Committee and Democrats for Schmitt. These matters were discussed with your committees at the conclusion of the fieldwork in Albuquerque, New Mexico on January 17, 1978.

You are requested to comply with the stated recommendations within 30 days of the receipt of this letter. After expiration of the 30 day period, the Audit staff will present a final audit report to the Commission for approval and subsequent public release. Efforts to comply with the recommendations will be noted in the report when presented. Failure to comply with the recommendations will also be noted.

If you have any questions, please do not hesitate to contact Ms. Joanne McSorley or Mr. Thomas J. Nurthen at (202) 523-4155.

Sincerely,

Robert J. Costa
Assistant Staff Director
for the Audit Division

cc: Honorable Harrison Schmitt

Attached as stated

CERTIFIED MAIL:
RETURN RECEIPT REQUESTED



Audit Findings and Recommendations with Respect to
the Harrison Schmitt Senatorial Committee

A. Contributions in Excess of Limitation

Section 441a(a)(1)(A) and (f) of Title 2 of the United States Code states, in part, that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000. In addition, no candidate or political committee shall knowingly accept any contribution in violation of the provisions of this section.

Section 110.1(a)(2)(ii) of the Commission's Regulations states that: "With respect to any election" means, in the case of a contribution not designated in writing for a particular election, for a primary election, if made on or before the date of the election, or for a general election, if made after the date of the primary election.

An analysis of the contribution records disclosed that nine (9) contributions from eight (8) contributors, each aggregating in excess of \$1,000 and totaling \$10,825.00, were received after the date of the primary election. Information contained on the Committee's contributor record cards indicated that the contributions in excess of the limitations (\$2,825.00) were designated for the primary election.

Although the treasurer stated that the Committee's records contained written documentation from the contributors to support the primary election designation of the excess contributions, he was unable to provide such documentation for the Audit staff's review. The treasurer further stated he will attempt to obtain the required documentation and submit it to the Audit staff.

Recommendation

The Audit staff recommends that the Committee refund the contributions in excess of the limitation (\$2,825.00) or obtain the required documentation from the contributors and submit it for the Audit staff's review within 30 days of receipt of this letter.

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B. Contributions of Currency

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

In addition, Section 110.4(c)(2) of the Commission's Regulations states that a candidate or committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor.

Information contained on the contribution records indicated that the Committee accepted four (4) cash contributions each exceeding \$100 and totaling \$900.00.

The treasurer stated that the contributions were received during his absence by another representative of the Committee, but he expressed a willingness to refund the amounts in excess of \$100.

Recommendation

The Audit staff recommends that the Committee refund the cash contributions in excess of \$100 to the contributors, and submit to the staff evidence of the refund within 30 days of receipt of this letter.

C. Disclosure of Expenditures

Section 434(b)(9) of Title 2 of the United States Code states, in part, that each report shall disclose the identification of each person to whom expenditures have been made by such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, together with the amount, date, and purpose of each such expenditure.

It was determined that the candidate's unreimbursed travel expenses, totaling \$6031.92, were reported by the Committee as loans received from the candidate and as unitemized expenditures. These transactions were also disclosed on the Committee's Schedule C.

Since the Committee has been reporting all the candidate expenditures, we recommended that the Committee disclose the required itemizable expenditures as being made by the candidate for the purpose of meals, lodging and other travel expenses. The treasurer agreed with our recommendation and stated he will file an amendment disclosing the recommended changes.

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Recommendation

The Audit staff recommends that the Committee file an amended report disclosing the required transactions within 30 days of receipt of this letter.

D. Itemization of Transfers

Section 434(b)(4) of Title 2 of the United States Code states, in part, that each report shall disclose the name and address of each political committee from which the reporting committee received any transfer of funds, together with the amounts and dates of all transfers.

During the audit, it was determined that the Committee did not itemize 15 transfers from political committees which totaled \$1,120.00. These transfers represent approximately 15% of the number and 1% of the dollar amount of all transfers received.

The treasurer expressed a willingness to file an amended report itemizing the transfers.

Recommendation

The Audit staff recommends that the Committee file an amended report within 30 days of receipt of this letter itemizing the transfers.

E. Disclosure of Occupation and Principal Place of Business

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

It was determined that the Committee did not disclose the contributors' occupation and/or principal place of business for 114 contributions which, in the aggregate, exceeded \$100, and totaled \$28,975.00. This represents approximately 16% of the number and 17% of the dollar amount of itemizable contributions.

We were informed by the treasurer that he attempted to obtain the information, but such attempts were not always documented, however, he agreed to make additional attempts to obtain the required information and file an amended report disclosing the information.

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Recommendation

The Audit staff recommends that the Committee file an amended report disclosing the information, or furnish evidence of its efforts to obtain the information, within 30 days of receipt of this letter.

F. Preservation of Receipts

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

In addition, Section 102.9(c)(4) of the Commission's Regulations states, in part, that instead of a receipted bill, the treasurer may keep the cancelled check showing payment of the bill; and the bill, invoice, or other contemporaneous memorandum.

Our review of the Committee's expenditure records disclosed 108 expenditures, each aggregating in excess of \$100 and totaling \$31,392.37 that were not supported by receipted bills, invoices, or other contemporaneous memoranda. This represents approximately 15% of the number and 6% of the dollar amount of itemized expenditures. Cancelled checks were presented for each of the expenditures.

The treasurer was not aware that the expenditure records were incomplete, but he has agreed to make efforts to obtain the missing documentation.

Recommendation

The Audit staff recommends that the Committee obtain the supporting documentation and submit copies to the Audit staff, or present evidence of its efforts to do so, within 30 days of receipt of this letter.

G. Disclosure of Changes in Statement of Organization

Section 433(b)(5) and (9) of Title 2 of the United States Code states, in part, that a statement of organization shall include the name, address, and position of the principal officers, and a listing of all banks or other repositories used.

In addition, Section 433(c) of Title 2 of the United States Code states that any change in information previously submitted in a statement of organization shall be reported to the Commission within a 10-day period following the change.

Our review of the Committee's records revealed that the Committee did not amend its statement of organization to disclose the current treasurer. In addition, the Committee did not disclose three (3) additional depositories used during a portion of 1976. However, all receipts and expenditures attributable to the depositories were properly disclosed by the Committee.

The treasurer informed us he was unaware that this information required disclosure, but he expressed a willingness to file an amended statement of organization disclosing the changes.

Recommendation

The Audit staff recommends that the Committee file an amended statement of organization within 30 days of receipt of this letter disclosing the treasurer and depositories.

H. Disclosure of In-Kind Contributions

Section 104.3 (a)(1) and (2) of the Commission's Regulations requires that each in-kind contribution in excess of \$100 be itemized as a receipt and expenditure on the appropriate schedules, and identified as an "in-kind contribution."

It was determined that the Committee itemized 17 in-kind contributions, each exceeding \$100 and totaling \$2,985.36, on the receipts schedules, but did not identify them as "in-kind contributions;" in addition, the Committee disclosed these items as unitemized expenditures. This represents 100% of the number and dollar value of itemizable in-kind contributions.

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We were informed by the treasurer that these discrepancies were the result of an apparent oversight by the Committee, and he expressed a willingness to file an amended report itemizing the in-kind items as expenditures, reducing unitemized expenditures, and identifying each of the items on the appropriate schedules as "in-kind contributions."

Recommendation

The Audit staff recommends that the Committee file an amended report disclosing the corrections within 30 days of receipt of this letter.

I. Other Matter

Presented below is a matter noted during the audit for which the Audit staff feels no action is warranted. The Committee has been advised of this discrepancy and informed of the respective requirements of the Act.

Nine (9) contributions which aggregated in excess of \$100 and totaled \$1,285.00 were not itemized.

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Audit Findings and Recommendations with Respect to
Democrats for Schmitt

A. Preservation of Receipts

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

In addition, Section 102.9(c)(4) of the Commission's Regulations states, in part, that instead of a receipted bill, the treasurer may keep the cancelled check showing payment of the bill; and the bill, invoice, or other contemporaneous memorandum.

During the course of the audit, it was determined that 23 expenditures which aggregated in excess of \$100 and totaled \$6,486.45 were not supported by receipted bills, invoices, or other contemporaneous memoranda. However, cancelled checks were presented for each of the expenditures. This represents approximately 72% of the number and 32% of the dollar amount of expenditures requiring supporting documentation.

The treasurer stated that this resulted because of an apparent oversight by the Committee, and he will attempt to obtain the required documentation.

Recommendation

The Audit staff recommends that the Committee obtain the supporting documentation and submit it to the Audit staff, or present evidence of its efforts to do so, within 30 days of receipt of this letter.

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FEDERAL ELECTION COMMISSION

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WASHINGTON, D.C. 20463

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