



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20004

THIS IS THE END OF TAP # 982

DATE FILMED 2/26/80 CAMERA NO. --- 2

CAMERA MAN LRC

2/26/80 11:25 AM 1125 K STREET N.W. WASHINGTON, D.C. 20004

FEDERAL ELECTION COMMISSION

Documents related to the
conciliation process

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

- _____ (1) Classified Information _____ (6) Personal privacy
- _____ (2) Internal rules and practices _____ (7) Investigatory files
- X (3) Exempted by other statute 20 USC 4379(a)(4)(B)(i) _____ (8) Banking Information
- _____ (4) Trade secrets and commercial or financial information _____ (9) Well Information (geographic or geophysical)
- _____ (5) Internal Documents

Signed

Maibeth Tanant

date

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

February 12, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Phillip C. Stone
Wharton, Aldhizer & Weaver
90 North Main Street
Harrisonburg, Virginia 22801

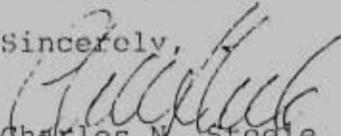
RE: MJR 982

Dear Mr. Stone:

On February 8, 1980, the Commission accepted the conciliation agreements signed by your clients and the civil penalties in settlement of their violations of 2 U.S.C. §441a. Accordingly, the file has been closed in this matter, and it will become part of the public record within thirty days. However, 2 U.S.C. §437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondents and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find fully executed copies of the final conciliation agreements for your files.

Sincerely,


Charles N. Stedle
General Counsel

Enclosures:
Conciliation Agreements

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C. Respondent Garland Miller loaned \$20,000 to his son, Nathan Miller, which he in turn loaned to his Committee. A full disclosure was made at the time of the loans on reports required to be submitted to the Commission and it was upon the information submitted by the committee that the Commission became aware of the violation of the Act, and in March, 1979, notified the committee of its conclusions.

D. The Commission accepts the representation of the respondent that there was no knowing or intentional violation of the Act on the part of Nathan Miller, Garland Miller or the Committee.

THEREFORE, Respondent agrees:

IV. Respondent's action in contributing in excess of \$1,000 to his son violated 2 U.S.C. §441a.

V. That he will pay a civil penalty in the amount of \$250 pursuant to 2 U.S.C. §437g(a)(6)(B).

VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

VII. The Commission, on the request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may take such action as is provided by law.

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

IX. It is agreed that respondent shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

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11 February 1980
Date

Charles N. Steele
Charles N. Steele
General Counsel
Federal Election Commission

Date

Garland F. Miller
Garland Miller
Respondent

BEFORE THE FEDERAL ELECTION COMMISSION
December 14, 1979

In the Matter of)
) MUR 982
Senator Nathan Miller for)
U.S. Senate)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Senator Nathan Miller for U.S. Senate (the Committee) violated 2 U.S.C. §441a by accepting \$20,000 in loans from Nathan Miller knowing the source of the loans was Garland Miller.

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

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

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

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

A. That Respondent Committee was the principal campaign committee for candidate Nathan Miller pursuant to 2 U.S.C. §431(n).

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B. Pursuant to 2 U.S.C. §441a(a)(1)(A) 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 and pursuant to 2 U.S.C. §441a no person or committee may accept such excess contributions.

C. Nathan Miller accepted \$20,000.00 in loans from his father, Garland Miller, which he in turn loaned to the Respondent Committee. A full disclosure was made at the time of the loans on reports required to be submitted to the Commission and it was upon the basis of information submitted by the respondent that the Commission became aware of the violation of the Act, and in March, 1979, notified the respondent of its conclusions.

D. The Commission accepts the representation of the respondent that there was no knowing or intentional violation of the Act on the part of Nathan Miller, Garland Miller or the Committee.

THEREFORE, Respondent agrees:

IV. Respondent's action in accepting a loan from Nathan Miller in excess of \$1,000 violated 2 U.S.C. §441a.

V. That it will pay a civil penalty in the amount of \$250 pursuant to 2 U.S.C. §437g(a)(6)(B).

VI. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

VII. The Commission, on the request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may take such action as is provided by law.

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

IX. It is agreed that respondent shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

11 February 1980
Date

[Signature]
Charles N. Steele
General Counsel
Federal Election Commission

Date

[Signature]
O. Grant Rush
Treasurer
Senator Nathan Miller
for U.S. Senate

0000080284

BEFORE THE FEDERAL ELECTION COMMISSION
December 14, 1979

In the Matter of
Nathan H. Miller

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)

MUR 982

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Nathan Miller violated 2 U.S.C. §441a by accepting \$20,000 in loans from his father, Garland Miller, for use in his campaign for the U.S. Senate in 1978.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Nathan H. Miller, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a) (5), do hereby agree as follows:

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

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

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

A. That the Senator Nathan Miller for U.S. Senate Committee was the principal campaign committee for candidate Nathan Miller pursuant to 2 U.S.C. §431(n).

B. Pursuant to 2 U.S.C. §441a(a)(1)(A) 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 and pursuant to §441a no person or committee may accept such excess contributions.

C. Respondent Nathan Miller accepted \$20,000.00 in loans from his father, Garland Miller, which he in turn loaned to his Committee. A full disclosure was made at the time of the loans on reports required to be submitted to the Commission and it was upon the basis of information submitted by the committee that the Commission became aware of the violation of the Act, and in March, 1979, notified the committee of its conclusions.

D. The Commission accepts the representation of the respondent that there was no knowing or intentional violation of the Act on the part of Nathan Miller, Garland Miller or the Committee.

THEREFORE, Respondent agrees:

IV. Respondent's action in accepting a loan from his father in excess of \$1,000 violated 2 U.S.C. §441a.

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

VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

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GENERAL CONDITIONS

VII. The Commission, on the request of anyone filing a complaint under 2 U.S.C. §437g(a) (1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may take such action as is provided by law.

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

IX. It is agreed that respondent shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

11 February 1986
Date

Date

Charles W. Steele
Charles W. Steele
General Counsel
Federal Election Commission

Nathan H. Miller
Nathan Miller
Respondent

09100180287



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Phillip C. Stone
Wharton, Aldhizer & Weaver
90 North Main Street
Harrisonburg, Virginia 22801

RE: MUR 982

Dear Mr. Stone:

On February 8, 1980, the Commission accepted the conciliation agreements signed by your clients and the civil penalties in settlement of their violations of 2 U.S.C. §441a. Accordingly, the file has been closed in this matter, and it will become part of the public record within thirty days. However, 2 U.S.C. §437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondents and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find fully executed copies of the final conciliation agreements for your files.

Sincerely,

Charles N. Steele
General Counsel

Enclosures:
Conciliation Agreements

BEFORE THE FEDERAL ELECTION COMMISSION

| | | |
|---------------------------|---|---------|
| In the Matter of |) | |
| |) | MUR 982 |
| Garland Miller |) | |
| Nathan H. Miller |) | |
| Senator Nathan Miller for |) | |
| U.S. Senate |) | |

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 8, 1980, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 982:

1. Approve the signed conciliation agreements as attached to the Memorandum to the Commission dated February 5, 1980.
2. Close the file.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, Reiche, and Tiernan.

Attest:

2/8/80
Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 2-5-80, 3:21
Circulated on 48 hour vote basis: 2-6-80, 11:00

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February 5, 1930

MEMORANDUM TO: Marjorie W. Emmons
FROM: Jane Colgrove
SUBJECT: MUR 952

Please have the attached Memo to the Commission on
MUR 952 distributed to the Commission on a 48 hour daily
basis.

Thank you.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

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February 5, 1980

MEMORANDUM TO: The Commission
FROM: Charles N. Steele *CS*
General Counsel
SUBJECT: MUR 982 - Conciliation Agreements

Attached for the Commission's approval are three signed conciliation agreements, offered as settlement in this matter. These agreements were approved by the Commission on December 18, 1979. No changes have been made by the respondents.

The Office of General Counsel recommends the acceptance of these agreements and the closing of the file.

Attachments
Conciliation Agreements (3)

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In the Matter of)
) MUR 982
Garland Miller)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Garland Miller violated 2 U.S.C. §441a by loaning \$20,000 to Nathan Miller for use in Nathan Miller's campaign.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent, Garland Miller, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

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

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

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

A. That the Senator Nathan Miller for U.S. Senate Committee was the principal campaign committee for candidate Nathan Miller pursuant to 2 U.S.C. §431(n).

B. Pursuant to 2 U.S.C. §441a(a)(1)(A) no person shall make contributions to any candidate and his authorized political committee with respect to any election for federal office which, in the aggregate, exceed \$1,000.

C. Respondent Garland Miller loaned \$20,000 to his son, Nathan Miller, which he in turn loaned to his Committee. A full disclosure was made at the time of the loans on reports required to be submitted to the Commission and it was upon the information submitted by the committee that the Commission became aware of the violation of the Act, and in March, 1979, notified the committee of its conclusions.

D. The Commission accepts the representation of the respondent that there was no knowing or intentional violation of the Act on the part of Nathan Miller, Garland Miller or the Committee.

THEREFORE, Respondent agrees:

IV. Respondent's action in contributing in excess of \$1,000 to his son violated 2 U.S.C. §441a.

V. That he will pay a civil penalty in the amount of \$250 pursuant to 2 U.S.C. §437g(a)(6)(B).

VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

VII. The Commission, on the request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may take such action as is provided by law.

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In the Matter of
Nathan H. Miller

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MUR 982

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Nathan Miller violated 2 U.S.C. §441a by accepting \$20,000 in loans from his father, Garland Miller, for use in his campaign for the U.S. Senate in 1978.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Nathan H. Miller, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

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

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

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

A. That the Senator Nathan Miller for U.S. Senate Committee was the principal campaign committee for candidate Nathan Miller pursuant to 2 U.S.C. §431(n).

B. Pursuant to 2 U.S.C. §441a(a)(1)(A) 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 and pursuant to §441a no person or committee may accept such excess contributions.

C. Respondent Nathan Miller accepted \$20,000.00 in loans from his father, Garland Miller, which he in turn loaned to his Committee. A full disclosure was made at the time of the loans on reports required to be submitted to the Commission and it was upon the basis of information submitted by the committee that the Commission became aware of the violation of the Act, and in March, 1979, notified the committee of its conclusions.

D. The Commission accepts the representation of the respondent that there was no knowing or intentional violation of the Act on the part of Nathan Miller, Garland Miller or the Committee. THEREFORE, Respondent agrees:

IV. Respondent's action in accepting a loan from his father in excess of \$1,000 violated 2 U.S.C. §441a.

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

VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

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GENERAL CONDITIONS

VII. The Commission, on the request of anyone filing a complaint under 2 U.S.C. §437g(a) (1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may take such action as is provided by law.

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

IX. It is agreed that respondent shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

Date

Charles N. Steele
General Counsel
Federal Election Commission

Date

Nathan Miller

Nathan Miller
Respondent

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BEFORE THE FEDERAL ELECTION COMMISSION
December 14, 1979

In the Matter of)
) MUR 982
Senator Nathan Miller for)
U.S. Senate)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Senator Nathan Miller for U.S. Senate (the Committee) violated 2 U.S.C. §441a by accepting \$20,000 in loans from Nathan Miller knowing the source of the loans was Garland Miller.

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

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

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

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

A. That Respondent Committee was the principal campaign committee for candidate Nathan Miller pursuant to 2 U.S.C. §431(n).

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WHARTON, ALDHIZER & WEAVER

ATTORNEYS AT LAW

90 NORTH MAIN STREET

HARRISONBURG, VIRGINIA

22801

W. W. WHARTON
GEORGE S. ALDHIZER, II
RUSSELL M. WEAVER
GEORGE R. ALDHIZER, JR.
DONALD E. SHOWALTER
PHILIP C. STONE
GLENN M. HODGE
GEORGE H. ROBERTS, JR.
M. BRUCE WALLINGOR
RONALD D. HODGES
I. QUINN RAYLOR

January 29, 1980

AREA CODE 703
TELEPHONE 434-0316
P. O. Box 809

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

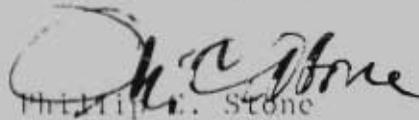
Re: MUR 982

Dear Miss Tarrant:

Enclosed please find three (3) copies each of the conciliation agreement signed by the Treasurer of the Senator Nathan Miller for U. S. Senate Committee, Garland Miller and Nathan Miller.

It has been a pleasure working with you during this long protracted matter and we appreciate your kind indulgence.

Very truly yours,


Philip C. Stone

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Enclosures

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From

WHARTON, ALDIZER & WEAVER
90 NORTH MAIN STREET
HARRISONBURG, VIRGINIA - 22801

To

Miss Marybeth Tarrant
Federal Election Commission
1525 K Street, N.W.
Washington, D.C. 20465

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the enclosed conciliation agreement, please contact Marybeth Tarrant, the staff member assigned to this matter, at (202) 523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure
Conciliation Agreement

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
 Nathan Miller
 Route 2
 Bridgewater, VA 22812

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | 943419 | |

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
 Lucille R. Cook
 AUG 14 1979

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

BRIDGEWATER, VA
 AUG 14 1979

982

Tarrant

180303

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Latman H. Miller
Suite 2
Bridgewater, Virginia 22812

Re: MUR 982

Dear Mr. Miller:

On _____, 1979, the Commission found reasonable cause to believe that you violated 2 U.S.C. § 441a by accepting \$20,000 in loans from your father Garland Miller, which in turn you loaned to your Committee, the Senator Latman Miller for U.S. Senate.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 447(i)(5)(A). If we are unable to reach an agreement during that period, the Commission may institute civil suit in the United States District Court and seek payment of a civil penalty.

We enclose a proposed conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter.

If you agree with the provisions of the enclosed agreement, please sign and return it along with civil penalty to the Commission within ten days. Please make your check payable to the U.S. Treasurer. I will then recommend that the Commission approve the proposal.

If you have any questions or suggestions for comment, it

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the enclosed conciliation agreement, please contact Marybeth Tarrant, the staff member assigned to this matter, at (202) 523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure
Conciliation Agreement

001103180307

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Nathan H. Miller

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MUR 982

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Nathan Miller violated 2 U.S.C. § 441a by accepting \$20,000 in loans from his father, Garland Miller, for use in his campaign for the U.S. Senate in 1978.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Nathan H. Miller, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(5), do hereby agree as follows:

- I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.
- II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. That the pertinent facts in this matter are as follows:
 - a. That the Senator Nathan Miller for U.S. Senate was the principal campaign committee for candidate Nathan Miller pursuant to 2 U.S.C. § 431(a).
 - b. Pursuant to 2 U.S.C. § 441a(c)(1)(A) 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 \$1000 and pursuant to § 441a no person or

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committee may accept such excess contributions.

- C. Respondent Nathan Miller accepted \$20,000 in loans from his father, Garland Miller, which he in turn loaned to his committee.

THEREFORE, respondent agrees:

- IV. Respondent's action in accepting contributions in excess of \$1000 violated 2 U.S.C. § 441a.
- V. That he will pay a civil penalty in the amount of \$750 pursuant to 2 U.S.C. § 437g(a)(6)(B).
- VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

- VII. The Commission, on the request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute civil action for relief in the United States District Court for the District of Columbia.
- VIII. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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IX. It is agreed that respondent shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

DATE

William C. Oldaker
General Counsel

DATE

Nathan Miller
Respondent

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FEDERAL ELECTION COMMISSION

1155 K STREET, N.W.
WASHINGTON, D.C. 20543

August 9, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Garland Miller
Route 2
Bridgewater, VA 22812

Re: MUR 982

Dear Mr. Miller:

On August 8, 1979, the Commission found reasonable cause to believe that you violated 2 U.S.C. §441a by loaning \$20,000 to Nathan Miller for use in his campaign for U.S. Senate.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may institute civil suit in the United States District Court and seek payment of a civil penalty.

We enclose a proposed conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter.

If you agree with the provisions of the enclosed agreement, please sign and return it along with civil penalty, to the Commission within ten days. Please make your check payable to the U.S. Treasurer. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in

10-2-79

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Earland Miller
Route 2
Bridgewater, VA 22812

Re: MUR 982

Dear Mr. Miller:

On _____, 1979, the Commission found reasonable cause to believe that you violated 2 U.S.C. 541a by loaning \$20,000 to Nathan Miller for use in his campaign for U.S. Senate.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. 5437a(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may institute civil suit in the United States district court and seek payment of a civil penalty.

If you have a proposed conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter.

If you agree with the provisions of the enclosed agreement, please sign and return it along with civil penalty, to the Commission within ten days. Please make your check payable to the U.S. Treasurer. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in

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the enclosed conciliation agreement, please contact
Marybeth Tarrant the staff member assigned to this matter,
at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure
Conciliation Agreement

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C. Respondent Garland Miller loaned \$20,000 to his son, Nathan Miller, who in turn loaned the \$20,000 to his Committee.

THEREFORE, respondent agrees:

- IV. Respondent's action in contributing in excess of \$1000 to Nathan Miller violated 2 U.S.C. § 441a.
- V. That he will pay a civil penalty in the amount of \$500 pursuant to 2 U.S.C. § 437g(a)(6)(B).
- VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

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

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

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IX. It is agreed that respondent shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

DATE

William C. Oldaker
General Counsel
Federal Election Commission

DATE

Carland Miller
Respondent

0000180317



FEDERAL ELECTION COMMISSION

1125 K STREET, N.W.
WASHINGTON, D.C. 20543

August 9, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

O. Grant Rush, Treasurer
Senator Nathan Miller for U.S. Senate
122 South Main St. Room 401
Harrisonburg, VA 22801

Re: MUR 982

Dear Mr. Rush:

On August 8, 1979, the Commission found reasonable cause to believe that your Committee the Senator Nathan Miller for U.S. Senate, violated 2 U.S.C. §441a by accepting \$20,000 in loans from the candidate Nathan Miller knowing the source of the funds was Garland Miller.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may institute civil suit in the United States District Court and seek payment of a civil penalty.

We enclose a proposed conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter.

If you agree with the provisions of the enclosed agreement, please sign and return it along with civil penalty, to the Commission within ten days. Please make your check payable to the U.S. Treasurer. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in

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the enclosed conciliation agreement, please contact Marybeth Tarrant, the staff member assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure
Conciliation Agreement

1971 July 1971
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO: *O. Grant Rush, Treasurer
Senator Nathan Miller for U.S. Senate
122 South Main Street Room 401
Harrisonburg, VA 22801*

3. ARTICLE DESCRIPTION: REGISTERED NO. 943420 CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY *MICHAEL IDESON*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

982 *Jarant*

MARK
AUG 14 1979
HARRISONBURG VA
CLEVERLY

U.S. POSTAL SERVICE



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, DC 20543

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

O. Grant Rush, Treasurer
Senator Nathan Miller for U.S. Senate
122 South Main St. Room 401
Harrisonburg, VA 222801

Re: MUR 982

Dear Mr. Rush:

On _____, 1979, the Commission found reasonable cause to believe that your Committee the Senator Nathan Miller for U.S. Senate, violated 2 U.S.C. §441a by accepting \$20,000 in loans from the candidate Nathan Miller knowing the source of the funds was Garland Miller.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may institute civil suit in the United States District Court and seek payment of a civil penalty.

We enclose a proposed conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter.

If you agree with the provisions of the enclosed agreement, please sign and return it along with civil penalty, to the Commission within ten days. Please make your check payable to the U.S. Treasurer. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in

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8/8/79

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the enclosed conciliation agreement, please contact Marybeth Tarrant, the staff member assigned to this matter, at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure
Conciliation Agreement

0010180321

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 982
Senator Nathan Miller for)
U.S. Senate)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Senator Nathan Miller for U.S. Senate (the Committee) violated 2 U.S.C. §441a by accepting \$20,000 in loans from Nathan Miller knowing the source of the loans was Garland Miller.

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

- I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.
- II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. That the pertinent facts in this matter are as follows:
 - A. That respondent Committee was the principal campaign committee for candidate Nathan Miller pursuant to 2 U.S.C. §431(n).
 - B. Pursuant to 2 U.S.C. §441a(a)(1)(A) no person shall make contributions to any candidate and his authorized political committees with respect to

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any election to federal office which in the aggregate, exceeds \$1,000 and pursuant to 5441a no person or committee may accept such excess contributions.

C. Respondent Committee accepted \$20,000 in loans from Nathan Miller's father, Garland Miller.

THEREFORE, respondent agrees:

- IV. Respondent's action in accepting contributions in excess of \$1000 violated 2 U.S.C. §441a.
- V. That it will pay a civil penalty in the amount of \$500 pursuant to 2 U.S.C. §437g(a)(6)(B).
- VI. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

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

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

IX. It is agreed that respondent shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

Date

William C. Oldaker
General Counsel

Date

O. Grant Rush
Treasurer
Senator Nathan Miller
for U.S. Senate

0040180324



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *MRE by pc*
DATE: AUGUST 10, 1979
SUBJECT: COMMENTS REGARDING MUR 982 - General Counsel's
Report dated 8-3-79

Attached is a copy of Commissioner Reiche's vote sheet on which he submitted an objection. The certification was forwarded to your office at 5:05, August 8, 1979, shortly after the deadline expired, approving the actions 5-0.

Commissioner Reiche submitted his objection at 4:38, August 9, 1979. Elissa Garr was contacted immediately and informed this office that the recommended action had been taken.

Commissioner Reiche was advised on August 10, 1979 of the status of MUR 982. The vote sheet explains his reason for objecting.

ATTACHMENT:
Copy of Vote Sheet

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY



FEDERAL ELECTION COMMISSION AUG 9

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

P 4:38

Date and Time Transmitted: 8-6-79, 4:00

Commissioner FRIEDERSDORF, AIKENS, TIERNAN, McGARRY, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: AUGUST 8, 1979 - 4:00

MUR No. 982 - General Counsel's Report dated 8-3-79

() I approve the recommendation

() I object to the recommendation

COMMENTS: Would prefer to see a lesser penalty for the father and a greater one, if appropriate for the candidate.

Date: 8/9/79 Signature: Frank P. Reiche

THE OFFICE OF GENERAL COUNSEL WILL TAKE NO ACTION IN THIS MATTER UNTIL THE APPROVAL OF FOUR COMMISSIONERS IS RECEIVED. PLEASE RETURN ALL PAPERS NO LATER THAN THE DATE AND TIME SHOWN ABOVE TO THE OFFICE OF COMMISSION SECRETARY. ONE OBJECTION PLACES THE ITEM ON THE EXECUTIVE SESSION AGENDA.



BEFORE THE FEDERAL ELECTION COMMISSION

| | | |
|---------------------------|---|---------|
| In the Matter of |) | |
| |) | MUR 982 |
| Garland F. Miller |) | |
| Nathan H. Miller |) | |
| Senator Nathan Miller for |) | |
| U.S. Senate |) | |

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 8, 1979, the Commission determined by a vote of 5-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated August 3, 1979, regarding the above-captioned matter:

1. Find reasonable cause to believe that Nathan Miller, Garland Miller and the Committee violated 2 U.S.C. §441a.
2. Approve the conciliation agreements attached to the above-named report.
3. Send the letters attached to the above-named report.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, and Tiernan.

Attest:

8-8-79

Date

Margaret E. Chaney
for Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 8-6-79, 10:42
Circulated on 48 hour vote basis: 8-6-79, 4:00

0010180327

August 6, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 982

Please have the attached General Counsel's Report on MUR 982 distributed to the Commission on a 48 hour tally basis.

Thank you.

0010190328

BEFORE THE FEDERAL ELECTION COMMISSION

August 3, 1979

TELETYPE UNIT: 42

In the Matter of)
) MUR 992
Garland F. Miller)
Nathan H. Miller)
Senator Nathan Miller for)
U.S. Senate)

GENERAL COUNSEL'S REPORT

I. Background

On May 24, 1979, the Senator Nathan Miller for U.S. Senate (the Committee) 1/ was referred to the Office of General Counsel by RAD in connection with \$20,000 in loans made to the Committee. On June 20, 1979, the Commission found reason to believe that Nathan Miller, Garland Miller and the Committee may have violated 2 U.S.C. §441a. Letters went out to all three respondents on that day.

II. Evidence

A response filed on behalf of all three was received on July 6, 1979. It was explained that, at the time, both the candidate (Nathan Miller) and his father (Garland Miller) were of the opinion the loans were legal. 2/ The candidate borrowed from his father instead of a bank because he could obtain a lower interest rate.

1/ Nathan Miller withdrew from the senate race prior to the Republican state convention which was held June 3, 1978.

2/ As the source of the loans had been reported by the Committee, a notice was sent by RAD informing the Committee that a loan is considered a contribution to the extent that the obligation remains outstanding. This was construed by the candidate to mean if the loans were repaid, they were not a contribution.

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On March 26, 1979, after receipt of the Commission's notice, Nathan Miller obtained a bank loan and repaid his father in full.

III. Analysis

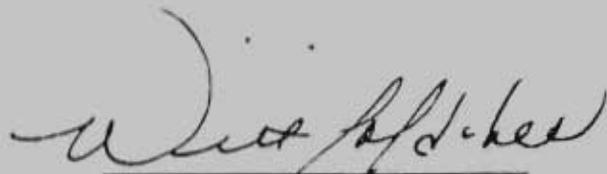
2 U.S.C. §441a prohibits any person from making contributions in excess of \$1000 per election to any federal candidate or his authorized committees and the acceptance of such excess contributions. While all three respondents were apparently guided by the belief that if the loans were paid back they would not be considered contributions, these beliefs do not indicate any special circumstances which should operate to completely release respondents from liability under the Act. Therefore, the Office of General Counsel recommends the Commission find reasonable cause to believe that all three respondents violated 2 U.S.C. §441a. However, since Nathan Miller did repay his father in full, and presuming the candidate would have taken out a bank loan in the very beginning had he known it was illegal to borrow from his father, this office recommends a civil penalty of \$500 for Mr. Garland Miller and the Committee and \$750 for Nathan Miller.

IV. Recommendation

1. Find reasonable cause to believe that Nathan Miller, Garland Miller and the Committee violated 2 U.S.C. §441a.
2. Approve the attached conciliation agreements.
3. Send the attached letters.

8/3/79

Date



William C. Oldaker
General Counsel

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Attachments

1. Response
2. Conciliation Agreements
3. Letters

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Account

Senator Nathan Miller for U.S. Senate

122 South Main • Suite 401 • Harrisonburg, Va. 22801 • Telephone: (703) 434-4333

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July 3, 1979

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

902983

RE: MUR 982

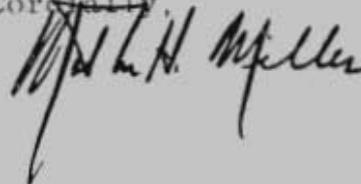
Dear Mr. Oldaker:

In reply to your letter of June 20, 1979, you will find enclosed a statement under oath which I would appreciate you filing with the Commission as my response to your inquiry.

You will note that the enclosure is being filed on behalf of the three (3) persons who received a letter of inquiry from your office.

Should you need additional information or comments, please feel free to contact me.

Cordially,



Nathan H. Miller

NHM/eg

Enclosures

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RECEIVED
JUL 10 1979

sponsored by the Senator Nathan Miller Committee - 11 Grant Rush, Treasurer

Copyright © 1979 by Nathan Miller, Inc. All rights reserved. Printed in the United States of America. Washington, D.C.

The undersigned submits the following in response to letters from the Federal Election Commission concerning a matter designated as "MUR 982":

During the campaign for the Republican nomination for United States Senator, subject to the general election of November 1978, Nathan H. Miller needed to borrow funds to support his candidacy. Because his father, Garland F. Miller, had the funds available and was willing to make the loans, the son made three borrowings on April 15, 1978, (\$5,000.00); May 17, 1978 (\$10,000.00); and June 29, 1978 (\$5,000.00). Before borrowing the funds, Nathan Miller was advised that the loans were legal so long as they were bona fide and were repaid. Cancelled checks of Garland F. Miller, evidencing such loans are attached as "Exhibits 1", "2", and "3". Interest was agreed at eight percent (8%).

It is emphasized that when these loans were obtained, the candidate and his father were of the opinion that they were legal.

There was furnished to the candidate from the Federal Election Commission, a notice consisting of a synopsis of certain federal election laws. This notice stated that "Part 100.4(a)(1)(1) of the Commission's regulations states that the term "loan" includes a guarantee, endorsement and any other form of security where the risk of non-payment rests with the surety, guarantor or endorser...". The notice further stated in underlined terms that "a loan is a contribution to the extent that the obligation remains outstanding". This was construed by the candidate and his committee to mean that if the loans were in fact repaid, that they were not a contribution. Since the loans were to be repaid, the candidate was totally unaware that any law or regulation had been violated. The original notice which was forwarded to the candidate is attached as "Exhibit 4".

The candidate and his committee openly and frankly revealed the nature

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of the obligation in the report to the Commission of October 10, 1978. In this report under, "Nature of Obligation", there was revealed the following:

"Loans to campaign committee from candidates own funds, non-interest bearing. The candidate obtained \$20,000.00 of the total \$36,617.00 in a form of a loan from his father, Garland Miller. The loan to Garland Miller bears interest at 8% and is an unsecured demand loan."

A copy of the page of the report showing this information is attached as "Exhibit 5". It is apparent from this straightforward disclosure that neither the candidate nor his committee believed that they had committed any violation, technical or otherwise, of the law.

By letter of March 12, 1979, the Treasurer of the Committee was notified by the Staff Director of the Federal Election Commission that it was recommended that the amount in excess of \$1,000.00 should be returned to the donor and reported immediately by letter. This was done and on March 26, 1979, the Commission was notified by letter that the loans had been repaid. Supporting documentation was furnished. It was necessary for Nathan H. Miller to borrow funds from a bank at a higher rate of interest to repay his father, but this was, nevertheless, accomplished. A copy of the letter of March 26th is attached as "Exhibit 6".

The reason for the candidate borrowing from his father rather than from a bank to supply the funds is that he was able to obtain the same at a favorable interest rate and because of the father-son relationship. Although the regulations and law, upon careful scrutiny, seem to state that such a transaction is technically illegal, it is indeed difficult for the undersigned to understand why a law or regulation would prohibit such a loan from a father to a son. Reasons are obvious as to why, in the absence of such a family relationship, such loans should not be allowed because of special interest, etc., but it is submitted that the father-son relationship, would remove such transactions from any undue influence.

In summary, there was no intention to violate any law, the amounts received were bona fide loans, they were very openly reported and disclosed, they have all been repaid, and there was no intention on the part of anyone to violate any of the provisions of the act. Under all of these documented circumstances, it is sincerely requested that no action be taken.

Nathan H. Miller
Nathan H. Miller

Garland F. Miller
Garland F. Miller

O. Grant Rush
O. Grant Rush

Subscribed and sworn to before me by NATHAN H. MILLER, GARLAND F. MILLER, and O. GRANT RUSH, this 3rd day of July, 1979.

Cherie L. Gtz
Notary Public, in and for the County of Rockingham, State of Virginia

My commission expires October 17, 1982

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GARLAND F. MILLER
 EDITH H. MILLER
 ROUTE 2
 BRIDGEWATER, VA. 22912

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April 15 1978 68-320-514

PAY TO THE ORDER OF Nathan H. Pardo \$5000

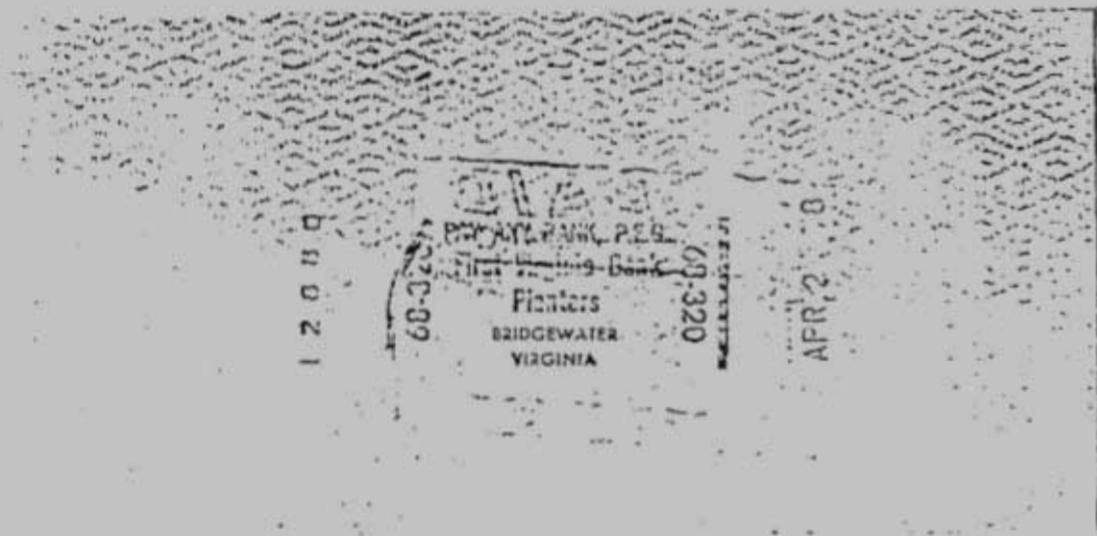
Five Thousand 00/100 DOLLARS

FIRST VIRGINIA BANK-PLANTERS
 APR 24 1978
 BRIDGEWATER BRANCH HARRISONBURG, VIRGINIA
 BRIDGEWATER, VA.

Garland F. Miller

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GARLAND F. MILLER
EDITH H. MILLER
ROUTE 2
BRIDGEWATER, VA. 22912

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PAID 7 1978 68-320
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PAY TO THE
ORDER OF

Garland F. Miller
Jan 11 1978

FIRST VIRGINIA BANK-PLANTERS

\$1,000.00

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FIRST VIRGINIA BANK

PLANTERS
BRIDGEWATER, DAYTON, HARRISONBURG, VIRGINIA

Garland F. Miller

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BRIDGEWATER VIRGINIA
68-320
MAY 22 1978

GARLAND F. MILLER
EDITH H. MILLER
ROUTE 2
BRIDGEWATER, VA. 22812

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PAY TO THE ORDER OF Nathan H. Miller **PAID** 6/29 1978 68-320 514
Five thousand & 00/100 \$ 5000.00

FIRST VIRGINIA BANK
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BRIDGEWATER, DAYTON HARBOR, DANBURG, VIRGINIA

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GARLAND F. MILLER

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BRIDGEWATER, VA.

FIRST VA. BK. - PLANTERS

Member of FDIC

CREDIT ADVISORY

PAY ANY BANK

First Virginia Bank

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BRIDGEWATER

VIRGINIA

NOTICE

2 U.S.C §431(c) (1) defines contribution to include a gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the nomination for election, or election, of any person to Federal office.

Part 100.4(a) (1) (i) of the Commission's regulations states that "the term "loan" includes a guarantee, endorsement, and any other form of security where the risk of non-payment rests with the surety, guarantor, or endorser as well as with a political committee, candidate, or other primary obligor. A loan is a contribution to the extent that the obligation remains outstanding".

2 U.S.C. §441a(a) (1) (A) states that "no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000".



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20543

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Nathan H. Miller
Route 2
Bridgewater, Virginia 22812

Re: MUR 982

Dear Mr. Miller:

On _____, 1979, the Commission found reasonable cause to believe that you violated 2 U.S.C. § 441a by accepting \$20,000 in loans from your father Garland Miller, which in turn you loaned to your Committee, the Senator Nathan Miller for U.S. Senate.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may institute civil suit in the United States District Court and seek payment of a civil penalty.

We enclose a proposed conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter.

If you agree with the provisions of the enclosed agreement, please sign and return it along with civil penalty, to the Commission within ten days. Please make your check payable to the U.S. Treasurer. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in

the enclosed conciliation agreement, please contact Marybeth Tarrant, the staff member assigned to this matter, at (202) 523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

O. Grant Rush, Treasurer
Senator Nathan Miller for U.S. Senate
122 South Main St. Room 401
Harrisonburg, VA 222801

Re: MUR 982

Dear Mr. Rush:

On _____, 1979, the Commission found reasonable cause to believe that your Committee the Senator Nathan Miller for U.S. Senate, violated 2 U.S.C. §441a by accepting \$20,000 in loans from the candidate Nathan Miller knowing the source of the funds was Garland Miller.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may institute civil suit in the United States District Court and seek payment of a civil penalty.

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Sincerely,

William C. Oldaker
General Counsel

Enclosure
Conciliation Agreement



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Garland Miller
Route 2
Bridgewater, VA 22812

Re: MUR 982

Dear Mr. Miller:

On _____, 1979, the Commission found reasonable cause to believe that you violated 2 U.S.C. §441a by loaning \$20,000 to Nathan Miller for use in his campaign for U.S. Senate.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may institute civil suit in the United States District Court and seek payment of a civil penalty.

We enclose a proposed conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter.

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the enclosed conciliation agreement, please contact
Marybeth Tarrant the staff member assigned to this matter,
at 202-523-4175.

Sincerely,

William C. Oldaker
General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 982
Senator Nathan Miller for)
U.S. Senate)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Senator Nathan Miller for U.S. Senate (the Committee) violated 2 U.S.C. §441a by accepting \$20,000 in loans from Nathan Miller knowing the source of the loans was Garland Miller.

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

- I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.
- II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. That the pertinent facts in this matter are as follows:
 - A. That Respondent Committee was the principal campaign committee for candidate Nathan Miller pursuant to 2 U.S.C. §431(n).
 - B. Pursuant to 2 U.S.C. §441a(a)(1)(A) no person shall make contributions to any candidate and his authorized political committees with respect to

any election to federal office which in the aggregate, exceeds \$1,000 and pursuant to §441a no person or committee may accept such excess contributions.

- C. Respondent Committee accepted \$20,000 in loans from Nathan Miller's father, Garland Miller.

THEREFORE, respondent agrees:

- IV. Respondent's action in accepting contributions in excess of \$1000 violated 2 U.S.C. §441a.
- V. That it will pay a civil penalty in the amount of \$500 pursuant to 2 U.S.C. §437g(a)(6)(B).
- VI. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

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

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

IX. It is agreed that respondent shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

Date

William C. Oldaker
General Counsel

Date

O. Grant Rush
Treasurer
Senator Nathan Miller
for U.S. Senate

0011180343

C. Respondent Garland Miller loaned \$20,000 to his son, Nathan Miller, who in turn loaned the \$20,000 to his Committee.

THEREFORE, respondent agrees:

- IV. Respondent's action in contributing in excess of \$1000 to Nathan Miller violated 2 U.S.C. § 441a.
- V. That he will pay a civil penalty in the amount of \$500 pursuant to 2 U.S.C. § 437g(a)(6)(B).
- VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

- VII. The Commission, on the request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute civil action for relief in the United States District Court for the District of Columbia.
- VIII. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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IX. It is agreed that respondent shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

DATE

William C. Oldaker
General Counsel
Federal Election Commission

DATE

Garland Miller
Respondent

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Nathan H. Miller

)
)
)

MUR 982

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Nathan Miller violated 2 U.S.C. § 441a by accepting \$20,000 in loans from his father, Garland Miller, for use in his campaign for the U.S. Senate in 1978.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Nathan H. Miller, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(5), do hereby agree as follows:

- I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.
- II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. That the pertinent facts in this matter are as follows:
 - A. That the Senator Nathan Miller for U.S. Senate was the principal campaign committee for candidate Nathan Miller pursuant to 2 U.S.C. § 431(n).
 - B. Pursuant to 2 U.S.C. § 441a(a)(1)(A) 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 \$1000 and pursuant to § 441a no person or

committee may accept such excess contributions.

- C. Respondent Nathan Miller accepted \$20,000 in loans from his father, Garland Miller, which he in turn loaned to his committee.

THEREFORE, respondent agrees:

- IV. Respondent's action in accepting contributions in excess of \$1000 violated 2 U.S.C. § 441a.
- V. That he will pay a civil penalty in the amount of \$750 pursuant to 2 U.S.C. § 437g(a)(6)(B).
- VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

- VII. The Commission, on the request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute civil action for relief in the United States District Court for the District of Columbia.
- VIII. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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IX. It is agreed that respondent shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

DATE

William C. Oldaker
General Counsel

DATE

Nathan Miller
Respondent

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FEDERAL ELECTION COMMISSION

1175 K STREET, N.W.
WASHINGTON, D.C. 20543

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *MWE*

DATE: JULY 13, 1979

SUBJECT: MUR 982 - Interim Investigative Report
dated 7-11-79, signed by GC 7-11-79,
received by OCS 7-13-79, 10:59

The above-named document was circulated to
the Commission on a 24-hour no-objection basis
at 2:00, July 13, 1979.

There were no objections to the Interim Investigative
Report at the time of the deadline.

0 1 0 1 8 0 3 5 5

BEFORE THE FEDERAL ELECTION COMMISSION
July 11, 1979

JUL 13 10:58

In the Matter of)
)
Garland F. Miller) MUR 982
Nathan H. Miller)
Senator Nathan Miller for)
U.S. Senate)

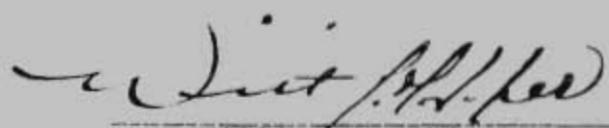
INTERIM INVESTIGATIVE REPORT

On June 20, 1979, the Commission found reason to believe that Nathan Miller, Garland Miller, and the Senator Nathan Miller for U.S. Senate Committee violated 2 U.S.C. §441a. Letters were sent to all three respondents on that date:

A response from all three has just been received by this office and upon examination of this response, a full report and recommendation will be made to the Commission.

00010189357

7/11/79
Date



William C. Oldaker
General Counsel

Senator
Nathan Miller for U.S. Senate

122 South Main • Suite 401 • Harrisonburg, Va. 22801 • Telephone: (703) 434-4333

'79 JUL 5 PM 12:02

July 3, 1979

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

902986

RE: MUR 982

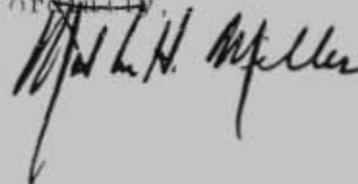
Dear Mr. Oldaker:

In reply to your letter of June 20, 1979, you will find enclosed a statement under oath which I would appreciate you filing with the Commission as my response to your inquiry.

You will note that the enclosure is being filed on behalf of the three (3) persons who received a letter of inquiry from your office.

Should you need additional information or comments, please feel free to contact me.

Cordially,



Nathan H. Miller

NHM/cg

Enclosures

81-24-3000

The undersigned submits the following in response to letters from the Federal Election Commission concerning a matter designated as "MIR 982":

During the campaign for the Republican nomination for United States Senator, subject to the general election of November 1978, Nathan H. Miller needed to borrow funds to support his candidacy. Because his father, Garland F. Miller, had the funds available and was willing to make the loans, the son made three borrowings on April 15, 1978, (\$5,000.00); May 17, 1978 (\$10,000.00); and June 29, 1978 (\$5,000.00). Before borrowing the funds, Nathan Miller was advised that the loans were legal so long as they were bona fide and were repaid. Cancelled checks of Garland F. Miller, evidencing such loans are attached as "Exhibits 1", "2", and "5". Interest was agreed at eight percent (8%).

It is emphasized that when these loans were obtained, the candidate and his father were of the opinion that they were legal.

There was furnished to the candidate from the Federal Election Commission, a notice consisting of a synopsis of certain federal election laws. This notice stated that "Part 100.4(a)(1)(i) of the Commission's regulations states that the term "loan" includes a guarantee, endorsement and any other form of security where the risk of non-payment rests with the surety, guarantor or endorser...". The notice further stated in underlined terms that "a loan is a contribution to the extent that the obligation remains outstanding". This was construed by the candidate and his committee to mean that if the loans were in fact repaid, that they were not a contribution. Since the loans were to be repaid, the candidate was totally unaware that any law or regulation had been violated. The original notice which was forwarded to the candidate is attached as "Exhibit 4".

The candidate and his committee openly and frankly revealed the nature

of the obligation in the report to the Commission of October 10, 1978. In this report under, "Nature of Obligation", there was revealed the following:

"Loans to campaign committee from candidates own funds, non-interest bearing. The candidate obtained \$20,000.00 of the total \$36,617.00 in a form of a loan from his father, Garland Miller. The loan to Garland Miller bears interest at 8% and is an unsecured demand loan."

A copy of the page of the report showing this information is attached as "Exhibit 5". It is apparent from this straightforward disclosure that neither the candidate nor his committee believed that they had committed any violation, technical or otherwise, of the law.

By letter of March 12, 1979, the Treasurer of the Committee was notified by the Staff Director of the Federal Election Commission that it was recommended that the amount in excess of \$1,000.00 should be returned to the donor and reported immediately by letter. This was done and on March 26, 1979, the Commission was notified by letter that the loans had been repaid. Supporting documentation was furnished. It was necessary for Nathan H. Miller to borrow funds from a bank at a higher rate of interest to repay his father, but this was, nevertheless, accomplished. A copy of the letter of March 26th is attached as "Exhibit 6".

The reason for the candidate borrowing from his father rather than from a bank to supply the funds is that he was able to obtain the same at a favorable interest rate and because of the father-son relationship. Although the regulations and law, upon careful scrutiny, seem to state that such a transaction is technically illegal, it is indeed difficult for the undersigned to understand why a law or regulation would prohibit such a loan from a father to a son. Reasons are obvious as to why, in the absence of such a family relationship, such loans should not be allowed because of special interest, etc., but it is submitted that the father-son relationship, would remove such transactions from any undue influence.

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In summary, there was no intention to violate any law, the amounts received were bona fide loans, they were very openly reported and disclosed, they have all been repaid, and there was no intention on the part of anyone to violate any of the provisions of the act. Under all of these documented circumstances, it is sincerely requested that no action be taken.

Nathan H. Miller
Nathan H. Miller

Garland F. Miller
Garland F. Miller

O. Grant Rush
O. Grant Rush

Subscribed and sworn to before me by NATHAN H. MILLER, GARLAND F. MILLER, and O. GRANT RUSH, this 25th day of July, 1979.

Cherie L. Stz
Notary Public, in and for the County of Rockingham, State of Virginia

My commission expires October 17, 1982

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GARLAND F. MILLER
EDITH H. MILLER
ROUTE 2
BRIDGEWATER, VA. 22812

4994

PAID 17 1978 68-320
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PAY TO THE
ORDER OF

Garland F. Miller
FIRST VIRGINIA BANK-PLANTERS

Ten Thousand 00/100 DOLLARS



FIRST VIRGINIA BANK
PLANTERS
BRIDGEWATER, DAYTON, HARRISONBURG, WINSTON-SALEM, VA.

MEMO *John*

Garland F. Miller

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MAY 22 1978
BRIDGEWATER, VIRGINIA
68-320

GARLAND F. MILLER
EDITH H. MILLER

5026

ROUTE 2
BRIDGEWATER, VA. 22812

10/29 1978 68-320
514

PAY TO THE
ORDER OF

Nathan H. Miller

FIRST VIRGINIA BANK - PLANTERS

Five thousand & 100 DOLLARS



FIRST VIRGINIA BANK JUL 5 1978
PLANTERS
BRIDGEWATER, DAYTON HARRISONBURG, VIRGINIA

Garland F. Miller

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Planters
BRIDGEWATER
VIRGINIA
CREDITED
FIRST VA. BK. - PLANTERS
BRIDGEWATER, VA.
Absence of endorsement
does not constitute
guarantee

NOTICE

2 U.S.C. §434 (c) (1) defines contribution to include a gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the nomination for election, or election, of any person to Federal office.

Part 109.4(a)(1)(i) of the Commission's regulations states that "the term "loan" includes a guarantee, endorsement, and any other form of security where the risk of non-payment rests with the surety, guarantor, or endorser as well as with a political committee, candidate, or other party officer. A loan in a contribution to the extent that the election campaign committee is liable for the debt."

2 U.S.C. §434 (d) (1) states that "no person shall make contributions to any candidate and his authorized political committee which require to be reported to the Federal officer which, in the aggregate, exceeds \$1,000."

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1978
 Federal Election Commission
 5 K Street, N.W.
 Washington, D.C. 20543

DEBITS AND OBLIGATIONS

Supporting Line Numbers 12 and 13
 of FEC FORM 3

Page 1 of 1 for

Line Number 13

(Use Separate Schedules for
 each numbered line)

(Indicate Primary or General Election for each Entry)

| Name of Candidate and Committee in Full | | | | |
|--|-------------------------|---|-----------------------------|---|
| Senator Nathan Miller Committee | | | | |
| Full Name, Mailing Address and ZIP Code of Debtor or Creditor | Date (month, day, year) | Amount of Original Debt, Contract, Agreement or Promise | Cumulative Payments To Date | Outstanding Balance at Close of This Period |
| Nathan H. Miller Rt. 2 Bridgewater, VA 22812 | Various dates | 36,690.17 | | 36,690.17 |
| <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other | | \$ | \$ | \$ |
| NATURE OF OBLIGATION (Details of Debt) | | | | |
| Loans to campaign committee from candidates own funds, non interest bearing. The candidate obtained \$20,000.00 of the total \$36,690.17 in the form of a loan from his father Garland Miller, the loan to Garland Miller bears interest at 8% and is an unsecured demand loan | | | | |
| Full Name, Mailing Address and ZIP Code of Debtor or Creditor | Date (month, day, year) | Amount of Original Debt, Contract, Agreement or Promise | Cumulative Payments To Date | Outstanding Balance at Close of This Period |
| Confidential Telephone of Virginia 105 Newton Ave. Harrisonburg, VA 22801 | 6/30/78 | 1,404.38 | 1,404.38 | -0- |
| <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other | | \$ | \$ | \$ |
| NATURE OF OBLIGATION (Details of Debt) | | | | |
| Telephone Service | | | | |
| Full Name, Mailing Address and ZIP Code of Debtor or Creditor | Date (month, day, year) | Amount of Original Debt, Contract, Agreement or Promise | Cumulative Payments To Date | Outstanding Balance at Close of This Period |
| Internal Revenue Service 3131 Executive Rd. Memphis, Tenn 38110 | 6/30/78 | 1,206.26 | 1,206.26 | -0- |
| <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other | | \$ | \$ | \$ |
| NATURE OF OBLIGATION (Details of Debt) | | | | |
| Social security and federal income taxes withheld | | | | |
| SUBTOTAL (this line and those on Schedule A) | | \$ 36,690.17 | \$ 2,670.64 | \$ 36,690.17 |
| TOTAL (this line and those on Schedule A) | | \$ 36,690.17 | \$ 2,670.64 | \$ 36,690.17 |

730201913620

March 26, 1979

Mr. William Coppel
1325 K Street, N.W.
Washington, D. C. 20463

RE: File 5SVL/79-2

Dear Mr. Coppel:

Pursuant to our conversation on Friday, March 23, 1979 in reference to Mr. Orlando B. Potter's letter concerning Schedule C of my October 10, 1978 Quarterly Report filed with the Federal Election Commission, I am enclosing the following:

- 1- Copy of check payable to Garland F. Miller evidencing payment in full of the amount due him, plus interest as shown on the reference report filed.
- 2- Copy of a note from the United Virginia Bank/Planters of Bridgewater, Virginia evidencing the money to repay the loan to Mr. Garland F. Miller, which was borrowed from that banking institution.

Subsequent to the repayment of the debt to Mr. Garland F. Miller, there would then be a debt of \$36,690.17 owed to me personally by the Senator Miller Committee. Of that total amount owed, \$20,000 would have been borrowed from a local financial institution subject to the repayment upon the terms as set out in that note.

I trust this will clarify and correct the situation and questions raised by Mr. Potter. Should additional information be necessary, please feel free to contact me.

Cordially,

Nathan H. Miller

Enclosures

enclosures

FROM: Nathan H. Miller
122 South Main Street
Room 401
Harrisonburg, VA 22801

00010180369



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

**RETURN RECEIPT
REQUESTED**

79 JUL 6 PM 12:02

RECEIVED
FEDERAL ELECTION
COMMISSION

Return Receipt Requested



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, DC 20004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 20, 1979

Nathan H. Miller
Route 2
Bridgewater, VA 22812

Re: MUR 982

Dear Mr. Miller:

Based on information ascertained in the normal course of carrying out supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically it appears that by accepting \$20,000 in loans from your father which you then transferred to your Committee, you may have violated 2 U.S.C. §441a. This section prohibits the acceptance of contributions in excess of \$1,000. See 2 U.S.C. §441a(a)(1)(A). While we note these loans have been repaid, the Act was violated when the excessive loan was made and accepted.

We have numbered this matter MUR 982.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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

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



This matter will remain confidential in accordance with 2 U.S.C. Section 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

010180370

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
 Nathan H. Miller
 Rt. 2
 Bridgewater, VA 22812

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

(Always obtain signature of addressee or agent)

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

DATE OF DELIVERY NOV 6 1979 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE CLERK'S INITIALS

Tarrant MUR 982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Nathan S. Miller
Route 2
Bridgewater, VA 22812

Re: MUR 982

Dear Mr. Miller:

Based on information ascertained in the normal course of carrying out supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically it appears that by accepting \$20,000 in loans from your father which you then transferred to your Committee, you may have violated 2 U.S.C. §441a. This section prohibits the acceptance of contributions in excess of \$1,000. See 2 U.S.C. §441a(a)(1)(A). While we note these loans have been repaid, the Act was violated when the excessive loan was made and accepted.

We have numbered this matter MUR 982.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at 202-523-4173.

PT
4/11/73

0010180371

This matter will remain confidential in accordance with 2 U.S.C. Section 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

0010180372



FEDERAL ELECTION COMMISSION

1155 K STREET, N.W.
WASHINGTON, D.C. 20543

June 20, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Garland Miller
Route 2
Bridgewater, Virginia 22812

Re: MUR 982

Dear Mr. Miller:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically it appears that in making loans of \$20,000 to Nathan Miller for use in his campaign, you may have violated 2 U.S.C. § 441a(a)(1)(A) which limits such contributions to a maximum of \$1,000. While we have been advised that the loans were repaid, the Act was violated when the excessive loans were made. We have numbered this matter MUR 982.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, we request that we be provided with copies, front and rear, of the checks you used to effect these transactions. Describe the circumstances surrounding these loans and their terms, conditions, and purpose. Provide us with copies of any loan agreements and the dates on which the loans were made. Where appropriate, statements should be submitted under oath.

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

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

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carlton Miller
Route 2
Bridgewater, Virginia 22812

Re: MUR 982

Dear Mr. Miller:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically it appears that in making loans of \$20,000 to Nathan Miller for use in his campaign, you may have violated 2 U.S.C. § 441a(a)(1)(A) which limits such contributions to a maximum of \$1,000. While we have been advised that the loans were repaid, the Act was violated when the excessive loans were made. We have numbered this matter MUR 982.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, we request that we be provided with copies, front and rear, of the checks you used to effect these transactions. Describe the circumstances surrounding these loans and their terms, conditions, and purpose. Provide us with copies of any loan agreements and the bills on which the loans were made. 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 are in constant close contact with the
Federal Election Commission assigned to this matter, at 202-5
45-1100.

McGee

0110180375

This matter will remain confidential in accordance with 2 U.S.C. Section 437a(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

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FEDERAL ELECTION COMMISSION

1350 SHELLMAN
WASHINGTON, D.C. 20543

June 20, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

O. Grant Rush, Treasurer
Senator Nathan Miller for U.S. Senate
122 South Main Street Room 401
Harrisonburg, Virginia 22801

Re: MUR 982

Dear Mr. Rush:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee, the Senator Nathan Miller for U.S. Senate, may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically it appears that by accepting \$20,000 in loans from the candidate, Nathan Miller, knowing the original source of the funds was the candidate's father, Garland Miller, you may have violated 2 U.S.C. § 441a. We have numbered this matter MUR 982.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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

If you have any question, please contact Marybeth Tarrant, the staff member assigned to this matter, at 202-523-4175.

100-10180377

MEMORANDUM FOR THE
ATTORNEY GENERAL

Re: Nathan Miller, Sen. from
Virginia, for U.S. Senate
100 South Main Street Room 431
Richmond, Virginia 22801

Re: 400 930

Dear Mr. Nathan:

The information ascertained in the normal course
of business, and the supervisory responsibilities, the Federal
Election Commission has some reason to believe that your
activities, the Senator Nathan Miller for U.S. Senate, may
have violated certain provisions of the Federal Election
Act, as amended (the Act).

It is noted that by accepting \$20,000 in
campaign contributions, Nathan Miller, knowing the original
purpose of the funds was the candidate's father, Calland
Miller, who has violated U.S.C. 541a. He has such
violations, 1952-53.

You have an opportunity to demonstrate
that no violation should be taken against you. Please submit
any material or other materials which you believe are relevant
to the facts of this matter. Where appropriate
statements should be submitted under oath.

You are advised that it is your duty to investigate this matter
and to report the results of your investigation to the Commission.
Your report should be submitted
in the form of a letter in the present of this notification.

If you have any questions, please contact Special Agent
in Charge, at the address above.

M. J. [unclear]

44-10180370

June 15, 1979

MEMORANDUM TO: Marge Immons
FROM: Elissa T. Carr
SUBJECT: MUR 982

Please have the attached First General Counsel's Report on MUR 982 distributed to the Commission on a 48 hour tally basis.

Thank you.

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FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO COMMISSION JUN 15 1979

MUR NO. 982
STAFF MEMBER(S)

Tarrant

70 JUN 15 11:49 AM '79

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENT'S NAME: Garland F. Miller, Bridgewater, Va.
Nathan H. Miller, Bridgewater, Va.
Senator Nathan Miller for U.S. Senate, Harrisonburg, Va.

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

INTERNAL REPORTS CHECKED: Public Records

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

The Senator Nathan Miller for U.S. Senate (the Committee) was referred to the Office of General Counsel by the Reports Analysis Division (RAD) on May 24, 1979.

BACKGROUND

On its 30 Day Post Primary Report, the Committee reported an outstanding debt of \$31,000 owed to the candidate, Nathan Miller. As reported, \$19,000 of the \$31,000 loaned to the Committee was obtained by the candidate in the form of a loan from his father, Garland Miller. This \$19,000 was loaned to the Committee between the dates of May 23, 1978 and June 20, 1978. Subsequent to this, the candidate borrowed another \$1,000 from his father for use in his campaign, which brought the father's total contribution to \$20,000.

The Committee was advised of this excessive amount via surface violation letter dated March 12, 1979. In response, Nathan Miller phoned RAD on March 23, 1979 and stated his belief that since he, not his father had loaned the Committee the money there was no limitation involved. Mr. Miller was advised of his father's limitation and that arrangements should be made for repayment. On March 27, 1979, the Commission received documentation of the candidate's repayment to Garland Miller of \$20,000 plus interest along with documentation of the loan Nathan Miller received from a bank in order to make such a repayment.

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PRELIMINARY ANALYSIS

2 U.S.C. § 441a prohibits contributions from individuals in excess of \$1,000 per election to any candidate and/or his authorized committee. The Office of General Counsel recommends the Commission find reason to believe that all respondents may have violated § 441a.

RECOMMENDATIONS

1. Find reason to believe that Nathan Miller, The Senator Nathan Miller for U.S. Senate and Garland Miller violated 2 U.S.C. § 441a.
2. Approve the proposed letters

ATTACHMENTS

1. Referral from RAD
2. Proposed letters

1830810116

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

MUR 98-2

DATE 4-1-87

ANALYST William Gabel

TO: OGC

TEAM CHIEF Suzanne Wilson

THROUGH: STAFF DIRECTOR ^{B.P.}
₀₄

COMPLIANCE REVIEW C. Bowen

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS ^{J.H.}

CANDIDATE COMMITTEE: Senator Nathan Miller for U.S. Senate

Attachment 1

RELEASED: G. Grant Bush

ADDRESS: 122 South Main St., Room 101
Harrisonburg, VA 22801

TELEPHONE: 577

ALLEGATION(S):

CITE:

ATTACHMENT(S):

Executive contribution,
(15m) from an individual.

441a(a)(1)(A)

2

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

Normal review of the Oct. 10 Report. (1/9/79).

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 12/1/77 TO 9/30/78

TOTAL RECEIPTS \$ 51961.60 TOTAL EXPENDITURES \$ 53306.05

CASH ON HAND \$ -0- DEBTS \$ 735.00 owed to the committee
36690.17 owed by the committee

HISTORY:

RESULTS OF REVIEW: *ATTACHMENT*
Surface Violation notice sent - 3/12/79 3

COMMUNICATIONS WITH CANDIDATE, COMMITTEE: *ATTACHMENT*
Telecon dated - 3/23/79 4

REASONS FOR REFERRAL: *ATTACHMENT*
Response received - 3/27/79 - Adequate 5
Violation meets the Commission threshold for review by the
General Counsel.

OTHER PENDING ACTIONS INITIATED BY RAD: *ATTACHMENT*
N/A

OTHER RELEVANT INFORMATION:
N/A

DEBTS AND OBLIGATIONS

Supporting Line Numbers 12 and 13
of FEC FORM 3

Page 1 of 1 for

Line Number 11

(Use Separate Schedules for
each numbered line)

1970
Election Commission
Street, N.W.
Washington, D.C. 20543

(Indicate Primary or General Election for each Entry)

Name of Candidate and Committee in Full

Senator Nathan Miller Committee

OCTOBER 10 REPORT

To: Name, mailing address and ZIP Code of Debtor or Creditor
NATHAN H. MILLER
Rt. 2
Bridgewater, VA 22812

Date (month,
day, year)

Various
dates

Amount of Original
Debt, Contract,
Agreement or
Promise

36,690.17

\$

Cumulative
Payments
To Date

\$

Outstanding
Balance at
Close of
This Period

36,690.17

\$

Primary

General

Other

NATURE OF OBLIGATION (Details of Debt)

Loans to campaign committee from candidate's own funds, non interest bearing. The candidate obtained \$36,690.00 of the total \$36,690.17 in the form of a loan from his father Garland Miller, the loan to Garland Miller bears interest at 8% and is an unsecured demand loan

To: Name, Mailing Address and ZIP Code of Debtor or Creditor
Continental Telephone of Virginia
105 Newton Ave.
Harrisonburg, VA 22801

Date (month,
day, year)

6/30/78

1,404.38

\$

Cumulative
Payments
To Date

1,404.38

\$

Outstanding
Balance at
Close of
This Period

-0-

\$

Primary

General

Other

NATURE OF OBLIGATION (Details of Debt)

Telephone Service

To: Name, Mailing Address and ZIP Code of Debtor or Creditor
Internal Revenue Service
3141 Sandstone Rd.
Memphis, Tenn 38110

Date (month,
day, year)

6/30/78

1,266.26

\$

Cumulative
Payments
To Date

1,266.26

\$

Outstanding
Balance at
Close of
This Period

-0-

\$

Primary

General

Other

NATURE OF OBLIGATION (Details of Debt)

Social Security and federal income taxes withheld

SUBTOTAL (this print the page optional)

\$ 34,000.01

\$ 2,670.64

\$ 36,690.17

TOTAL (this print the page the line number only)

\$ 34,000.01

\$ 2,670.64

\$ 36,690.17

Check this box if the entry is a liability on the side of the committee



FEDERAL ELECTION COMMISSION

125 K STREET, N.W.
WASHINGTON, D.C. 20543

March 12, 1979

O. Grant Rush, Treasurer
Senator Nathan Miller Committee
122 South Main Street, Room 401
Harrisonburg, VA 22801

Dear Mr. Rush:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the October 10 Quarterly Report of Receipts and Expenditures, we noticed an entry indicating that you may have received a contribution which exceeds the limits set forth in the Act. A copy of that portion of your report is attached so that a review of your records can be made.

The Act precludes individuals from making political contributions to a candidate for Federal election in excess of \$1,000 per election.

The Commission recommends that if you find the contribution you received was in excess of the limits set forth in the Act you return the amount in excess of \$1,000 to the donor. This return should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If you find that the entry in question is incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Bill Coppel (800) 424-2540, our Reports Analyst assigned to you. Our local telephone number is 523-4048.

Sincerely,

A handwritten signature in cursive script that reads "Orlando B. Potter".

Orlando B. Potter
Staff Director

MEMORANDUM: FOR FILES

ANALYST: Bill Cappel

RE: TELECON

FROM: Nathan Miller

DATE: 3/23/79

NAME OF COMMITTEE: Senator Nathan Miller for U.S. Senate/VA

Mr. Miller called concerning the SM letter he received for the excessive loan he received from his father Garland Miller in the amount of \$20,000.

Mr. Miller felt that since he had lent the money to his committee, there was no limit on the amount of the loan. I advised Mr. Miller that the original source was the key in this situation. I explained to him that there are no limits on the amount of personal funds a candidate may loan his committee nor limits on the amount a candidate may borrow from a lending institution for the purpose of loaning it to his committee. However all other sources are subject to the Act, as in this case your father. Also such loan received by the committee should be fully disclosed on the committee's R. & E. Reports.

I advised Mr. Miller that he should make arrangements to repay his father as soon as possible and save in the appropriate documentation for the transaction, i.e. a copy from the bank if the money is borrowed, and a copy of the cancelled check to Garland Miller. He said that he may be able to raise the money from personal funds, otherwise he would borrow it from the bank. I advised him of the committee's reporting obligations in either case.

He advised that he would have this matter corrected by the middle of next week.

MAR 20 10 43 AM '79

'79 MAR 27 AM 11:30

March 26, 1979

Mr. William Coppel
1325 K Street, N.W.
Washington, D. C. 20463

RE: File 5SVL/79-2

Dear Mr. Coppel:

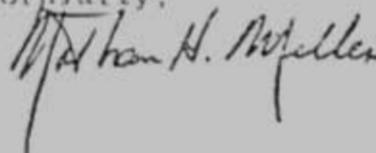
Pursuant to our conversation on Friday, March 23, 1979 in reference to Mr. Orlando B. Potter's letter concerning Schedule C of my October 10, 1978 Quarterly Report filed with the Federal Election Commission, I am enclosing the following:

- 1- Copy of check payable to Garland F. Miller evidencing payment in full of the amount due him, plus interest as shown on the reference report filed.
- 2- Copy of a note from the United Virginia Bank/Planters of Bridgewater, Virginia evidencing the money to repay the loan to Mr. Garland F. Miller, which was borrowed from that banking institution.

Subsequent to the repayment of the debt to Mr. Garland F. Miller, there would then be a debt of \$36,690.17 owed to me personally by the Senator Miller Committee. Of that total amount owed, \$20,000 would have been borrowed from a local financial institution subject to the repayment upon the terms as set out in that note.

I trust this will clarify and correct the situation and questions raised by Mr. Potter. Should additional information be necessary, please feel free to contact me.

Cordially,



Nathan H. Miller

NHM:mms

Enclosures

R
S-2433
100000 (2/1/79 - 9/3/79)



TIME AND DEMAND NOTE
AND
DISCLOSURE STATEMENT
(Unsecured - Non-Business)

| BANK USE | |
|----------|--------------|
| \$ | 20,000.00 |
| Int. | 363.22 |
| Total | 20,363.22 |
| No. | |
| Due | May 29, 1979 |
| PP | To Call |
| DIS | |

Sixty-Four (64) Days After Date
We or Either The Debtors or Endorsers Promise to Pay to The Order of
First Virginia Bank-Planters without offset
Twenty thousand and 00/100 dollars,
with 10.50 per cent interest per annum until paid.
Negotiable and Payable at 111 W. Main St., Bridgewater, Va. 22812

The Amount Financed by your loan will be payable as follows: when, and in amounts demanded by the Bank, or in one payment due on May 29, 1979. The Finance Charge begins to accrue on March 26, 1979.

| | |
|---|---|
| <p>CREDIT LIFE INSURANCE IS NOT REQUIRED TO OBTAIN THIS LOAN. It will not be provided and no charge therefor made unless Debtor signs below. The cost of credit life insurance for the term of the loan (for a maximum of 18 months) is \$ _____</p> <p><u>Not Required</u></p> <p>I desire Credit Life Insurance <input type="checkbox"/></p> <p>(Signed) _____ Date _____</p> | <p>1. Proceeds \$ <u>20,000.00</u></p> <p>2. Credit Life Insurance \$ <u>0.00</u></p> <p>3. Amount Financed (1 & 2) \$ <u>20,000.00</u></p> |
| | <p>4. FINANCE CHARGE*</p> <p>Service Charge \$ <u>3/A</u></p> <p>Interest \$ <u>363.22</u></p> <p>Other Charges: _____</p> <p>\$ _____</p> <p>TOTAL FINANCE CHARGE \$ <u>363.22</u></p> <p>5. Total of Payments (3 & 4)* \$ <u>20,363.22</u></p> <p>ANNUAL PERCENTAGE RATE <u>10.50</u> %</p> |

If this is a Time Loan and debtor prepays more than fifteen (15) days prior to maturity, the Finance Charge will abate from the date of payment by the actuarial method. No charge will be made on the prepayment. A handling charge of one tenth (1/10) of one percent (1%) of the principal and interest due, not to exceed \$15.00, where lawful, will be charged if payment is not made within _____ days of the date of demand or maturity date.

The debtors and endorser of this note, severally and jointly, warrant, demand, notice and protest thereof, and waives consent that the time of payment may be extended without notice thereof, and hereby respectively waive the benefit of any homestead exemption, and all other statutory exemptions as to this note and contract and we furthermore agree that if, after this note is due, it is referred to an attorney for collection, we will pay said attorney's fee and all costs of collection.

DEBTOR ACKNOWLEDGES THE RECEIPT ON THE DATE HEREOF OF A COMPLETELY FILLED-IN COPY OF THIS NOTE AND DISCLOSURE STATEMENT PRIOR TO THE EXECUTION HEREOF.

Executed this 26th day of March, 1979, in Bridgewater, Virginia.

Accepted: [Signature] Title A. M. P.
By _____ Title _____
Debtor's _____
Address: 718 East Market Street
(Street)
Harrisonburg, Virginia 22801
(City) (County) (State) (Zip)
438-5153
(Telephone)

X [Signature] (SEAL)
Nathan H. Miller
(Debtor)

X _____ (SEAL)
(Debtor)

*On a Demand Loan, the Finance Charge and Total of Payments are based on assumption that loan proceeds are immediately used.

08799

CASHIER'S CHECK

DATE: March 26 1972

PAY TO THE ORDER OF: EXACTLY 20,000.00 DOLLARS

SIGNATURE: Nathan H. Miller

AMOUNT IN FIGURES: 20,000.00

AMOUNT IN WORDS: Twenty Thousand and 00/100

ISSUED BY: Nathan H. Miller

CREDIT (17) **FIRST VIRGINIA BANK**

DATE: 3-26-72

AMOUNT: 20,000.00

| DESCRIPTION | AMOUNT |
|--------------------------------------|------------------|
| Loan proceeds, cashier check # 57013 | 20,000.00 |
| TOTAL | 20,000.00 |

Nathan H. Miller
Bridgewater, Va. 22812

NH Miller
AUTHORITY

DATE'S COPY

NATHAN H. MILLER
BRIDGEWATER, VIRGINIA 22812

1077

DATE: March 26 1972

PAY TO THE ORDER OF: Garland H. Miller

AMOUNT IN WORDS: Twenty One Thousand Four Hundred Thirty Three & 00/100

AMOUNT IN FIGURES: 21,333.00

ISSUED BY: Garland H. Miller

THE PLANTERS BANK

PAID BY DEPOSIT ON NOTE \$25,000.00 WITH INTEREST @ 6% FOR 10 MONTHS \$21,333.00

CREDIT (17) **FIRST VIRGINIA BANK**

DATE: 3-26-72

AMOUNT: 21,333.00

| DESCRIPTION | AMOUNT |
|--|------------------|
| Check from Nathan H. Miller, Acct. # 1210070 | 21,333.00 |
| TOTAL | 21,333.00 |

Garland Miller
Rt. 2
Bridgewater, Va. 22812

GM
AUTHORITY

DATE'S COPY

110 19780391

THE STATE OF VIRGINIA
Department of Finance
Division of Accounts and Finance
Richmond, Virginia

CREDIT FIRST VIRGINIA BANK
MEMPHIS
Bridgewater, Va.

3-26-79
01

| | |
|---------------------------------------|------------------|
| Loan proceeds, various checks # 07513 | 20,000.00 |
| TOTAL | 20,000.00 |

EMERGENCY COPY

Nathan H. Miller
Bridgewater, Va. 22912

[Signature]

CREDIT FIRST VIRGINIA BANK
MEMPHIS
Bridgewater, Va.

3-26-79
01

| | |
|---|------------------|
| Check from Nathan H. Miller, acct. #327 07513 | 1,133.00 |
| TOTAL | 21,133.00 |

EMERGENCY COPY

Nathan Miller
26 J
Bridgewater, Va. 22912

[Signature]

THE STATE OF VIRGINIA
Department of Finance
Division of Accounts and Finance
Richmond, Virginia



FEDERAL ELECTION COMMISSION

1120 K STREET, N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Garland Miller
Route 2
Bridgewater, Virginia 22812

Re: MUR 982

Dear Mr. Miller:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that in making loans of \$20,000 to Nathan Miller for use in his campaign, you may have violated 2 U.S.C. § 441a(a)(1)(A) which limits such contributions to a maximum of \$1,000. While we have been advised that the loans were repaid, the Act was violated when the excessive loans were made. We have numbered this matter MUR 982.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In addition, we request that we be provided with copies, front and rear, of the checks you used to effect these transactions. Describe the circumstances surrounding these loans and their terms, conditions, and purpose. Provide us with copies of any loan agreements and the dates on which the loans were made. Where appropriate, statements should be submitted under oath.





FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20063

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Nathan H. Miller
Route 2
Bridgewater, VA 22812

Re: MJR 982

Dear Mr. Miller:

Based on information ascertained in the normal course of carrying out supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically it appears that by accepting \$20,000 in loans from your father which you then transferred to your Committee, you may have violated 2 U.S.C. §441a. This section prohibits the acceptance of contributions in excess of \$1,000. See 2 U.S.C. §441a(a)(1)(A). While we note these loans have been repaid, the Act was violated when the excessive loan was made and accepted.

We have numbered this matter MUR 982.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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

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



1003978010180397

This matter will remain confidential in accordance with 2 U.S.C. Section 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

44

87398

10/10/77

11/1/77



FEDERAL ELECTION COMMISSION

1300 STREET NW
WASHINGTON, D.C. 20543

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

O. Grant Rush, Treasurer
Senator Nathan Miller for U.S. Senate
122 South Main Street Room 401
Harrisonburg, Virginia 22801

Re: MUR 982

Dear Mr. Rush:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee, the Senator Nathan Miller for U.S. Senate, may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically it appears that by accepting \$20,000 in loans from the candidate, Nathan Miller, knowing the original source of the funds was the candidate's father, Garland Miller, you may have violated 2 U.S.C. § 441a. We have numbered this matter MUR 982.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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

If you have any question, please contact Marveth Tarrant, the staff member assigned to this matter, at 202-523-4175.

439 401 80399

This matter will remain confidential in accordance with 2 U.S.C. Section 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

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RAD 718
96-87

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

MUR 982

REPORTS ANALYSIS REFERRAL SHEET

DATE 5-24-79

ANALYST William Coppe *W. Coppe*

TO: OGC

TEAM CHIEF Suzanne Wilson *S. Wilson*

THROUGH: STAFF DIRECTOR *O.B.P.*

COMPLIANCE REVIEW C. Bowen

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS *H.H.*

CANDIDATE/COMMITTEE: Senator Nathan Miller for U.S. Senate

TREASURER: O. Grant Rush

ADDRESS: 122 South Main St., Room 401
Harrisonburg, VA 22801

AFFILIATE(S): N/A

| | | |
|---|---------------|---------------|
| ALLEGATION(S): | CITE: | ATTACHMENT(S) |
| Excessive contribution, (loan) from an individual. | 441a(a)(1)(A) | 2 |

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

Normal review of the Oct. 10 Report, (1/9/79).

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 12/1/77 TO 9/30/78

TOTAL RECEIPTS \$ 51961.60 TOTAL EXPENDITURES \$ 53306.05

CASH ON HAND \$ -0- DEBTS \$ 735.00 owed to the committee
36690.17 owed by the committee

HISTORY:

RESULTS OF REVIEW: *ATTACHMENT*
Surface Violation notice sent - 3/12/79 3

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: *ATTACHMENT*
Telecon dated - 3/23/79 4

REASON(S) FOR REFERRAL: *ATTACHMENT*
Response received - 3/27/79 - Adequate 5
Violation meets the Commission threshold for review by the
General Counsel.

OTHER PENDING ACTIONS INITIATED BY RAD: *ATTACHMENT*
N/A

OTHER RELEVANT INFORMATION:
N/A

DEBITS AND OBLIGATIONS

Supporting Line Numbers 12 and 13
of FEC FORM 3

(Indicate Primary or General Election for each Entry)

Page 1 of 1 for

Line Number 11

(Use Separate Schedules for each numbered line)

1978
Election Commission
Street, N.W.
Washington, D.C. 20463

| Name of Candidate and Committee in Full | | | | | |
|---|--|-------------------------|---|-----------------------------|---|
| Senator Nathan Miller Committee | | | | | |
| OCTOBER 10 REPORT | | | | | |
| Full Name, Mailing Address and ZIP Code of Debtor or Creditor | | Date (month, day, year) | Amount of Original Debt, Contract, Agreement or Promise | Cumulative Payments To Date | Outstanding Balance at Close of This Period |
| Nathan H. Miller Rt. 2 Bridgewater, VA 22812 | | Various dates | 36,690.17 | | 36,690.17, |
| <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other | | | \$ | \$ | \$ |
| NATURE OF OBLIGATION (Debit or Credit) | | | | | |
| Loans to campaign committee from candidate's own funds, non interest bearing. The candidate obtained \$25,000.00 of the total \$36,690.17 in the form of a loan from his father Garland Miller, the loan to Garland Miller bears interest at 8% and is an unsecured cash loan | | | | | |
| Full Name, Mailing Address and ZIP Code of Debtor or Creditor | | Date (month, day, year) | Amount of Original Debt, Contract, Agreement or Promise | Cumulative Payments To Date | Outstanding Balance at Close of This Period |
| 40 105 Woodin Ave. Lynchburg, VA 23801 | | 6/30/78 | 1,404.30 | 1,404.30 | -0- |
| <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other | | | \$ | \$ | \$ |
| NATURE OF OBLIGATION (Debit or Credit) | | | | | |
| Telephone Service | | | | | |
| Full Name, Mailing Address and ZIP Code of Debtor or Creditor | | Date (month, day, year) | Amount of Original Debt, Contract, Agreement or Promise | Cumulative Payments To Date | Outstanding Balance at Close of This Period |
| C Internal Revenue Service 3131 Permutt St. Ed. Memphis, Tenn 38110 | | 6/30/78 | 1,266.26 | 1,266.26 | -0- |
| <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other | | | \$ | \$ | \$ |
| NATURE OF OBLIGATION (Debit or Credit) | | | | | |
| Social Security and federal income taxes withheld | | | | | |
| SUBTOTALS this period this page (footed) | | | \$ 38,360.81 | \$ 3,670.64 | \$ 36,690.17 |
| TOTAL this period last page this line number only | | | \$ 38,360.81 | \$ 3,670.64 | \$ 36,690.17 |
| GRAND TOTAL this form only (to appear at end of summary) | | | | | |



FEDERAL ELECTION COMMISSION

1251 N. PENTAGON
WASHINGTON, D.C. 20543

March 12, 1979

O. Grant Rush, Treasurer
Senator Nathan Miller Committee
122 South Main Street, Room 401
Harrisonburg, VA 22801

Dear Mr. Rush:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the October 10 Quarterly Report of Receipts and Expenditures, we noticed an entry indicating that you may have received a contribution which exceeds the limits set forth in the Act. A copy of that portion of your report is attached so that a review of your records can be made.

The Act prohibits individuals from making political contributions to a candidate for Federal election in excess of \$1,000 per election.

The Commission recommends that if you find the contribution you received was in excess of the limits set forth in the Act you return the amount in excess of \$1,000 to the donor. This return should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If you find that the entry in question is incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Bill Coppel (800)424-2670, our Reports Analyst assigned to you. Our local telephone number is 523-4048.

Sincerely,

Handwritten signature of Orlando B. Potter in cursive script.

Orlando B. Potter
Staff Director

18040

MEMORANDUM: FOR FILES

ANALYST: Bill Conroy

RE: TELECON

FROM: Nathan Miller

DATE: 3/23/79

NAME OF COMMITTEE: Senator Nathan Miller for U.S. Senate/VA

Mr. Miller called concerning the SF letter he received for the executive loan he received from his father Garland Miller in the amount of \$20,000.

Mr. Miller felt that since he had lent the money to his committee, there was no limit on the amount of the loan. I advised Mr. Miller that the original statute was the key in this situation. I explained to him that there are no limits on the amount of personal funds a candidate may loan his committee nor limits on the amount a candidate may borrow from a financial institution for the purpose of loaning it to his committee. However all other monies are subject to the Act, as in this case was father. Although loan received by the committee should be fully disclosed on the committee's U.S. Reports.

I advised Mr. Miller that he should make arrangements to repay his father as soon as possible and send in the appropriate documentation for the transaction, i.e. a copy from the bank if the money is borrowed, and a copy of the cancelled check to Garland Miller. He said that he may be able to raise the money from personal funds, otherwise he would borrow it from the bank. I advised him of the committee's reporting obligations in either case.

He advised that he would have this matter corrected by the middle of next week.

0 0 1 0 9 7 4 0 3

**TIME AND DEMAND NOTE
AND
DISCLOSURE STATEMENT
(Unsecured - Non-Business)**

| BANK USE | |
|----------|--------------|
| \$ | 20,000.00 |
| Int. | 363.22 |
| Total | 20,363.22 |
| No. | |
| Due | May 29, 1979 |
| PT | 101-111 |
| DLS | |

Sixty-four (64) Days After Date
We or Either The Debtors or Endorsers Promise to Pay to The Order of
First Virginia Bank-Planters without offset
Twenty Thousand and no/100 dollars,
with 10.50 per cent interest per annum until paid.
Negotiable and Payable at 113 N. Main St., Harrisonburg, Va. 22802

The Amount Financed by your loan will be payable as follows: when, and in amounts demanded by the bank, or in one payment due on May 29, 1979. The Finance Charge begins to accrue on March 26, 1979.

| | | |
|--|----------------------------|--------------|
| <p>CREDIT LIFE INSURANCE IS NOT REQUIRED TO OBTAIN THIS LOAN. It will not be provided and no charge therefor made unless benefits shown below. The cost of credit life insurance for the term of the loan (for a maximum of 18 months) is \$ _____</p> <p align="center">Not Required</p> <p>Obtain Credit Life Insurance <input type="checkbox"/></p> <p>(Signed) _____ Date _____</p> | 1. Proceeds | \$ 20,000.00 |
| | 2. Credit Life Insurance | \$ _____ |
| | 3. Amount Financed (1 & 2) | \$ 20,000.00 |
| | 4. FINANCE CHARGE* | |
| | Service Charge | \$ 3/A |
| Interest | \$ 363.22 | |
| Other Charges: | | |
| | \$ _____ | |
| TOTAL FINANCE CHARGE | \$ <u>363.22</u> | |
| 5. Total of Payments (3 & 4)* | \$ <u>20,363.22</u> | |
| ANNUAL PERCENTAGE RATE | <u>10.50</u> % | |

If this is a Time Loan and debtor prepays more than fifteen (15) days prior to maturity, the Finance Charge will abate from the date of payment by the actuarial method. No rebate will be made for prepayments. A handling charge of one tenth (1/10) of one percent (1%) of the principal and accrued interest shall be charged at maturity date, or a minimum of \$15.00, where lawful, will be charged if payment is not made within 15 days of the date of demand or maturity date.

The debtors and endorsers on this note hereby waive demand, notice and protest thereof, and further consent that the time of payment may be extended without notice thereof, and hereby respectively waive the benefit of our homestead exemption, and all other statutory exemptions as to this debt, and contract and we furthermore agree that if, after this note is due, it is referred to an attorney for collection, we will pay 20% attorney's fee and all costs of collection.

DEBTOR ACKNOWLEDGES THE RECEIPT ON THE DATE HEREOF OF A COMPLETELY FILLED-IN COPY OF THIS NOTE AND DISCLOSURE STATEMENT PRIOR TO THE EXECUTION HEREOF.

Executed this 26th day of March, 1979, in Harrisonburg, Virginia.

Accepted
By Nathan H. Miller
Debtor's
Address: 218 East Market Street
Harrisonburg, Virginia 22802
(City) (County) (State) (Zip)
434-5353
(Telephone)

Title A.V.P.
X Nathan H. Miller (SEAL)
Nathan H. Miller
X _____ (SEAL)
(Debtor)

*On a Demand Loan, the Finance Charge and Total of Payments are based on assumption that loan remains outstanding for one full year.

81103

1181409

CASHIER'S CHECK

PAY TO THE ORDER OF Garland Miller

EXACTLY 20,000.00 DOLLARS

March 26 1979

Nathan H. Miller

BRIDGEWATER, VIRGINIA 22912

CREDIT (37) **FIRST VIRGINIA BANK**
BRIDGEWATER, VIRGINIA

DATE: 3-26-79

AMOUNT: 20,000.00

| | |
|------------------------------------|------------------|
| Loan proceeds, cashed check # 5013 | 20,000.00 |
| TOTAL | 20,000.00 |

Nathan H. Miller
Bridgewater, Va. 22912

6/11/79
MILLER

PAGE 3 CONT

NATHAN H. MILLER
BRIDGEWATER, VIRGINIA 22912

1077

PAY TO THE ORDER OF Garland Miller

March 26 1979

TWENTY ONE THOUSAND THREE HUNDRED THIRTY THREE & 00/100

\$21,333.00

(36) **THE PLANTERS BANK**
BRIDGEWATER, VIRGINIA

THIS PAY RECEIPT IS ONE \$20,000.00 WITH
INTEREST OF \$1,333.00 TOTAL \$21,333.00

3-27-79 6700

Nathan H. Miller

CREDIT (37) **FIRST VIRGINIA BANK**
BRIDGEWATER, VIRGINIA

DATE: 3-26-79

AMOUNT: 21,333.00

| | |
|---|------------------|
| Check from Nathan H. Miller, acct. # 079873 | 21,333.00 |
| TOTAL | 21,333.00 |

Garland Miller
Rt. 2
Bridgewater, Va. 22912

6/11/79
MILLER

PAGE 3 CONT



FEDERAL ELECTION COMMISSION

1025 K STREET NW
WASHINGTON, DC 20461

THIS IS THE BEGINNING OF OUR # 982

Date Filmed 2/26/80 Camera No. --- 2

Cameraman [Signature]

9-0-1-0-1-8-0-4-1-1

ES&M RECORDING CORPORATION, 300 K STREET, N.W., WASHINGTON, D.C. 20001