FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1171

Date Filmed 2/11/82 Camera No. --- 2

Cameraman GPC

8201021329

FEDERAL ELECTION COMMISSION

Commissioners' Comments - b(5)

Conciliation Attempts - b(3) ~~b~~

↳ proposed agreements

discussions of conciliation contained in letters and G.C. Reports

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	____	(8) Banking Information
____	(4) Trade secrets and commercial or financial information	____	(9) Well Information (geographic or geophysical)
X	(5) Internal Documents		

Signed Carolyn Wende

date Jan. 13, 80

FEC 9-21-77

8210400

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 15, 1982

Peter J. Visclosky, Treasurer
Benjamin for Congress Committee
3877 Madison Street
Gary, Indiana 46408

Re: MUR 1171

Dear Mr. Visclosky:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days.

Should you have any questions, contact Carolyn Weeder, the staff member assigned to this matter, at (202) 523-4060.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8201310401

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 15, 1982

Mr. Anthony DeBonis, Jr.
MURPHY, McATEE, MURPHY & COSTANZA
First National Bank Building
720 W. Chicago Avenue
East Chicago, Indiana 46312

Re: MUR 1171

Dear Mr. DeBonis:

On January 5, 1982, the Commission received a check for $1,000 from the Lake County Democratic Central Committee as payment for the civil penalty in the settlement of this matter.

Accordingly, the file has been closed and 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 respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8210310402

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Anthony DeBonis, Jr.
MURPHY, McATEE, MURPHY & COSTANZA
First National Bank Building
720 W. Chicago Avenue
East Chicago, Indiana 46312

Re: MUR 1171

Dear Mr. DeBonis:

On January 5, 1982, the Commission received a check for $1,000 from the Lake County Democratic Central Committee as payment for the civil penalty in the settlement of this matter.

Accordingly, the file has been closed and 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 respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8201040103

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Anthony DeBonis, Jr.
MURPHY, McATEE, MURPHY & COSTANZA
First National Bank Building
720 W. Chicago Avenue
East Chicago, Indiana 46312

Re: MUR 1171

Dear Mr. DeBonis:

On January 5, 1982, the Commission received a check for $1,000 from the Lake County Democratic Central Committee as payment for the civil penalty in the settlement of this matter.

Accordingly, the file has been closed and 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 respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8204310404

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Peter J. Visclosky, Treasurer
Benjamin for Congress Committee
3877 Madison Street
Gary, Indiana 46408

Re: MUR 1171

Dear Mr. Visclosky:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days.

Should you have any questions, contact Carolyn Weeder, the staff member assigned to this matter, at (202) 523-4060.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

2200310405

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Peter J. Visclosky, Treasurer
Benjamin for Congress Committee
3877 Madison Street
Gary, Indiana 46408

Re: MUR 1171

Dear Mr. Visclosky:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days.

Should you have any questions, contact Carolyn Weeder, the staff member assigned to this matter, at (202) 523-4060.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8204103106

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1171
Lake County Democratic Central Committee	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 12, 1982, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1171:

1. Close the File.
2. Send the letter as submitted with the General Counsel's January 7, 1982 Memorandum to the Commission.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

1-13-82
Date

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 1-7-82, 3:21
Circulated on 48 hour tally basis: 1-8-82, 2:00

9 2 0 0 4 1 3 4 0 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER

DATE: JANUARY 12, 1982

SUBJECT: COMMENTS REGARDING MUR 1171 - Memorandum to the Commission dated 1-7-82

Attached is a copy of Commissioner Reiche's vote sheet with comments regarding MUR 1171.

ATTACHMENT:
Copy of Vote Sheet

8201104

KOD

48 HOUR BALLOT

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463
82 JAN 12

SENSITIVE

Date and Time Transmitted: FRIDAY, 1-8-82, 2:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY TUESDAY, JANUARY 12, 1982, 2:00

SUBJECT: MUR 1171 - Memorandum to the Commission dated 1-7-82
re: Receipt of Civil Penalty

(✓) I approve the recommendation

( ) I object to the recommendation

COMMENTS: Considering the present posture of this case I approve OGC's recommendation. I still strongly disagree with IP 8 of the Conciliation Agreement.

Date: 1/12/82 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

January 7, 1982

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MUR 1171

Please have the attached Memo to the Commission distributed to the Commission on a 48 hour tally basis. Thank you.

Attachment

cc: Weeder

2 2 0 1 0 4 1 0

SENSITIVE

RECEIVED
OFFICE OF THE
SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

82 JAN 7 P3: 21

January 7, 1982

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1171-Receipt of Civil Penalty

On January 5, 1982, the Lake County Democratic Central Committee submitted a check for $1,000 as payment for the civil penalty in accordance with the conciliation agreement executed on September 29, 1981. See attachment 1.

The Office of General Counsel therefore recommends closing the file and sending the attached letter.

Recommendations

1. Close the file.

2. Send the attached letter.

Attachments
Letter and check from respondent
Letter to respondent

8201211

ATTACHMENT I (1)

RECEIVED
Weeder
82 JAN 5 AM: 43
Ccc# 6018

MURPHY, McATEE, MURPHY & COSTANZA
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
720 W. CHICAGO AVENUE
EAST CHICAGO, INDIANA
46312

TELEPHONE
397-2401
AREA CODE 219

JESSE W. McATEE
LESTER P. MURPHY
JOSEPH E. COSTANZA
TERRANCE L. SMITH
ANTHONY DeBONIS, JR.
DAVID K. RANICH

January 4, 1982

82 JAN 5 P2:27

Ms. Carolyn Weeder
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Lake County Democratic Central Committee - MUR 1171

Dear Ms. Weeder:

I enclose herewith a check drawn on the account of the Lake County Democratic Central Committee made payable to the Treasurer of the United States in the amount of $1,000 in payment of the civil penalty assessed against the Committee in this matter pursuant to the conciliation agreement approved and accepted by the Federal Election Commission on September 29, 1981.

Please accept my thanks for your patience and cooperation.

Very truly yours,

MURPHY, McATEE, MURPHY & COSTANZA

ANTHONY DeBONIS, JR.

ADJ/gt
Enclosure

a20012041?

8 2 0 1 0 3 1 0 4 1 3

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

787

Jan. 4 19 82 71-433/719

PAY TO THE ORDER OF Treasurer of United States $ 1,000.00

One Thousand Dollars 00/100 DOLLARS

THE COMMERCIAL BANK
CROWN POINT · INDIANA

FOR Leslie O Prince

⑈000787⑈ ⑆071904339⑆ ⑈[illegible]126 4⑈

Attachment II

(3)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C 20463

Mr. Anthony DeBonis, Jr.
MURPHY, McATEE, MURPHY & COSTANZA
First National Bank Building
720 W. Chicago Avenue
East Chicago, Indiana 46312

Re: MUR 1171

Dear Mr. DeBonis:

On January 5, 1982, the Commission received a check for $1,000 from the Lake County Democratic Central Committee as payment for the civil penalty in the settlement of this matter.

Accordingly, the file has been closed and 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 respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8 2 0 1 0 4 1 1

RECEIVED
82 JAN 5 A10:43
Ccft 6018

MURPHY, McATEE, MURPHY & COSTANZA
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
720 W. CHICAGO AVENUE
EAST CHICAGO, INDIANA
46312

TELEPHONE
397-2401
AREA CODE 219

JESSE W. McATEE
LESTER F. MURPHY
JOSEPH E. COSTANZA
TERRANCE L. SMITH
ANTHONY DeBONIS, JR.
DAVID K. RANICH

January 4, 1982

12:2p 5 JAN 2

Ms. Carolyn Weeder
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Lake County Democratic Central
Committee - MUR 1171

Dear Ms. Weeder:

I enclose herewith a check drawn on the account of the Lake County Democratic Central Committee made payable to the Treasurer of the United States in the amount of $1,000 in payment of the civil penalty assessed against the Committee in this matter pursuant to the conciliation agreement approved and accepted by the Federal Election Commission on September 29, 1981.

Please accept my thanks for your patience and cooperation.

Very truly yours,

MURPHY, McATEE, MURPHY & COSTANZA

ANTHONY DeBONIS, JR.

ADJ/gt
Enclosure

8 2 0 1 0 3 1 0 4 1 6

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

787

Jan. 4 19 82 71-433/719

PAY TO THE ORDER OF Treasurer of United States $ 1,000.00

One Thousand Dollars and no/100 DOLLARS

THE COMMERCIAL BANK
CROWN POINT · INDIANA

FOR

Leslie O Prince

⑈000787⑈ ⑆071904339⑆ ⑈43 626 4⑈

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 6, 1981

Mr. Anthony DeBonis, Jr.
Murphy, McAtee, Murphy
and Costanza
First National Bank Building
720 W. Chicago Avenue
East Chicago, Indiana 46312

Re: MUR 1171

Dear Mr. DeBonis:

On September 29, 1981, the Commission accepted the conciliation agreement signed by Robert A. Pastrick on behalf of the Lake County Democratic Central Committee in settlement of violations of 2 U.S.C. §§ 433, 434, and 441b(a), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file will be closed in this matter upon receipt of the civil penalty.

As provided in the agreement, your client must submit the civil penalty in the amount of $1,000 within sixty days from the effective date of the agreement. The Commission will further notify you upon receipt of the civil penalty.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

RECEIVED
81 SEP 15 AM : 55

BEFORE THE FEDERAL ELECTION COMMISSION

July 30, 1981

In the Matter of	)	
	)	MUR 1171
Lake County Democratic Central Committee	)	

CONCILIATION AGREEMENT

The Federal Election Commission (hereinafter the "Commission") persuant to information ascertained in the normal course of carrying out its supervisory responsibilities, initiated this matter and found reason to believe that the Lake County Democratic Central Committee (hereinafter the "Respondent") violated 2 U.S.C. § 433, § 434, and § 441 b (a).

NOW, THEREFORE, the Commission and Respondent, having duly entered into conciliation pursuant to 2 U.S.C. § 437 g (a)(4)(A), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter or this proceeding.

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

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

IV. The pertinent facts in this matter are as follows:

1. Respondent. Lake County Democratic Central Committee, is a political committee pursuant to 2 U.S.C. § 431(4).

2. Respondent made expenditures on behalf of federal candidate, Adam Benjamin. Jr. in the aggregate of approximately $2,250 in October and November, 1978.

3. Respondent was not registered as a political committee with the Commission at the time it made such expenditures, but did register on October 27, 1980.

4. Respondent reported its receipts and disbursements on November 19, 1980.

5. Respondent received contributions from corporations in accordance with state law and placed them in an account from which expenditures for federal candidate Benjamin were made.

6. All committees are required to file a statement of organization by 2 U.S.C. § 433 within 10 days after becoming a political committee within the meaning of 2 U.S.C. § 431(4).

7. Each treasurer of a political committee is required to file reports of receipts and disbursements on a timely basis under 2 U.S.C. § 434.

8. Any political committee is prohibited from receiving corporate contributions by 2 U.S.C. § 441 b (a).

WHEREFORE, the Respondent agrees:

V. Respondent violated 2 U.S.C. § 433 by failing to timely register as a political committee.

VI. Respondent violated 2 U.S.C. § 434 by failing to timely report receipts and disbursements.

VII. Respondent violated 2 U.S.C. § 441 b (a) by receiving contributions from corporations and placing them in an account from which expenditures on behalf of a federal candidate were made.

VIII. The foregoing violations by the Respondent were not knowingly nor intentionally made, but were in part, occasioned by the differing requirements of state and federal laws governing political campaigns.

IX. Pursuant to the Respondent's suggestion, any further contributions and expenditures in connection with federal election activities will be made from a separate federal account with funds collected in compliance with the act.

X. Respondent will pay a civil penalty to the treasurer of the United States in the amount of $1,000 pursuant to 2 U.S.C. § 437 g (a)(5)(A).

XI. Respondent agrees that it shall 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

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

XIII. 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.

XIV. It is agreed that Respondent shall have no more than sixty days from the date this agreement becomes effective to comply with and implement the requirements contained herein and to so notify the Commission.

IN WITNESS WHEREOF, the Commission's General Counsel and the Respondent have executed this agreement on the dates below specified.

CHARLES N. STEELE. October 6, 1981
General Counsel Date

LAKE COUNTY DEMOCRATIC
CENTRAL COMMITTEE

BY: Robert A. Pastrick SEPT. 11, 1981
ROBERT A. PASTRICK. Date
Chairman

September 24, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1171

Please have the attached Memo distributed to the Commission on a 48 hour tally basis. Thank you.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 20, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peter J. Visclosky, Treasurer
Benjamin for Congress Committee
3877 Madison Street
Gary, Indiana 46408

Re: MUR 1171

Dear Mr. Visclosky:

On September 11, 1979, the Commission found reason to believe that your committee had violated 2 U.S.C. § 441a(f) in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file with respect to your committee's involvement in this matter.

The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days. The Commission reminds you, however, that the confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g (a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please direct them to Carolyn Weeder, at (202)523-4529.

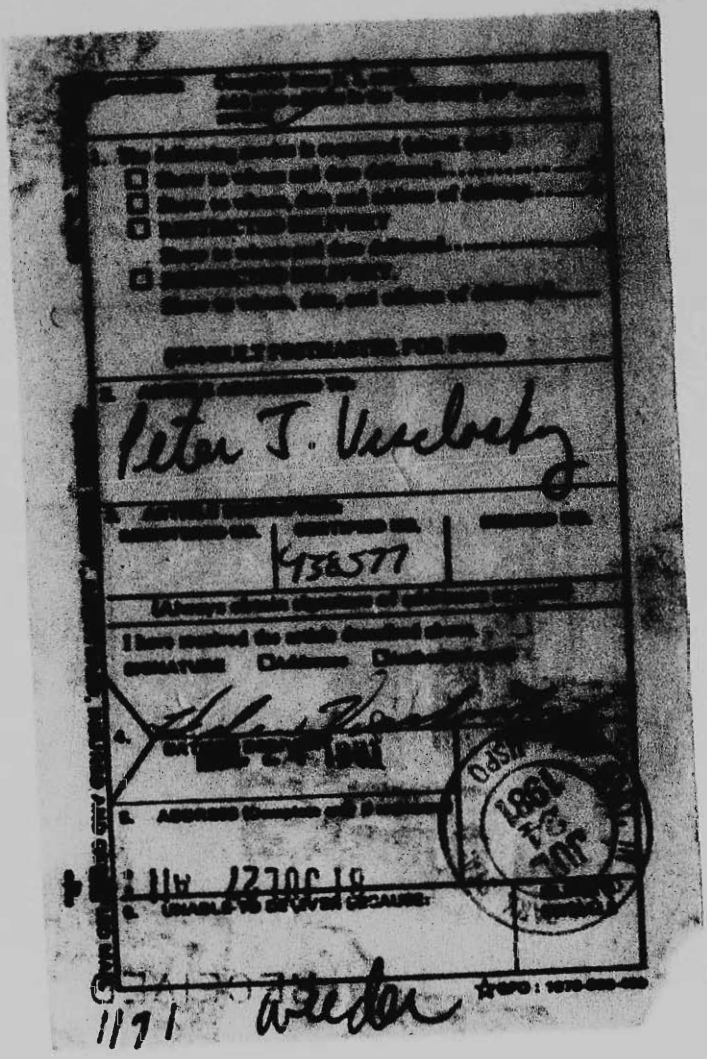
Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peter J. Visclosky, Treasurer
Benjamin for Congress Committee
3877 Madison Street
Gary, Indiana 46408

Re: MUR 1171

Dear Mr. Visclosky:

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The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days. The Commission reminds you, however, that the confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g (a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please direct them to Carolyn Weeder, at (202)523-4529.

Sincerely,

CKW

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 20, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Anthony DeBonis, Jr.
MURPHY, McATEE, MURPHY
AND COSTANZA
First National Bank Building
720 W. Chicago Avenue
East Chicago, Indiana 46312

Re: MUR 1171
Lake County Democratic
Central Committee

Dear Mr. DeBonis:

The Federal Election Commission (the "Commission") received your response of April 6, 1981 on behalf of your client, the Lake County Democratic Central Committee. In your response you present an argument why no further action should be taken against your client, however, your argument does not change the Commission's position regarding its findings.

If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter, at (202)523-4529.

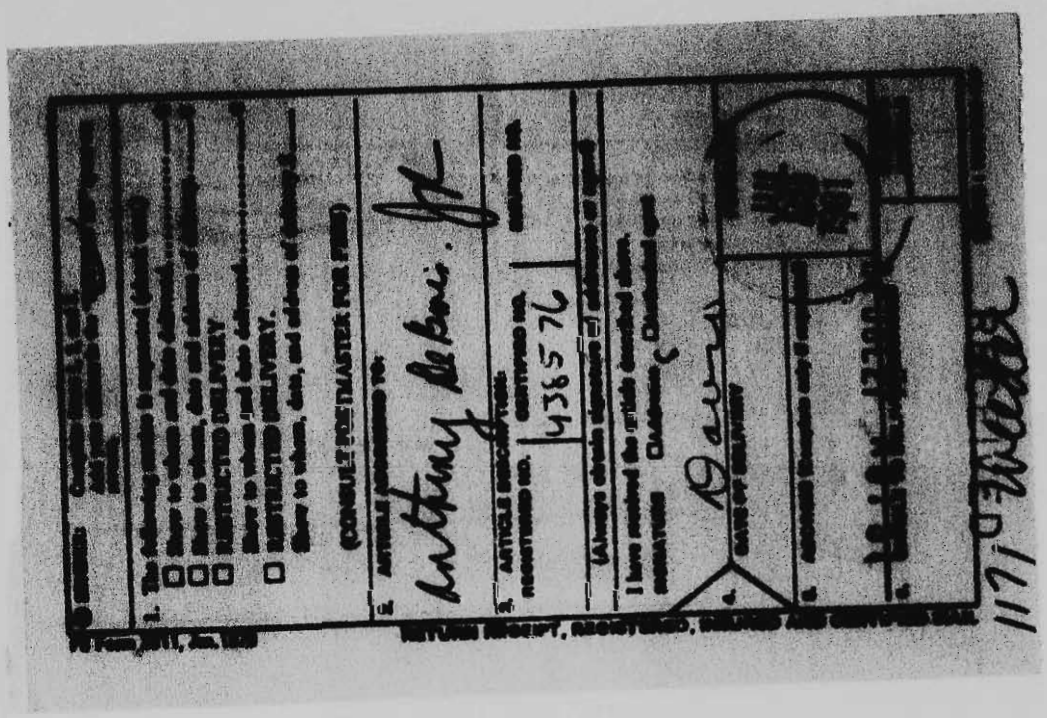
Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

8220110427



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1171
Lake County Democratic Central Committee	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 29, 1981, the Commission decided by a vote of 4-1 to take the following actions regarding MUR 1171:

1. Accept the revised conciliation agreement as submitted with the General Counsel's September 24, 1981 Memorandum to the Commission.

2. Approve and send the letter as attached to the September 24, 1981 Memorandum to the Commission.

Commissioners Aikens, McGarry, Thomson and Tiernan voted affirmatively; Commissioner Reiche dissented; Commissioner Harris did not cast a vote in this matter.

Attest:

9/29/81
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 9-24-81, 3:23
Circulated on 48 hour tally basis: 9-25-81, 2:00

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1171
Benjamin for Congress Committee	)	
Lake County Democratic Central Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 15, 1981, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 1171:

1. Take no further action against the Benjamin Committee regarding a violation of 2 U.S.C. § 441a(f).

2. Close the file with respect to the Benjamin Committee's involvement in this matter.

3. Approve and send the letter, as attached to the General Counsel's June 23, 1981 report, to the Benjamin Committee.

4. Approve and send the conciliation agreement and letter, as submitted with the General Counsel's June 23, 1981 memorandum, to the Lake County Democratic Central Committee.

Commissioners Aikens, Harris, Reiche, Thomson and Tiernan voted affirmatively in this matter; Commissioner McGarry did not cast a vote.

Attest:

7-15-81
Date

Marjorie W. Emmons
Secretary of the Commission

Report Signed: 7-10-81
Received in Office of the Commission Secretary: 7-13-81, 10:03
Circulated on 48 hour vote basis: 7-13-81, 4:00

8201031042 9

July 13, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1171

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

9 2 0 0 1 2 1 1 0 4 3 0

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

June 23, 1981

In the Matter of	)	
	)	MUR 1171
Benjamin for Congress Committee	)	
Lake County Democratic Central Committee	)	

81 JUL 13 A10:08

GENERAL COUNSEL'S REPORT

I. Background

This matter involves the Lake County Democratic Central Committee ("LCDCC") and the Benjamin for Congress Committee ("Benjamin Committee"). Specifically, the Commission found reason to believe that LCDCC violated 2 U.S.C. § 433 and § 434 after reports filed by the Benjamin Committee disclosed an in-kind contribution over a period of two months, October and November, 1978, in the amount of $2,250 from LCDCC.[1/] LCDCC subsequently submitted a statement of organization and its reports of receipts and expenditures. LCDCC's reports, however, disclosed receipts of numerous corporate contributions. Thus, the Commission also found reason to believe that LCDCC violated 2 U.S.C. § 441b(a).

With respect to the Benjamin Committee, the Commission also found reason to believe that it violated 2 U.S.C. § 441a(f) by accepting the $2,250 in-kind contribution from the LCDCC which was in excess of 2 U.S.C. § 441a(a) limitations.

1/ The reports also discosed a loan to LCDCC for $2,500 on November 2, 1978. LCDCC repaid the loan on March 20, 1979.

9204310431

II. Legal Analysis

A. Benjamin Committee

In response to the Commission's finding, the Benjamin Committee explained the nature of the in-kind contribution from the LCDCC. The LCDCC endorses and makes expenditures on behalf of state and federal candidates. Prior to each general election campaign, the LCDCC holds a fundraiser to collect monies it has budgeted for the fall campaign. After the LCDCC determines the amount necessary to run an effective campaign, it assesses each candidate a portion of the amount to be raised. The assessment is based primarily on the candidate's potential salary should he or she be elected. This, in turn, reflects the "value" of the advertising each will receive during the campaign. The advertisements endorse all Democratic candidates for local, state and federal office through newspaper and radio ads, billboards, brochures, and other campaign items.

In September 1978, the LCDCC assessed Mr. Benjamin $2,250 for the campaign services to be rendered by the LCDCC. The Benjamin Committee reports reflect this disbursement as a "donation to fundraiser."

In that the ads were general in nature and endorsed various candidates for different districts, the exact "value" received by the Benjamin Committee through advertisement is impossible to determine. Thus, the Benjamin Committee reported by approximation the amount of the assessment paid earlier ($2,250) as an

in-kind contribution from the LCDCC in its 30 day Post General Election reports filed on December 7, 1978.

The Benjamin Committee therefore contends that it gave LCDCC the money which the LCDCC spent for radio ads and billboards on candidate Benjamin's behalf. The Benjamin Committee, nonetheless, reported the assessed value of the advertisment as an in-kind contribution from LCDCC. The LCDCC reports disclose the disbursements on behalf of Benjamin as party-related expenditures pursuant to 2 U.S.C. § 441a(d).

In light of the fact that the Benjamin Committee gave the money to LCDCC to be expended on candidate Benjamin's behalf, and as the LCDCC subsequently reported these expenditures as party-related pursuant to 2 U.S.C. § 441a(d), the Office of General Counsel recommends that the Commission take no further action against the Benjamin Committee.

B. LCDCC

As stated previously, as a result of the Commission's reason to believe finding of 2 U.S.C. § 433 and § 434, LCDCC filed a statement of organization and reports of receipts and expenditures. The reports indicated that LCDCC had accepted corporate contributions. In response to the Commission's subsequent finding regarding LCDCC's violation of 2 U.S.C. § 441b(a), counsel for LCDCC argues that no further action should be taken against LCDCC in that there has been no showing that the corporate contributions received by LCDCC were used in connection with federal elections.

The LCDCC reports, however, disclose receipt of corporate contributions in the same account from which the expenditures for Mr. Benjamin were made.[2/] Furthermore, the reports disclose that the account contained corporate contributions prior to the date of these expenditures.

2 U.S.C. § 441b(a) prohibits the use of corporate monies in connection with federal elections. Thus, inasmuch as LCDCC made expenditures on behalf of a federal candidate from an account which contained corporate contributions, LCDCC violated 2 U.S.C. § 441b(a).

2/ The LCDCC reports disclose that LCDCC received an aggregate of approximately $16,430 in corporate contributions during 1978-80. The state of Indiana permits the use of corporate monies for state and local elections.

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IV. Recommendations

1. Take no further action against the Benjamin Committee regarding a violation of 2 U.S.C. § 441a(f).

2. Close the file with respect to the Benjamin Committee's involvement in this matter.

3. Approve and send the attached letter to the Benjamin Committee.

4. Approve and send the attached conciliation agreement and letter to the Lake County Democratic Central Committee.

July 10, 1991
Date

Lawrence M. Noble for ces
Charles N. Steele
General Counsel

Attachments
1. LCDCC's Submission
2. Letter to Benjamin Committee
3. Letter and Conciliation Agreement to LCDCC

OFFICE OF THE GENERAL COUNSEL

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

81 APR 6 A11:47

81 APR 3 P4:09

MURPHY, McATEE, MURPHY & COSTANZA
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
720 W. CHICAGO AVENUE
EAST CHICAGO, INDIANA
46312

JESSE W. McATEE
LESTER F. MURPHY
JOSEPH E. COSTANZA
TERRANCE L. SMITH
ANTHONY DeBONIS, JR.
DAVID K. RANICH

TELEPHONE
397-2401
AREA CODE 219

April 2, 1981

The Honorable John Warren McGarry
Chairman, Federal Election Commission
Washington, D.C. 20463

Re: Lake County Democratic
Central Committee MUR-1171

Dear Commissioner McGarry:

The undersigned is counsel for the Lake County (Indiana) Democratic Central Committee which has been notified of the Commission's reason to believe that said Committee (hereinafter referred to as LCDCC) has violated Section 441b(a) of the Federal Election Campaign Act of 1971 as amended (2 U.S.C. 441b(a)). This notification was made by way of a letter from you to Mr. Leslie O. Pruitt, Treasurer or the Lake County Democratic Central Committee dated March 18, 1981.

The purpose of this correspondence is to establish the position of LCDCC with respect to your finding and also to demonstrate that no action should be taken against LCDCC in this matter.

In the alternative, LCDCC requests that this matter be disposed of by either formal or informal conciliation at the Commission's earliest opportunity. The Lake County Democratic Central Committee stands ready to engage in whatever changes in its organization, structure or operations which are necessary to avoid any possible repetition of the matters leading to your present finding in the future. The succeeding portions of this correspondence present the position of LCDCC and includes a brief review of the factual background, a discussion of the relevant issues involved, and a statement of reasons as to why no action should be taken against LCDCC.

3 2 0 1 0 4 3 6

Attachment 1 p 1
(8 pages)

FACTUAL BACKGROUND

The Lake County Democratic Central Committee is a political committee created under Indiana law whose membership consists of the precinct committeepersons and vice-committeepersons in each precinct of Lake County. These precinct officers are elected by members of the Party at primary elections each two years. The elected precinct officers then convene in a county convention for the purpose of electing county committee officers. I call your attention to the letter of Leslie O. Pruitt, Treasurer of the Lake County Democratic Central Committee, to Charles N. Steele, General Counsel of the Federal Election Commission, dated October 27, 1980, wherein Mr. Pruitt describes the relationship of the LCDCC to the State Democratic Committee. Without repeating the contents of that letter, the Lake County Democratic Central Committee makes no contributions to the financial operation of the state committee, receives no financial assistance from it, is not governed by the state committee's By-Laws, and exercises no control over state committee policy while the state committee exercises no control over policy of the LCDCC. The state statutes governing the organization and functioning of county party committees in Indiana is attached hereto and made a part hereof as Exhibit 1. The statutes are found in Indiana Code 3-1-2-1 through 3-1-2-4.

At all times relevant to the matters at issue herein, Indiana law provided for the registration of political committees and for limitation upon contributions to those committees as set out in Indiana Code 3-4-1-1 through 3-4-7-7, a copy of which is attached hereto and made a part hereof as Exhibit 2. Specifically, under such statutes, the Lake County Democratic Central Committee was authorized to raise money and disburse same for the support of candidates of the Democratic party in primary and general elections. In doing so, the committee was specifically authorized under I.C. 3-4-3-3 to accept contributions from corporations and unions up to a limit of $3,000 in any one calendar year from any one corporation or union organization.

During 1978, in preparation for the general election to be held in November of that year, the Lake County Democratic Central Committee, as indicated previously to the Commission in this matter, held one or more fund raising events and did accept contributions from a number of

AH 1-p 2

corporate entities as more fully set out and described in the various reports filed with the Commission thereafter. Hence, the receipt of corporate contributions by the Committee was entirely sanctioned and proper under Indiana law and was duly reported as required.

In the course of the 1978 general election campaign, the Committee received a distribution from the Benjamin for Congress Committee of $2,250 in compensation for the Committee's inclusion of Representative Adam Benjamin, Jr., a candidate for reelection to the House of Representatives, in its advertising material. The value of that advertising was also $2,250. These matters had been previously presented to the Commission and I refer you to the correspondence between the Commission and Mr. Peter Visclosky on behalf of the Benjamin Committee, all of which is attached hereto and made a part hereof as Exhibit 3.

On November 2, 1978, the Benjamin Committee made a loan to the Lake County Democratic Central Committee in the amount of $2,500. This loan was duly reported to the Federal Election Commission on December 7, 1978, in line 21A of the Benjamin Committee's post general election report. On the following March 20, 1979, the Lake County Democratic Central Committee repaid the loan to the Benjamin Committee in full. The loan was repaid without interest and no security was given for the obligation. The LCDCC remained the sole obligor of the loan during the entire time it was outstanding from the Benjamin Committee.

STATEMENT OF POSITION

The central issue confronting the Commission is whether or not the LCDCC's repayment of the loan from the Benjamin Committee constituted a violation of 2 U.S.C. 441b(a). That section provides, in pertinent part, as follows:

> "It is unlawful . . . for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a senator or a representative in . . . Congress are to be voted for, . . . or for any candidate, political committee, or other person knowingly to

AH. 1-p 3

> accept or receive any contribution prohibited by this section, for any officer or any director of any corporation . . . to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section."

The term "contribution" has been defined in the regulations of the Commission as follows:

> "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; or for the purpose of influencing the results of a primary election, caucus, or convention held for the selection of delegates to a national nominating convention or a political party or for the expression of a preference for the nomination of persons for election to the office of president." 2 C.F.R. § 100.4(a)(1)

"Loan" is further defined in the subsequent language to the foregoing section as follows:

> "The term 'loan' includes a guarantee, endorsement, and any other form of security where the risk of nonpayment 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 C.F.R. § 100.4(a)(1)(i).

While the foregoing regulations clearly indicate that loans will be regarded as a form of contribution made by a political committee, these sections do not include repayment of a loan as such a contribution.

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In examining the regulations further, the definition of the term "expenditure" is given at 2 C.F.R. §100.7(a)(1) as follows:

> "'Expenditure' means: (1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election or election, of any person to federal office, or to the office of presidential or vice presidential elector; or for the purpose of influencing the result of a primary election, caucus or convention held for the selection of delegates for a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the orfice of president."

The succeeding language clearly notes that repayment of a loan is not included in the definition of "expenditure":

> "For purposes of subparagraph (1)(i) the term 'payment' -- (A) includes payment of any interest on an obligation, and (B) includes a guarantee or endorsement of a candidate or a political committee of a loan; (C) does not include the repayment of the principal of an outstanding obligation, the proceeds of which constituted a contribution under these regulations except that the repayment shall be reported." 2 C.F.R. § 100.7(a)(i)

Thus, while the loan from the Benjamin Committee to the Lake County Democratic Central Committee may have qualified as a contribution, the repayment of the loan to the Benjamin Committee constituted neither an expenditure by the LCDCC, nor a contribution to the Benjamin Committee.

AH. 1-p.5

valued by the Benjamin Committee at $2,250.

The Commission's regulations are illuminating on this point. While the term "expenditure" is defined as a ". . . gift of money or anything of value" (2 C.F.R. § 100.7(a)(1)), the definition of the term "anything of value" includes the following language:

> "The amount of the expenditure of a thing of value is the difference between the usual and normal charge for the goods or services at the time of this expenditure and the amount charged for the candidate or committee."
> 2 C.F.R. § 100.7(a)(1)(iii)

Since the Benjamin Committee received in full what it paid for, no "expenditure" as the Commission defines the term was made by LCDCC and hence, it was not involved in making an "expenditure" in connection with a federal election. Thus, no violation of 2 U.S.C. § 441(b) is established for this transaction as well.

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MURPHY, McATEE, MURPHY & COSTANZA

ANTHONY DeBONIS, JR.

ADJ:baj
Enclosures
cc: Robert A. Pastrick, Chairman
Lake County Democratic Central Committee

Leslie O. Pruitt, Treasurer
Lake County Democratic Central Committee

These distinctions are critical when applied to the language contained in Section 441-b(a) of the Act. Since that section renders any contributions from corporations to a political committee in connection with federal elections unlawful, it is clear that no violation exists since the repayment of the loan obligation is considered neither a contribution or an expenditure as noted above. Thus, the General Counsel's factual and legal analysis of this matter ignores the definitional language of the Commission's own regulations in determining whether or not, in fact, corporation contributions were made to the Benjamin Committee by virtue of this loan transaction. Since the repayment of the loan obligation is not regarded as an expenditure on the part of the LCDCC, and since the clear language of the regulations also excludes repayment of a loan in the definition of contribution as applied to the Benjamin Committee, no basis exists for a violation of 2 U.S.C. § 441b by either Committee. No other basis for violation has been advanced by the General Counsel. There has been no showing that the corporation funds contributed to the LCDCC were made "in connection with federal elections".

It should also be pointed out that loans and the repayment thereof have not been considered either contributions or expenditures by the Commission after the conclusion of said loan transactions. Not only does the language from the regulation defining "contribution" above specify a loan is a contribution only as long as it is outstanding, the Commission's own advisory opinions have established this proposition. For example, in Advisory Opinion 1975-69, the Commission took the position that a loan made to a political committee is no longer considered a contribution once it is repaid. In fact, the Commission even determined that once the loan is repaid, the amount of the loan will not be counted against any of the contribution or expenditure limitations imposed on any particular committee or candidate by the Act.

With respect to the alleged "expenditure" of $2,250 by the LCDCC in favor of the Benjamin Committee, as referenced above, no such expenditure was made under the prevailing terms of the Commission's regulations. As noted in various documents contained in Exhibit 3, the Benjamin Committee made a distribution of $2,250 to the LCDCC for advertising purposes before the 1978 campaign. LCDCC provided the Benjamin Committee, in turn, with advertising

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MURPHY, McATEE, MURPHY & COSTANZA

ANTHONY DeBONIS, JR.

ADJ:baj
Enclosures
cc: Robert A. Pastrick, Chairman
Lake County Democratic Central Committee

Leslie O. Pruitt, Treasurer
Lake County Democratic Central Committee

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peter J. Visclosky, Treasurer
Benjamin for Congress Committee
3877 Madison Street
Gary, Indiana 46408

Re: MUR 1171

Dear Mr. Visclosky:

On September 11, 1979, the Commission found reason to believe that your committee had violated 2 U.S.C. § 441a(f) in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file with respect to your committee's involvement in this matter.

The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days. The Commission reminds you, however, that the confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g (a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please direct them to Carolyn Weeder, at (202)523-4529.

Sincerely,

Charles N. Steele
General Counsel

Attachment

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Anthony DeBonis, Jr.
MURPHY, McATEE, MURPHY
AND COSTANZA
First National Bank Building
720 W. Chicago Avenue
East Chicago, Indiana 46312

Re: MUR 1171
Lake County Democratic
Central Committee

Dear Mr. DeBonis:

The Federal Election Commission (the "Commission") received your response of April 6, 1981 on behalf of your client, the Lake County Democratic Central Committee. In your response you present an argument why no further action should be taken against your client, however, your argument does not change the Commission's position regarding its findings.

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If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter, at (202)523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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RECEIVED
GENERAL COUNSEL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

81 APR 6 AM 11:47

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER

DATE: APRIL 6, 1981

SUBJECT: REFERRAL OF LETTER REGARDING MUR 1171, Lake County Democratic Central Committee

The attached letter and exhibits regarding MUR 1171 were received in Chairman McGarry's office and then forwarded to the Secretary of the Commission. They are provided for your action.

ATTACHMENTS:
Letter, dated April 2, 1981
Exhibits 1, 2, and 3

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URPHY, McATEE, MURPHY & COSTANZA
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
720 W. CHICAGO AVENUE
EAST CHICAGO, INDIANA
46312

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81 SEP 15 A11:55

Ms. Carolyn Weeder
Office of the Geneal Counsel
Federal Election Commission
Washington, D.C. 20463

OFFICE OF THE GENERAL COUNSEL

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

81 APR 6 A11:47

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MURPHY, McATEE, MURPHY & COSTANZA
ATTORNEYS AND LAW
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EAST CHICAGO, INDIANA
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JESSE W. McATEE
LESTER F. MURPHY
JOSEPH E. COSTANZA
TERRANCE L. SMITH
ANTHONY DeBONIS, JR.
DAVID K. RANICH

TELEPHONE
397-2401
AREA CODE 219

April 2, 1981

The Honorable John Warren McGarry
Chairman, Federal Election Commission
Washington, D.C. 20463

Re: Lake County Democratic
Central Committee MUR-1171

Dear Commissioner McGarry:

The undersigned is counsel for the Lake County (Indiana) Democratic Central Committee which has been notified of the Commission's reason to believe that said Committee (hereinafter referred to as LCDCC) has violated Section 441b(a) of the Federal Election Campaign Act of 1971 as amended (2 U.S.C. 441b(a)). This notification was made by way of a letter from you to Mr. Leslie O. Pruitt, Treasurer of the Lake County Democratic Central Committee dated March 18, 1981.

The purpose of this correspondence is to establish the position of LCDCC with respect to your finding and also to demonstrate that no action should be taken against LCDCC in this matter.

In the alternative, LCDCC requests that this matter be disposed of by either formal or informal conciliation at the Commission's earliest opportunity. The Lake County Democratic Central Committee stands ready to engage in whatever changes in its organization, structure or operations which are necessary to avoid any possible repetition of the matters leading to your present finding in the future. The succeeding portions of this correspondence present the position of LCDCC and includes a brief review of the factual background, a discussion of the relevant issues involved, and a statement of reasons as to why no action should be taken against LCDCC.

FACTUAL BACKGROUND

The Lake County Democratic Central Committee is a political committee created under Indiana law whose membership consists of the precinct committeepersons and vice-committeepersons in each precinct of Lake County. These precinct officers are elected by members of the Party at primary elections each two years. The elected precinct officers then convene in a county convention for the purpose of electing county committee officers. I call your attention to the letter of Leslie O. Pruitt, Treasurer of the Lake County Democratic Central Committee, to Charles N. Steele, General Counsel of the Federal Election Commission, dated October 27, 1980, wherein Mr. Pruitt describes the relationship of the LCDCC to the State Democratic Committee. Without repeating the contents of that letter, the Lake County Democratic Central Committee makes no contributions to the financial operation of the state committee, receives no financial assistance from it, is not governed by the state committee's By-Laws, and exercises no control over state committee policy while the state committee exercises no control over policy of the LCDCC. The state statutes governing the organization and functioning of county party committees in Indiana is attached hereto and made a part hereof as Exhibit 1. The statutes are found in Indiana Code 3-1-2-1 through 3-1-2-4.

At all times relevant to the matters at issue herein, Indiana law provided for the registration of political committees and for limitation upon contributions to those committees as set out in Indiana Code 3-4-1-1 through 3-4-7-7, a copy of which is attached hereto and made a part hereof as Exhibit 2. Specifically, under such statutes, the Lake County Democratic Central Committee was authorized to raise money and disburse same for the support of candidates of the Democratic party in primary and general elections. In doing so, the committee was specifically authorized under I.C. 3-4-3-3 to accept contributions from corporations and unions up to a limit of $3,000 in any one calendar year from any one corporation or union organization.

During 1978, in preparation for the general election to be held in November of that year, the Lake County Democratic Central Committee, as indicated previously to the Commission in this matter, held one or more fund raising events and did accept contributions from a number of

corporate entities as more fully set out and described in the various reports filed with the Commission thereafter. Hence, the receipt of corporate contributions by the Committee was entirely sanctioned and proper under Indiana law and was duly reported as required.

In the course of the 1978 general election campaign, the Committee received a distribution from the Benjamin for Congress Committee of $2,250 in compensation for the Committee's inclusion of Representative Adam Benjamin, Jr., a candidate for reelection to the House of Representatives, in its advertising material. The value of that advertising was also $2,250. These matters had been previously presented to the Commission and I refer you to the correspondence between the Commission and Mr. Peter Visclosky on behalf of the Benjamin Committee, all of which is attached hereto and made a part hereof as Exhibit 3.

On November 2, 1978, the Benjamin Committee made a loan to the Lake County Democratic Central Committee in the amount of $2,500. This loan was duly reported to the Federal Election Commission on December 7, 1978, in line 21A of the Benjamin Committee's post general election report. On the following March 20, 1979, the Lake County Democratic Central Committee repaid the loan to the Benjamin Committee in full. The loan was repaid without interest and no security was given for the obligation. The LCDCC remained the sole obligor of the loan during the entire time it was outstanding from the Benjamin Committee.

STATEMENT OF POSITION

The central issue confronting the Commission is whether or not the LCDCC's repayment of the loan from the Benjamin Committee constituted a violation of 2 U.S.C. 441b(a). That section provides, in pertinent part, as follows:

> "It is unlawful . . . for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a senator or a representative in . . . Congress are to be voted for, . . . or for any candidate, political committee, or other person knowingly to

> accept or receive any contribution prohibited by this section, for any officer or any director of any corporation . . . to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section."

The term "contribution" has been defined in the regulations of the Commission as follows:

> "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; or for the purpose of influencing the results of a primary election, caucus, or convention held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of president." 2 C.F.R. § 100.4(a)(1)

"Loan" is further defined in the subsequent language to the foregoing section as follows:

> "The term 'loan' includes a guarantee, endorsement, and any other form of security where the risk of nonpayment 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 C.F.R. § 100.4(a)(1)(i).

While the foregoing regulations clearly indicate that loans will be regarded as a form of contribution made by a political committee, these sections do not include repayment of a loan as such a contribution.

In examining the regulations further, the definition of the term "expenditure" is given at 2 C.F.R. §100.7(a)(1) as follows:

> "'Expenditure' means: (1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election or election, of any person to federal office, or to the office of presidential or vice presidential elector; or for the purpose of influencing the result of a primary election, caucus or convention held for the selection of delegates for a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the orfice of president."

The succeeding language clearly notes that repayment of a loan is not included in the definition of "expenditure":

> "For purposes of subparagraph (1)(i) the term 'payment' -- (A) includes payment of any interest on an obligation, and (B) includes a guarantee or endorsement of a candidate or a political committee of a loan; (C) does not include the repayment of the principal of an outstanding obligation, the proceeds of which constituted a contribution under these regulations except that the repayment shall be reported." 2 C.F.R. § 100.7(a)(i)

Thus, while the loan from the Benjamin Committee to the Lake County Democratic Central Committee may have qualified as a contribution, the repayment of the loan to the Benjamin Committee constituted neither an expenditure by the LCDCC, nor a contribution to the Benjamin Committee.

These distinctions are critical when applied to the language contained in Section 441-b(a) of the Act. Since that section renders any contributions from corporations to a political committee in connection with federal elections unlawful, it is clear that no violation exists since the repayment of the loan obligation is considered neither a contribution or an expenditure as noted above. Thus, the General Counsel's factual and legal analysis of this matter ignores the definitional language of the Commission's own regulations in determining whether or not, in fact, corporation contributions were made to the Benjamin Committee by virtue of this loan transaction. Since the repayment of the loan obligation is not regarded as an expenditure on the part of the LCDCC, and since the clear language of the regulations also excludes repayment of a loan in the definition of contribution as applied to the Benjamin Committee, no basis exists for a violation of 2 U.S.C. § 441b by either Committee. No other basis for violation has been advanced by the General Counsel. There has been no showing that the corporation funds contributed to the LCDCC were made "in connection with federal elections".

It should also be pointed out that loans and the repayment thereof have not been considered either contributions or expenditures by the Commission after the conclusion of said loan transactions. Not only does the language from the regulation defining "contribution" above specify a loan is a contribution only as long as it is outstanding, the Commission's own advisory opinions have established this proposition. For example, in Advisory Opinion 1975-69, the Commission took the position that a loan made to a political committee is no longer considered a contribution once it is repaid. In fact, the Commission even determined that once the loan is repaid, the amount of the loan will not be counted against any of the contribution or expenditure limitations imposed on any particular committee or candidate by the Act.

With respect to the alleged "expenditure" of $2,250 by the LCDCC in favor of the Benjamin Committee, as referenced above, no such expenditure was made under the prevailing terms of the Commission's regulations. As noted in various documents contained in Exhibit 3, the Benjamin Committee made a distribution of $2,250 to the LCDCC for advertising purposes before the 1978 campaign. LCDCC provided the Benjamin Committee, in turn, with advertising

valued by the Benjamin Committee at $2,250.

The Commission's regulations are illuminating on this point. While the term "expenditure" is defined as a ". . . gift of money or anything of value" (2 C.F.R. § 100.7(a)(1)), the definition of the term "anything of value" includes the following language:

> "The amount of the expenditure of a thing of value is the difference between the usual and normal charge for the goods or services at the time of this expenditure and the amount charged for the candidate or committee."
> 2 C.F.R. § 100.7(a)(1)(iii)

Since the Benjamin Committee received in full what it paid for, no "expenditure" as the Commission defines the term was made by LCDCC and hence, it was not involved in making an "expenditure" in connection with a federal election. Thus, no violation of 2 U.S.C. § 441(b) is established for this transaction as well.

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8204031045

MURPHY, McATEE, MURPHY & COSTANZA

ANTHONY DeBONIS, JR.

ADJ:baj
Enclosures
cc: Robert A. Pastrick, Chairman
Lake County Democratic Central Committee

Leslie O. Pruitt, Treasurer
Lake County Democratic Central Committee

that day is specified, the final hour for the receipt of the particular filing is twelve o'clock noon, prevailing time, of the final day for filing. *(Formerly: Acts 1975, P.L.3, SEC.1).*

3-1-1-3 Application of act

Sec. 3. This act shall apply to all elections by the state or any political subdivision thereof, except that in the case of town, school or other similar district elections the law concerning the method of calling the same and the purposes for which the same are called shall govern. *(Formerly: Acts 1945, c.208, s.3).*

Chapter 2. Party Organization.

3-1-2-1 Committees; membership; rules and regulations; enforcement procedures
3-1-2-2 Committees; officers vacancies; elections
3-1-2-3 Committees; organizational meeting
3-1-2-4 Political parties; change of name

3-1-2-1 Committees; membership; rules and regulations; enforcement procedures

Sec. 1. Every political party subject to the provisions of this act pertaining to primary elections shall have the following committees: A state central committee, a congressional district committee, a county committee, a city committee, and a precinct committee, but said state, district, county or city committee may provide for such other officers, committees and rules as it may from time to time deem necessary. The state central committee of each party subject to the provisions of this act pertaining to primary elections shall be composed of the district chairman and the district vice-chairman from the several congressional districts to be elected as hereinafter provided. The congressional district committee shall be composed of the county chairmen and the county vice-chairmen of the several counties in the congressional district, and in such counties that are conterminous with a congressional district the county chairman and the county vice-chairman of each of such counties shall constitute the congressional district committee and shall elect the district chairman and the district vice-chairman of such congressional district committee. The county committee shall be composed of the precinct committeeman and the precinct vice-committeeman to be elected from the several precincts of each county, as hereinafter provided. The city committee shall be composed of the members of the county committee residing in such city and representing precincts which lie wholly or partly within such city: Provided, That if in any precinct as it exists for city election purposes, there are two (2) or more precinct committeemen residing therein, who are members of the county committee, the county chairman, at any time before the organization of the city committee, shall designate one (1) of such members of the county committee as the city committeeman for such precinct; and in the event such a condition arises or exists after the organization of the city committee, the city chairman shall make such designation. If in any such city election precinct, before the organization of the city committee, there is no member of the county committee residing therein or if there is such member and he declines to serve as a member of the city committee, then the county chairman shall fill such vacancy by appointment of a voter residing in such precinct; and if such condition arises or exists after the organization of the city committee, such vacancy shall be filled by the other members of the city committee, or by the county chairman with their consent. If two (2) or more vice-committeemen, who are members of the county committee, reside in the same city precinct, or if no vice-committeeman of the county committee resides in any such precinct or a vacancy arises or exists in the office of vice-committeeman in such precinct, the designation or appointment of a vice-committeeman shall be made in the same manner as provided herein in the case of city committeemen. The precinct committees shall be composed of the precinct committeeman and the precinct vice-committeeman and such other persons as may be designated and appointed by the county chairman. Notices of the time and place for all meetings of the various committees provided herein shall be sent to the chairman and vice-chairman, precinct committeeman and vice-committeeman. The vice-chairman and precinct vice-committeemen shall have the right to vote on all matters coming before any such

EXHIBIT 1

meeting. The state central committee of each party coming under the provisions of this act is hereby declared to be the highest party authority, and may, by proper rules, regulations or resolutions, provide for all matters of party government which are not controlled by this act or by any other statutes of the state of Indiana, such rules, regulations or resolutions not to be in conflict with any law of this state. Upon refusal of any member or officer of any political committee of such party to obey or conform to any such rule, regulation or resolution so adopted, such member or officer may be removed by said state central committee, after hearing, upon reasonable notice. Said state central committee shall also have power, in its own name, to maintain suits in mandamus to enforce obedience to its rules, regulations or resolutions, said suits to be commenced, prosecuted and tried in the circuit or superior court of the county wherein the defendant resides. Said proceedings in mandamus shall be tried by the court without the intervention of a jury. Any case so brought shall have precedence over all other cases pending in such courts, except trials for capital offenses, and no change of venue from the county shall be allowed in any such case. Process shall be served and the proceedings had as in other civil actions except that process shall be returnable three (3) days from the date of service. From the judgment entered in any such case, an appeal may be prosecuted as in other civil actions by either party, but such appeal shall be taken directly to the Supreme Court of Indiana. *(Formerly: Acts 1945, c.208, s.4; Acts 1949, c.25, s.1).*

3-1-2-2 Committees; officers; vacancies; elections

Sec. 2. The various committees provided for in section 4 of this act, except precinct committees, shall organize by electing a chairman, a vice-chairman, a secretary and a treasurer, and such other officers or subcommittees as they deem necessary to perfect their organization. Each of such committees is hereby authorized to fill any vacancy that may occur, from time to time, by electing a qualified elector of such district, county, city or precinct to fill such unexpired term; such qualified elector to be a member of such party. The election of the chairman and vice-chairman of the various committees provided for herein, except precinct committees, shall be conducted and determined as follows: A vote shall first be taken for the office of chairman and the first person receiving a majority of the eligible votes shall be declared elected to that office. A vote shall then be taken for the office of vice-chairman and the first person receiving a majority of the eligible votes shall be declared elected to that office. The person to be elected to said office of vice-chairman to be of the opposite sex to the chairman. The secretary and treasurer shall be elected in like manner. *(Formerly: Acts 1945, c.208, s.5; Acts 1949, c.25, s.2).*

3-1-2-3 Committees; organizational meeting

Sec. 3. At one o'clock P.M. on the Saturday following their election, the precinct committeemen and the vice-committeemen of each party coming under the provisions of this article pertaining to primary elections shall meet at some place at the county seat, to be fixed by the retiring chairman, and shall organize the county committee by electing the officers required by this chapter. The state central committee of each political party coming under the provisions of this article shall provide, by proper rules, regulations or resolutions, for the organization of other committees herein provided for, which organization shall take place within one hundred twenty (120) days after such primary, except the city committees of such parties, which shall be organized at any time not later than ninety (90) days before the city election, the time of such organization to be fixed by such state central committees, and to be uniform as to each party throughout the state, and said state central committees shall adopt proper and efficient rules for the government of each and all of such committees. *(Formerly: Acts 1945, c.208, s.6; Acts 1949, c.25, s.3; Acts 1965, c.261, s.2). As amended by Acts 1977, P.L.8, SEC.1*

3-1-2-4 Political parties; change of name

Sec. 4. Any political party subject to the election laws of this state may change its name by complying with the following conditions:

The state central committee of such political party may call a convention, and shall state in its call that a convention is called for a certain time and place, for the purpose of changing the name of such party to some specific name given in such call. Such convention shall be held before the termination of the time for filing of nominations for primary elections preceding the general state election, and such change shall be agreed upon by a resolution of a majority of such convention

A copy of the resolution determining upon such change of name, certified by the chairman and secretary of such convention, shall be filed with the governor of the state within five (5) days after the holding of such convention. Thereafter such political party shall be known by the new name called for by said resolution, and said party under its new name shall have all the rights that it had under its former name. *(Formerly: Acts 1945, c.208, s.7).*

Chapter 3. State Election Board.

3-1-3-1 Creation
3-1-3-2 Membership
3-1-3-2.5 Governor's proxy
3-1-3-3 Meetings
3-1-3-4 Powers and duties
3-1-3-5 Hiring employees; budget estimate; funds
3-1-3-6 State police, enforcement duties
3-1-3-7 Compelling attendance of witnesses; oaths; witness fees
3-1-3-8 Compensation

3-1-3-1 Creation

Sec. 1. There is hereby created a state board to be known as the "state election board." *(Formerly: Acts 1945, c.208, s.8).*

3-1-3-2 Membership

Sec. 2. The governor of the state who shall be ex officio chairman and two (2) qualified electors by him appointed, one (1) from each of the two (2) political parties that cast the largest number of votes for secretary of state at the last preceding general election, shall constitute the state election board, and such board members shall serve for a period of two (2) years or until their successors are appointed and qualified. Such appointments shall be made at least sixty (60) days prior to each general election, and if, prior to that time, the chairman of the state central committee of either of such parties shall nominate in writing a member of his own party for such appointment, the governor of the state shall appoint such nominee. In case of death or disability of either appointee, the governor of the state shall notify the chairman of such central committee of such appointee's political party and such chairman may within ten (10) days after notice of such vacancy, nominate in writing a successor who shall thereupon be appointed. If such chairman of the proper state central committee shall fail to make his nomination within the times herein specified, the governor of the state shall on his own initiative and within ten (10) days thereafter select and appoint a member of the party entitled to the appointment. Provided, however, That the present members of the state board of election commissioners shall serve as members of the state election board until their successors are appointed and qualified as provided for in this act. *(Formerly: Acts 1945, c.208, s.9).*

3-1-3-2.5 Governor's proxy

Sec. 2.5. The governor may from time to time appoint by written instrument any individual as his proxy to serve in his place as a member of the state election board and such proxy shall have the same authority to act and vote on all matters as does the governor. The authority of such proxy may be revoked at any time by the governor and may be limited or general either as to duration or subject matter as set forth in the written instrument appointing such proxy. *(Formerly: Acts 1971, P.L.10, SEC.1)*

3-1-3-3 Meetings

Sec. 3. Meetings shall be held whenever necessary to the performance of the duties of the board on call of the governor and should the governor refuse, or for any reason fail or be unable, to call a meeting, the two (2) remaining members may meet and execute the powers and perform the duties of the board. Should the board fail to meet and discharge the duties imposed upon it by law, the governor may, either on his own motion or on the petition signed by at least on his own motion or on th e

ed as included in one of the districts described in Sec. 3 of this chapter, is included within that district contiguous to such township or part of a township which contains the least population according to the 1970 Decennial Census referred to in Sec. 2 of this chapter. *(Formerly: Acts 1971, P.L.18, SEC.4).*

Chapter 2. Congressional Districts — Standards and Re-districting Commission.

3-3-2-1 General assembly; re-districting session
3-3-2-2 Re-districting commission; establishment; meetings

3-3-2-1 General assembly; re-districting session

Sec. 1. On and after the effective date of this chapter, congressional districts shall be established by law at the session of the general assembly immediately following the United States decennial census. *(Formerly: Acts 1969, c.93, s.1; Acts 1971, P.L.18, SEC.5).*

3-3-2-2 Re-districting commission; establishment; meetings

Sec. 2. If a session of the general assembly adjourns without having complied with the requirements of section 1 of this act or if for any other reason at any time the State of Indiana finds itself without a valid congressional district law, a re-districting commission shall be established which shall consist of the speaker of the house, the president pro tem of the senate, the chairman of the senate and house committees on legislative apportionment and a fifth member who shall be appointed by the governor from the membership of the general assembly. The re-districting commission shall meet within thirty (30) days after adjournment of the general assembly at a time and place designated by the president pro tem of the senate and shall adopt a congressional re-districting plan in accordance with the provisions of this statute. Any plan so adopted shall be signed by a majority of the re-districting committee and submitted to the governor who forthwith shall issue and publish his executive order establishing congressional districts in accordance with the plan so adopted and directing the state election board to place such congressional districts in effect for the primary and general elections next succeeding such general assembly. Congressional districts so established shall continue in effect until changed by statute duly enacted by the general assembly. *(Formerly: Acts 1969, c.93, s.2).*

ARTICLE 4. POLITICAL CONTRIBUTIONS AND EXPENSES

Ch. 1. Application of Article and Definitions.
Ch. 2. Political Committees.
Ch. 3. Political Contributions.
Ch. 4. Campaign Expenses.
Ch. 5. Election Boards — Duties.
Ch. 6. Reports by Political Committees and Candidates.
Ch. 7. Corrupt Practices.

Chapter 1. Application of Article and Definitions.

3-4-1-1 Application of article
3-4-1-2 Board
3-4-1-3 Candidate
3-4-1-4 Candidate's committee
3-4-1-5 Caucus
3-4-1-6 Contribution
3-4-1-7 Election
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3-4-1-15 Person
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3-4-1-17 Political party committee
3-4-1-18 State candidate
3-4-1-19 State office
3-4-1-20 State political committee
3-4-1-21 Treasurer
3-4-1-22 Value

3-4-1-1 Application of article

Sec. 1. Application of Article. (a) The provisions of this article apply to the following:

(1) all elections; and

(2) all caucuses preliminary to an election to which this section applies.

(b) The provisions and requirements of this chapter do not apply to the election of candidates for any office the emoluments of which

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are less than two thousand dollars ($2,000) per year; except as provided in IC 3-4-6-14. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-2 Board

Sec. 2. Board. As used in this article "board" means the state election board created by IC 3-1-3-1. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-3 Candidate

Sec. 3. Candidate. As used in this article, "candidate" means an individual who seeks nomination for election, or election, to office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (a) taken the action necessary under the law of Indiana to qualify himself for nomination for election; or (b) publicly announced or declared that he is a candidate; or (c) solicited or accepted contributions or has given his consent for any other person to solicit or accept contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-4 Candidate's committee

Sec. 4. Candidate's Committee. As used in this article, "candidate's committee" means the principal political committee of a candidate required by IC 3-4-2-4. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-5 Caucus

Sec. 5. Caucus. As used in this article "caucus" includes:

(a) meetings held to nominate a candidate for office or to select delegates to a nominating convention;

(b) nominating conventions of such delegates; and

(c) meetings held to fill a vacancy in any elective office. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-6 Contribution

Sec. 6. Contribution. As used in this article, "contribution" means:

(a) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination, or election, of any person to office, or for the purpose of influencing the outcome of any question; or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the constitution of the state of Indiana.

(b) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(c) funds received by a political committee which are transferred to that committee from another political committee;

(d) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge for any purpose described in subsection (a) of this section;

(e) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include personal services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee; and

(f) notwithstanding the foregoing meaning of "contribution", the word shall not be construed to include administrative costs of political action committees. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-7 Election

Sec. 7. Election. Election means any election at which the electors of the state or of any subdivision thereof nominate or choose by ballot public officials or decide any public question lawfully submitted for them. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-8 Election district

Sec. 8. Election District. Election district means the combination of election precincts within which all of the electors reside whose vote a political committee or candidate proposes to influence. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-9 Executive director

Sec. 9. Executive Director. As used in this article, "executive director" means the chief administrative officer of the board. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-10 Expenditure

Sec. 10. Expenditure. As used in this article, "expenditure" means:

(a) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination or election, of any person to office, or for the purpose of influencing the outcome of any question; or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the constitution of the state of Indiana;

(b) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure; and

(c) a transfer of funds by a political committee to another political committee. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-11 Federal office

Sec. 11. Federal Office. As used in this article, federal office means the office of president and vice president of the United States, United States senator and United States congressman. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-12 Local candidate

Sec. 12. Local Candidate. As used in this article, "local candidate" means a candidate for local office. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-13 Local office

Sec. 13. Local Office. As used in this article, "local office" means any office subject to the election laws of the state except state offices and federal offices. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-14 Local political committee

Sec. 14. Local Political Committee. As used in this article, "local political committee" means any political committee that proposes to influence the election of a candidate or the outcome of an issue for or against which fewer than all of the electors of the state are entitled to vote. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-15 Person

Sec. 15. Person. As used in this article, "person" includes individuals, business organizations, labor organizations, religious organizations, political organizations, trustees, receivers and any other organization, association, cooperative or group of persons whatsoever. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-16 Political committee

Sec. 16. Political Committee. (a) As used in this article, "political committee" means local political committee, state political committee, political party committee, including out-of-state committees, or any other person who accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding one hundred dollars ($100).

(b) An individual who makes contributions to a candidate or to a political committee shall, for the purposes of this article, not be considered to be a political committee. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-17 Political party committee

Sec. 17. Political Party Committee. As used in this article "political party committee" means the state, district, county, city or town committee of any political party subject to the provisions of this title. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-18 State candidate

Sec. 18. State Candidate. As used in this article, "state candidate" means a candidate for state office. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-19 State office

Sec. 19. State Office. As used in this article, "state office" means the office of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, judge of the supreme court, judge of the court of appeals, clerk of the supreme and appellate

courts, reporter of supreme and appellate courts, or superintendent of public instruction; or of any other person elected by all the voters of the state; or of senator or representative in the Indiana general assembly. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-20 State political committee

Sec. 20. State Political Committee. As used in this article, "state political committee" means any political committee that proposes to influence the election of a candidate for state office or the outcome of an issue for or against which all of the electors of the state are entitled to vote. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-21 Treasurer

Sec. 21. Treasurer. As used in this article, "treasurer" means the treasurer of a political committee appointed pursuant to chapter 2 of this article. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-1-22 Value

Sec. 22. Value. As used in this article "value" includes money and any other tangible or intangible property having monetary worth, in kind items, and any work or service performed or to be performed; however, value shall not be construed to include personal services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee. *As added by Acts 1976, P.L.6, SEC.1.*

Chapter 2. Political Committees.

3-4-2-1 Chairman, treasurer; requirement
3-4-2-2 Statement of organization, requirement
3-4-2-3 Statement of organization; contents
3-4-2-4 Candidate's committee, designation of name and officers required
3-4-2-5 Candidate's committee, candidate as chairman or treasurer
3-4-2-6 Candidate's committee, candidate a member
3-4-2-7 Candidate's committee, candidate as treasurer
3-4-2-8 Statement of organization, change in information
3-4-2-9 Political committees ready to accept contributions
3-4-2-10 Disbanding political committees
3-4-2-11 Treasurer; written appointment
3-4-2-12 Treasurer, filing of written appointment
3-4-2-13 Treasurer, bond
3-4-2-14 Treasurer; qualifications
3-4-2-15 Treasurer; multiple
3-4-2-16 Treasurer; removal
3-4-2-17 Treasurer; recipient and disburser of moneys
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3-4-2-19 Treasurer; vouchers
3-4-2-20 Record keeping
3-4-2-21 Preservation of receipts
3-4-2-22 Solicitations by members
3-4-2-23 Unlawful to act without a treasurer
3-4-2-24 Unlawful to bypass the treasurer
3-4-2-25 Acting treasurer

3-4-2-1 Chairman, treasurer; requirement

Sec. 1. Chairman-Treasurer: Requirement. Every political committee must have a chairman and a treasurer who shall be ex officio members of the committee. No expenditure may be made or contribution accepted for or on behalf of a political committee without the authorization of its chairman or treasurer. *As added by Acts 1976, P.L.6, SEC.1*

3-4-2-2 Statement of organization; requirement

Sec. 2. Statement of Organization: Requirement. Every political committee must file a statement of organization within ten (10) days after its organization or after it becomes a political committee. Each such committee in existence on July 1, 1977 must file a statement of organization with the proper office at such time as the board prescribes. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-3 Statement of organization; contents

Sec. 3. Statement of Organization: Contents. The statement of organization of each political committee must include:

(a) the name and address of the committee;

(b) the purpose for which the committee is formed;

(c) the name and address of the chairman and treasurer;

(d) if applicable, (1) the name, address, office sought, and party affiliation of each candidate whom the committee is supporting, (2) if the committee is supporting the entire ticket of any party, the name of the party, and (3) if the committee is supporting or opposing a question, a brief statement of the question supported or opposed;

(e) a listing of all banks, safety deposit boxes, or other repositories used. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-4 Candidate's committee; designation of name and officers required

Sec. 4. Candidate's Committee -- Designation of Name and Officers Required. (a) Each candidate must have a principal political committee and within thirty (30) calendar days after becoming a candidate must file a written instrument designating the name of his principal political committee and the name of the chairman and treasurer of said committee. This instrument shall be in addition to the statement of organization required from all political committees.

(b) If a candidate fails to file the instrument required by subsection (a) of this section, his principal political committee shall be designated as "the _____ (here insert the name of the candidate) for _____ (here insert the title of the office sought by the candidate) political committee", and the candidate shall be both chairman and treasurer of said committee. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-5 Candidate's committee; candidate as chairman or treasurer

Sec. 5. Candidate's Committee: Candidate as Chairman or Treasurer. A candidate may be either chairman or treasurer or both chairman and treasurer of the candidate's committee required by section 4 of this chapter. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-6 Candidate's committee; candidate a member

Sec. 6. Candidate's Committee: Candidate a Member. Each candidate shall be an ex officio member of his principal political committee. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-7 Candidate's committee; candidate as treasurer

Sec. 7. Candidate's Committee: Candidate as Treasurer. A candidate who is treasurer of his candidate's committee shall not be required to give bond as a treasurer; but he must make the report required by the treasurer of all political committees under the provisions of chapter 6 of this article. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-8 Statement of organization; change in information

Sec. 8. Statement of Organization: Change in Information. Any change in information previously submitted in a statement of organization must be reported within a ten (10) calendar day period following the change. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-9 Political committees ceasing to accept contributions

Sec. 9. Political Committees Ceasing to Accept Contributions. Any political committee which, after having been required to file a statement of organization, determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding one hundred dollars ($100) shall file a report to that effect. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-10 Disbanding political committees

Sec. 10. Disbanding Political Committees. A political committee, after having been required to file a statement of organization, may disband at any time by giving written notification of the dissolution and transferring any surplus of contributions less expenditures to one (1) or more political party committees or to the board unless otherwise provided by the political committee in its statement of organization as initially filed; such dissolution and transfer of funds in no way relieves the political committee or its members from civil or criminal liability. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-11 Treasurer; written appointment

Sec. 11. Treasurer: Written Appointment. The treasurer of a political committee must be appointed in a written instrument by the chairman of the political committee of which he is treasurer and the appointing instrument must designate the particular period during which the appointment shall continue. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-12 Treasurer; filing of written appointment

Sec. 12. Treasurer: Filing of Written Appointment. The treasurer of each political committee must file his written appointment. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-13 Treasurer; bond

Sec. 13. Treasurer: Bond. Before proceeding to act or perform any of the duties of treasurer, the person appointed treasurer, except as otherwise provided in this chapter, must execute a bond payable to the state of Indiana in such penalty as the committee by whom he is appointed shall prescribe, except that in no event may the minimum penalty of the bond be less than five hundred dollars ($500), and with surety or sureties to the approval of the committee, which bond shall be conditioned for the faithful performance by the treasurer of the duties of his office without loss or detriment to any person interested in the performance of his duties and the payment by the treasurer of all sums of money in his hands to his successor upon which bond and action may be maintained in the name of the state of Indiana for the use of any persons interested in the faithful performance of his duties as treasurer and injured by a breach of the condition of the bond, or in the event of the failure of the treasurer to account to his successor in office, the action may be maintained in the name of the state of Indiana for the use of his successor in office. The bond must be filed in the office in which the treasurer must file his written appointment. The premium required to be paid for the bond, if any, may be paid by the treasurer out of funds that come into his hands as treasurer and shall be allowed to him as a credit in the settlement of his accounts. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-14 Treasurer; qualifications

Sec. 14. Treasurer: Qualifications. Every treasurer of a political committee:

(a) must be a citizen;

(b) may not be the chairman of any political committee except in the case of a candidate pursuant to section 5 of this chapter;

(c) must be appointed treasurer in writing as required by section 11 of this chapter;

(d) must file the written instrument of his appointment as required by section 12 of this chapter; and

(e) must give bond as required by section 13 of this chapter. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-15 Treasurer; multiple

Sec. 15. Treasurer: Multiple. Nothing in this article shall prevent the treasurer of one (1) political committee from being the treasurer of another political committee unless he is a candidate. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-16 Treasurer; removal

Sec. 16. Treasurer: Removal. Each political committee has the power and right to remove, without assigning any cause therefor, any person appointed by the committee as treasurer and to appoint the successor of the removed treasurer. Upon his removal, the treasurer must immediately account for and turn over to his successor in office the value then in his possession as such treasurer and must within twenty (20) calendar days after such removal file a full true and detailed account and statement of his receipts and expenditures in the office in which his written appointment as treasurer must be filed. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-17 Treasurer; recipient and disburser of moneys

Sec. 17. Treasurer: Recipient and Disburser of Moneys. All moneys or other things of value collected or received by a political committee or by any member or members thereof for any political purpose must be paid over to and made to pass through the hands of the treasurer of the committee and must be disbursed by him and not otherwise. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-18 Treasurer; authority limited

Sec. 18. Treasurer: Authority Limited. The treasurer appointed and acting for or in connection with a political committee may not expend or disburse any money or other things of value

or incur any liability whatsoever except by the authority and subject to the direction of the committee for or in connection with which the treasurer was appointed and acting. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-19 Treasurer; vouchers

Sec. 19. Treasurer: Vouchers. Disbursement may be made pursuant to a voucher drawn by the chairman of a political committee on the treasurer and presented to the treasurer for payment, which voucher must show the specific purpose for which the money is being expended. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-20 Record keeping

Sec. 20. Record Keeping. It is the duty of the treasurer of a political committee to keep a detailed and exact account of:

(a) all contributions made to or for such committee;

(b) the full name and mailing address of every person making an aggregate contribution in excess of twenty-five dollars ($25.00), and the date and amount thereof;

(c) all expenditures made by or on behalf of the committee; and

(d) the full name, mailing address, occupation and the principal place of business, if any, of every person to whom any expenditure is made within the calendar year in an aggregate amount or value in excess of one hundred dollars ($100), the date and amount thereof and the name and address of, and office sought by, the candidate or candidates on whose behalf such expenditure was made, and a statement identifying the question or questions on which behalf such expenditure was made. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-21 Preservation of receipts

Sec. 21. Preservation of Receipts. It is the duty of the treasurer of a political committee to obtain and keep receipted bills, cancelled checks or other proof of payment, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of twenty-five dollars ($25.00) in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds twenty-five dollars ($25.00). For the purposes of this article the treasurer shall preserve all receipted bills and accounts required to be kept by this section for at least three (3) years or for one year from the date of disbandment of the committee. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-22 Solicitations by members

Sec. 22. Solicitations By Members. Any member of a political committee which has appointed and maintains a treasurer in accordance with the provisions of this chapter may solicit or receive contributions for political purposes provided that the contributions are immediately turned over without diminution to the treasurer of the committee and disbursed and accounted for by the treasurer as provided by this article, and when money is so received, the treasurer, in his account and statement, in addition to the requirements of chapter 6 of this article, shall show through what member of such committee the contributions were received. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-23 Unlawful to act without a treasurer

Sec. 23. Unlawful to Act Without a Treasurer. It is unlawful for a political committee or any of its members to collect, receive, keep or disburse money or other valuable things to promote any activity to which the provisions of this article apply unless the political committee appoints and maintains a treasurer as required by this chapter. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-24 Unlawful to bypass the treasurer

Sec. 24. Unlawful to Bypass the Treasurer. It is unlawful for a political committee or any of its members to disburse or expend money or any other valuable thing for any political purpose until the money or other valuable thing so disbursed or expended has passed through the hands of the treasurer of the committee. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-2-25 Acting treasurer

Sec. 25. Acting Treasurer. Any person, except a person authorized by the treasurer of a

political committee and a member of a political committee, who receives or disburses money for any political purpose shall be subject to all the requirements, obligations, and penalties to which the treasurer of a political committee is subject. *As added by Acts 1976, P.L.6, SEC.1.*

Chapter 3. Political Contributions.

3-4-3-1 Candidates
3-4-3-2 To whom made; unlawful contributions
3-4-3-3 Corporation and union contributions
3-4-3-4 Expenditures for legal expenses
3-4-3-5 Contributions from national committee
3-4-3-6 Prohibiton of contributions in the name of another
3-4-3-7 Reports to the treasurer
3-4-3-8 Solicitation of funds; notice of reports

3-4-3-1 Candidates

Sec. 1. Candidates. A candidate except as otherwise provided in this article, may make a voluntary payment of money to a treasurer for any of the purposes permitted by this article. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-3-2 To whom made; unlawful contributions

Sec. 2. To Whom Made; Unlawful Contributions. No contribution may be made except to a political committee or to a person authorized by law or by a political committee to receive contributions on its behalf. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-3-3 Corporation and union contributions

Sec. 3. Corporation and Union Contributions. Except as otherwise provided by law, a corporation or labor organization have the power and authority to make a political contribution to aid in the election or defeat of a candidate or to aid in the success or defeat of a political party, principle, measure or proposition submitted to a vote in an election; however, during any calendar year, no corporation or labor organization may make total political contributions in excess of (a) an aggregate of three thousand dollars ($3,000) on behalf of and apportioned in any manner among all candidates for offices for which all of the voters of the state may vote; plus (b) an aggregate of three thousand dollars ($3,000) apportioned in any manner among all state central committees of political parties; plus (c) an aggregate of one thousand dollars ($1,000) on behalf of and apportioned in any manner among all candidates for all offices for which fewer than all of the voters of the state may vote; plus (d) an aggregate of one thousand dollars ($1,000) apportioned in any manner among all political party committees other than state central committees. This section does not apply to non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and employees, or by a trade association or labor organization aimed at its members. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-3-4 Expenditures for legal expenses

Sec. 4. Expenditures for Legal Expenses. Nothing contained in this article shall limit or affect the right of any person to expend money for proper legal expenses in maintaining or contesting the result of any election. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-3-5 Contributions from national committee

Sec. 5. Contributions from National Committee. It is lawful for the state, district, county, city or town committee of a political party to receive contributions from the national committee or the national congressional committee of a political party to be expended for purposes authorized by this article. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-3-6 Prohibiton of contributions in the name of another

Sec. 6. Prohibition of Contributions in the Name of Another. No person may make a contribution in the name of another person, and no person may knowingly accept a contribution made by one (1) person in the name of another person. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-3-7 Reports to the treasurer

Sec. 7. Reports to the Treasurer. Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within thirty (30) calendar days after receipt of the contribution, render to

the treasurer the actual contribution if money, or a detailed account thereof, if other than money, including the amount of actual monetary value, the name and the address of the person making the contribution, and the date on which received. All funds of a political committee must be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of the committee. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-3-8 Solicitation of funds; notice of reports

Sec. 8. Solicitation of Funds -- Notice of Reports. Each political committee must include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the (insert the words 'state election board or _____ county election board', as appropriate) is (or will be) available for examination or purchase at the office located at (insert address)." *As added by Acts 1976, P.L.6, SEC.1.*

Chapter 4. Campaign Expenses.

3-4-4-1 Payments
3-4-4-2 Newspaper advertising
3-4-4-3 Contributions; writings

3-4-4-1 Payments

Sec. 1. Payments. It is unlawful for any person, other than a treasurer, to pay any of the expenses of any election or caucus, except as otherwise provided in this article. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-4-2 Newspaper advertising

Sec. 2. Newspaper Advertising. It is unlawful for any political committee to expend any money for the printing, publication, broadcast, electronic publication or electronic broadcast of any political matter whatsoever, which does not purport on its face to be printed, published or broadcast by the authority of the chairman or treasurer of the political committee, and which, if published or broadcast in any newspaper or other periodical communications media is not marked as or declared to be an advertisement; however, when newspapers or periodicals containing articles are subscribed and paid for by the political committee and sent to voters, it shall not be necessary to mark the article or any part thereof as an advertisement or to stamp or place on the newspaper a statement that it is published or circulated by the authority of the chairman or treasurer of the political committee, if the only payment made to said newspaper or newspapers is for the papers actually delivered and at not more than usual rate of subscription. Nothing in this article shall be construed to prevent any newspaper or other communications media from publishing any political information as news even if such information is furnished by a political committee or some officer thereof either in manuscript form or in plates or electrotypes, and in such case it shall not be necessary to mark or declare such publication or broadcast as an advertisement, provided, such newspaper or other communications media or the owner thereof receives no compensation for such publication or broadcast. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-4-3 Contributions; writings

Sec. 3. Contributions: Writings. Any person who is entitled to contribute money or things of value to a political committee for political purposes, may contribute to such committee, books, circulars or pamphlets containing political matter and the committee may distribute them to voters without placing a statement thereon that the books, pamphlets or circulars are circulated by the committee; but, this provision shall not relieve the committee from placing a statement on printed matter which it prints or publishes that the same is circulated by its authority. The treasurer of every political committee who receives any such book, pamphlet or circular shall include in the report and statement required to be filed by him a list thereof with the name and residence of the person or persons donating the same. *As added by Acts 1976, P.L.6, SEC.1.*

Chapter 5. Election Boards — Duties.

3-4-5-1 Forms
3-4-5-2 Information manual
3-4-5-3 Filing system

3-4-5-4 Public inspection; copies
3-4-5-5 Preservation of reports
3-4-5-6 Index of statements
3-4-5-7 Annual report
3-4-5-8 Special reports
3-4-5-9 Miscellaneous reports
3-4-5-10 Dissemination of information
3-4-5-11 Audits and investigations
3-4-5-12 Examination of reports
3-4-5-13 Reports of violations
3-4-5-14 Rules and regulations
3-4-5-15 Oaths
3-4-5-16 Subpoena power, etc.
3-4-5-17 Hearings
3-4-5-18 Investigation; hearing, injunction

3-4-5-1 Forms

Sec. 1. Forms. The board shall develop and furnish prescribed forms for the making of the reports and statements required to be filed under this article. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-2 Information manual

Sec. 2. Information Manual. The board shall prepare, publish, and furnish to candidates and all interested persons on request a manual setting forth recommended uniform methods of bookkeeping and reporting and shall summarize all the requirements of this article. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-3 Filing system

Sec. 3. Filing System. The board shall develop a filing, coding, and cross-indexing system consistent with the purposes of this article. The board and each county election board shall make use of the filing, coding and cross-indexing system. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-4 Public inspection; copies

Sec. 4. Public Inspection: Copies. The board and each county election board shall make the reports and statements filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the second business day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine at cost, as requested by any person, at the expense of such person: Provided, That any information copied from such reports and statements may not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-5 Preservation of reports

Sec. 5. Preservation of Reports. The board and each county election board shall preserve such reports and statements for a period of three (3) years from December 1, following the election to which they pertain, unless such records are in litigation. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-6 Index of statements

Sec. 6. Index of Statements. The board and each county election board shall compile and maintain a current list of all statements or parts of statements pertaining to each candidate, political committee and issue. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-7 Annual report

Sec. 7. Annual Report. (a) The board and each county election board shall prepare and make available to the public an annual report including compilations of total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (b) the board and each county election board may prepare and publish annual compilations of:

(1) total amounts expended according to such categories as it determines and broken down into candidate, party, and nonparty expenditures on the state and local levels;

(2) total amounts expended for influencing nominations and elections stated separately; and

(3) total amounts contributed according to such categories of amounts as it determines and broken down into contributions on the state and local levels for candidates and political committees. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-8 Special reports

Sec. 8. Special Reports. The board and each county election board may prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preced-

ing elections. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-9 Miscellaneous reports

Sec. 9. Miscellaneous Reports. The board and each county election board may prepare and publish such other reports as it deems appropriate. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-10 Dissemination of information

Sec. 10. Dissemination of Information. The board and each county election board shall make available for dissemination the statistics, summaries, and reports prepared under this article. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-11 Audits and investigations

Sec. 11. Audits and Investigations. The board and each county election board shall make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this article and with respect to alleged failures to file any report or statement required under the provisions of this article; the board may request the state board of accounts to assist in the performance of any audits it deems necessary, and the state board of accounts may perform such audits as are requested. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-12 Examination of reports

Sec. 12. Examination of Reports. The board and each county election board shall: (a) ascertain whether candidates, committees, organizations or others have failed to file reports or have filed defective reports; (b) give notice to delinquents to file a report or to make a supplemental report correcting all defects within five (5) calendar days of receipt of notice; and (c) make available for public inspection a list of such delinquents. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-13 Reports of violations

Sec. 13. Reports of Violations. The board and each county election board shall report violations of law to the appropriate prosecuting attorney, to the attorney general, and to the alleged violator; and may cause the report to be transmitted and presented to the grand jury of the county in which the crime or crimes were committed, at their first session after the making of the report, and at such subsequent sessions as may be required, and it is the duty of the board and each county election board to furnish the grand jury any and all evidence at its command necessary in the investigation and prosecution thereof. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-14 Rules and regulations

Sec. 14. Rules and Regulations. The board shall prescribe rules and regulations consistent with this article to carry out the provisions of this article. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-15 Oaths

Sec. 15. Oaths. Members of the board, the executive director of the board and all employees of the board and the members of each county election board have the power to administer oaths. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-16 Subpoena power, etc.

Sec. 16. Subpoena Power, Etc. The board or the county election board may issue subpoenas for witnesses to appear before the board or the county election board in person or to produce books and papers before the board or the county election board for inspection and examination. The person issuing the subpoena has the authority to examine such witnesses under oath orally or by interrogatories propounded touching the matters under investigation and examination, and under authority of the board or county election board, such oral examinations may be taken in shorthand and transcribed. Such subpoenas may be served by any person authorized to serve civil process from any court in this state. In case any witness duly subpoenaed refuses to attend, or refuses to produce documents, books and papers as required in such subpoena, or attends and refuses to make oath or affirmation, or being sworn or affirmed, refuses to testify when called upon so to do, then such person shall be reported to the prosecuting attorney of the county or judicial circuit where the offense is committed for proceedings by that officer under IC 35-1-96-10, and the

person who issues the subpoena may apply to the circuit court having jurisdiction thereof for the enforcement of attendance and answers to questions as provided by law in the matter of taking depositions. Wilful false swearing in such examination is perjury and is punishable as such. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-17 Hearings

Sec. 17. Hearings. Any member of the board, the executive director of the board or any member of the county election board may conduct a hearing or investigation, take evidence, and report back to the board or the county election board for its consideration and action. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-5-18 Investigation; hearing, injunction

Sec. 18. Investigation -- Hearing, Injunction. If the board or county election board determines there is substantial reason to believe a violation has occurred, it shall expeditiously make an investigation. Whenever in the judgment of the board, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the board or county election board shall take such action as it deems appropriate under the circumstances including, but not limited to, referring the matter to the attorney general or the appropriate prosecuting attorney who, on behalf of the state of Indiana, shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in a circuit or superior court in the county in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court. *As added by Acts 1976, P.L.6 SEC.1.*

Chapter 6. Reports by Political Committees and Candidates.

3-4-6-1 Filing requirements defined
3-4-6-2 Receipts and expenditures
3-4-6-3 Time to file; political committees and candidate's treasurers
3-4-6-4 State convention reports
3-4-6-5 Annual reports of political committees
3-4-6-6 Final reports; disbandment of political committees
3-4-6-7 Final reports; outgoing treasurer
3-4-6-8 Filing duplicate federal reports
3-4-6-9 Contents
3-4-6-10 Reports of notices of contributions and expenditures made in behalf of candidates
3-4-6-11 Cumulative reports
3-4-6-12 Reports by other than political committees
3-4-6-13 Verification of reports and statements
3-4-6-14 Reports by every treasurer and candidate; account books; requisites; penalty
3-4-6-15 Candidate's statement; requirement
3-4-6-16 Candidate's contribution and expense statement; certification of filing
3-4-6-17 Violations

3-4-6-1 Filing requirements defined

Sec. 1. Unless the provision or context otherwise requires, whenever in this article provision is made for filing a report, notice or other instrument by a political committee, treasurer or candidate it means that:

(a) state and district political committees and their treasurers, state candidates and candidates for federal office shall file such report, notice or other instrument with the board;

(b) each local political committee and its treasurers and each local candidate shall file such report, notice or other instrument with the county election board of each county containing all or part of the election district of the local political committee or local candidate; each political committee devoted to the promotion of a candidate for the general assembly and its treasurer and candidate for the general assembly shall file with the county election board in the county of residence of such candidate a duplicate copy of all reports and other instruments filed with the board. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-2 Receipts and expenditures

Sec. 2. Receipts and Expenditures. Each treasurer of a political committee shall file reports of receipts and expenditures on forms to be prescribed or approved by the board. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-3 Time to file; political committees and candidate's treasurers

Sec. 3. Time to File: Political Committees and Candidate's Treasurers. Except as otherwise provided in this chapter, the reports required of each political committee, its treasurer and each candidate under the provisions of this chapter must be complete as of fifteen (15) calendar days before and twenty (20) calendar days after the election. However, in lieu of this requirement for primary elections, the report required of state central committees of political parties that hold a state convention must be complete as of fifteen (15) calendar days before and twenty (20) calendar days after the state convention.

Such reports may be hand delivered or mailed to the proper office. Hand delivered reports must be received by the proper office during regular office hours not later than eight (8) calendar days before or forty-seven (47) calendar days after the election; reports which are mailed must be postmarked no later than ten (10) days before or forty-five (45) days after the election. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-4 State convention reports

Sec. 4. State Convention Reports. The state central committee of every political party committee that holds a state convention to nominate candidates for state office must file a report as provided in this chapter complete as of fifteen (15) calendar days before and twenty (20) calendar days after the state convention which is in lieu of pre-primary and post-primary election reports. *As added by Acts 1976, P.L.6, SEC.1*

3-4-6-5 Annual reports of political committees

Sec. 5. Annual Reports of Political Committees. On or before March 31 of each year, every political committee through its treasurer must file an annual report complete as of December 31 of the immediately preceding year, covering the period of time since the last report. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-6 Final reports; disbandment of political committees

Sec. 6. Final Reports: Disbandment of Political Committees. Within thirty (30) calendar days of the date a political committee is disbanded, the last person to be treasurer of the political committee shall file a final report complete as of the last day the political committee existed, covering the period since the most recent report. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-7 Final reports; outgoing treasurer

Sec. 7. Final Reports: Outgoing Treasurer. Within thirty (30) calendar days of the date he leaves office, the outgoing treasurer of a continuing political committee shall file a final report complete as of the last day he was treasurer, covering the period since the most recent report. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-8 Filing duplicate federal reports

Sec. 8. Filing Duplicate Federal Reports. Filing a duplicate of the reports required under the federal election campaign act, as it may be amended from time to time, shall be compliance with the requirements of this chapter providing it covers all activity of the political committee and, a supplementary report is filed, as directed by the board to provide information required by this article but not included in the federal report. Each candidate for the United States Senate and House of Representatives and the treasurer of his principal political committee may file with the board duplicates of the reports required by federal law. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-9 Contents

Sec. 9. Contents. The report of each treasurer of a political committee must disclose:

(a) the amount of cash on hand at the beginning of the reporting period;

(b) the total sum of individual contributions made to or for such committee during its reporting period;

(c) the full name and mailing address of each person who has made one (1) or more contributions within the calendar year in an aggregate

amount exceeding one hundred dollars ($100) in actual value to or for such committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fund raising events, together with the date and amount of such contributions;

(d) the name and address of each political committee from which the reporting committee received, or to which that committee made, any transfer of funds, together with the amounts and dates of all transfers;

(e) each loan to or from any person within the reporting period together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans;

(f) the total sum of all receipts by or for such committee during the reporting period;

(g) the full name, mailing address, occupation and the principal place of business, if any, of each person to whom any expenditure was made by the committee or on behalf of the committee within the calendar year in an aggregate amount or value in excess of one hundred dollars ($100), the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, the candidate or candidates on whose behalf such expenditure was made, or the question or questions on whose behalf such expenditure was made;

(h) the full name, mailing address, occupation and the principal place of business, if any, of each person to whom an expenditure for personal services, salaries, or reimbursed expenses was made within the calendar year in an aggregate amount or value in excess of one hundred dollars ($100), and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(i) the total sum of expenditures made by such committee during the reporting period; and

(j) the amount and nature of debts and obligations owed by or to the committee, in such form as the board may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the board may require until such debts and obligations are extinguished. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-10 Reports of notices of contributions and expenditures made in behalf of candidates

Sec. 10. Reports of Notices of Contributions and Expenditures Made in Behalf of Candidates. Notice, as prescribed by the board, of contributions received and expenditures made by a political committee except the candidate's committee, on behalf of a candidate must be given to that candidate's committee and the amount of such contributions and expenditures must be entered in the candidate's committee record books and reported in summary form as prescribed by the board. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-11 Cumulative reports

Sec. 11. Cumulative Reports. The reports required to be filed by this chapter are cumulative during the calendar year to which they relate. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate must file a statement to that effect. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-12 Reports by other than political committees

Sec. 12. Reports by Other than Political Committees. Every person, other than a political committee, who makes an expenditure, as defined in this article, to influence an election within a calendar year must file with the board a statement containing the information required by this chapter. Statements required by this section must be filed on the dates on which reports by political committees are filed. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-13 Verification of reports and statements

Sec. 13. Verification of Reports and Statements. A report or statement required by this article to be filed by a treasurer of a political committee, a candidate, or by any other person, must be attested to under oath or affirmation of

the person filing such report or statement, taken before any officer authorized to administer oaths. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-14 Reports by every treasurer and candidate; account books; requisites; penalty

Sec. 14. (a) All persons who would be required to file reports under this article but for the provisions of IC 3-4-1-1 (b) must file reports under this section and such reports must be on forms prescribed by the state election board. This section does not apply to any person to whom IC 3-4-1-1(a) applies.

(b) Within forty-five (45) days after every election or primary election, every treasurer and every candidate shall file a full, true and detailed account and statement, subscribed and sworn to by him before an officer authorized to administer oaths, in the office of the clerk of the circuit court of the county in which said treasurer or candidate resides, which statement shall include the amount of money or property in each case received or promised, the name of the person from whom it was received, or by whom it was promised, the amount of every expenditure made or promised, or valuable thing given or promised, or liability of any sort incurred, the name of the person to whom such expenditure, gift or promise thereof was made, or to whom such liability was incurred, and shall clearly state the purpose for which such money or property was so expended, given or promised, or for which such liability was incurred, separating expenditures, gifts, and liabilities for elections and primary elections. Such statement shall also set forth in detail all unpaid debts and obligations, if any, of such treasurer or candidate, with the nature and amount of each, for what purpose incurred and to whom owing, and if there are no unpaid debts or obligations of such treasurer or political agent, such statement shall state such fact. Every treasurer and every candidate and every person who shall at any time act as treasurer or candidate shall keep detailed, full and accurate accounts in a proper book or books called "account books," to be provided and preserved by him, of all money or valuable things received by or promised to, and of all expenditures, disbursements and promises of payment or disbursement of money or valuable things made by any political committee, or any of its officers or members, or by any person acting under its authority, or on its behalf, or by such treasurer or candidate, and setting forth in such statement and accounts the sum of valuable things so received, or disbursed, or promised, as the case may be, and the date when, the person from whom received or promised, or to whom paid or promised, as the case may be, and the object and purpose for which such sum or valuable thing was received or disbursed or promised, as the case may be. Every treasurer and every candidate who shall fail or refuse to make out, verify and file with the clerk of the circuit court the statement required by this section of this article who shall fail to provide, keep and preserve the book or books of account and the entries and statements therein as aforesaid, or any of them, shall be guilty of a class B misdemeanor. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-15 Candidate's statement; requirement

Sec. 15. Candidate's Statement: Requirement. Each candidate must file a statement that he has turned over all contributions received by him to the treasurer of his principal committee and that to the best of his knowledge and belief the reports of his principal political committee are complete and accurate. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-16 Candidate's contribution and expense statement; certification of filing

Sec. 16. Candidate's Contribution and Expense Statement: Certification of Filing. Upon the filing of the candidate's statement and the report of the treasurer of his principal political committee provided for by this chapter, the agency with whom it is filed shall issue to the candidate a certificate showing the filing of such statement and report, and the dates of such filings, which certificate shall be presented by the candidate to the officer authorized by law to issue his commission, and such certificate shall be the only evidence of the filing of such statement which may be required by the officer

authorized to issue such commission. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-6-17 Violations

Sec. 17. Violations. (a) A person commits a class D felony who files a fraudulent report required by this article, or who willfully fails to file a report as provided in this article.

(b) A person commits a class A misdemeanor who fails to file a report within thirty (30) calendar days after receiving notification by the proper office that he has failed to file a report as provided by this article.

(c) A person commits a class B misdemeanor who violates a provision of this article for which a specific penalty is not provided. *As added by Acts 1976, P.L.6, SEC.1.*

Chapter 7. Corrupt Practices.

3-4-7-1 Offering or giving a bribe concerning a vote
3-4-7-2 Receiving or soliciting a bribe concerning a vote
3-4-7-3 Activity of employer to influence employee
3-4-7-4 Unlawful application for a ballot
3-4-7-5 False accusations
3-4-7-6 Prosecution
3-4-7-7 Witnesses

3-4-7-1 Offering or giving a bribe concerning a vote

Sec. 1. Offering or Giving a Bribe Concerning a Vote. Every person who shall, directly or indirectly, by himself or another, give, or offer or promise to any person any money, gift, advantage, preferment, entertainment, aid, emolument, or any valuable thing whatever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any election or political convention or session of the general asembly of the state of Indiana or either house thereof shall have committed a corrupt practice, shall be guilty of a misdemeanor. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-7-2 Receiving or soliciting a bribe concerning a vote

Sec. 2. Receiving or Soliciting a Bribe Concerning a Vote. Every person who shall, directly or indirectly, receive, accept, request or solicit from any person, candidate, committee, association, organization, or corporation, any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any election or political convention or for or against any measure or proposition at any election or political convention or session of the general assembly of the state of Indiana or either house thereof shall have committed a corrupt practice, shall be guilty of a class A misdemeanor. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-7-3 Activity of employer to influence employee

Sec. 3. Activity of Employer to Influence Employee. Every person who being an employer, pays his employees the salary or wages due in "pay envelopes" upon which there is printed or in which there is enclosed any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees, or within ninety (90) calendar days of an election puts, or otherwise exhibits in the establishment or place where his employees are engaged in labor, any handbill or placard containing any threat, notice or information that if any particular ticket or candidate is elected or defeated, work in his place, or establishment will cease, in whole or in part, his establishment be closed up, or the wages of his employees reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees shall have committed a corrupt practice, shall be guilty of a class B misdemeanor. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-7-4 Unlawful application for a ballot

Sec. 4. Unlawful Application for a Ballot. Every person who, at any election held pursuant to the laws of this state, votes, attempts to vote, or makes application to vote in the name of any other person than himself, whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at

any election, applies to vote at the same election in his own name, or any other name, or who aids, abets, counsels, or procures the commission of any such act or acts shall have committed a corrupt practice, shall be guilty of a class D felony. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-7-5 False accusations

Sec. 5. False Accusations. Every person who shall falsely compose, dictate, print, write, or transmit by any means whatever to any publisher of any newspaper, book or serial, any matter, the publication of which in such newspaper, book or serial, would expose any person to hatred, contempt, ridicule or obloquy, or which would cause or tend to cause any person to be shunned or avoided, or which would have a tendency to injure any person in his business, for the purpose of intimidating, influencing, inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure or proposition at any election, or political convention or session of the general assembly of the state of Indiana, or either house thereof shall have committed a corrupt practice, shall be guilty of a class B misdemeanor. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-7-6 Prosecution

Sec. 6. Prosecution. It is the duty of the prosecuting attorney of each county of this state to prosecute, by the regular course of criminal procedure, any person whom he may believe to be guilty of having violated any of the provisions of this article within the county or district for which said prosecuting attorney may be acting as such, or any resident of such county who may have violated any provisions of this article in such county or in any other part of the state. *As added by Acts 1976, P.L.6, SEC.1.*

3-4-7-7 Witnesses

Sec. 7. Witnesses. In any criminal prosecution, under this article, or for violation of any of the provisions thereof, no witness, except the person who is accused and on trial, shall be excused from answering any question of producing any book, paper or other thing on the ground or claim that his answer, or the thing produced or to be produced, by him may tend to incriminate or degrade him, or render him liable to a penalty, but his answer, or the thing produced by him, may not be used in any proceeding against him, except in a prosecution for perjury in so testifying. *As added by Acts 1976, P.L.6, SEC.1.*

3-2-10-6 Elective office of a town; trustee

Sec. 6. If a vacancy occurs in an elective office of a town, the board of town trustees shall fill the vacancy at a special meeting called for that purpose. The clerk-treasurer of the town shall give each member of the board at least five (5) days' notice of the meeting in writing. If the vacancy is in the office of trustee, the appointment must be made from the ward in which the vacancy occurred. *As added by Acts 1980, P.L.8, SEC.2.*

3-2-10-7 Vacancy occurring pending contested election

Sec. 7. If a vacancy occurs pending a contested election, the vacancy shall be filled as are other vacancies under this chapter until the election is decided or the office is otherwise filled. *As added by Acts 1980, P.L.8, SEC.2.*

3-2-10-8 Bond; oath; rights and duties

Sec. 8. A person filling a vacancy under this chapter must give the same bond and take the same oath, and has the same rights and duties, as the officer whose place he fills. *As added by Acts 1980, P.L.8, SEC.2.*

3-2-10-9 Term of office

Sec. 9. A person selected to fill any vacant office under this chapter holds the office for the remainder of the term, except as provided by section 4(c) of this chapter. *As added by Acts 1980, P.L.8, SEC.2.*

ARTICLE 4. POLITICAL CONTRIBUTIONS AND EXPENSES

Chapter 1. Application of Article and Definitions.

3-4-1-1 Application of article
3-4-1-4 Candidate's committee
3-4-1-17.5 Auxiliary political party committee

3-4-1-1 Application of article

Sec. 1. Application of Article. (a) The provisions of this article apply to the following:

(1) all elections; and

(2) all caucuses preliminary to an election to which this section applies.

(b) Except for those candidates for an elective office of the governing body of a school corporation as defined in IC 20-4-10.1-1, and as specified in subsection (c), the provisions and requirements of this article do not apply to the election of candidates for any office the emoluments of which are less than two thousand dollars ($2,000) per year.

(c) The provisions and requirements of this article do not apply to any auxiliary political party committee. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1979, P.L.5, SEC.2.*

3-4-1-4 Candidate's committee

Sec. 4. Candidate's Committee. As used in this article, "candidate's committee" means the principal political committee of a candidate or candidates required by IC 3-4-2-4. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1979, P.L.5, SEC.3.*

3-4-1-17.5 Auxiliary political party committee

Sec. 17.5. Auxiliary Political Party Committee. As used in this article, "auxiliary political party committee" means any partisan political party committee which has had an annual budget of less than three thousand dollars ($3,000) per calendar year and has not made a contribution in excess of two hundred dollars ($200) in any calendar year to any candidate or committee for a period of two (2) years immediately preceding the year such committee seeks to qualify under the provisions of IC 3-4-1-1(c). *As added by Acts 1979, P.L.5, SEC.4.*

Chapter 2. Political Committees.

3-4-2-4 Candidate's committee; designation of name and officers required
3-4-2-9 Political committees ceasing to accept contributions

3-4-2-4 Candidate's committee; designation of name and officers required

Sec. 4. Candidate's Committee—Designation of Name and Officers Required. (a) Each candidate must have a principal political committee and within thirty (30) calendar days after becoming a candidate must file a written instru-

ment designating the name of his principal political committee and the name of the chairman and treasurer of said committee. This instrument shall be in addition to the statement of organization required from all political committees. However, legislative candidates of the same political party for offices representing identical election districts may for the purposes of this article designate a joint principal political committee.

(b) If a candidate fails to file the instrument required by subsection (a) of this section, his principal political committee shall be designated as "the _____ (here insert the name of the candidate) for _____ (here insert the title of the office sought by the candidate) political committee", and the candidate shall be both chairman and treasurer of said committee. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1979, P.L.5, SEC.5.*

3-4-2-9 Political committees ceasing to accept contributions

Sec. 9. Political Committees Ceasing to Accept Contributions. Any political committee which, after having been required to file a statement of organization, determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding one hundred dollars ($100) or, in the case of a political party committee, in an aggregate amount exceeding two hundred dollars ($200), shall file a report to that effect. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1979, P.L.5, SEC.6.*

Chapter 5. Election Boards — Duties.

3-4-5-16 Subpoena power, etc.

3-4-5-16 Subpoena power, etc.

Sec. 16. The board or the county election board may issue subpoenas for witnesses to appear before the board or the county election board in person or to produce books and papers before the board or the county election board for inspection and examination. The person issuing the subpoena may examine such witnesses under oath orally or by interrogatories propounded touching the matters under investigation and examination, and, under authority of the board or county election board, such oral examinations may be taken in shorthand and transcribed. Such subpoenas may be served by any person authorized to serve civil process from any court. In case any witness subpoenaed refuses to attend, or refuses to produce documents, books, or papers as required in the subpoena, or attends and refuses to make oath or affirmation, or being sworn or affirmed, refuses to testify when called upon so to do, then the person who issues the subpoena may apply to the circuit court having jurisdiction thereof for the enforcement of attendance and answers to questions as provided by law in the matter of taking depositions. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1978, P.L.2, SEC.359.*

Chapter 6. Reports by Political Committees and Candidates.

3-4-6-3 Time to file; political committees and candidate's treasurers
3-4-6-4 Repealed.
3-4-6-5 Annual reports of political committees
3-4-6-9 Contents
3-4-6-14 Repealed.
3-4-6-17 Offenses

3-4-6-3 Time to file; political committees and candidate's treasurers

Sec. 3. Time to File: Political Committees and Candidate's Treasurers. (a) Except as otherwise provided in this chapter, the reports required of each political committee, its treasurer and each candidate under the provisions of this chapter must be complete as of twenty-five (25) calendar days before the election. However, in lieu of this requirement for primary elections the report required of candidates for an office, the nominees of which are selected in a state convention, must be complete as of twenty-five (25) days before the state convention.

(b) Such reports may be hand delivered or mailed to the proper office. Hand delivered reports must be received by the proper office during regular office hours not later than eight (8) calendar days before the election or convention; reports which are mailed must be post-

marked no later than ten (10) calendar days before the election or convention.

(c) Any candidate in a state convention who becomes a candidate after the filing deadline specified in subsection (b), and who does not file the required report in accordance with subsection (b), shall file the report within twenty (20) calendar days after that state convention.

(d) In any calendar year in which a candidate does not appear on any election ballot for any office to which this article applies, or does not seek nomination for election to any office to which this article applies at any caucus or state convention, the treasurer of the candidate's committee shall file only the report as required by IC 3-4-6-5. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1979, P.L.5, SEC.7.*

3-4-6-4 Repealed.

Sec. 4. *(History: Repealed by Acts 1979, P.L.5, SEC.11).*

3-4-6-5 Annual reports of political committees

Sec. 5. Annual Reports of Political Committees. On or before January 15 of each year, every political committee through its treasurer must file an annual report complete as of December 31 of the immediately preceding year, covering the period of time since the last report. However, the annual report required to be filed by political party committees may be filed any time before March 2 of each year. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1979, P.L.5, SEC.8.*

3-4-6-9 Contents

Sec. 9. Contents. The report of each treasurer of a political committee must disclose:

(a) the amount of cash on hand at the beginning of the reporting period;

(b) the total sum of individual contributions made to or for such committee during its reporting period;

(c) the full name and mailing address of each person who has made one (1) or more contributions within the calendar year in an aggregate amount exceeding one hundred dollars ($100) or, in the case of a political party committee, in an aggregate amount exceeding two hundred dollars ($200), in actual value to or for such committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fund raising events, together with the date and amount of such contributions;

(d) the name and address of each political committee from which the reporting committee received, or to which that committee made, any transfer of funds, together with the amounts and dates of all transfers;

(e) each loan to or from any person within the reporting period together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans;

(f) the total sum of all receipts by or for such committee during the reporting period;

(g) the full name, mailing address, occupation and the principal place of business, if any, of each person to whom any expenditure was made by the committee or on behalf of the committee within the calendar year in an aggregate amount or value in excess of one hundred dollars ($100), or, in the case of a political party committee, in an aggregate amount or value in excess of two hundred dollars ($200), the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, the candidate or candidates on whose behalf such expenditure was made, or the question or questions on whose behalf such expenditure was made;

(h) the full name, mailing address, occupation and the principal place of business, if any, of each person to whom an expenditure for personal services, salaries, or reimbursed expenses was made within the calendar year in an aggregate amount or value in excess of one hundred dollars ($100), or, in the case of a political party committee, in an aggregate amount or value in excess of two hundred dollars ($200), and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(i) the total sum of expenditures made by such committee during the reporting period; and

(j) the amount and nature of debts and obligations owed by or to the committee, in such form as the board may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the board may require until such debts and obligations are extinguished. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1979, P.L.5, SEC.9.*

3-4-6-14 Repealed.

Sec. 14. *(History: Repealed by Acts 1979, P.L.5, SEC.11).*

3-4-6-17 Offenses

Sec. 17. (a) A person who knowingly files a report required by this article that is fraudulent, commits a Class D felony.

(b) A person who fails to file a report with the proper office as required by this article, commits a Class A infraction.

(c) A person who recklessly violates a provision of this article for which a specific penalty is not provided commits a Class B misdemeanor. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1978, P.L.2, SEC.361; Acts 1979, P.L.5, SEC.10.*

Chapter 7. Corrupt Practices.

3-4-7-1 Offering or giving a bribe concerning a vote
3-4-7-2 Receiving or soliciting a bribe concerning a vote
3-4-7-3 Activity of employer to influence employee
3-4-7-4 Unlawful application for a ballot
3-4-7-5 False accusations

3-4-7-1 Offering or giving a bribe concerning a vote

Sec. 1. A person who, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person or for or against any measure or proposition at any election or political convention, gives, offers, or promises to any person any money or other property commits a Class A misdemeanor. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1978, P.L.2, SEC.362.*

3-4-7-2 Receiving or soliciting a bribe concerning a vote

Sec. 2. A person who, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person or for or against any measure or proposition at any election or political convention, receives, accepts, requests, or solicits from any person any money or other property commits a Class A misdemeanor. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1978, P.L.2, SEC.363.*

3-4-7-3 Activity of employer to influence employee

Sec. 3. A person who:

(1) pays his employees the salary or wages due in pay envelopes upon which there is printed or in which there is enclosed any political motto, device, or argument containing threats intended or calculated to influence the political opinions or actions of the employees; or

(2) within ninety (90) days of an election exhibits in the establishment or place where his employees are engaged in labor any handbill or placard containing any threat, notice, or information that, if any particular ticket or candidate is elected or defeated, work in his place or establishment will cease, in whole or in part, his establishment will be closed up, or the wages of his employees will be reduced, or other threat intended or calculated to influence the political opinions or actions of his employees;

commits a Class B misdemeanor. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1978, P.L.2, SEC.364.*

3-4-7-4 Unlawful application for a ballot

Sec. 4. A person who:

(1) knowingly votes or makes application to vote in any election in a name other than his own; or

(2) having voted once at any election, knowingly applies to vote at the same election in his own name, or any other name;

commits a Class D felony. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1978, P.L.2, SEC.365.*

3-4-7-5 False accusations

Sec. 5. A person who, for the purpose of intimidating, influencing, inducing, or procuring any person to vote, or refrain from voting, for or against any person or for or against any measure or proposition at any election, political convention, or legislative session, transmits any false matter to the publisher of a newspaper, book, or other publication, when the publication of that matter would:

(1) expose any person to hatred, contempt, ridicule, or obloquy;

(2) cause any person to be shunned or avoided; or

(3) tend to damage any person in his business;

commits a Class B misdemeanor. *As added by Acts 1976, P.L.6, SEC.1. Amended by Acts 1978, P.L.2, SEC.366.*

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 18, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Leslie Pruitt, Treasurer
Lake County Democratic
Central Committee
2293 No. Main Street
Crown Point, Indiana 46307

Re: MUR 1171

Dear Mr. Pruitt:

On September 12, 1979, the Federal Election Commission (the "Commission") notified you of a reason to believe finding that your committee violated the Federal Election Campaign Act of 1971, as amended (the "Act"), specifically 2 U.S.C. § 433 and § 434.

The Commission received your responses of October 17 and November 19, 1980, however, these submissions revealed an additional violation. Therefore, on March 17, 1981, the Commission determined that there is reason to believe that your committee violated section 441b(a) of the Act by accepting corporate contributions in connection with federal elections.

The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

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 consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

EXHIBIT 3

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202)523-4529.

Sincerely,

JOHN WARREN McGARRY
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures

3220410510483

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE: March 18, 1981

MUR NO. 1171
STAFF MEMBER & TEL. NO.
Carolyn Weeder
(202)523-4529

RESPONDENT: Lake County Democratic Central Committee

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

SUMMARY OF ALLEGATIONS

On November 19, 1980, the Lake County Democratic Central Committee (the "LCDCC") submitted its reports of receipts and disbursements for 1978-1980 pursuant to 2 U.S.C. § 434 as requested by the Commission. The reports disclosed that LCDCC received numerous contributions from corporations in violation of 2 U.S.C. § 441b(a).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441b(a) makes it unlawful for any political committee to accept contributions from corporations in connection with federal elections.

Reports filed by LCDCC reveal the receipt of contributions from numerous corporations during 1978, 1979 and 1980. The Office of General Counsel therefore recommends that the Commission find reason to believe that LCDCC violated 2 U.S.C. § 441b(a).

RECOMMENDATION

Find reason to believe that LCDCC violated 2 U.S.C. § 441b(a).

DESCRIPTION OF PRELIMINARY PROCEDURES FOR PROCESSING POSSIBLE VIOLATIONS DISCOVERED BY THE FEDERAL ELECTION COMMISSION

Possible violations discovered during the normal course of the Commission's supervisory responsibilities shall be referred to the Enforcement Division of the Office of General Counsel where they are assigned a MUR (Matter Under Review) number, and assigned to a staff member.

Following review of the information which generated the MUR, a recommendation on how to proceed on the matter, which shall include preliminary legal and factual analysis, and any information compiled from materials available to the Commission shall be submitted to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that a possible violation of the Federal Election Campaign Act (FECA) may have occurred or is about to occur and that the Commission conduct an investigation of the matter; or (b) that the Commission find no reason to believe that a possible violation of the FECA has occurred and that the Commission close the file on the matter.

Thereafter, if the Commission decides by an affirmative vote of four (4) Commissioners that there is reason to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed, the Office of the General Counsel shall open an investigation into the matter. Upon notification of the Commission's finding(s), within 15 days a respondent(s) may submit any factual or legal materials relevant to the allegations. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for depositions, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission in its investigation.

If, during this period of investigation, the respondent(s) indicate a desire to enter into conciliation, the Office of General Counsel staff may begin the conciliation process prior to a finding of probable cause to believe a violation has been committed. Conciliation is an informal method of conference and persuasion to endeavor to correct or prevent a violation of the Federal Election Campaign Act (FECA). Most often, the result of conciliation is an agreement signed by the Commission and the respondent(s). The Conciliation Agreement must be adopted by four votes of the Commission before it becomes final. After signature by the Commission and the respondent(s), the Commission shall make public the Conciliation Agreement.

[If the investigation warrants], and no conciliation agreement is entered into prior to a probable cause to believe finding, the General Counsel must notify the respondent(s) of his intent to proceed to a vote on probable cause to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed. Included with the notification to the respondent(s) shall be a brief setting forth the position of the General Counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, the respondent(s) may submit a brief posing the position of respondent(s) and replying to the brief of the General Counsel. Both briefs will then be filed with the Commission Secretary and will be considered by the Commission. Thereafter, if the Commission determines by an affirmative vote of four (4) Commissioners, that there is probable cause to believe that a violation of the FECA has been committed or is about to be committed conciliation must be undertaken for a period of at least 30 days but not more than 90 days. If the Commission is unable to correct or prevent any violation of the FECA through conciliation the Office of General Counsel may recommend that the Commission file a civil suit against the respondent(s) to enforce the Federal Election Campaign Act (FECA). Thereafter, the Commission may, upon an affirmative vote of four (4) Commissioners, institute civil action for relief in the District Court of the United States.

See 2 U.S.C. § 437g, 11 C.F.R. Part 111.

November 1980

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Official Business
Penalty for Private Use $300

POSTAGE AND FEES PAID

Received
3/24/81

Leslie Pruitt, Treasurer
Lake County Democratic
Central Committee
2293 No. Main Street
Crown Point, Indiana 46307

CERTIFIED

87

Sent to Mr. Steele 10/31/80

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

LESLIE O. PRUITT, TREASURER
COUNTY COURT HOUSE
CROWN POINT, INDIANA 46307

October 27, 1980

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

Attention: Carolyn Weeder

Re: MUR 1171
Benjamin for Congress
No. 053431

Dear Mr. Steele:

This communication will acknowledge the Lake County Democratic Central Committee's general agreement with the position taken by the Benjamin for Congress Committee on October 14, 1980.

The LCDCC is preparing and will promptly submit its statement of registration with the FEC. The statement of registration will be for a political committee separate from the Indiana Democratic State Central Committee. The LCDCC has taken this position because of its particular relationship with the State Committee as described below:

1) The LCDCC does use the State Committee's By-Laws and appeal procedure.

2) The state committee has no influence over the local committee's endorsement of candidates.

3) The state committee has no influence over the LCDCC'S expenditure of funds.

4) The LCDCC make no contribution to the financial operation of the state committee.

5) The LCDCC receives no financial assistance from the state committee.

2).

Reports for the period of October 1, 1978 to March 31, 1979, and for those subsequent periods during which reports are required are in the process of being prepared for submission to the Commission.

Should you have any questions regarding this letter, I invite you to write to me at my office 2293 North Main Street, Crown Point, Indiana, 46307 or to telephone, area code 219-738-2020 Ext.291.

Thank you,

Respectfully,

Leslie O. Pruitt,
Treasurer Lake County
Democratic Central Committee

LOP/kmr

STATEMENT OF ORGANIZATION

(see reverse side for instructions)

Sent to Pres. State 10/28/80

1. (a) Name of Committee (in Full) ☐ Check if name or address is changed.

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

(b) Address (Number and Street)

% 2293 NORTH MAIN ST., N

(c) City, State and ZIP Code

CROWN POINT, INDIANA 46307

2. Date

OCTOBER 27, 1980

3. FEC Identification Number

4. Is this an amended Statement? ☐ YES ☒ NO

5. TYPE OF COMMITTEE (check one):

☐ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)

☐ (d) This committee is a LOCAL POLITICAL committee of the DEMOCRATIC Party.
(National, State or subordinate) (Democratic, Republican, etc.)

☐ (e) This committee is a separate segregated fund.

☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

If the registering political committee has identified a "connected organization" above, please indicate type of organization.

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7 Custodian of Records: Identify by name, address (phone number – optional) and position, the person in possession of committee books and records.

Full Name	Mailing Address and ZIP Code	Title or Position
TREASURER		

8. Treasurer: List the name and address (phone number – optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position
LESLIE O. PRUITT	%2293 NO.MAIN ST.,CROWN POINT,IN. 46307	TREASURER

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
COMMERCIAL BANK	115 SOUTH COURT STREET CROWN POINT, IN. 46307

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

LESLIE O. PRUITT
Type or Print Name of Treasurer

Leslie O. Pruitt
SIGNATURE OF TREASURER

OCTOBER 27, 1980
Date

NOTE. Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

For further information contact: Federal Election Commission, Toll Free 800-424-9530, Local 202-523-4068

FEC FORM 1 (3/80)

October 14, 1980

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

Re: MUR 1171
Benjamin for Congress
3877 Madison Street
Gary, Indiana 46408
No. 053431

Dear Mr. Steele:

This correspondence is sent in response to your letter of June 30, 1980, regarding MUR 1171.

The Matters Under Review involve a loan in the amount of $2,500.00 made by the Benjamin for Congress Committee (hereinafter referred to as the "Committee") to the Lake County Democratic Central Committee (hereinafter referred to as the "LCDCC") on November 2, 1978, and a reported In-Kind Contribution made by the LCDCC in October and November, 1978, in the amount of $2,250.00.

MUR 1171/LOAN

CHRONOLOGY OF EVENTS

11-2-78 $2,500 loan made to the LCDCC by the Committee.

12-7-78 Loan reported to the Federal Election Commission (hereinafter referred to as the "FEC") on line 21A of the Committee's 30 Day Post General Election Report.

3-20-79 LCDCC repays loan.

4-11-79 Repayment reported to the FEC on line 17A of the Committee's April 1, 1979 Report.

6-29-79 Letter signed by Orlando B. Potter (FEC) to Peter J. Visclosky (hereinafter referred to as the "Treasurer") stating that the loan "may have" exceeded the Federal Election Campaign Act (hereinafter referred to as "the Act") contribution limitation.

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7-17-79 Letter from the Treasurer to Susan Kaltenbaugh (FEC) explaining that the loan had been repaid and that the repayment did not constitute a contribution within the meaning of the Act. (Letter attached)

9-12-79 Letter from John W. McGarry (FEC) to Treasurer stating that "we have received no response from you" regarding the letter of June 29, 1979.

9-25-79 Second response prepared and sent by the Treasurer to the FEC. Pursuant to oral representations made to the Treasurer, an advisory opinion was requested from the FEC. (Letter attached)

11-19-79 Letter by Charles N. Steele (FEC) to the Treasurer denying the request for an advisory opinion and stating that the FEC was now handling the question as Pre-MUR-44.

Nov. '79 Telephone communication with staff of FEC by Treasurer. Treasurer told to wait for further clarification from the FEC.

6-30-80 Letter by Charles N. Steele (FEC) to Treasurer stating, "...in absence of any additional information which demonstrates that no further action should be taken against your committee the Commission may find probable cause to believe that violations of the Act have occurred and proceed with formal conciliation."

7-9-80 Meeting at FEC between the Treasurer and Carolyn Weeder and Gary Johansen (FEC) regarding the 6-30-80 letter. The Treasurer was to confer with Leslie O. Pruitt, Treasurer of the LCDCC regarding the resolution of MUR 1171.

8-15-80 Treasurer meets with Leslie O. Pruitt in Crown Point, Indiana. Mr. Pruitt expressed his willingness to cooperate completely with the FEC by registering the LCDCC and filing those reports the FEC deemed appropriate in resolving the MUR.

9-19-80 Meeting at FEC between the Treasurer and Gary Johansen and Carolyn Weeder (FEC) regarding appropriate form of registration for the LCDCC.

PREVIOUS POSITION OF THE COMMITTEE

The Committee stated that the Loan made to the LCDCC was not prohibited under the FECA. The Committee maintained that the loan repayment was not prohibited by the FECA.

CURRENT POSITION OF THE COMMITTEE

The Committee continues to maintain that the initial loan and its repayment were not prohibited under the Act. The Committee further contends that the repayment was not a "contribution" within the meaning of the FECA and thus did not "exceed" the "contribution limitation."

The Committee does acknowledge the Commission's position that the LCDCC's activities in the 1978 General Election on behalf of Adam Benjamin Jr's candidacy brought it within the FECA's registration and reporting requirements.

PROPOSED RESOLUTION

1) Registration of the LCDCC as a political party committee with the FEC.

2) File report for the October 1, 1978 - December 31, 1978 period. (Period during which the loan was received by the LCDCC)

3) File report for the January 1, 1979 to March 31, 1979 period. (Period during which the loan was repaid)

MUR 1171/CONTRIBUTION-IN-KIND

CHRONOLOGY OF EVENTS

9-30-78 Contribution of $2,250 sent to the LCDCC by the Committee in payment for services to be performed on behalf of the Committee during the 1978 General Election campaign.

OCT & NOV '78 Activities undertaken by LCDCC to support Adam Benjamin Jr. candidacy with funds contributed on 9-30-78. (For general discussion of transactions and relationship please see previous communications submitted by Committee.

12-7-78 $2,250 In-Kind-Contribution reported to the FEC on Line 15c of the Committee's 30 Day Post General Election Report.

6-29-79 See chronology of events set forth above through October 14, 1980.

PREVIOUS POSITION OF THE COMMITTEE

The Committee stated that nothing of value was received by it from the LCDCC other then those goods and services financed through the $2,250.00 assessment paid in September, 1978. The Committee suggested that an effective "agency" relationship existed between the parties and that no "contribution" had been made and therefore the contribution limitation had not been exceeded.

CURRENT POSITION OF THE COMMITTEE

The Committee continues to maintain that it received nothing of value from the LCDCC. However, the Committee acknowledges the Commission's continued position that the procurement of goods and services by the LCDCC with the monies given to it by the Committee constituted a "contribution" within the technical application of the FECA.

Given the FEC's position the Committee would further maintain that a violation of the contribution limitation imposed on a party committee under Section 110.8(b)(2)(ii) of the Regulations was not exceeded by the "contribution" and that no violation of the FECA occurred.

Although the Committee continues to disagree with the Commission's position, it takes cognizance of the FEC's position and recognizes that that position brings the LCDCC's activities in the 1978 general election campaign on behalf of Adam Benjamin Jr's candidacy within the Act's registration and reporting regulations.

PROPOSED RESOLUTION

1) Same as set forth in Items 1-3 (MUR 1171/LOAN).

2) LCDCC will file those reports required under the FECA for all subsequent periods.

It is my understanding that the LCDCC will forward to the FEC (within 7 business days) a letter setting forth its general agreement with the position taken in this communication. Further that it will provide a brief explanation of its relationship with the Indiana State Democratic Central Committee to establish that it should be considered a separate political committee for purposes of the contribution limitations set forth in Section 441(a)(a)(1) and (2).

I also understand that the LCDCC will file a statement of registration with the FEC within 7 business days of the date of this communication and that it will file the required reports as soon thereafter as is practical.

Should you have any questions regarding this communication, I invite you to write to me at my office, 410 Cannon Building, Washington, D.C. 20515 or to telephone (202) 225-2461.

Thank you.

Respectfully,

Peter J. Visclosky
Treasurer

July 17, 1979

Susan Kaltenbaugh
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

Re: Benjamin for Congress
3877 Madison Street
Gary, Indiana 46408
No. 053431

Dear Ms. Kaltenbaugh:

Per Mr. Potter's letter of June 29th and our subsequent telephone conversations of July 6th, I hereby respond to the questions raised regarding an apparent "contribution" of the Lake County Democratic Central Committee to the Benjamin for Congress Committee in excess of the limits set forth in the Federal Election Campaign Act.

As explained on the 6th, prior to each general election campaign the Lake County Democratic Central Committee (LCDCC) holds a fundraiser to collect the monies it has budgeted for the fall campaign. After the LCDCC determines the amount necessary to run an effective campaign they assess each candidate a portion of the amount to be raised. The assessment is based primarily on the candidate's potential salary should he or she be elected. This in turn reflects the "value" of the advertising each will receive during the campaign.

In September, 1978, Mr. Benjamin was assessed $2,250. This payment was reflected as an itemized expenditure on Schedule B, for line 20A of the October 10, 1978, Committee Report filed with the FEC.

At this point, the Committee had paid $2,250 to the LCDCC and received nothing in return.

Subsequently, during the general election, billboards, brochures, newspaper and radio ads and other campaign items were disseminated throughout Lake County, Indiana, on behalf of all Democratic candidates for local, state and federal office, including Mr. Benjamin.

Radio ads were general in nature. Each billboard would list a number of candidates (Mr. Benjamin did not appear on each nor did he appear on any in the southern two-thirds of the County which is situated in the 2nd Congressional District). Other variances including different literature featuring different candidates also occurred because of the multiple division of Lake County into different state and federal legislative districts.

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Given these numerous variables it was impossible to arrive at an exact amount of "value" received by Mr. Benjamin's committee from the LCDCC for the advertisements made during the fall campaign.

Therefore, I took, as the closest approximation, the assessment paid earlier by the campaign committee. This amount was then expressed as the value of the advertising received during the general election. This itemization was made on Schedule A, for line 15C of the 30th Day Report following the election which was filed on December 7, 1978. I also reported the expenditure of this amount on Schedule B for line 20A of the same report.

While our discussion of the 6th indicated that there is a question of how to treat the initial "assessment" and later, the "value received," it occurs to me that my second expenditure entry of $2,250 on December 7th was an error. This because the expenditure had already been made and reported on October 10th. It would be my impression that this report and the subsequent report of January 10, 1979, should be amended to eliminate the second expenditure entry of $2,250.

I also wish to inform the Commission that on July 9th, the Treasurer of the LCDCC, Leslie O. Pruitt, contacted me concerning the questions raised by the FEC.

Following our discussion it is my understanding that Mr. Pruitt substantially agrees with the circumstances as set forth herein and he has indicated his willingness to cooperate fully with the Commission in order to properly resolve any questions you may have concerning this item. I am forwarding a copy of this letter to Mr. Pruitt and am certain that he will contact you directly should he feel any additional comment or explanation would be helpful.

In sum, in return for a contribution of $2,250, which the Benjamin for Congress Committee made to the LCDCC in September, 1978, it received in return approximately the same amount of "value" in the advertising purchased by the Central Committee during the general election of 1978. The two "contributions" are equal and no monies or items of value in excess of these amounts were received by the Benjamin for Congress Committee from the LCDCC. Thus, it is the Committee's position that there is no responsibility to return $1,250 to the LCDCC.

Although in our conversations of the 6th, you indicated that the Commission was not immediately interested in the $2,500 loan made to the Central Committee by the Benjamin for Congress Committee it was mentioned in Mr. Potter's letter in the form of an enclosure. I therefore wish to note that this loan was repaid in full by the LCDCC on March 20, 1979,

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 30, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Leslie O. Pruitt, Treasurer
Lake County Democratic Central
Committee
2293 North Main Street
Crown Point, Indiana 46307

Re: MUR 1171

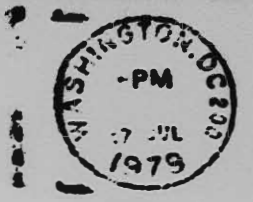
Dear Mr. Pruitt:

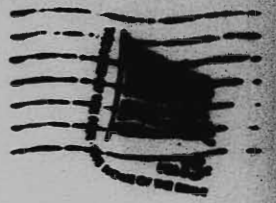
The Federal Election Commission notified you on September 12, 1979 that the Commission found reason to believe that the Lake County Democratic Central Committee violated 2 U.S.C. § 433 and § 434 by failing to register and report as a political committee, and 2 U.S.C. § 441a(a)(1)(A) by making a contribution in excess of lawful limitations.

This matter has presently been referred to the Office of General Counsel and has been designated as MUR (matter under review) 1171. Please refer to this number in all future correspondence.

We acknowledge receipt of materials which you submitted at an earlier date regarding this matter, however, in absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that violations of the Act have occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire. Attached for your information is a brief description of the Commission's procedures for handling violations of the Act.

Peter J. Visclosky
410 Cannon Building
Washington, D.C. 20515





Leslie O. Pruitt
Auditor
Lake County Government
Crown Point, IN 46307

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 30, 1980

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notify
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9.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Leslie O. Pruitt, Treasurer
Lake County Democratic Central
Committee
2293 North Main Street
Crown Point, Indiana 46307

Re: MUR 1171

Dear Mr. Pruitt:

The Federal Election Commission notified you on September 12, 1979 that the Commission found reason to believe that the Lake County Democratic Central Committee violated 2 U.S.C. § 433 and § 434 by failing to register and report as a political committee, and 2 U.S.C. § 441a(a)(1)(A) by making a contribution in excess of lawful limitations.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202) 523-4829.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Procedures

32041031050

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DESCRIPTION OF PRELIMINARY PROCEDURES FOR PROCESSING POSSIBLE VIOLATIONS DISCOVERED BY THE FEDERAL ELECTION COMMISSION

Public Law No. 96-187, signed January 8, 1980 by President Carter, changes the enforcement procedures of the Federal Election Campaign Act of 1971, as amended. Regulations conforming to the changes in the Law are in the process of being drafted; however, until they are approved by the Congress, the "Interim Procedures" described herein will be followed:

Possible violations discovered during the normal course of the Commission's supervisory responsibilities shall be referred to the Enforcement Division of the Office of General Counsel where they are assigned a MUR (Matter Under Review) number, and assigned to a staff member.

Following review of the information which generated the MUR, a recommendation on how to proceed on the matter, which shall include a preliminary legal and factual analysis, and any information compiled from materials available to the Commission shall be submitted to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that a possible violation of the Federal Election Campaign Act (FECA) may have occurred or is about to occur and that the Commission conduct an investigation of the matter; or (b) that the Commission find no reason to believe that a possible violation of the FECA has occurred and that the Commission close the file on the matter.

Thereafter, if the Commission decides by an affirmative vote of four (4) Commissioners that there is reason to believe that a violation of the Federal Election Campaign Act (FECA) may have occurred or is about to occur, the Office of the General Counsel shall open an investigation into the matter. Upon notification of the Commission's finding(s), within 15 days a respondent(s) may submit any factual or legal materials relevant to the allegations. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for depositions, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission in its investigation.

If, during this investigation period, the respondent(s) indicates a desire to enter into conciliation, the Office of General Counsel staff may begin the informal conciliation process. Conciliation is an informal method of conference and persuasion to endeavor to correct or prevent a violation of the Federal Election Campaign Act (FECA). Most often the result of conciliation is a Conciliation Agreement signed by the Commission and the respondent(s). The Conciliaton Agreement must be adopted by four affirmative votes of the Commission before it becomes final. After signature by the Commission and the respondent(s), the Commission shall make public the Conciliation Agreement.

If the investigation warrants, and informal conciliation has failed to resolve the matter the General Counsel shall notify respondent(s) of his/her intent to proceed to a vote on probable cause to believe that a violation of the Federal Election Campaign Act (FECA) has occurred or may occur. Included with the notification to the respondent(s) shall be a brief setting forth the position of the General Counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, the respondent(s) may submit a brief posing the position of respondent(s) and replying to the brief of the General Counsel. Both briefs shall be filed with the Commission Secretary and are to be considered by the Commission. Thereafter, if the Commission determines by an affirmative vote of four (4) Commissioners, that there is probable cause to believe that a violation of the FECA has occurred or is about to occur, formal conciliation must be undertaken for a period of at least 30 days but not more than 90 days. If formal conciliation fails, the Office of General Counsel may recommend that the Commission file a civil suit against the respondent(s) to enforce the Federal Election Campaign Act (FECA).

See 2 U.S.C. §437g, 11 C.F.R. Part 111.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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1980

Mr. Leslie O. Pruitt, Treasurer
Lake County Democratic Central
Committee
2293 North Main Street
Crown Point, Indiana 46307

CERTIFIED
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In reply please refer to: 3SV1/79-63

2150 Stolaro
800 - 424. 9510

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463 June 28, 1979

Treasurer
Lake County Democratic Central Committee
East Chicago, Illinois 46312

Dear Treasurer:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by Benjamin for Congress indicates that your organization may have made contributions which total in excess of $1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The Act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of $1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed $1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

3204010500

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact ~~Susan Owen~~, in our Reports Analysis Division at (800)424-9530. Our local number is (202)523-4172.

LISA STOLARUK

Sincerely,

Orlando B. Potter
Staff Director

Enclosure
Certified Mail:
Return Receipt Requested

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al Election Commission
t Street, N.W.
gton, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for
Line Number 15-C
(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	same 180 / Political Committee / ☐ Check if Contributor is self-employed / $	October and November 1978	$2,250.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
SUBTOTAL of receipts this page (optional)			$
TOTAL this period (last page this line number only)			$2,250.00

...ember, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Page 1 of 1 for Line Number 20 A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Expenditures-In-Kind made during General Election Campaign by Lake County Democratic Central Committee	Billboards, brochures, radio advertising and election day workers Expenditure for: ☐ Primary ☒ General ☐ Other	October and November 1978	$2,250.00
Adam Benjamin Jr. 1608 Longworth Building Washington, D.C. 20515	Reimbursement for campaign expenses HI INDIC Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78 to 11-16-78	216 83.00
The Times 417 Fayette Street Hammond, Indiana 46320	Newspaper advertising Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78	109.20
The Post Tribune 1065 Broadway Gary, Indiana 46402	Newspaper advertising Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78	105.00
Lake Shore Press 810 Washington Street Gary, Indiana 46402	Printing Expenditure for: ☐ Primary ☒ General ☐ Other	11-13-78	263.81
Roskosky for Mayor Committee Hammond, Indiana	Ticket purchase Expenditure for: ☐ Primary ☐ General ☐ Other	11-27-78	250.00
	Expenditure for: ☐ Primary ☐ General ☐ Other		
	Expenditure for: ☐ Primary ☐ General ☐ Other		

SUBTOTAL of expenditures this page (optional)	$
TOTAL this period (last page this line number only)	$ 3061.01

3 2 0 - 1 0 5 0 8

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

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Page 1 of 1 for Line Number 21 A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Lake County Democratic Central Committee East Chicago, Indiana 46312	Loan Expenditure for: ☐ Primary ☒ General ☐ Other	11-2-78 22X	$2,500.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period

SUBTOTAL of expenditures this page (optional)	$
TOTAL this period (last page this line number only)	$ 2,500.00

32010310502

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

DEBTS 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 12
(Use Separate Schedules for each numbered line)

Name of Candidate and Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code of Debtor or Creditor	Date (month, day, year)	Amount of Original Debt, Contract, Agreement or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	11-2-78	$2500.00	$ 0	$ 2500.0
☐ Primary ☒ General ☐ Other				

NATURE OF OBLIGATION (Details of Debt):

Loan to County 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 Payment To Date	Outstanding Balance at Close of This Period
		$	$	$
☐ Primary ☐ General ☐ Other				

NATURE OF OBLIGATION (Details of Debt):

Full Name, Mailing Address and ZIP Code of Debtor or Creditor	Date (month, day, year)	Amount of Original Debt, Contract, Agreement or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
		$	$	$
☐ Primary ☐ General ☐ Other				

NATURE OF OBLIGATION (Details of Debt):

SUBTOTALS this period this page (optional)	$	$	$
TOTAL this period (last page this line number only)	$ 2500.00	$ 0	$ 2500.00

Carry outstanding balance only to appropriate line of summary.

32040341.0513

September 25, 1979

Federal Election Commission
Office of General Counsel
Advisory Opinion Section
1325 K Street, N. W.
Washington, D.C. 20463

Dear Gentlemen:

Pursuant to Commissioner McGarry's letter of September 11, 1979, and Section 112.1 of the Federal Election Commission Regulations, I request an advisory opinion regarding the treatment of the "value" of $2,250 received by the Benjamin for Congress Committee from the Lake County Democratic Central Committee (a non-multicandidate committee under the Federal Election Act) during the general election campaign of 1978.

FACTUAL SITUATION

Prior to each general election campaign the Lake County Democratic Central Committee (LCDCC) holds a fundraiser to collect the monies it has budgeted for the fall campaign. After the LCDCC determines the amount necessary to run an effective campaign they assess each candidate a portion of the amount to be raised. The assessment is based primarily on the candidate's potential salary should he or she be elected. This in turn reflects the "value" of the advertising each will receive during the campaign.

In September, 1978, Mr. Benjamin was assessed $2,250. This payment was reflected as an intemized expenditure on Schedule B, for line 20A of the October 10, 1978, Committee Report filed with the FEC.

At this point, the Committee had paid $2,250 to the LCDCC and received nothing in return.

Subsequently, during the general election, billboards, newspaper and radio ads and other campaign items ...inated throughout Lake County, Indiana, on behalf ...ocratic candidates for local, state and federal office, ...uding Mr. Benjamin.

3201051511

3 2 0 4 0 6 1 0 5 1 2

Radio ads were general in nature. Each billboard would list a number of candidates (Mr. Benjamin did not appear on each nor did he appear on any in the southern two-thirds of the County which is situated in the 2nd Congressional District). Other variances including different literature featuring different candidates also occurred because of the multiple division of Lake County into different state and federal legislative districts.

Given these numerous variables it was impossible to arrive at an exact amount of "value" received by Mr. Benjamin's committee from the LCDCC for the advertisements made during the fall campaign.

Therefore, I took, as the closest approximation, the assessment paid earlier by the campaign committee. This amount was then expressed as the value of the advertising received during the general election. This itemization was made on Schedule A, for line 15C of the 30th Day Report following the election which was filed on December 7, 1978.

In sum, in return for a contribution of $2,250, which the Benjamin for Congress Committee made to the LCDCC in September, 1978, it received in return approximately the same amount of "value" in the advertising purchased by the Central Committee during the general election of 1978. The two "contributions" are equal and no monies or items of value in excess of these amounts were received by the Benjamin for Congress Committee from the LCDCC.

I also wish to inform the Commission that on July 9th, the Treasurer of the LCDCC, Leslie O. Pruitt, contacted me concerning the questions raised by the FEC.

Following our discussion it is my understanding that Mr. Pruitt substantially agrees with the circumstances as set forth herein and he has indicated his willingness to cooperate fully with the Commission in order to properly resolve any questions you may have concerning this item. I am forwarding a copy of this letter to Mr. Pruitt.

3204021513

FEC INITIAL POSITION

The Federal Election Commission's (FEC) initial position regarding this exchange of value was expressed by staff Director Orlando B. Potter in his letter of June 29th, 1979, in which he stated:

> "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."

BENJAMIN FOR CONGRESS COMMITTEE RESPONSE

In telephone conversations with Susan Kaltenbaugh and correspondence dated July 17, 1979, (a copy of which is enclosed and included as part of this request) the Committee maintained that since no "value" in excess of the Committee's initial contribution to the LCDCC was received no responsibility existed to "return" $1,250 to the LCDCC.

PURPOSE OF ADVISORY OPINION

Although the Committee maintains its position of July 17th and conversations with the staff of the FEC indicate that no violation of the Act has occurred, it does recognize that a legitimate question exists regarding the treatment of this item for reporting purposes. It is my further understanding that the Commission has never taken an official position relating to the treatment of "candidate assessments" made by local political organizations.

The request is predicated on this understanding and the Committee's desire to:

1. Comply with the Act's reporting requirements for the item discussed.

2. Assure proper compliance in the future.

3. Provide guidance to others similarly situated.

8204031051 4

I am available at your convenience to answer any further questions you may have or to meet with representatives of the Section should you wish.

To facilitate a prompt communication, correspondence relating to this matter should be directed to me at my office, 410 Cannon Building, Washington, D.C. 20515.

Respectfully,

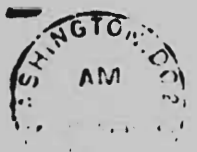
Peter J. Visclosky
Treasurer

PJV/lfs

cc: John W. McGarry, Commissioner, FEC
Susan Kaltenbaugh
Leslie O. Pruitt, Lake County Auditor

8204105115

Peter J. Visclosky
410 Cannon House Office
Building
Washington, D.C. 20515





Leslie O. Pruitt
Lake County Auditor
Lake County Government Complex
Crown Point, Indiana 46375

8201031054

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

LESLIE O. PRUITT, TREASURER
COUNTY COURT HOUSE
CROWN POINT, INDIANA 46307

September 21, 1979

Federal Election Commission
Washington, D.C. 20463

Attention: Lisa Storlaruk

RE: 3SV2/79-63

Dear Ms. Storlaruk,

In reference to your letter dated September 12, 1979, The Benjamin for Congress Committee loaned the Lake County Democratic Central Committee $2,500.00, to help defray expenses for the General Election of 1978.

The repayment was made March 28,1979, Check #488, written on Commercial Bank, Crown Point, Indiana. Funds are placed in this account from voluntary contributions made to the Lake County Democratic Central Committee.

The assessment of $2,250.00, was for tickets that were to be sold by Mr. Benjamin for the Golf Fund Raiser, monies that were collected and used for the General Election of 1978.

Hoping that the above information will be satisfactory, if further information is needed, please contact me and information will be submitted.

Sincerly,

Leslie O. Pruitt,
Treasurer of the Lake
County Democratic Central
Committee

LOP/kmr

82040310517

In response please refer to: MUR 1051

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 12, 1979

Treasurer
Lake County Democratic Central Committee
East Chicago, IL. 46312

Dear Treasurer:

On June 28, 1979, you were notified that you may have made contributions to a political committee which raised problems under 2 U.S.C. 433 and 434.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 433 and 434.

The Commission notes that your committee made a loan repayment to Benjamin for Congress in the amount of $2,500 on March 30, 1979. A copy of this portion of the report is attached. Thus, your committee may qualify as a political committee for 1979, as well as 1978. Please inform the commission of the nature of this loan repayment. This information should include the nature of the bank account from which the payment was made, and the sources of the funds placed into this account.

The Commission will take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within fifteen (15) days from the date of this letter.

If you have responded to the above or you require additional information, please contact Lisa Storlaruk, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is 523-1474.

Sincerely,

Frank V. McGarry
Commissioner

Enclosure

3201031051 8

32040310519

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

POSTAGE AND FEES PAID

LHL
4-17-79

Very important.

Lake County Democratic Central
Committee
East Chicago, Indiana 46312

CERTIFIED
943889

In response please refer to: 3SV2/79-63

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 12, 1979

Treasurer
Lake County Democratic Central Committee
East Chicago, IL. 46312

Dear Treasurer:

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As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 433 and 434.

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If you have responded to the above or you require additional information, please contact Lisa Storlaruk, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is 523-1474.

Sincerely,

John W. McGarry
Commissioner

Enclosure

8201031052?

	Other Income, Loans, Refunds)	
	Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3	(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	East Chicago, Indiana Occupation: Political Committee ☐ Check if Contributor is self-employed Aggregate Year-To-Date: $2500.00	3-20-79	$2500.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date: $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date: $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date: $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date: $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date: $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date: $		

SUBTOTAL of Receipts this page (optional)	$
TOTAL this page (last page this line number only)	$2500.00

32021052 1

FEC 20463

Other Income, Loans, Refunds

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Use Separate Schedule(s) for each numbered line

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	East Chicago, Indiana Occupation: Political Committee ☐ Check if Contributor is self-employed Aggregate Year-To-Date $2500.00	3-20-79	$2500.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			

SUBTOTAL of receipts this page (optional) . . . . . $

TOTAL this or last page this line number only $2500.00

820105222

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Official Business
Penalty for Private Use $300

17 SEP 79 13:05

POSTAGE AND FEES PAID

U.S.MAIL

Treasurer
Lake County Democratic
Central Committee
East Chicago, IL. 46312

17 SEP 79 12:27

82040310523

From

MURPHY, McATEE, MURPHY & COSTANZA
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
720 W. CHICAGO AVENUE
EAST CHICAGO, INDIANA 46312

To Honorable John Warren McGarry
Chairman, Federal Election Comm.
Washington D.C., 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 18, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Leslie Pruitt, Treasurer
Lake County Democratic
Central Committee
2293 No. Main Street
Crown Point, Indiana 46307

Re: MUR 1171

Dear Mr. Pruitt:

On September 12, 1979, the Federal Election Commission (the "Commission") notified you of a reason to believe finding that your committee violated the Federal Election Campaign Act of 1971, as amended (the "Act"), specifically 2 U.S.C. § 433 and § 434.

The Commission received your responses of October 17 and November 19, 1980, however, these submissions revealed an additional violation. Therefore, on March 17, 1981, the Commission determined that there is reason to believe that your committee violated section 441b(a) of the Act by accepting corporate contributions in connection with federal elections.

The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

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 consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202)523-4529.

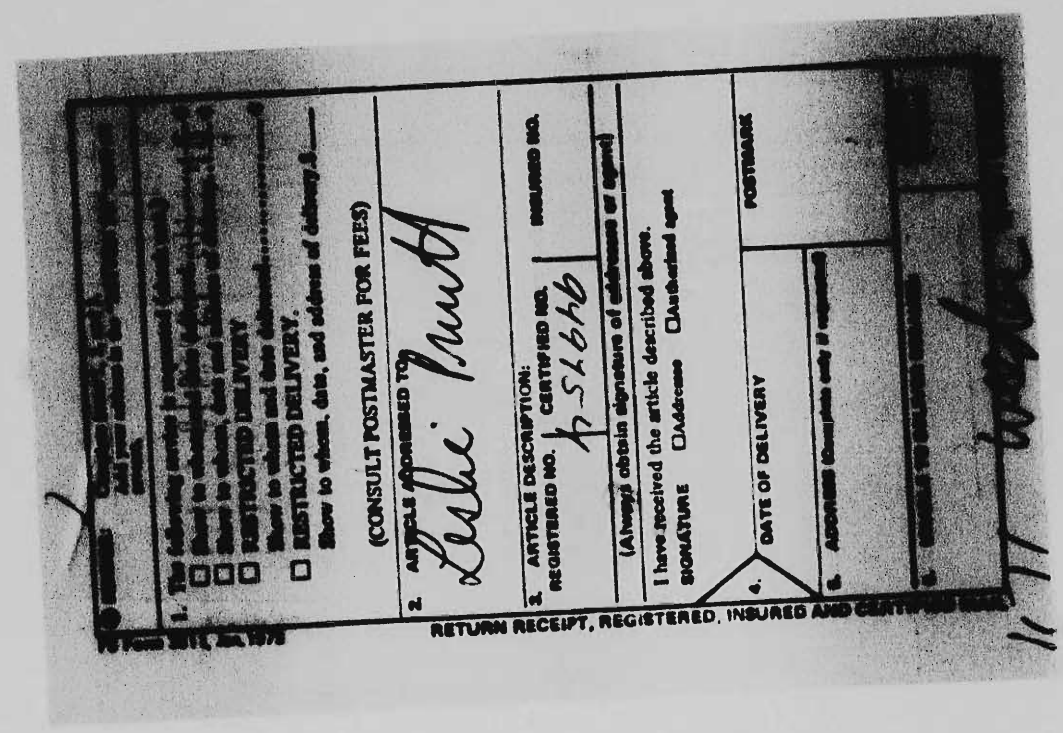
Sincerely,

John Warren McGarry

JOHN WARREN McGARRY
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures

8201031052 6



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Leslie Pruitt, Treasurer
Lake County Democratic
Central Committee
2293 No. Main Street
Crown Point, Indiana 46307

Re: MUR 1171

Dear Mr. Pruitt:

On September 12, 1979, the Federal Election Commission (the "Commission") notified you of a reason to believe finding that your committee violated the Federal Election Campaign Act of 1971, as amended (the "Act"), specifically 2 U.S.C. § 433 and § 434.

The Commission received your responses of October 17 and November 19, 1980, however, these submissions revealed an additional violation. Therefore, on February , 1980, the Commission determined that there is reason to believe that your committee violated section 441b(a) of the Act by accepting corporate contributions in connection with federal elections.

The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

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 consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

CHL

8201031527

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202)523-4529.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures

CW/dmm 01/27/81

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE: March 18, 1981

MUR NO. 1171
STAFF MEMBER & TEL. NO.
Carolyn Weeder
(202)523-4529

RESPONDENT: Lake County Democratic Central Committee

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

SUMMARY OF ALLEGATIONS

On November 19, 1980, the Lake County Democratic Central Committee (the "LCDCC") submitted its reports of receipts and disbursements for 1978-1980 pursuant to 2 U.S.C. § 434 as requested by the Commission. The reports disclosed that LCDCC received numerous contributions from corporations in violation of 2 U.S.C. § 441b(a).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441b(a) makes it unlawful for any political committee to accept contributions from corporations in connection with federal elections.

Reports filed by LCDCC reveal the receipt of contributions from numerous corporations during 1978, 1979 and 1980. The Office of General Counsel therefore recommends that the Commission find reason to believe that LCDCC violated 2 U.S.C. § 441b(a).

RECOMMENDATION

Find reason to believe that LCDCC violated 2 U.S.C. § 441b(a).

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1171
Lake County Democratic Central Committee	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 17, 1981 the Commission decided by a vote of 4-0 to take the following actions regarding MUR 1171:

1. Find REASON TO BELIEVE that LCDCC violated 2 U.S.C. § 441b(a) by accepting corporate contributions in connection with federal elections.

2. Approve and send the letter and factual and legal analysis to LCDCC.

Commissioners Harris, McGarry, Reiche and Tiernan voted affirmatively in this matter.

Attest:

3/17/81
Date

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

Received in Office of the Commission Secretary: 3-12-81, 5:01
Circulated on 48 hour vote basis: 3-13-81, 2:00

8201105330

March 12, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1171

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

8201105321

BEFORE THE FEDERAL ELECTION COMMISSION

January 27, 1981

In the Matter of	)	
	)	MUR 1171
Lake County Democratic Central Committee	)	
	)	

GENERAL COUNSEL'S REPORT

81 MAR 12 PM 5:01

I. Background

On September 12, 1979, the Commission, through RAD, found reason to believe that the Lake County Democratic Central Committee (the "LCDCC") violated 2 U.S.C. § 433 and § 434 by failing to register and file reports with the Commission. The factual basis and legal analysis upon which the Commission based its findings are presented in the First General Counsel's Report of June 16, 1980.

On October 27, 1980, LCDCC submitted a statement of organization in compliance with 2 U.S.C. § 433. Further on November 19, 1980, LCDCC submitted its reports of receipts and disbursements for 1978-1980 pursuant to 2 U.S.C. § 434.

II. Legal Analysis

2 U.S.C. § 441b(a) makes it unlawful for any political committee to accept or receive corporate contributions in connection with federal elections. The reports filed by LCDCC disclose that it received numerous corporate contributions during 1978, 1979 and 1980 (See Attachment 1). Specifically, the names of thirty-nine contributors reveal their incorporated status and the names of fifty-eight additional contributors suggest that they might

be incorporated by virtue of the fact that they are companies, partnerships, or associations which are frequently incorporated. The Office of General Counsel has therefore sent an inquiry to the Office of the Secretary of State, Corporations Division, Indiana requesting verification of the incorporated status of the fifty-eight contributors in question and information as to the date of incorporation of the thirty-nine corporate contributors.

Inasmuch as the reports reveal that LCDCC accepted contributions from at least thirty-nine corporations, the Office of General Counsel recommends that the Commission find reason to believe that LCDCC violated 2 U.S.C. § 441b(a).[1/]

III. Recommendations

1. Find reason to believe that LCDCC violated 2 U.S.C. § 441b(a) by accepting corporate contributions in connection with federal elections.

2. Approve and send the attached letter and factual and legal analysis to LCDCC.

17 March 1981
Date

Charles N. Steele
General Counsel

Attachments
1. Reports of Receipts filed by LCDCC
2. Letter and Factual and Legal Analysis to LCDCC

1/ In view of the number of corporations involved, the lack of verification of the incorporated status of the contributors, and the fact that LCDCC was not registered with the Commission as a political committee at the time of the corporate contributions, the Office of General Counsel is not recommending a finding on the part of the contributors at this time.

8 2 0 4 0 0 1 0 5 7 3

9201310534

Selected Pages of Reports

filed by LCACC -

(additional pages on file in the Office of General Counsel & Public Records)

Attachment 1

(Page 1)

SCHEDULE A
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for Line Number 14-A

Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
BAKER CEMENT WORK, INC. 1431 KRAFT DRIVE MUNSTER, IN. 46321 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $ 500.00	10/24/79	$500.00
MICHAEL JANKOVICH % 2293 NO. MAIN ST. CROWN POINT, IN. 46307 Receipt for: ☐ Primary ☐ General ☐ Other	CO. ASSESSOR ☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $ 1,500.00	11/02/79	1,000.00
VIC KIRSCH CONST. CO., INC. 7020 CLINE AVE. HAMMOND, IN. 46323 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $ 700.00	10/25/79	500.00
	☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $		
	☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $		
	☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $		
	☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $		
SUBTOTAL of receipts this page (optional)			$
TOTAL this period (last page this line number only)			$1,400.00

B20131219

Att. 1- Page 2

SCHEDULE A
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 2 of 2 for Line Number 14-A

Use Separate Schedules for each numbered line

Name of Candidate or Committee in Full

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
NEW ERA CORP. 1220 E. CHICAGO AVE., EAST CHICAGO, IN. 46312 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date ... $ 800.00	12-/04/78	$100.00
PERRY HIRSCH ASSOCIATES (NO ADDRESS) Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date ... $ 200.00	12/04/78	200.00
S.G.S. Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date ... $ 200.00	12/04/78	200.00
MIKE MIHAILOVICH 4756 PARRISH AVE. EAST CHICAGO, IN. 46312 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date ... $ 100.00	12/31/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date ... $		
Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date ... $		
Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date ... $		
SUBTOTAL of receipts this page (optional)			$ 7,000.00
TOTAL this period (last page this line number only)			$ 2,200.00

9020131135

Att. 1 - Page 3

SCHEDULE A
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 2 for
Line Number 14-A
Use Separate Schedule for each numbered line

Name of Candidate or Committee in Full

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
ABRAHAMSON, REED, TANASIJEVICH 8253 HOHMAN AVE. HAMMOND, IN. 46320 Receipt for: ☐ Primary ☐ General ☐ Other	Occupation: ATTYS ☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $ 200.00	12/04/79	$100.00
Full Name, Mailing Address and ZIP Code BLASKOVICH, NO ADDRESS) Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $ 200.00	12/04/79	200.00
Full Name, Mailing Address and ZIP Code EUCLID MACHINE & TOOL 4616 EUCLID EAST CHICAGO, IN. 46312 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $ 200.00	12/04/79	200.00
Full Name, Mailing Address and ZIP Code HASSE CONSTRUCTION CO., INC. P.O.BOX 89 CALUMET CITY, IL. 60409 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $ 800.00	12/04/79	200.00
Full Name, Mailing Address and ZIP Code JOHN G. KRUPA 5611 NORTHCOTE AVE. EAST CHICAGO, I.46312 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $ 600.00	12/04/79	400.00
Full Name, Mailing Address and ZIP Code LAKE MATERIAL SERVICE, INC. 2000 GARY ROAD EAST CHI., IN. 46312 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $ 200.00	12/04/79	200.00
Full Name, Mailing Address and ZIP Code MURPHY, MCATEE, ETC. 720 W. CHICAGO AVE. E. CHICAGO, IN. 46312 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed Aggregate Year-To-Date ... $ 300.00	12/04/79	300.00
SUBTOTAL of receipts this page (optional)			$ 1,600.00
TOTAL this period (last page this line number only)			$

AH. 1 - page 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Leslie Pruitt, Treasurer
Lake County Democratic
Central Committee
2293 No. Main Street
Crown Point, Indiana 46307

Re: MUR 1171

Dear Mr. Pruitt:

On September 12, 1979, the Federal Election Commission (the "Commission") notified you of a reason to believe finding that your committee violated the Federal Election Campaign Act of 1971, as amended (the "Act"), specifically 2 U.S.C. § 433 and § 434.

The Commission received your responses of October 17 and November 19, 1980, however, these submissions revealed an additional violation. Therefore, on February , 1980, the Commission determined that there is reason to believe that your committee violated section 441b(a) of the Act by accepting corporate contributions in connection with federal elections.

The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

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 consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

Attachment 2

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202)523-4529.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures

8220105137

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE:

MUR NO. 1171
STAFF MEMBER & TEL. NO.
Carolyn Weeder
(202)523-4529

RESPONDENT: Lake County Democratic Central Committee

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

SUMMARY OF ALLEGATIONS

On November 19, 1980, the Lake County Democratic Central Committee (the "LCDCC") submitted its reports of receipts and disbursements for 1978-1980 pursuant to 2 U.S.C. § 434 as requested by the Commission. The reports disclosed that LCDCC received numerous contributions from corporations in violation of 2 U.S.C. § 441b(a).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441b(a) makes it unlawful for any political committee to accept contributions from corporations in connection with federal elections.

Reports filed by LCDCC reveal the receipt of contributions from numerous corporations during 1978, 1979 and 1980. The Office of General Counsel therefore recommends that the Commission find reason to believe that LCDCC violated 2 U.S.C. § 441b(a).

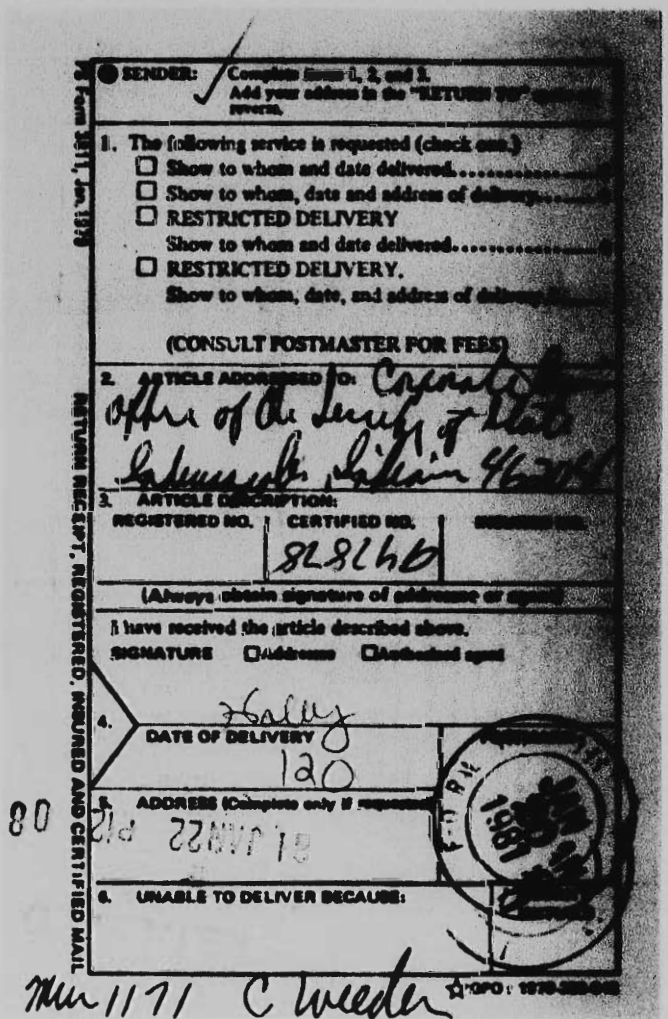
RECOMMENDATION

Find reason to believe that LCDCC violated 2 U.S.C. § 441b(a).

8 2 0 1 0 3 1 0 5 1 0

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463



8201281460

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 15, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Corporate Division
Office of the Secretary
of State
Room 155
State House
Indianapolis, Indiana 46204

Dear Sirs:

The Office of General Counsel of the Federal Election Commission requests your assistance in determining whether any of the businesses on the enclosed list are incorporated in the state of Indiana. Please indicate on the list those businesses which are incorporated and the date of their incorporation. Also, please indicate whether any of the businesses are incorporated in other states but authorized to operate in your state.

Your attention regarding this matter is greatly appreciated. A self-addressed envelope is enclosed for your convenience.

If you have any questions, please contact Carolyn Weeder at (202)523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
List of businesses
Self-addressed envleope

8201205512

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Corporate Division
Office of the Secretary
of State
Room 155
State House
Indianapolis, Indiana 46204

Dear Sirs:

The Office of General Counsel of the Federal Election Commission requests your assistance in determining whether any of the businesses on the enclosed list are incorporated in the state of Indiana. Please indicate on the list those businesses which are incorporated and the date of their incorporation. Also, please indicate whether any of the businesses are incorporated in other states but authorized to operate in your state.

Your attention regarding this matter is greatly appreciated. A self-addressed envelope is enclosed for your convenience.

If you have any questions, please contact Carolyn Weeder at (202)523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
List of businesses
Self-addressed envelope

CW/dmm 01/14/81

820-0-1-0-5-4-7

TO: Office of General Counsel

ATTENTION: Carolyn Weeder

FROM: Corporate Division
Office of the Secretary of State, Indiana

SUBJECT: Incorporation Status

Name/Address of Business	Date of Incorporation (If not incorporated, please indicate)
A. [illegible], INC. 6000 W. 5th AVE., GARY, IN. 46406	
[illegible] PAPER & JANITORIAL SUPPLY CO. [illegible] E. 73rd AVE. MERRILLVILLE, IN. 46410	
ABRAHAMSON, REID, TARASIJEVICH 8233 HOHMAN AVE. HAMMOND, IN. 46320	
[illegible] CO. [illegible] STATE ST. P.O.BOX 1003 [illegible]MOND, IN.	
[illegible] OF N.D., INC. [illegible] [illegible], IN. 46301	
BAKER CEMENT WORK, INC. 1431 KRAFT DRIVE MINSTER, IN. 46321	
BARKER PRODUCE, INC. 211 W. MAIN ST. GRIFFITH, IN. 46319	
BELASKAS, BITTNER, INC.	
[illegible] P.O. BOX 810 E. CHICAGO, IN. 46312	
[illegible] [illegible] [illegible], IN. 46410	
BRATS 170[illegible] & INDPLS. BLVD. [illegible]MOND, IN. 46324	

8201310541

Name/Address of Business	Date of Incorporation (If not incorporated, please indicate)
BURGER SUPER MARTS, INC. 6527 COLUMBIA AVE. HAMMOND, IN. 46320	
BURGESS TRUCK SALES & SERV: 7539 CALUMET AVENUE HAMMOND, IN. 46324	
BURNS MEMORIAL CHAPEL 4286 BROADWAY GARY, IN. 46408	
CALUMET NEWS, INC. 2005 BROADWAY EAST CHICAGO, IN. 46312	
CALUMET TOBACCO CO., INC. 1035 W. CHICAGO AVE. EAST CHICAGO, IN. 46312	
CHELEY'S WINTHROP 5930 CLEVELAND ST. MERRILLVILLE, IN. 46410	
CARPETLAND, U.S.A., INC. 8201 CALUMET AVE. HAMMOND, IN. 46321	
CONDES BROTHERS 1440 INDIANAPOLIS BLVD. WHITING, IN. 46394	
COLLETTI, LUCH FUNERAL HOME 1901 WASHINGTON ST. GARY, IN. 46407	
CONTINENTAL MACH. & ENG. CO., INC. 4949 HUISH DR. E. CHICAGO, IN. 46312	
CLAY BATES, INC. 560 BROADWAY GARY, IN. 46402	
CROWEL REALTY 9105 INDPLS. BLVD. HIGHLAND, IN. 46322	

8201105548

Name/Address of Business	Date of Incorporation (If not incorporated, please indicate)
DELTA ELECTRIC CORP. 425 SO. SHELBY HOBART, IN. 46342	
DON GWYN REALTY CO. 1520 E. COMM. AVE. LOWELL, IN. 46356	
DUST MTR. SERVICE OF IND., INC. 129th & DICKEY ROAD EAST CHICAGO, IN. 46312	
DYER CONST. CO., INC. DYER, IN. 46311	
EICHHORN, EICHHORN & LINK 5243 HOHMAN AVE. HAMMOND, IN. 46320	
EUCLID MACHINE & TOOL 4916 EUCLID EAST CHICAGO, IN. 46312	
Lot LINE OF WRITING	
GARY STORAGE & VAN CO., INC. 819 WASHINGTON ST. GARY, IN. 46402	
GARY WORKS SUPERVISORS CLUB, INC. R.R.#2 HOBART, IN. 46342	
GEORGE LORENZ REALTY 1000 E. 80th PL. MERRILLVILLE, IN. 46410	
GRIFFITH HEATING & AIR CONDITIONING 1645 MINNESOTA HOBART, IN. 46342	Oct
GUARANTEE CORROSION CONTROL CO., INC. EAST CHICAGO, IN. 46312	C
GUY & ALLEN, FUNERAL HOME 2000 W. 11th AVE. GARY, IN. 46404	

8201050545

Name/Address of Business	Date of Incorporation (If not incorporated, please indicate)
H. BURTON CO., INC. 2000 CALUMET AVE. HAMMOND, IN.	
HARGIS-TAPPAN & ASSOCIATES 700 N. MAIN ST. CROWN POINT, IN. 46307	
[illegible] ASSOCIATES 720 E. 5th AVE. GARY, IN. 46402	
HIGHLAND AUTO PARTS, INC. 8600 INDIANAPOLIS BLVD. HIGHLAND, IN. 46322	
HYTE ELECTRIC CO. OF IN. 2655 GARFIELD HIGHLAND, IN. 46322	
IND. ENG. & CONSTRUCTION CO. P.O.BOX 3104 MUNSTER, IN. 46321	
INSURANCE SERV. AGENCY, INC. 2111 W. LINCOLN HWY. MERRILLVILLE, IN. 46410	
ILLIANA DISPOSAL SERVICE, INC. p.O.BOX 1599 HIGHLAND, IN. 46322	
I-PACE, INC. P.O. BOX 44528 INDIANAPOLIS, IN. 46321	
J.J. [illegible] & ASSOCIATES 4-HILLCREST BOX 610 [illegible], IN. 46368	
JOCKEY CLUB CORP. 4824 BAYDEN AVE. EAST CHICAGO, IN. 46312	
JOE TITTLE, INC. P.O. BOX 2357 GARY, IN. 46403	

8201105417

Name/Address of Business	Date of Incorporation (If not incorporated, please indicate)
JOHNSON TRANSFER & STORAGE 1144 VIRGINIA GARY, IN. 46407	
KARRAS TIRE CO. 3350 GRANT ST. GARY, IN. 46408	
KENNETH & PHILLIPS 5210 KENNEDY AVE. HIGHLAND, IN. 46322	
KUIPER FUNERAL HOME, INC. 9239 KLEINMAN RD HIGHLAND, IN. 46322	
LABOR COALITION 3343 MARTIN ST. HIGHLAND, IN. 46322	
LAHAIE ENTERPRISE, INC. 1-65 & RIDGE RD. HOBART, IN. 46342	
LAKE COUNTY SHERIFF DEPT. (ASSN) 1885 W. 37th AVE. GARY, IN. 46404	
LAKE MATERIAL SERVICE, INC. 3300 GARY ROAD EAST CHI., IN. 46312	
LIQUOR BUCKET, INC. CHESTERTON, IN. 46307	
LONG & COMPANY P.O. BOX 565 HOBART, IN. 46320	
LUCAS, CLIFFORD, ETC. 1000 E. 80th PL. MERRILLVILLE, IN. 46410	
WOOD SUPPLY CO., INC. 5224 INDIANAPOLIS BLVD. EAST CHICAGO, IN. 46312	
MID STATES AUTO PARTS, INC. 2017-29 BROADWAY GARY, IN. 46402	
MIDWESTERN ELECTRIC, INC. 3300 GUILFORD GARY, IN. 46401	

8201105 18

Name/Address of Business	Date of Incorporation (If not incorporated, please indicate)
MC COLLY REALTORS, INC. 7725 BROADWAY MERRILLVILLE, IN. 46410	
MC COY BUILDERS, INC. 2621 HICKORY DR. DYER, IN. 46311	
MCHIE, EISLEN & MYERS 53 MUENICH COURT HAMMOND, IN. 46320	
MURPHY, MCATEE, ETC. 720 W. CHICAGO AVE. E. CHICAGO, IN. 46312	
NEW ERA CORP. 1220 E. CHICAGO AVE. EAST CHICAGO, IN. 46312	
NICHOLLS & PODGOR 1524 W.96th AVE. SUITE A. CROWN POINT, IN. 46307	
OAK KNOLL SUMMERTREE GOLF COURSE CROWN POINT, IN. 46307	
PERRY HIPSCH ASSOCIATES (NO ADDRESS)	
PHIL ZOEIG & SONS, INC. 2100 E. 5th AVE. GARY, IN. 46401	
POST OFFICE, E.C. OCHEN, DAVID. 3701 MAIN ST. EAST CHICAGO, I. 46307	
R.D.K. CORP, D/B/A [illegible] BEE CO PIZZA 7008 INDPL.S BLVD. HMD. 46324	

8 2 0 2 1 0 5 1 0

Name/Address of Business	Date of Incorporation (If not incorporated, please indicate)
[illegible] TRUCKING SERVICE, INC. [illegible] OHIO PL. HIGHLAND, IN. 46322	
ROY'S TRK & EXCAVATING 1602 E. ELM ST. GRIFFITH, IN. 46319	
SALMER PLUMBING, INC. 6223 HOHMAN AVE. HAMMOND, IN. 46321	
[illegible] & CRUSH OPER. ACCT. 7723 BROADWAY MERRILLVILLE, IN. 46410	
SCHERERVILLE LOUNGE 48 E. JOLIET ST. SCHERERVILLE, IN. 46375	
[illegible] & SON 737 RIDGE RD. MUNSTER, IN. 46321	
SCHMIS CONSTRUCTION CO., INC.	
SMITH & BIRRELL, [illegible] 2303 WASHINGTON ST. GARY, IN. 46407	
SOUTH CENTRAL REALTY & MAINTENANCE P.O. BOX 8584 GARY, IN. 46401	
STANDARD PAVING CO. 2323 W. 47th AVE. GARY, IN. 46408	
STAN'S AUTO SALVAGE 7807 WICKER AVE. ST. JOHN, IN. 46373	
ST. ANN'S HOME 5927 COLUMBIA HAMMOND, IN. 46320	
THATCHER ENG.CORP. 7700 INDUSTRIAL HIGHWAY GARY, I. 46406	
TOTH, PAUL, BUTLER [illegible] MILLER RD. HIGHLAND, IN. 46322	
TOWN ENTERPRISES 1000 W.15th AVE. GARY, IN. 46404	

Name/Address of Business	Date of Incorporation (If not incorporated, please indicate)
UNIVERSAL AUTO PARTS, INC. 1849 SUMMER ST. HAMMOND, IN. 46324	
VIC KIRSCH CONST. CO., INC. 7020 CLINE AVE. HAMMOND, IN. 46323	
W.A.S., INC. P.O. BOX 1634 HIGHLAND, IN.	
WALKER & FLEMING 7725 BROADWAY MERRILLVILLE, IN. 46410	
W.T. WAMELSON, ENGINEERS 500 W. LINCOLN HIGHWAY SUITE A., MERR., IN. 46410	
WHITE EAGLE CLUB 3726 ALDER E. CHICAGO, IN. 46312	
ZANDSTRA BROTHERS 10240 INDIANAPOLIS BLVD. HIGHLAND, IN. 46321	
ZANDSTRA, ZANDSTRA & MEHA 2837 HIGHWAY AVE. HIGHLAND, IN. 46322	
ZARCO SERRANO & ASSOCIATES 8595 BROADWAY MERRILLVILLE, IN. 46410	

8 2 0 1 0 5 5 1

910990

RECEIVED
80 OCT 30 P2:36

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

LESLIE O. PRUITT, TREASURER
COUNTY COURT HOUSE
CROWN POINT, INDIANA 46307

October 27, 1980

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

Attention: Carolyn Weeder

Re: MUR 1171
Benjamin for Congress
No. 053431

Dear Mr. Steele:

This communication will acknowledge the Lake County Democratic Central Committee's general agreement with the position taken by the Benjamin for Congress Committee on October 14, 1980.

The LCDCC is preparing and will promptly submit its statement of registration with the FEC. The statement of registration will be for a political committee separate from the Indiana Democratic State Central Committee. The LCDCC has taken this position because of its particular relationship with the State Committee as described below:

1) The LCDCC does use the State Committee's By-Laws and appeal procedure.

2) The state committee has no influence over the local committee's endorsement of candidates.

3) The state committee has no influence over the LCDCC'S expenditure of funds.

4) The LCDCC make no contribution to the financial operation of the state committee.

5) The LCDCC receives no financial assistance from the state committee.

80 OCT 30 P3:15

2).

Reports for the period of October 1, 1978 to March 31, 1979, and for those subsequent periods during which reports are required are in the process of being prepared for submission to the Commission.

Should you have any questions regarding this letter, I invite you to write to me at my office 2293 North Main Street, Crown Point, Indiana, 46307 or to telephone, area code 219-738-2020 Ext.291.

Thank you,

Respectfully,

Leslie O. Pruitt,
Treasurer Lake County
Democratic Central Committee

LOP/kmr

STATEMENT OF ORGANIZATION

(see reverse side for instructions)

1. (a) Name of Committee (in Full) ☐ Check if name or address is changed.

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

(b) Address (Number and Street)

% 2293 NORTH MAIN ST.,

(c) City, State and ZIP Code

CROWN POINT, INDIANA 46307

2. Date

OCTOBER 27, 1980

3. FEC Identification Number

4. Is this an amended Statement? ☐ YES ☒ NO

5. TYPE OF COMMITTEE (check one):

☐ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)

☐ (d) This committee is a LOCAL POLITICAL committee of the DEMOCRATIC Party.
(National, State or subordinate) (Democratic, Republican, etc.)

☐ (e) This committee is a separate segregated fund.

☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number – optional) and position, the person in possession of committee books and records.

Full Name	Mailing Address and ZIP Code	Title or Position
TREASURER		

8. Treasurer: List the name and address (phone number – optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position
LESLIE O. PRUITT	%2293 NO.MAIN ST.,CROWN POINT,IN. 46307	TREASURER

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
COMMERCIAL BANK	115 SOUTH COURT STREET CROWN POINT, IN. 46307

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

LESLIE O. PRUITT
Type or Print Name of Treasurer

Leslie O. Pruitt
SIGNATURE OF TREASURER

OCTOBER 27, 1980
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

For further information contact: Federal Election Commission, Toll Free 800-424-9530, Local 202-523-4068

FEC FORM 1 (3/80)

October 14, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1171

Please have the attached Interim Invest Report distributed to the Commission. Thank you.

8201310558

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
October 10, 1980

80 OCT 14 P5: 01

In the Matter of	)	
	)	
Benjamin for Congress Committee	)	MUR 1171
and	)	
Lake County Democratic Central Committee	)	

INTERIM INVESTIGATIVE REPORT #3

This matter involves violations of certain provisions of the FECA by the Benjamin for Congress Committee (the "Benjamin Committee") and the Lake County Democratic Central Committee (the "LCDCC"). Specifically, the Commission, through RAD, found reason to believe that the Benjamin Committee violated 2 U.S.C. § 441a(f) and that the LCDCC violated 2 U.S.C. § 433 and § 434, and § 441a(a)(1)(A).

On June 9, 1980, the General Counsel's staff met with Mr. Peter Visclosky, treasurer of the Benjamin Committee, to discuss possible remedies for the apparent violations in question. On September 26, 1980, the General Counsel's staff met again with Mr. Visclosky, upon his request, to discuss specific reporting problems. Since this meeting, Mr. Visclosky has telephoned this office many times to make further inquiries and to inform us that he is in the process of getting the submissions in order.

The Office of General Counsel will keep the Commission apprised of further developments.

14 October 1980
Date

Charles N. Steele
General Counsel

8201310556

Gen # 3963

80 OCT 14 AM 11:59

October 14, 1980

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

Re: MUR 1171
Benjamin for Congress
3877 Madison Street
Gary, Indiana 46408
No. 053431

Dear Mr. Steele:

This correspondence is sent in response to your letter of June 30, 1980, regarding MUR 1171.

The Matters Under Review involve a loan in the amount of $2,500.00 made by the Benjamin for Congress Committee (hereinafter referred to as the "Committee") to the Lake County Democratic Central Committee (hereinafter referred to as the "LCDCC") on November 2, 1978, and a reported In-Kind Contribution made by the LCDCC in October and November, 1978, in the amount of $2,250.00.

MUR 1171/LOAN

CHRONOLOGY OF EVENTS

11-2-78 $2,500 loan made to the LCDCC by the Committee.

12-7-78 Loan reported to the Federal Election Commission (hereinafter referred to as the "FEC") on line 21A of the Committee's 30 Day Post General Election Report.

3-20-79 LCDCC repays loan.

4-11-79 Repayment reported to the FEC on line 17A of the Committee's April 1, 1979 Report.

6-29-79 Letter signed by Orlando B. Potter (FEC) to Peter J. Visclosky (hereinafter referred to as the "Treasurer") stating that the loan "may have" exceeded the Federal Election Campaign Act (hereinafter referred to as "the Act") contribution limitation.

7-17-79 Letter from the Treasurer to Susan Kaltenbaugh (FEC) explaining that the loan had been repaid and that the repayment did not constitute a contribution within the meaning of the Act. (Letter attached)

9-12-79 Letter from John W. McGarry (FEC) to Treasurer stating that "we have received no response from you" regarding the letter of June 29, 1979.

9-25-79 Second response prepared and sent by the Treasurer to the FEC. Pursuant to oral representations made to the Treasurer, an advisory opinion was requested from the FEC. (Letter attached)

11-19-79 Letter by Charles N. Steele (FEC) to the Treasurer denying the request for an advisory opinion and stating that the FEC was now handling the question as Pre-MUR-44.

Nov. '79 Telephone communication with staff of FEC by Treasurer. Treasurer told to wait for further clarification from the FEC.

6-30-80 Letter by Charles N. Steele (FEC) to Treasurer stating, "...in absence of any additional information which demonstrates that no further action should be taken against your committee the Commission may find probable cause to believe that violations of the Act have occurred and proceed with formal conciliation."

7-9-80 Meeting at FEC between the Treasurer and Carolyn Weeder and Gary Johansen (FEC) regarding the 6-30-80 letter. The Treasurer was to confer with Leslie O. Pruitt, Treasurer of the LCDCC regarding the resolution of MUR 1171.

8-15-80 Treasurer meets with Leslie O. Pruitt in Crown Point, Indiana. Mr. Pruitt expressed his willingness to cooperate completely with the FEC by registering the LCDCC and filing those reports the FEC deemed appropriate in resolving the MUR.

9-19-80 Meeting at FEC between the Treasurer and Gary Johansen and Carolyn Weeder (FEC) regarding appropriate form of registration for the LCDCC.

PREVIOUS POSITION OF THE COMMITTEE

The Committee stated that the Loan made to the LCDCC was not prohibited under the FECA. The Committee maintained that the loan repayment was not prohibited by the FECA.

CURRENT POSITION OF THE COMMITTEE

The Committee continues to maintain that the initial loan and its repayment were not prohibited under the Act. The Committee further contends that the repayment was not a "contribution" within the meaning of the FECA and thus did not "exceed" the "contribution limitation."

The Committee does acknowledge the Commission's position that the LCDCC's activities in the 1978 General Election on behalf of Adam Benjamin Jr's candidacy brought it within the FECA's registration and reporting requirements.

PROPOSED RESOLUTION

1) Registration of the LCDCC as a political party committee with the FEC.

2) File report for the October 1, 1978 - December 31, 1978 period. (Period during which the loan was received by the LCDCC)

3) File report for the January 1, 1979 to March 31, 1979 period. (Period during which the loan was repaid)

MUR 1171/CONTRIBUTION-IN-KIND

CHRONOLOGY OF EVENTS

9-30-78 Contribution of $2,250 sent to the LCDCC by the Committee in payment for services to be performed on behalf of the Committee during the 1978 General Election campaign.

OCT & NOV '78 Activities undertaken by LCDCC to support Adam Benjamin Jr. candidacy with funds contributed on 9-30-78. (For general discussion of transactions and relationship please see previous communications submitted by Committee.

12-7-78 $2,250 In-Kind-Contribution reported to the FEC on Line 15c of the Committee's 30 Day Post General Election Report.

6-29-79 See chronology of events set forth above through October 14, 1980.

PREVIOUS POSITION OF THE COMMITTEE

The Committee stated that nothing of value was received by it from the LCDCC other then those goods and services financed through the $2,250.00 assessment paid in September, 1978. The Committee suggested that an effective "agency" relationship existed between the parties and that no "contribution" had been made and therefore the contribution limitation had not been exceeded.

CURRENT POSITION OF THE COMMITTEE

The Committee continues to maintain that it received nothing of value from the LCDCC. However, the Committee acknowledges the Commission's continued position that the procurement of goods and services by the LCDCC with the monies given to it by the Committee constituted a "contribution" within the technical application of the FECA.

Given the FEC's position the Committee would further maintain that a violation of the contribution limitation imposed on a party committee under Section 110.8(b)(2)(ii) of the Regulations was not exceeded by the "contribution" and that no violation of the FECA occurred.

Although the Committee continues to disagree with the Commission's position, it takes cognizance of the FEC's position and recognizes that that position brings the LCDCC's activities in the 1978 general election campaign on behalf of Adam Benjamin Jr's candidacy within the Act's registration and reporting regulations.

PROPOSED RESOLUTION

1) Same as set forth in Items 1-3 (MUR 1171/LOAN).

2) LCDCC will file those reports required under the FECA for all subsequent periods.

It is my understanding that the LCDCC will forward to the FEC (within 7 business days) a letter setting forth its general agreement with the position taken in this communication. Further that it will provide a brief explanation of its relationship with the Indiana State Democratic Central Committee to establish that it should be considered a separate political committee for purposes of the contribution limitations set forth in Section 441(a)(a)(1) and (2).

I also understand that the LCDCC will file a statement of registration with the FEC within 7 business days of the date of this communication and that it will file the required reports as soon thereafter as is practical.

Should you have any questions regarding this communication, I invite you to write to me at my office, 410 Cannon Building, Washington, D.C. 20515 or to telephone (202) 225-2461.

Thank you.

Respectfully,

Peter J. Visclosky
Treasurer

September 25, 1979

Federal Election Commission
Office of General Counsel
Advisory Opinion Section
1325 K Street, N. W.
Washington, D.C. 20463

Dear Gentlemen:

Pursuant to Commissioner McGarry's letter of September 11, 1979, and Section 112.1 of the Federal Election Commission Regulations, I request an advisory opinion regarding the treatment of the "value" of $2,250 received by the Benjamin for Congress Committee from the Lake County Democratic Central Committee (a non-multicandidate committee under the Federal Election Act) during the general election campaign of 1978.

FACTUAL SITUATION

Prior to each general election campaign the Lake County Democratic Central Committee (LCDCC) holds a fundraiser to collect the monies it has budgeted for the fall campaign. After the LCDCC determines the amount necessary to run an effective campaign they assess each candidate a portion of the amount to be raised. The assessment is based primarily on the candidate's potential salary should he or she be elected. This in turn reflects the "value" of the advertising each will receive during the campaign.

In September, 1978, Mr. Benjamin was assessed $2,250. This payment was reflected as an intemized expenditure on Schedule B, for line 20A of the October 10, 1978, Committee Report filed with the FEC.

At this point, the Committee had paid $2,250 to the LCDCC and received nothing in return.

Subsequently, during the general election, billboards, brochures, newspaper and radio ads and other campaign items were disseminated throughout Lake County, Indiana, on behalf of all Democratic candidates for local, state and federal office, including Mr. Benjamin.

Radio ads were general in nature. Each billboard would list a number of candidates (Mr. Benjamin did not appear on each nor did he appear on any in the southern two-thirds of the County which is situated in the 2nd Congressional District). Other variances including different literature featuring different candidates also occurred because of the multiple division of Lake County into different state and federal legislative districts.

Given these numerous variables it was impossible to arrive at an exact amount of "value" received by Mr. Benjamin's committee from the LCDCC for the advertisements made during the fall campaign.

Therefore, I took, as the closest approximation, the assessment paid earlier by the campaign committee. This amount was then expressed as the value of the advertising received during the general election. This itemization was made on Schedule A, for line 15C of the 30th Day Report following the election which was filed on December 7, 1978.

In sum, in return for a contribution of $2,250, which the Benjamin for Congress Committee made to the LCDCC in September, 1978, it received in return approximately the same amount of "value" in the advertising purchased by the Central Committee during the general election of 1978. The two "contributions" are equal and no monies or items of value in excess of these amounts were received by the Benjamin for Congress Committee from the LCDCC.

I also wish to inform the Commission that on July 9th, the Treasurer of the LCDCC, Leslie O. Pruitt, contacted me concerning the questions raised by the FEC.

Following our discussion it is my understanding that Mr. Pruitt substantially agrees with the circumstances as set forth herein and he has indicated his willingness to cooperate fully with the Commission in order to properly resolve any questions you may have concerning this item. I am forwarding a copy of this letter to Mr. Pruitt.

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FEC INITIAL POSITION

The Federal Election Commission's (FEC) initial position regarding this exchange of value was expressed by staff Director Orlando B. Potter in his letter of June 29th, 1979, in which he stated:

> "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."

BENJAMIN FOR CONGRESS COMMITTEE RESPONSE

In telephone conversations with Susan Kaltenbaugh and correspondence dated July 17, 1979, (a copy of which is enclosed and included as part of this request) the Committee maintained that since no "value" in excess of the Committee's initial contribution to the LCDCC was received no responsibility existed to "return" $1,250 to the LCDCC.

PURPOSE OF ADVISORY OPINION

Although the Committee maintains its position of July 17th and conversations with the staff of the FEC indicate that no violation of the Act has occurred, it does recognize that a legitimate question exists regarding the treatment of this item for reporting purposes. It is my further understanding that the Commission has never taken an official position relating to the treatment of "candidate assessments" made by local political organizations.

The request is predicated on this understanding and the Committee's desire to:

1. Comply with the Act's reporting requirements for the item discussed.

2. Assure proper compliance in the future.

3. Provide guidance to others similarly situated.

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I am available at your convenience to answer any further questions you may have or to meet with representatives of the Section should you wish.

To facilitate a prompt communication, correspondence relating to this matter should be directed to me at my office, 410 Cannon Building, Washington, D.C. 20515.

Respectfully,

Peter J. Visclosky
Treasurer

PJV/lfs

cc: John W. McGarry, Commissioner, FEC
Susan Kaltenbaugh
Leslie O. Pruitt, Lake County Auditor

9204103563

July 17, 1979

Susan Kaltenbaugh
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

Re: Benjamin for Congress
3877 Madison Street
Gary, Indiana 46408
No. 053431

Dear Ms. Kaltenbaugh:

Per Mr. Potter's letter of June 29th and our subsequent telephone conversations of July 6th, I hereby respond to the questions raised regarding an apparent "contribution" of the Lake County Democratic Central Committee to the Benjamin for Congress Committee in excess of the limits set forth in the Federal Election Campaign Act.

As explained on the 6th, prior to each general election campaign the Lake County Democratic Central Committee (LCDCC) holds a fundraiser to collect the monies it has budgeted for the fall campaign. After the LCDCC determines the amount necessary to run an effective campaign they assess each candidate a portion of the amount to be raised. The assessment is based primarily on the candidate's potential salary should he or she be elected. This in turn reflects the "value" of the advertising each will receive during the campaign.

In September, 1978, Mr. Benjamin was assessed $2,250. This payment was reflected as an itemized expenditure on Schedule B, for line 20A of the October 10, 1978, Committee Report filed with the FEC.

At this point, the Committee had paid $2,250 to the LCDCC and received nothing in return.

Subsequently, during the general election, billboards, brochures, newspaper and radio ads and other campaign items were disseminated throughout Lake County, Indiana, on behalf of all Democratic candidates for local, state and federal office, including Mr. Benjamin.

Radio ads were general in nature. Each billboard would list a number of candidates (Mr. Benjamin did not appear on each nor did he appear on any in the southern two-thirds of the County which is situated in the 2nd Congressional District). Other variances including different literature featuring different candidates also occurred because of the multiple division of Lake County into different state and federal legislative districts.

8204105565

Given these numerous variables it was impossible to arrive at an exact amount of "value" received by Mr. Benjamin's committee from the LCDCC for the advertisements made during the fall campaign.

Therefore, I took, as the closest approximation, the assessment paid earlier by the campaign committee. This amount was then expressed as the value of the advertising received during the general election. This itemization was made on Schedule A, for line 15C of the 30th Day Report following the election which was filed on December 7, 1978. I also reported the expenditure of this amount on Schedule B for line 20A of the same report.

While our discussion of the 6th indicated that there is a question of how to treat the initial "assessment" and later, the "value received," it occurs to me that my second expenditure entry of $2,250 on December 7th was an error. This because the expenditure had already been made and reported on October 10th. It would be my impression that this report and the subsequent report of January 10, 1979, should be amended to eliminate the second expenditure entry of $2,250.

I also wish to inform the Commission that on July 9th, the Treasurer of the LCDCC, Leslie O. Pruitt, contacted me concerning the questions raised by the FEC.

Following our discussion it is my understanding that Mr. Pruitt substantially agrees with the circumstances as set forth herein and he has indicated his willingness to cooperate fully with the Commission in order to properly resolve any questions you may have concerning this item. I am forwarding a copy of this letter to Mr. Pruitt and am certain that he will contact you directly should he feel any additional comment or explanation would be helpful.

In sum, in return for a contribution of $2,250, which the Benjamin for Congress Committee made to the LCDCC in September, 1978, it received in return approximately the same amount of "value" in the advertising purchased by the Central Committee during the general election of 1978. The two "contributions" are equal and no monies or items of value in excess of these amounts were received by the Benjamin for Congress Committee from the LCDCC. Thus, it is the Committee's position that there is no responsibility to return $1,250 to the LCDCC.

Although in our conversations of the 6th, you indicated that the Commission was not immediately interested in the $2,500 loan made to the Central Committee by the Benjamin for Congress Committee it was mentioned in Mr. Potter's letter in the form of an enclosure. I therefore wish to note that this loan was repaid in full by the LCDCC on March 20, 1979,

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and is so reported on Schedule A for line 17A of our April 10, 1979 report.

I will be happy to comply with any decisions or recommendations the FEC may make in clarifying the reporting of the $2,250 transaction between the committees. In light of the forgoing, if you feel it is still necessary to request an advisory opinion I will be happy to submit a request for same.

In order to facilitate a prompt resolution of this question I request that future correspondence regarding this matter be directed to me at my office, 410 Cannon Building, Washington, D.C. 20515.

Thank you for your courtesy and cooperation.

Respectfully,

Peter J. Visclosky
Treasurer

cc: Leslie Pruitt

8220610568

PETER VISCLOSKY
410 CANNON BUILDING
WASHINGTON, D.C. 20515

8204031 0569

Carolyn Weeder
OFFICE OF GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
1325 K STREET, N.W.
WASHINGTON, D.C. 20463

~~to be picked up~~

To Be Picked Up

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: SEPTEMBER 17, 1980

SUBJECT: MUR 1171 - Interim Investigative Report #2 dated 9-15-80; Received in OCS 9-15-80, 3:30

The above-named document was circulated to the Commission on a no-objection basis at 11:00, September 16, 1980.

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

8201010577

September 15, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1171

Please have the attached Interim Invest Report distributed to the Commission. Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
80 SEP 15 P 3: 30

In the Matter of)
)
Benjamin for Congress Committee)
and) MUR 1171
Lake County Democratic Central)
Committee)

INTERIM INVESTIGATIVE REPORT #2

This matter involves violations of certain provisions of the FECA by the Benjamin for Congress Committee (the "Benjamin Committee") and the Lake County Democratic Central Committee (the "LCDCC). Specifically, on September 12, 1978, the Commission, through RAD, found reason to believe that the Benjamin Committee violated 2 U.S.C. §441a(f) and that the LCDCC violated 2 U.S.C §433, §434, and §441a(a)(1)(A).

On June 30, 1980, the Commission sent a letter notifying respondents that the matter had been referred to the Office of General Counsel. On July 9, 1980, the General Counsel's staff met with Mr. Peter Visclosky, treasurer of the Benjamin Committee. During the meeting, Mr. Visclosky requested advice regarding the various possible remedies for the apparent violations on the part of both the Benjamin Committee and the LCDCC. Mr. Visclosky indicated that both his committee and the LCDCC want to comply with the Act.

On September 5, 1980, Mr. Visclosky telephoned this office to relay that the treasurer of the LCDCC is mailing the required forms the week of September 15, 1980.

The Office of General Counsel will prepare a further report upon receipt of the submission.

15 Sept 1980
Date

Charles N. Steele
General Counsel

8201357

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C 20463

MWE

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY mc

DATE: JULY 31, 1980

SUBJECT: MUR 1171 - Interim Investigative Report #1, dated 7-29-80; Received in OCS 7-29-80, 4:06

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, July 30, 1980.

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

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July 29, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1171

Please have the attached Interim Invest Report distributed to the Commission. Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

In the Matter of	)	80 JUL 29 P4: 06
Benjamin for Congress Committee and Lake County Democratic Central Committee	)	MUR 1171

INTERIM INVESTIGATIVE REPORT #1

This matter involves violations of certain provisions of the FECA by the Benjamin for Congress Committee ("the Benjamin Committee") and the Lake County Democratic Central Committee ("the LCDCC"). Specifically, on September 12, 1978, the Commission, through RAD, found reason to believe that the Benjamin Committee violated 2 U.S.C. §441a(f) and that the LCDCC violated 2 U.S.C. §433, §434 and §441a(a)(1)(A).

On June 30, 1980, the Commission sent a letter notifying respondents that the matter had been referred to the Office of General Counsel. On July 9, 1980, the General Counsel's staff met with Mr. Peter Visclosky, treasurer of the Benjamin Committee. During the meeting, Mr. Visclosky requested advice regarding the various possible remedies for the apparent violations on the part of both the Benjamin Committee and the LCDCC. Mr. Visclosky indicated that his committee wants to comply with the Act and that further correspondence from his committee, as well as from the LCDCC, would be forthcoming.

The Office of General Counsel will prepare another report upon receipt of the respondents' submissions.

29 July 1980
Date

Charles N. Steele
General Counsel

8204231057

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 30, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Leslie O. Pruitt, Treasurer
Lake County Democratic Central
Committee
2293 North Main Street
Crown Point, Indiana 46307

Re: MUR 1171

Dear Mr. Pruitt:

The Federal Election Commission notified you on September 12, 1979 that the Commission found reason to believe that the Lake County Democratic Central Committee violated 2 U.S.C. § 433 and § 434 by failing to register and report as a political committee, and 2 U.S.C. § 441a(a)(1)(A) by making a contribution in excess of lawful limitations.

This matter has presently been referred to the Office of General Counsel and has been designated as MUR (matter under review) 1171. Please refer to this number in all future correspondence.

We acknowledge receipt of materials which you submitted at an earlier date regarding this matter, however, in absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that violations of the Act have occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire. Attached for your information is a brief description of the Commission's procedures for handling violations of the Act.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Procedures

8204105577

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Leslie O. Pruitt, Treasurer
Lake County Democratic Central
Committee
2293 North Main Street
Crown Point, Indiana 46307

Re: MUR 1171

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Sincerely,

Charles N. Steele
General Counsel

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 30, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Peter J. Visclosky, Treasurer
Benjamin for Congress Committee
410 Cannon Building
Washington, D.C. 20515

Re: MUR 1171

Dear Mr. Visclosky:

The Federal Election Commission notified you on September 12, 1979 that the Commission found reason to believe that the Benjamin for Congress Committee violated 2 U.S.C. §441a(f) by accepting a contribution in excess of lawful limitations.

This matter has presently been referred to the Office of General Counsel and has been designated as MUR (matter under review) 1171. Please refer to this number in all future correspondence.

We acknowledge receipt of materials which you submitted at an earlier date regarding this matter, however, in absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that violations of the Act have occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire. Attached for your information is a brief description of the Commission's procedures for handling violations of the Act.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Peter J. Visclosky, Treasurer
Benjamin for Congress Committee
410 Cannon Building
Washington, D.C. 20515

Re: MUR 1171

Dear Mr. Visclosky:

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 30, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Peter J. Visclosky, Treasurer
Benjamin for Congress Committee
410 Cannon Building
Washington, D.C. 20515

Re: MUR 1171

Dear Mr. Visclosky:

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This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(4)(B) and §437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Procedures

8201105393

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Peter J. Visclosky, Treasurer
Benjamin for Congress Committee
410 Cannon Building
Washington, D.C. 20515

Re: MUR 1171

Dear Mr. Visclosky:

The Federal Election Commission notified you on September 12, 1979 that the Commission found reason to believe that the Benjamin for Congress Committee violated 2 U.S.C. §441a(f) by accepting a contribution in excess of lawful limitations.

This matter has presently been referred to the Office of General Counsel and has been designated as MUR (matter under review) 1171. Please refer to this number in all future correspondence.

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This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(4)(B) and §437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Procedures

8201210598

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Benjamin for Congress Committee	)	MUR 1171
Lake County Democratic Central Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission's Executive Session on June 24, 1980, do hereby certify that the Commission decided by a vote of 6-0 to approve and send to the Lake County Democratic Central Committee and to the Benjamin for Congress Committee the letters attached to the General Counsel's June 10, 1980 report on MUR 1171, which inform the respondents that this matter has been referred to the Office of General Counsel and which set forth the Commission's procedures.

Attest:

6/25/80
Date

Marjorie W. Emmons
Secretary to the Commission

8201010596

June 16, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1171

Please have the attached First GC Report distributed to the Commission on a 48 hour tally basis. Thankyou.

8201031059 87

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 JUN 16 P3: 59

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION

MUR# 1171
STAFF MEMBER(S)
Weeder

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

RESPONDENT'S NAME: Benjamin for Congress Committee
Lake County Democratic Central Committee

RELEVANT STATUTE: 2 U.S.C. §433, §434, §441a(a)(1)(A), §441a(f)

INTERNAL REPORTS CHECKED: Closed MURS; Benjamin for Congress Committee Reports

FEDERAL AGENCIES CHECKED: N/A

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SUMMARY OF ALLEGATIONS

On February 19, 1980, the Reports Analysis Division ("RAD") referred to the Office of General Counsel the matter in which the Lake County Democratic Central Committee (the "LCDCC") and the Benjamin for Congress Committee (the "Benjamin Committee") violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, this matter involves the LCDCC's violations of 2 U.S.C. § 433 and § 434 by failing to register and report as a political committee, and 2 U.S.C. § 441a(a)(1)(A) by making a contribution in excess of the limitations prescribed by that section. Additionally, this matter concerns the Benjamin Committee's violation of 2 U.S.C. § 441a(f) by accepting a contribution which exceeds the limitations set forth by that section.

The Benjamin Committee disclosed the following transactions between the LCDCC and the Benjamin Committee in its 1978 and 1979 reports filed with the Commission:

Report	Date	Amount	Purpose	Payor/ Payee
10/10/78	09/30/78	$2,250	donation to fundraiser	Benjamin to LCDCC
30 Day General	Oct./Nov. '78	$2,250	in-kind contribution	LCDCC to Benjamin
30 Day General	11/02/78	$2,500	loan	Benjamin to LCDCC
04/10/79	03/20/79	$2,500	loan repayment	LCDCC to Benjamin

In June 1979, RAD sent the LCDCC a surface violation letter notifying it of the apparent violations of 2 U.S.C. § 433 and § 434 and 2 U.S.C. § 441a(a)(1)(A). RAD also notified the Benjamin Committee of the apparent violation of 2 U.S.C. § 441a(f).

On September 12, 1979, RAD further informed both respondents of the Commission's reason to believe findings regarding these violations.

On September 25, 1979, the Benjamin Committee and the LCDCC submitted an advisory opinion request. The Commission did not accept the request because the issue concerned a past occurrence and thus required the matter to be resolved through compliance channels.

In their request, respondents explained their relationship and the activity disclosed by the Benjamin Committee reports as follows. The LCDCC endorses and makes expenditures on behalf of state and federal candidates. Prior to each general election campaign, the LCDCC holds a fundraiser to collect monies it has budgeted for the fall campaign. After the LCDCC determines the amount necessary to run an effective campaign, it assesses each candidate a portion of the amount to be raised. The assessment is based primarily on the candidate's potential salary should he or she be elected. This in turn reflects the "value" of the advertising each will receive during the campaign. The advertisements endorse all Democratic candidates for local, state and federal office through newspaper and radio ads, billboards, brochures, and other campaign items.

In September 1978, the LCDCC assessed Mr. Benjamin $2,250 for the campaign services to be rendered by the LCDCC. The Benjamin Committee reports reflect this disbursement as a "donation to fundraiser."

In that the ads were general in nature and endorsed various candidates for different districts, the exact "value" received by the Benjamin Committee through advertisement is impossible to determine. Thus, the Benjamin Committee reported by approximation the amount of the assessment paid earlier ($2,250) as an in-kind contribution from the LCDCC in its 30 day Post General Election reports filed on December 7, 1978.

Furthermore, on November 2, 1978 the Benjamin Committee made a contribution of $2,500 in the form of a loan to the LCDCC. The LCDCC repayed the loan on March 20, 1979.

FACTUAL AND LEGAL ANALYSIS

A. Lake County Democratic Central Committee

1. Violation of 2 U.S.C. § 433

2 U.S.C. § 433 requires each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 to file a statement of organization with the Commission.

The LCDCC is of the view that the Benjamin Committee merely paid for services rendered, and thus the LCDCC made no contribution to the Benjamin Committee. Furthermore, the LCDCC views no necessity to register and report as a political committee in that it acts only as a conduit or intermidiary through which candidates transfer their personal funds to be expended on their own behalf.

However, the LCDCC is a "political committee" within the definition of 2 U.S.C. § 431(4) of "any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000." Having made expenditures on behalf of Mr. Benjamin, a federal candidate, in excess of $1,000 in 1978, the LCDCC qualifies as a political committee and is therefore subject to the registration and reporting requirements prescribed by 2 U.S.C. § 433 and § 434.

Additionally, 2 U.S.C. § 431(8) states that a loan made for the purpose of influencing federal elections is a contribution. The Benjamin Committee made a loan of $2,500 to the LCDCC on November 2, 1978. The LCDCC in turn applied the loan toward

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federal and local election activities. Thus, the LCDCC's receipt of a contribution in excess of $1,000, further obligates LCDCC to the requirements prescribed by 2 U.S.C. § 433 and § 434. 1/

2. Violation of 2 U.S.C. § 441a

The LCDCC, as a political committee, is subject to the limitations set forth in 2 U.S.C. § 441a(a)(1)(A).2/ This provision prohibits political committees from making contributions and/or expenditures on behalf of a federal candidate for the purpose of influencing an election in excess of $1,000.

The LCDCC maintains that the limitation is not applicable in this circumstance. The contention is that the money spent on Mr. Benjamin is the same amount "transferred" to the LCDCC by him, and that he is entitled to spend personal funds on his own behalf regardless of these limitations.

However, the LCDCC did not maintain separate bank accounts for the many candidates it endorsed, thereby commingling all of its campaign monies. Thus, the LCDCC is restricted to the limitations of § 441a(a)(1)(A), not because the LCDCC cannot spend a candidate's own money on his behalf, but rather due to the fact that the exact amount expended for any particular candidate cannot be traced.

B. Benjamin for Congress Committee

As discussed in the foregoing analysis, the LCDCC is subject to the limitations of § 441a(a)(1)(A). Therefore, any monies expended by the LCDCC in excess of $1,000 on behalf of Mr. Benjamin is an unlawful contribution pursuant to § 441a(a). 2 U.S.C. § 441a(f) makes it unlawful for any candidate to accept contributions or expenditures in violation of any limitation imposed by this section.

Thus, the Benjamin Committee accepted an in-kind contribution from the LCDCC which was $1,250 in excess of the contribution limitations.

1/ Although P.L. 96-187, effective January 8, 1980, allows local committees of a political party to receive up to $5,000 prior to registration and reporting requirements, the transaction occurred prior to its implementation.

2/ The LCDCC has claimed no affiliation to any multicandidate committee to date.

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RECOMMENDATIONS

Based on the foregoing analysis, the Office of General Counsel recommends that the Commission approve and send the attached letters to the Lake County Democratic Central Committee and to the Benjamin for Congress Committee which inform the respondents that this matter has been referred to the Office of General Counsel and which set forth the Commission's procedures.

Attachments

1. Letter to Leslie Pruitt, Treasurer; Lake County Democratic Central Committee

2. Letter to Peter Visclosky, Treasurer; Benjamin for Congress Committee

3. RAD Referrals

2 0 0 3 1 0 5 0 0 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Leslie O. Pruitt, Treasurer
Lake County Democratic Central
Committee
2293 North Main Street
Crown Point, Indiana 46307

Re: MUR 1171

Dear Mr. Pruitt:

The Federal Election Commission notified you on September 12, 1979 that the Commission found reason to believe that the Lake County Democratic Central Committee violated 2 U.S.C. § 433 and § 434 by failing to register and report as a political committee, and 2 U.S.C. § 441a(a)(1)(A) by making a contribution in excess of lawful limitations.

This matter has presently been referred to the Office of General Counsel and has been designated as MUR (matter under review) 1171. Please refer to this number in all future correspondence.

We acknowledge receipt of materials which you submitted at an earlier date regarding this matter, however, in absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that violations of the Act have occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire. Attached for your information is a brief description of the Commission's procedures for handling violations of the Act.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Procedures

8201031059 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Peter J. Visclosky, Treasurer
Benjamin for Congress Committee
410 Cannon Building
Washington, D.C. 20515

Re: MUR 1171

Dear Mr. Visclosky:

The Federal Election Commission notified you on September 12, 1979 that the Commission found reason to believe that the Benjamin for Congress Committee violated 2 U.S.C. §441a(f) by accepting a contribution in excess of lawful limitations.

This matter has presently been referred to the Office of General Counsel and has been designated as MUR (matter under review) 1171. Please refer to this number in all future correspondence.

We acknowledge receipt of materials which you submitted at an earlier date regarding this matter, however, in absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that violations of the Act have occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire. Attached for your information is a brief description of the Commission's procedures for handling violations of the Act.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(4)(B) and §437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Procedures

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REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE February 19, 1980 ANALYST Susan Kaltenbaugh SK

TO: Office of General Counsel TEAM CHIEF Peter Kell, Jr. PAJr.

THROUGH: STAFF DIRECTOR BLF for DAP COMPLIANCE REVIEW Bowen/Sims

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: BENJAMIN FOR CONGRESS IN/01 C00036400
TREASURER: Peter J. Visclosky
ADDRESS: 3877 Madison Street, Gary, Indiana 46408 / 410 Cannon Building, Washington, DC 20515
AFFILIATE(S): N/A

ALLEGATION(S): The Committee has received an excessive in-kind contribution from an unregistered committee.
CITE: 2 U.S.C. ~~441(a)(1)(A)~~ 441a(f)
ATTACHMENT(S) 4

DATE INITIATED: 6/14/79

MANNER IN WHICH REVIEW WAS INITIATED: ATTACHMENT
☒ Normal Review ☐ Other:
☐ Special Project:

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

PERIOD COVERED FROM 10/24/78 TO 11/27/78

TOTAL RECEIPTS $ 5920 TOTAL EXPENDITURES $ 6512
CASH ON HAND $ 16429.07 DEBTS $ owed to committee $2500; owed by committee $1291.20

HISTORY:

RESULTS OF REVIEW: *ATTACHMENT*
First notice SV sent 6/29/79 on 30 day general report 7
RTB sent 9/11/79 13

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: *ATTACHMENT*
Telecon 7/6/79 with treasurer 8
Telecon 7/20/79 with treasurer 10
Telecon 9/10/79 with treasurer 12

REASON(S) FOR REFERRAL: *ATTACHMENT*
Explanatory response to SV on 7/19/79-inadequate 9
AOR 9/28/79 14
Memo from RAD for the record 15
Memo from OGC to Commissioners 11/14/79 16
Meets Division threshold for review by OGC

OTHER PENDING ACTIONS INITIATED BY RAD: *ATTACHMENT*

N/A

OTHER RELEVANT INFORMATION: *ATTACHMENT*

Please see Page two.

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:

PRE-MUR 44 ATTACHMENT 16

Mediate

RAD Form 1
REVISED Oct. 1979

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BENJAMIN FOR CONGRESS IN/01
PAGE TWO
OTHER RELEVANT INFORMATION

ATTACHMENTS
2,3,4,5,6, 11

The following chart details all of the financial transactions between the Benjamin for Congress Committee and the Lake County Democratic Central Committee.

Report	Date	Amount	Purpose	Payor/Payee
Oct.10 '77	9/15/77	$2500	purchase fundraising tickets	Benjamin to LCDCC
Oct. 10'78	9/30/78	$2250[1]	donation to fundraiser	Benjamin to LCDCC
30 day general	Oct/Nov. '78	$2250	in kind contribution	LCDCC to Benjamin
30 day general	11/2/78	$2500[2]	loan	Benjamin to LCDCC
April 10 1979	3/20/79	$2500	loan repayment	LCDCC to Benjamin
October 10 1979	8/13/79	$500 [3]	purchase of August fundraiser tickets	Benjamin to LCDCC

1. The Benjamin Committee had reported an expenditure to LCDCC on 9/30/78 for $2250. This was the same transaction that was later reported as an in-kind contribution from LCDCC.

2. The Benjamin Committee made a loan of $2500 to LCDCC on 11/2/78 for "costs relevant to the 1978 general election". This loan was repaid on 3/20/79.

3. Benjamin for Congress had expended $2500 on 9/15/77 to LCDCC for the "purchase of fundraising tickets". On the October 10 1979 report, they expended $500 on 8/13/79 to LCDCC for "purchase of August fundraising tickets". This suggests the possibility that, for the 1980 general election, LCDCC will be conducting assessments of the candidates in a manner similar to what was done in 1978.

Please refer to the referral from the Lake County Democratic Central Committee.

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

Itemized Expenditures
Campaign Fundraising, Loans, and Transfers
for Lines 20, 21, 22, and/or 23 of FEC Form 3

(see instructions on back)

Page 202 of _____ for
LINE NUMBER 20
(Use separate schedule(s) for each numbered line).

Name of Candidate or Committee in full

Benjamin for Congress

Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Lake Shore Press 810 Washington Street Gary, Indiana 46402	Printing Expense	8/24/77 to 8/27/77	$4,066.36
Garman Printing Company, Inc. 1104 West Chicago Avenue East Chicago, Indiana 46312	Retirement of 1976, Debt for Printing Expense	8/27/77	$1,300.00
Gross Sports Soles 726 Washington Street Gary, Indiana 46402	Favor for Fund raising Dinner of 8/24/77	8/27/77	$ 149.10
David Fryer 5969 Rutledge Court Merrillville, Indiana 46410	Photographs for Dinner of 8/24/77	8/27/77	$ 300.00
Merrillville Florist Shop 7005 Madison Street Merrillville, Indiana 46410	Flowers for Dinner of 8/24/77	8/27/77	$ 426.92
Gary Postmaster Gary, Indiana 46401	Stamps	8/27/77	$1,040.00
Old Fort Specialty Company 2013 South Anthony Boulevard Fort Wayne, Indiana 46803	Favors for Fund raising dinner of 8/24/77	9/15/77	$ 500.00
Lake County Democratic Central Committee East Chicago, Indiana 46312	Purchase of Fund Raising Tickets	9/15/77	$2,500.00
Subtotal of expenditures this page (optional) ▶			$10,282.38
Total this period (last page this line number only) ▶			$17,440.63

Page

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SCHEDULE B
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions in Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b and 23 of FEC FORM 3

Page 1 of 2 for Line Number 20a

(Use separate Schedules for each numbered line)

Name of Candidate or Committee in Full
Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Gary Post Master Gary, Indiana 46401	Postage Expenditure for: ☐ Primary ☒ General ☐ Other	7-30-78 to 9-21-78	61.00
Merrillville Florists 7005 Madison Street Merrillville, Indiana 46410	Flowers Expenditure for: ☐ Primary ☒ General ☐ Other	8-31-78	130.80
U.S. House of Representatives Restaurant Washington, D.C. 20515	Payment for meals for visitors to Capitol Expenditure for: ☐ Primary ☒ General ☐ Other	9-9-78 to 9-30-78	1403.65
Kane Beverage Mart	Christmas Gifts Expenditure for: ☐ Primary ☒ General ☐ Other	9-13-78	2390.62
School Buildings, Inc. 36376 Grant Street Gary, Indiana 46408	Telephone expense Expenditure for: ☐ Primary ☐ General ☒ Other	9-18-78	446.04
Adam Benjamin, Jr. 1608 Longworth Bldg. Washington, D.C. 20515	Reimbursement for Campaign expense Expenditure for: ☐ Primary ☒ General ☐ Other	9-24-78	25.00
Lake County Democratic Central Committee Lake County, Indiana	Donation to Fund Raiser Expenditure for: ☐ Primary ☒ General ☐ Other	9-30-78	2,250.00
Robert Luckiewicz 5900 Roosevelt Street Merrillville, Indiana 46410	Contribution Expenditure for: ☐ Primary ☒ General ☐ Other	9-10-78	120.00
SUBTOTAL of expenditures this page (optional)			$
TOTAL this period (last page this line number only)			$6827.11

SCHEDULE A
RE
In
Fed... ...ection Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for
Line Number 15 C
(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	same Occupation: Political Committee ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	October and November 1978	$2,250.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for ☐ Primary ☐ General ☐ Other			
SUBTOTAL of receipts this page (optional)			$
TOTAL this period (last page this line number only)			$2,250.00

Federal Election Commission
[illegible] Street, N.W.
D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Line Number 20 A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Expenditures-In-Kind made during General Election Campaign by Lake County Democratic Central Committee	Billboards, brochures, radio advertising and election day workers Expenditure for: ☐ Primary ☒ General ☐ Other	October and November 1978	$2,250.00
Adam Benjamin Jr. 1608 Longworth Building Washington, D.C. 20515	Reimbursement for campaign expenses Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78 to 11-16-78	83.00
The Times 417 Fayette Street Hammond, Indiana 46320	Newspaper advertising Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78	109.20
The Post Tribune 1065 Broadway Gary, Indiana 46402	Newspaper advertising Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78	105.00
Lake Shore Press 810 Washington Street Gary, Indiana 46402	Printing Expenditure for: ☐ Primary ☒ General ☐ Other	11-13-78	263.81
Roskosky for Mayor Committee Hammond, Indiana	Ticket purchase Expenditure for: ☐ Primary ☐ General ☐ Other	11-27-78	250.00
	Expenditure for: ☐ Primary ☐ General ☐ Other		
	Expenditure for: ☐ Primary ☐ General ☐ Other		
SUBTOTAL of expenditures this page (optional)			$
TOTAL this period (last page this line number only)			$ 3061.01

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SCHEDULE B
(FEC FORM 3)
Revised 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Page 1 of 1 for Line Number 21 A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Lake County Democratic Central Committee East Chicago, Indiana 46312	Loan Expenditure for: ☐ Primary ☒ General ☐ Other	11-2-78 22X	$2,500.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
SUBTOTAL of expenditures this page (optional)			$
This period (last page this line number only)			$ 2,500.00

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

DEBTS AND OBLIGATIONS

Supporting Line Numbers 12 and 13 of FEC FORM 3

(Indicate Primary or General Election for each Entry)

Line Number 12

(Use Separate Schedules for each numbered line)

Name of Candidate and Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code of Debtor or Creditor	Date (month, day, year)	Amount of Original Debt, Contract, Agreement or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	11-2-78	$2500.00	$ 0	$ 2500.0
☐ Primary ☐ General ☐ Other				

NATURE OF OBLIGATION (Details of Debt):

Loan to County 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 Payment To Date	Outstanding Balance at Close of This Period
		$	$	$
☐ Primary ☐ General ☐ Other				

NATURE OF OBLIGATION (Details of Debt):

Full Name, Mailing Address and ZIP Code of Debtor or Creditor	Date (month, day, year)	Amount of Original Debt, Contract, Agreement or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
		$	$	$
☐ Primary ☐ General ☐ Other				

NATURE OF OBLIGATION (Details of Debt):

SUBTOTALS this period this page (optional)	$	$	$
TOTAL this period (last page this line number only)	$ 2500.00	$ 0	$ 2500.00

Carry outstanding balance only to appropriate line of summary.

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ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for Line Number 17-A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	East Chicago, Indiana Political Committee	3-20-79	$2500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $2500.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
SUBTOTAL of receipts this page (optional)			
TOTAL this period (last page this line number only)			

In reply please refer to: 4SV1/79-76SK

Initials of 7/29

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

29 June 1979

Peter J. Visclosky, Treasurer
Benjamin for Congress
1608 Longworth Building
Washington, D.C. 20515

Dear Mr. Visclosky:

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 30-Day Post General 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 and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of $1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committee listed as the source of the contribution in question does not presently qualify as a multi-candidate committee and we have notified them accordingly. We have recommended that the source committee notify you if it is confirmed that the contribution was in excess of the limits.

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.

8201210606

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 Susan Kaltenbaugh (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Enclosure
Certified Mail:
Return Receipt Requested

8201310607

7/6/79

TELECON

FROM: PETER VISCLOSKEY, TREASURER 225-2461
BENJAMIN FOR CONGRESS IN/01

TO: SUSAN KALTENBAUGH

RE: LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE TRANSFERS

Mr. Viscloskey called in reference to a first notice surface violation letter. He explained that $2250 was given to Lake County on the Oct. 10 1978 report to cover expenses for the brochures, etc. reported as an in-kind contribution. He will submit a letter explaining the situation. After conferring with the Party Section, I called him back and told him to submit this letter, but not to amend his totals pending further clarification from the Commission or OGC. He said he will do this, and submit an advisory opinion requesting guidance for candidate reporting of such transfers.

8201031062

July 17, 1979

RECEIVED
1979 FEDERAL ELECTION
COMMISSION

Susan Kaltenbaugh
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

Re: '79 JUL 19 AM 10
Benjamin for Congress
3877 Madison Street
Gary, Indiana 46408
No. 053431

Dear Ms. Kaltenbaugh:

Per Mr. Potter's letter of June 29th and our subsequent telephone conversations of July 6th, I hereby respond to the questions raised regarding an apparent "contribution" of the Lake County Democratic Central Committee to the Benjamin for Congress Committee in excess of the limits set forth in the Federal Election Campaign Act.

As explained on the 6th, prior to each general election campaign the Lake County Democratic Central Committee (LCDCC) holds a fundraiser to collect the monies it has budgeted for the fall campaign. After the LCDCC determines the amount necessary to run an effective campaign they assess each candidate a portion of the amount to be raised. The assessment is based primarily on the candidate's potential salary should he or she be elected. This in turn reflects the "value" of the advertising each will receive during the campaign.

In September, 1978, Mr. Benjamin was assessed $2,250. This payment was reflected as an itemized expenditure on Schedule B, for line 20A of the October 10, 1978, Committee Report filed with the FEC.

At this point, the Committee had paid $2,250 to the LCDCC and received nothing in return.

Subsequently, during the general election, billboards, brochures, newspaper and radio ads and other campaign items were disseminated throughout Lake County, Indiana, on behalf of all Democratic candidates for local, state and federal office, including Mr. Benjamin.

Radio ads were general in nature. Each billboard would list a number of candidates (Mr. Benjamin did not appear on each nor did he appear on any in the southern two-thirds of the County which is situated in the 2nd Congressional District). Other variances including different literature featuring different candidates also occurred because of the multiple division of Lake County into different state and federal legislative districts.

Given these numerous variables it was impossible to arrive at an exact amount of "value" received by Mr. Benjamin's committee from the LCDCC for the advertisements made during the fall campaign.

Therefore, I took, as the closest approximation, the assessment paid earlier by the campaign committee. This amount was then expressed as the value of the advertising received during the general election. This itemization was made on Schedule A, for line 15C of the 30th Day Report following the election which was filed on December 7, 1978. I also reported the expenditure of this amount on Schedule B for line 20A of the same report.

While our discussion of the 6th indicated that there is a question of how to treat the initial "assessment" and later, the "value received," it occurs to me that my second expenditure entry of $2,250 on December 7th was an error. This because the expenditure had already been made and reported on October 10th. It would be my impression that this report and the subsequent report of January 10, 1979, should be amended to eliminate the second expenditure entry of $2,250.

I also wish to inform the Commission that on July 9th, the Treasurer of the LCDCC, Leslie O. Pruitt, contacted me concerning the questions raised by the FEC.

Following our discussion it is my understanding that Mr. Pruitt substantially agrees with the circumstances as set forth herein and he has indicated his willingness to cooperate fully with the Commission in order to properly resolve any questions you may have concerning this item. I am forwarding a copy of this letter to Mr. Pruitt and am certain that he will contact you directly should he feel any additional comment or explanation would be helpful.

In sum, in return for a contribution of $2,250, which the Benjamin for Congress Committee made to the LCDCC in September, 1978, it received in return approximately the same amount of "value" in the advertising purchased by the Central Committee during the general election of 1978. The two "contributions" are equal and no monies or items of value in excess of these amounts were received by the Benjamin for Congress Committee from the LCDCC. Thus, it is the Committee's position that there is no responsibility to return $1,250 to the LCDCC.

Although in our conversations of the 6th, you indicated that the Commission was not immediately interested in the $2,500 loan made to the Central Committee by the Benjamin for Congress Committee it was mentioned in Mr. Potter's letter in the form of an enclosure. I therefore wish to note that this loan was repaid in full by the LCDCC on March 20, 1979,

8201 - 167 - 3542

and is so reported on Schedule A for line 17A of our April 10, 1979 report.

I will be happy to comply with any decisions or recommendations the FEC may make in clarifying the reporting of the $2,250 transaction between the committees. In light of the forgoing, if you feel it is still necessary to request an advisory opinion I will be happy to submit a request for same.

In order to facilitate a prompt resolution of this question I request that future correspondence regarding this matter be directed to me at my office, 410 Cannon Building, Washington, D.C. 20515.

Thank you for your courtesy and cooperation.

Respectfully,

Peter J. Visclosky
Treasurer

cc: Leslie Pruitt

8201206111
7901-167-3543

MEMO FOR FILES

Susan Kaltenbaugh

TELECON:

FROM: Peter Viscolsky

DATE: 7/20/79

COMMITTEE: Benjamin for Congress

I called Mr. Visclosky to thank him for his explanatory letter and to ask to submit tha advisory opinion. He said he would do so next week. I also gave him Dug Greevy's name to reference any party information.

8201310612

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

(Operating, Transfer Out, Contributions In-Kind, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Line Number

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Lake County Democratic Central Committee East Chicago, Indiana 46312	Purchase of August Fundraising Tickets Expenditure for: ☐ Primary ☐ General ☒ Other	8-13-79	$500.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
SUBTOTAL of expenditures this page (optional)			$
TOTAL this period (last page this line number only)			$ 500.00

MEMORANDUM FOR FILES

RE: TELECON

DATE: 9/10/79

FROM: Peter Visclosky, treasurer

TO: Susan Kaltenbaugh

NAME OF COMMITTEE: Benjamin for Congress

I called Mr. Visclosky about a possible debt settlement and the advisory opinion he had said he would submit. He said they're still on his desk. He will call me tomorrow and tell me exactly when it will be submitted.

82010610611

In reply please refer to: 4SV2/79-76SK

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 11, 1979

Peter J. Visclosky, Treasurer
Benjamin for Congress
1608 Longworth House Bldg.
Washington, D.C. 20515

Dear Mr. Visclosky:

On June 29, 1979, you were notified that certain entries in the 30 Day Post-General Report of Receipts and Expenditures filed by your committee raised problems under 2 U.S.C. 441a.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 441a.

The Commission intends to take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within fifteen (15) days from the date of this letter.

If you have responded to the above or you require additional information, please contact Susan Kaltenbaugh, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is (202)523-4172.

Sincerely,

John W. McGarry
Commissioner

Certified Mail:
Return Receipt Requested

8201031061 5

MEMO TO THE FILE

FROM: Peggy Sims

SUBJECT: Benjamin for Congress/IN

DATE: February 14, 1980

The RTB letter, dated September 11, 1979, should have been sent for inadequate response rather than no response. Apparently, the error was due to the lag time between the preparation of the transmittal for the letter and the date the letter was mailed. The response was received during the interim period. Steps have been taken to avoid such errors in the future.

8201310615

September 25, 1979

'79 SEP 28 PM 12:04

Federal Election Commission
Office of General Counsel
Advisory Opinion Section
1325 K Street, N. W.
Washington, D.C. 20463

Dear Gentlemen:

Pursuant to Commissioner McGarry's letter of September 11, 1979, and Section 112.1 of the Federal Election Commission Regulations, I request an advisory opinion regarding the treatment of the "value" of $2,250 received by the Benjamin for Congress Committee from the Lake County Democratic Central Committee (a non-multicandidate committee under the Federal Election Act) during the general election campaign of 1978.

FACTUAL SITUATION

Prior to each general election campaign the Lake County Democratic Central Committee (LCDCC) holds a fundraiser to collect the monies it has budgeted for the fall campaign. After the LCDCC determines the amount necessary to run an effective campaign they assess each candidate a portion of the amount to be raised. The assessment is based primarily on the candidate's potential salary should he or she be elected. This in turn reflects the "value" of the advertising each will receive during the campaign.

In September, 1978, Mr. Benjamin was assessed $2,250. This payment was reflected as an intemized expenditure on Schedule B, for line 20A of the October 10, 1978, Committee Report filed with the FEC.

At this point, the Committee had paid $2,250 to the LCDCC and received nothing in return.

Subsequently, during the general election, billboards, brochures, newspaper and radio ads and other campaign items were disseminated throughout Lake County, Indiana, on behalf of all Democratic candidates for local, state and federal office, including Mr. Benjamin.

8 0 0 3 1 0 5 1 7

[redacted] RAD 92-157B

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE FEBRUARY 19, 1980 ANALYST Lisa Stolaruk

TO: Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR D.L. for O.B.P. COMPLIANCE REVIEW CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: Lake County Democratic Central Committee
TREASURER: Leslie O. Pruitt
ADDRESS: 2293 North Main Street
Crown Point, IN 46307
AFFILIATE(S): N/A

ALLEGATION(S):	CITE:	ATTACHMENT(S)
Failure to register and report as a political committee	2 U.S.C. 433 and 434	1 & 4
Excessive contribution to a candidate	2 U.S.C. 441a	1 & 4

DATE INITIATED: 6/28/79

MANNER IN WHICH REVIEW WAS INITIATED:
☒ Normal Review ☐ Other: ATTACHMENT
☐ Special Project:

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

PERIOD COVERED FROM N/A TO N/A

TOTAL RECEIPTS $ N/A TOTAL EXPENDITURES $ N/A

CASH ON HAND $ N/A DEBTS $ N/A

HISTORY:

RESULTS OF REVIEW:	*ATTACHMENT*
3SV1/79-63 (6/28/79)	1
3SV2/79-63 (9/12/79)	4

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:	*ATTACHMENT*
Telecon: Stolaruk with Pruitt (7/3/79)	2
Telecon: Stolaruk with Pruitt (7/9/79)	3
Telecon: Stolaruk with Pruitt (9/19/79)	5

REASON(S) FOR REFERRAL:	*ATTACHMENT*
Excessive contribution meets RAD threshold for OGC review Response to 3SV2/79-63 (9/21/79)	6

OTHER PENDING ACTIONS INITIATED BY RAD: *ATTACHMENT*
NONE

OTHER RELEVANT INFORMATION: *ATTACHMENT*
Please see companion referral for Benjamin for Congress
(See next page for continuation of Other Relevant Information)

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:
PRE-MUR 44 ATTACHMENT 7

Radio ads were general in nature. Each billboard would list a number of candidates (Mr. Benjamin did not appear on each nor did he appear on any in the southern two-thirds of the County which is situated in the 2nd Congressional District). Other variances including different literature featuring different candidates also occurred because of the multiple division of Lake County into different state and federal legislative districts.

Given these numerous variables it was impossible to arrive at an exact amount of "value" received by Mr. Benjamin's committee from the LCDCC for the advertisements made during the fall campaign.

Therefore, I took, as the closest approximation, the assessment paid earlier by the campaign committee. This amount was then expressed as the value of the advertising received during the general election. This itemization was made on Schedule A, for line 15C of the 30th Day Report following the election which was filed on December 7, 1978.

In sum, in return for a contribution of $2,250, which the Benjamin for Congress Committee made to the LCDCC in September, 1978, it received in return approximately the same amount of "value" in the advertising purchased by the Central Committee during the general election of 1978. The two "contributions" are equal and no monies or items of value in excess of these amounts were received by the Benjamin for Congress Committee from the LCDCC.

I also wish to inform the Commission that on July 9th, the Treasurer of the LCDCC, Leslie O. Pruitt, contacted me concerning the questions raised by the FEC.

Following our discussion it is my understanding that Mr. Pruitt substantially agrees with the circumstances as set forth herein and he has indicated his willingness to cooperate fully with the Commission in order to properly resolve any questions you may have concerning this item. I am forwarding a copy of this letter to Mr. Pruitt.

8201031061 2

FEC INITIAL POSITION

The Federal Election Commission's (FEC) initial position regarding this exchange of value was expressed by staff Director Orlando B. Potter in his letter of June 29th, 1979, in which he stated:

> "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."

BENJAMIN FOR CONGRESS COMMITTEE RESPONSE

In telephone conversations with Susan Kaltenbaugh and correspondence dated July 17, 1979, (a copy of which is enclosed and included as part of this request) the Committee maintained that since no "value" in excess of the Committee's initial contribution to the LCDCC was received no responsibility existed to "return" $1,250 to the LCDCC.

PURPOSE OF ADVISORY OPINION

Although the Committee maintains its position of July 17th and conversations with the staff of the FEC indicate that no violation of the Act has occurred, it does recognize that a legitimate question exists regarding the treatment of this item for reporting purposes. It is my further understanding that the Commission has never taken an official position relating to the treatment of "candidate assessments" made by local political organizations.

The request is predicated on this understanding and the Committee's desire to:

1. Comply with the Act's reporting requirements for the item discussed.

2. Assure proper compliance in the future.

3. Provide guidance to others similarly situated.

8201310620

I am available at your convenience to answer any further questions you may have or to meet with representatives of the Section should you wish.

To facilitate a prompt communication, correspondence relating to this matter should be directed to me at my office, 410 Cannon Building, Washington, D.C. 20515.

Respectfully,

Peter J. Visclosky
Treasurer

PJV/lfs

cc: John W. McGarry, Commissioner, FEC
Susan Kaltenbaugh
Leslie O. Pruitt, Lake County Auditor

8201231062

NOTE:

Contrary to Pre-Mur 44 report of November 14, 1979, (see attachment 16) RAD formally referred this matter to OGC on October 3, 1979. Due to the statement made by the General Counsel during the October 23, 1979 Executive Session (attached), no further action was taken by RAD.

It should also be noted that the information contained in this referral is identical to the information contained in the October 3, 1979 referral.

8201030622

RAD 91-157

REPORTS ANALYSIS [redacted] UPDATE

*ORIGIN:

DATE 10-3-79

ANALYST Susan Kaltenbaugh SK

TO: OGC William C. Oldaker
ATTENTION: Phyllis Kayson

TEAM CHIEF Peter Kell, Jr.

COMPLIANCE REVIEW Peggy Sims

THROUGH: STAFF DIRECTOR

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

**PURPOSE: Information for AOR filed by Benjamin for Congress IN/01

		Attachment
Reports Analysis sent a first notice surface violation on the "in kind" contribution from LCDCC on 6/29/79.		1
Explanatory response received 7/19/79.		2
RTB was sent on 9/11/79.		3
Telecon	7/6/79	4
Telecon	7/20/79	5
Telecon	9/10/79	6

Other Relevant Information: Lake County Democratic Central Committee is presently an unregistered committee.

Compliance action has been initiated. 7

8204310623

*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).
**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

III. RESPONSE TO THE REAGAN FOR PRESIDENT COMMITTEE

Chairman Tiernan stated that a draft response to the Reagan for President Commitee's July 3, 1979 answer to the FEC May 23, 1979 request for additional information had been placed on the agenda pursuant to an objection he had filed following circulation of the draft under a staff memorandum dated October 12, 1979, which had been circulated on a 48-hour tally vote basis.

Chairman Tiernan recognized Assistant Staff Director for Reports Analysis, Thomas Haselhorst, who circulated a revised draft letter, which was then discussed by the Commission.

Chairman Tiernan recognized Vice Chairman Friedersdorf, who

MOVED that the Commission approve the revised draft letter to Ms. Ray Buchanan, Treasurer of the Reagan for President Committee.

The motion carried unanimously. (6-0)

IV. BENJAMIN FOR CONGRESS COMMITTEE (PRE-MUR)

Chairman Tiernan recognized General Counsel Oldaker, who stated that by vote of four Commissioners a letter from the Benjamin for Congress Committee would be processed in the Pre-MUR track.

I. MINUTES (resumed)

Chairman Tiernan recognized Commissioner Aikens, who

MOVED that the Commission approve the corrected Minutes for the Executive Session of October 2, 1979.

The motion carried unanimously. (6-0)

8 2 0 3 1 0 6 2 1

Haselhorst

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463
'79 NOV 14 P12:12

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
Acting General Counsel

SUBJECT: Pre-MUR 44

DATE: November 14, 1979

On October 15, 1979, the Commission voted to handle the attached September 25, 1979 letter written on behalf of Benjamin For Congress Committee, as a compliance matter and not as an advisory opinion request.

The letter requesting an advisory opinion was initiated by treasurer Peter J. Visclosky in response to a surface violation letter, and a reason to believe letter from the Reports Analysis Division. The Office of the General Counsel has not received a formal compliance referral 1/ on this matter from the Reports Analysis Division; however, we have been advised that upon completion of RAD compliance procedures, a referral will be made.

As the letter from Mr. Visclosky refers to compliance action initiated by the Reports Analysis Division and the internally generated procedures have not been completed on this matter for MUR status, it is recommended that:

(1) the Office of the General Counsel not undertake compliance action on this matter until a formal referral is made; and that

(2) a letter be sent to Mr. Visclosky explaining the Commission's denial of an advisory opinion and that the subject of his letter will be handled through the Commission's compliance procedure.

1/ An informational referral was received from the Reports Analysis Division in regard to the September 25, 1979 letter from Mr. Visclosky requesting an advisory opinion.

8201310622

COPY

D RAD 97-015-76

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE FEBRUARY 8, 1980 ANALYST Lisa Stolaruk

TO: Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR B.L. for CBB COMPLIANCE REVIEW CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: Lake County Democratic Central Committee
TREASURER: Leslie O. Pruitt
ADDRESS: 2293 North Main Street
Crown Point, IN 46307
AFFILIATE(S): N/A

ALLEGATION(S):	CITE:	ATTACHMENT(S)
Failure to register and report as a political committee	2 U.S.C. 433 and 434	1 & 4
Excessive contribution to a candidate	2 U.S.C. 441a	1 & 4

DATE INITIATED: 6/28/79

MANNER IN WHICH REVIEW WAS INITIATED:
☒ Normal Review ☐ Other: ATTACHMENT
☐ Special Project:

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

PERIOD COVERED FROM N/A TO N/A

TOTAL RECEIPTS $ N/A TOTAL EXPENDITURES $ N/A

CASH ON HAND $ N/A DEBTS $ N/A

HISTORY:

RESULTS OF REVIEW: ATTACHMENT
3SV1/79-63 (6/28/79) 1
3SV2/79-63 (9/12/79) 4

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT
Telecon: Stolaruk with Pruitt (7/3/79) 2
Telecon: Stolaruk with Pruitt (7/9/79) 3
Telecon: Stolaruk with Pruitt (9/19/79) 5

REASON(S) FOR REFERRAL: ATTACHMENT
Excessive contribution meets RAD threshold for OGC review
Response to 3SV2/79-63 (9/21/79) 6

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT
NONE

OTHER RELEVANT INFORMATION: ATTACHMENT
Please see comparable referral for Benjamin for Congress
(See next page for continuation of Other Relevant Information)

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:
PRE-MUR 44 ATTACHMENT 7

RAD Form 1
REVISED Oct. 1979

8204031062 6

OTHER RELEVANT INFORMATION, continued
Lake County Democratic Central Committee

This referral addresses the registration and reporting requirements for Lake County during both 1978 and 1979. The year 1979 involves Lake County's repayment of a $2,500 loan to Benjamin for Congress which was incurred in 1978. Please note that a Pre-MUR regarding CALMEDPAC and Physicians for Younger was generated by this Division on 1/9/80 and sent to the attention of Scott Thomas and Lester Scall. That situation deals with the treatment of loan repayments made by an unregistered committee to a registered committee in excess of $1,000.

8201031062 7

In reply please refer to: 3SV1/79-63 (1)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463 June 28, 1979

Treasurer
Lake County Democratic Central Committee
East Chicago, Illinois 46312

Dear Treasurer:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by Benjamin for Congress indicates that your organization may have made contributions which total in excess of $1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The Act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of $1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed $1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Susan Owen, in our Reports Analysis Division at (800)424-9530. Our local number is (202)523-4172.

Sincerely,

Orlando B. Potter
Staff Director

Enclosure
Certified Mail:
Return Receipt Requested

8204231062 2

SCHEDULE A
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for Line Number 15.C

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	same (160) Political Committee	October and November 1978	$2,250.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
SUBTOTAL of receipts this page (optional)			$
TOTAL this period (last page this line number only)			$2,250.00

Revised
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

[illegible]erating, Transfers Out, Contributions [illegible]
Loans, Loan Repayments and Refunds Made
Supporting Lines 20a, 21a, and 22a, 22b, and 22c
of FEC FORM 3

Line Number 20 A

Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Expenditures-In-Kind made during General Election Campaign by Lake County Democratic Central Committee workers	Billboards, brochures, radio advertising and election day workers Expenditure for: ☐ Primary ☒ General ☐ Other	October and November 1978	$2,250.00
Adam Benjamin Jr. 1608 Longworth Building Washington, D.C. 20515	Reimbursement for campaign expenses HI INDIANA Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78 to 11-16-78	83.00
The Times 417 Fayette Street Hammond, Indiana 46320	Newspaper advertising Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78	109.20
The Post Tribune 1065 Broadway Gary, Indiana 46402	Newspaper advertising Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78	105.00
Lake Shore Press 810 Washington Street Gary, Indiana 46402	Printing Expenditure for: ☐ Primary ☒ General ☐ Other	11-13-78	263.81
Roskosky for Mayor Committee Hammond, Indiana	Ticket purchase Expenditure for: ☐ Primary ☐ General ☐ Other	11-27-78	250.00
	Expenditure for: ☐ Primary ☐ General ☐ Other		
	Expenditure for: ☐ Primary ☐ General ☐ Other		
SUBTOTAL of expenditures this page (optional)			$
TOTAL this period (last page this line number only)			$ 3061.01

8 2 C 1 0 6 3 1

January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Page 1 of 1 for Line Number 21 A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Lake County Democratic Central Committee East Chicago, Indiana 46312	Loan Expenditure for: ☐ Primary ☒ General ☐ Other	11-2-78 22X	$2,500.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period

SUBTOTAL of expenditures this page (optional) . . . . . $

TOTAL this period (last page this line number only) . . . . . $ 2,500.00

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

DEBTS 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 12
(Use Separate Schedules for each numbered line)

Name of Candidate and Committee in Full
Benjamin for Congress

Full Name, Mailing Address and ZIP Code of Debtor or Creditor	Date (month, day, year)	Amount of Original Debt, Contract, Agreement or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
Lake County Democratic Central Committee East Chicago, Indiana 46312 ☐ Primary ☐ General ☐ Other	11-2-78	$2500.00	$ 0	$ 2500.0

NATURE OF OBLIGATION (Details of Debt):
Loan to County 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 Payment To Date	Outstanding Balance at Close of This Period
☐ Primary ☐ General ☐ Other		$	$	$

NATURE OF OBLIGATION (Details of Debt):

Full Name, Mailing Address and ZIP Code of Debtor or Creditor	Date (month, day, year)	Amount of Original Debt, Contract, Agreement or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
☐ Primary ☐ General ☐ Other		$	$	$

NATURE OF OBLIGATION (Details of Debt):

SUBTOTALS this period this page (optional)	$	$	$
TOTAL this period (last page this line number only)	$ 2500.00	$ 0	$ 2500.00

Carry outstanding balance only to appropriate line of summary.

82040310633

DATE: 7/3/79

TIME: 11:30

COMMITTEE: Lake County Democratic Central Committee

PERSON SPOKEN TO: Les Pruit (219) 738-2324

REC'R: Lisa Stolaruk

SUBJECT: M letter

Lake County received a $2,500 loan from the Benjamin for Congress Committee in late 1978. They also spent $2,250 in in-kind contributions for Benjamin. They received an M letter.

MR. Pruit called to explain that the Committee did not contribute directly to Benjamin. I wanted to talk with Sue Kaltenbach before getting back with Mr. Pruit, to see if the candidate responded. Sue was out of the office this day.

I called Pruit back and he said the loan was repaid in full in March of this year. I said I'd call him back Thursday after I talked with Sue.

8200106341

TELECON

DATE: 7/9/79

TIME: 10:30

COMMITTEE: Lake County Democratic Committee

PERSON SPOKEN TO: Les Pruit, Treasurer

FEC'R: Lisa Stolaruk

SUBJECT: M letter

Mr. Pruit called in response to the M letter. I informed him that the $2,250 that Lake County made in in-kind contributions to Benjamin was in excess of the legal limit of $1,000. Pruit said that it was Benjamin's committee that assessed the value of the in-kind at $2,250. He said that it could very easily have been assesed at $1,000. I also explained that the $2,500 loan that Lake County repaid to Benjamin in March of '79 also triggered a reporting responsibility on Lake County's behalf. I said that they could also seek a refund of $1,500 to relieve them of the reporting burden. I further advised Mr. Pruit that he could request an Advisory Opinion concerning the loan. He said that he would consult with Benjamin's people and get back to me with their proposed course of action.

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(4)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 12, 1979

Treasurer
Lake County Democratic Central Committee
East Chicago, IL. 46312

Dear Treasurer:

On June 28, 1979, you were notified that you may have made contributions to a political committee which raised problems under 2 U.S.C. 433 and 434.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 433 and 434.

The Commission notes that your committee made a loan repayment to Benjamin for Congress in the amount of $2,500 on March 30, 1979. A copy of this portion of the report is attached. Thus, your committee may qualify as a political committee for 1979, as well as 1978. Please inform the commission of the nature of this loan repayment. This information should include the nature of the bank account from which the payment was made, and the sources of the funds placed into this account.

The Commission will take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within fifteen (15) days from the date of this letter.

If you have responded to the above or you require additional information, please contact Lisa Storlaruk, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is 523-1474.

Sincerely,

John W. McGarry

Commissioner

Enclosure

8201010636

(Contributions, Transfers, Contribution [illegible], Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Line Number 17-A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	East Chicago, Indiana Political Committee	3-20-79	$2500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $2500.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed Aggregate Year-To-Date $		
SUBTOTAL of this page (optional)			$
TOTAL this page (last page this line number only)			$2500.00

(5)

DATE: 9/19/79

TIME: 2:00

COMMITTEE: Lake County Democratic Central Committee

PERSON SPOKEN TO: Les Pruitt (219)738-232-

REC'R: Lisa Stolaruk

SUBJECT: Excessive contribution to Benjamin for Congress

Mr. Pruitt called today to talk about the violation. I asked him to send a letter stating the facts according to his understanding of them, and also to include a statement as to the composition of the funds that were transfered to Benjamin as a loan repayment. He did not understand why I was requesting him to do this, since Benjamin's treasurer already sent a letter explaining the situation. I told him that, for the Public Record, he should respond to the SV that was sent to his committee and that he should present some documentation of Lake County's side of the story. He was still very reluctant to do this, and I tried to make it clear that we were not forcing him to do anything, but for his own sake, he should send something in. In the end, he agreed to send in a letter.

He also gave me a new address & which may be used to forward any new correspondence:

2293 N. Main St.
Crown Point, IN 46307

(6)

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

LESLIE O. PRUITT, TREASURER
COUNTY COURT HOUSE
CROWN POINT, INDIANA 46307

79 SEP 28 AM 11:59

September 21, 1979

Federal Election Commission
Washington, D.C. 20463

Attention: Lisa Storlaruk

RE: 3SV2/79-63

Dear Ms. Storlaruk,

In reference to your letter dated September 12, 1979, The Benjamin for Congress Committee loaned the Lake County Democratic Central Committee $2,500.00, to help defray expenses for the General Election of 1978.

The repayment was made March 28,1979, Check #488, written on Commercial Bank, Crown Point, Indiana. Funds are placed in this account from voluntary contributions made to the Lake County Democratic Central Committee.

The assessment of $2,250.00, was for tickets that were to be sold by Mr. Benjamin for the Golf Fund Raiser, monies that were collected and used for the General Election of 1978.

Hoping that the above information will be satisfactory, if further information is needed, please contact me and information will be submitted.

Sincerly,

Leslie O. Pruitt,
Treasurer of the Lake
County Democratic Central
Committee

LOP/kmr

820103106739

RAD 2[illegible]

[illegible]PORTS ANALYSIS [redacted] UP[illegible]TE

*ORIGIN:

DATE 10-3-79

ANALYST Susan Kaltenbaugh SK

TEAM CHIEF Peter Kell, Jr.

COMPLIANCE REVIEW Peggy Sims

TO: OGC William C. Oldaker
ATTENTION: Phyllis Kayson

THROUGH: STAFF DIRECTOR

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

**PURPOSE: Information for AOR filed by Benjamin for Congress IN/01

Reports Analysis sent a first notice surface violation on the "in kind" contribution from LCDCC on 6/29/79. Attachment 1
Explanatory response received 7/19/79. 2
RTB was sent on 9/11/79. 3
Telecon 7/6/79 4
Telecon 7/20/79 5
Telecon 9/10/79 6

Other Relevant Information: Lake County Democratic Central Committee is presently an unregistered committee.

Compliance action has been initiated. 7

8201106[illegible]

*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).
**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

(7)

Haselhorst

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463 '79 NOV 14 P12:12

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
Acting General Counsel

SUBJECT: Pre-MUR 44

DATE: November 14, 1979

On October 15, 1979, the Commission voted to handle the attached September 25, 1979 letter written on behalf of Benjamin For Congress Committee, as a compliance matter and not as an advisory opinion request.

The letter requesting an advisory opinion was initiated by treasurer Peter J. Visclosky in response to a surface violation letter, and a reason to believe letter from the Reports Analysis Division. The Office of the General Counsel has not received a formal compliance referral 1/ on this matter from the Reports Analysis Division; however, we have been advised that upon completion of RAD compliance procedures, a referral will be made.

As the letter from Mr. Visclosky refers to compliance action initiated by the Reports Analysis Division and the internally generated procedures have not been completed on this matter for MUR status, it is recommended that:

(1) the Office of the General Counsel not undertake compliance action on this matter until a formal referral is made; and that

(2) a letter be sent to Mr. Visclosky explaining the Commission's denial of an advisory opinion and that the subject of his letter will be handled through the Commission's compliance procedure.

1/ An informational referral was received from the Reports Analysis Division in regard to the September 25, 1979 letter from Mr. Visclosky requesting an advisory opinion.

8201106411

RAD 9/19/79

REPORTS ANALYSIS [redacted] UPDATE

*ORIGIN:

DATE 10-3-79

ANALYST Susan Kaltenbaugh SK

TO: OGC William C. Oldaker
ATTENTION: Phyllis Kayson

TEAM CHIEF Peter Kell, Jr.

COMPLIANCE REVIEW Peggy Sims

THROUGH: STAFF DIRECTOR

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

**PURPOSE: Information for AOR filed by Benjamin for Congress IN/01

		Attachment
Reports Analysis sent a first notice surface violation on the "in kind" contribution from LCDCC on 6/29/79.		1
Explanatory response received 7/19/79.		2
RTB was sent on 9/11/79.		3
Telecon	7/6/79	4
Telecon	7/20/79	5
Telecon	9/10/79	6

Other Relevant Information: Lake County Democratic Central Committee is presently an unregistered committee.

Compliance action has been initiated. 7

8201310648

*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).
**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

8 2 0 0 3 1 0 6 RAD 643 91-157A

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE February 19, 1980 ANALYST Susan Kaltenbaugh

TO: Office of General Counsel TEAM CHIEF Peter Kell, Jr.

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW Bowen/Sims

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: BENJAMIN FOR CONGRESS IN/01 C00036400
TREASURER: Peter J. Visclosky
ADDRESS: 3877 Madison Street, Gary, Indiana 46408; 410 Cannon Building, Washington, DC 20515
AFFILIATE(S): N/A

ALLEGATION(S): The Committee has received an excessive in-kind contribution from an unregistered committee.
CITE: 2 U.S.C. 441(a)(1)(A)
ATTACHMENT(S): 4

DATE INITIATED: 6/14/79

MANNER IN WHICH REVIEW WAS INITIATED:
☒ Normal Review ☐ Other: ATTACHMENT
☐ Special Project:

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

PERIOD COVERED FROM 10/24/78 TO 11/27/78

TOTAL RECEIPTS $ 5920 TOTAL EXPENDITURES $ 6512
CASH ON HAND $ 16429.07 DEBTS $ owed to committee $2500; owed by committee $1291.20

HISTORY:

RESULTS OF REVIEW: *ATTACHMENT*
First notice SV sent 6/29/79 on 30 day general report 7
RTB sent 9/11/79 13

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: *ATTACHMENT*
Telecon 7/6/79 with treasurer 8
Telecon 7/20/79 with treasurer 10
Telecon 9/10/79 with treasurer 12

REASON(S) FOR REFERRAL: *ATTACHMENT*
Explanatory response to SV on 7/19/79-inadequate 9
AOR 9/28/79 14
Memo from RAD for the record 15
Memo from OGC to Commissioners 11/14/79 16
Meets Division threshold for review by OGC

OTHER PENDING ACTIONS INITIATED BY RAD: *ATTACHMENT*

N/A

OTHER RELEVANT INFORMATION: *ATTACHMENT*

Please see Page two.

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:

PRE-MUR 44 ATTACHMENT 16

RAD Form 1
REVISED Oct. 1979

WRY

D
RAD 921579

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE February 19, 1980 ANALYST Susan Kaltenbaugh SK

TO: Office of General Counsel TEAM CHIEF Peter Kell, Jr. SK for PMJ

THROUGH: STAFF DIRECTOR BL for D.A.P. COMPLIANCE REVIEW Bowen/Sims

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: BENJAMIN FOR CONGRESS IN/01 C00036400
TREASURER: Peter J. Visclosky
ADDRESS: 3[illegible] Madison Street, Gary, Indiana 46408 / 410 Cannon Building, Washington, DC 20515
AFFILIATE(S): N/A

ALLEGATION(S): The Committee has received an excessive in-kind contribution from an unregistered committee.
CITE: 2 U.S.C. 441(a)(1)(A)
ATTACHMENT(S) 4

DATE INITIATED: 6/14/79

MANNER IN WHICH REVIEW WAS INITIATED:
- ☒ Normal Review
- ☐ Special Project:
- ☐ Other:

ATTACHMENT

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

PERIOD COVERED FROM 10/24/78 TO 11/27/78

TOTAL RECEIPTS $ 5920 TOTAL EXPENDITURES $ 6512
owed to committee $2500
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HISTORY:

RESULTS OF REVIEW: *ATTACHMENT*
First notice SV sent 6/29/79 on 30 day general report 7
RTB sent 9/11/79 13

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: *ATTACHMENT*
Telecon 7/6/79 with treasurer 8
Telecon 7/20/79 with treasurer 10
Telecon 9/10/79 with treasurer 12

REASON(S) FOR REFERRAL: *ATTACHMENT*
Explanatory response to SV on 7/19/79-inadequate 9
AOR 9/28/79 14
Memo from RAD for the record 15
Memo from OGC to Commissioners 11/14/79 16
Meets Division threshold for review by OGC

OTHER PENDING ACTIONS INITIATED BY RAD: *ATTACHMENT*

N/A

OTHER RELEVANT INFORMATION: *ATTACHMENT*

Please see Page two.

PREVIOUS OGC AUDIT REFERRALS FROM RAD:

PRE-MUR 44 ATTACHMENT 16

RAD Form 1
REVISED Oct. 1979

9221579641

BENJAMIN FOR CONGRESS IN/01
PAGE TWO
OTHER RELEVANT INFORMATION

ATTACHMENTS
2,3,4,5,6, 11

The following chart details all of the financial transactions between the Benjamin for Congress Committee and the Lake County Democratic Central Committee.

Report	Date	Amount	Purpose	Payor/Payee
Oct.10 '77	9/15/77	$2500	purchase fundraising tickets	Benjamin to LCDCC
Oct. 10'78	9/30/78	$2250[1]	donation to fundraiser	Benjamin to LCDCC
30 day general	Oct/Nov. '78	$2250	in kind contribution	LCDCC to Benjamin
30 day general	11/2/78	$2500[2]	loan	Benjamin to LCDCC
April 10 1979	3/20/79	$2500	loan repayment	LCDCC to Benjamin
October 10 1979	8/13/79	$500 [3]	purchase of August fundraiser tickets	Benjamin to LCDCC

1. The Benjamin Committee had reported an expenditure to LCDCC on 9/30/78 for $2250. This was the same transaction that was later reported as an in-kind contribution from LCDCC.

2. The Benjamin Committee made a loan of $2500 to LCDCC on 11/2/78 for "costs relevant to the 1978 general election". This loan was repaid on 3/20/79.

3. Benjamin for Congress had expended $2500 on 9/15/77 to LCDCC for the "purchase of fundraising tickets". On the October 10 1979 report, they expended $500 on 8/13/79 to LCDCC for "purchase of August fundraising tickets". This suggests the possibility that, for the 1980 general election, LCDCC will be conducting assessments of the candidates in a manner similar to what was done in 1978.

Please refer to the referral from the Lake County Democratic Central Committee.

8204310615

8201310645

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FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) 1977-1978

DATE 8FEB80
PAGE 1

HOUSE

COMMITTEE / DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
BENJAMIN FOR CONGRESS							ID# C00036400
1978 STATEMENT OF ORGANIZATION- AMENDMENT					10OCT78	1	78HSE/148/1530
REQUEST FOR ADDITIONAL INFORMATION					20OCT78	3	78FEC/090/3245
STATEMENT OF ORGANIZATION- AMENDMENT					7NOV78	4	78HSE/155/1384
APRIL 10 QUARTERLY	991		3,230		1JAN78 -31MAR78	8	78HSE/135/2143
10 DAY PRE-PRIMARY	0		2,229		1APR78 -17APR78	6	78HSE/135/2137
REQUEST FOR ADDITIONAL INFORMATION					1APR78 -17APR78	2	78FEC/075/4026
10 DAY PRE-PRIMARY - AMENDMENT					1APR78 -17APR78	1	78HSE/137/3291
30 DAY POST-PRIMARY	850		2,839		18APR78 -22MAY78	7	78HSE/137/2041
JULY 10 QUARTERLY		957		2,331	23MAY78 -30JUN78	8	78HSE/141/5587
OCTOBER 10 QUARTERLY		11,487		7,999	1JUL78 -30SEP78	8	78HSE/147/3998
REQUEST FOR ADDITIONAL INFO 2ND						1	78FEC/069/0167
10 DAY PRE-GENERAL		3,050		1,455	10CT78 -23OCT78	5	78HSE/154/1811
30 DAY POST-GENERAL		5,920		6,512	24OCT78 -27NOV78	10	78HSE/159/1753
REQUEST FOR ADDITIONAL INFO 2ND					24OCT78 -27NOV78	3	79FEC/130/0702
30 DAY POST-GENERAL - AMENDMENT					24OCT78 -27NOV78	3	79HSE/167/3541
YEAR END REPORT		500		3,444	28NOV78 -31DEC78	6	79HSE/160/1688
1977 APRIL 10 QUARTERLY		3		0	1JAN77 -31MAR77	3	77HSE/121/2196
APRIL 10 QUARTERLY - AMENDMENT		3		0	1JAN77 -31MAR77	3	77HSE/124/1648
JULY 10 QUARTERLY		5,600		4,009	1APR77 -30JUN77	10	77HSE/124/1658
OCTOBER 10 QUARTERLY		36,394		23,168	1JUL77 -30SEP77	24	77HSE/126/4464
OCTOBER 10 QUARTERLY - AMENDMENT						1	77HSE/127/0942
OCTOBER 10 QUARTERLY - AMENDMENT						3	77HSE/127/2948
REQUEST FOR ADDITIONAL INFORMATION					1JUL77 -30SEP77	3	77FEC/062/4074
OCTOBER 10 QUARTERLY - AMENDMENT					1JUL77 -30SEP77	1	78HSE/131/0881
YEAR END REPORT	24,415		19,520		1OCT77 -31DEC77	16	78HSE/130/2695
REQUEST FOR ADDITIONAL INFORMATION					1OCT77 -31DEC77	3	78FEC/069/0169
YEAR END REPORT - AMENDMENT	24,415		19,520		1OCT77 -31DEC77	17	78HSE/135/4957
TOTAL	26,256	63,911	27,818	48,918		160	TOTAL PAGES

All reports reviewed

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (79-80)

HOUSE

COMMITTEE	DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
BENJAMIN FOR CONGRESS							ID #C00036400	
1979	STATEMENT OF ORGANIZATION - AMENDMENT					12/OCT/79	3	79HSE/169/1896
	STATEMENT OF ORGANIZATION - AMENDMENT					16/OCT/79	1	79HSE/169/4796
	APRIL 10 QUARTERLY		3,103		1,979	1/JAN/79-31/MAR/79	10	79HSE/164/0863
	APRIL 10 QUARTERLY - AMENDMENT					1/JAN/79-31/MAR/79	2	79HSE/169/4331
	JULY 10 QUARTERLY		1,580		2,778	1/APR/79-30/JUN/79	7	79HSE/166/3385
	OCTOBER 10 QUARTERLY	6,153		4,662		1/JUL/79-30/SEP/79	11	79HSE/169/1711
	OCTOBER 10 QUARTERLY - AMENDMENT	6,153		4,662		1/JUL/79-30/SEP/79	11	80HSE/171/1865
	TOTAL	6,153	4,683	4,662	4,757		45	TOTAL PAGES

All reports reviewed.

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

Itemized Expenditures
Campaign Fundraising, Loans, and Transfers
for Lines 20, 21, 22, and/or 23 of FEC Form 3

(see instructions on back)

Page 202 of ____ for
LINE NUMBER 20
(Use separate schedule(s) for each numbered line).

Name of Candidate or Committee in full

Benjamin for Congress

Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Lake Shore Press 810 Washington Street Gary, Indiana 46402	Printing Expense	8/24/77 to 8/27/77	$4,066.36
Garman Printing Company, Inc. 1104 West Chicago Avenue East Chicago, Indiana 46312	Retirement of 1976, Debt for Printing Expense	8/27/77	$1,300.00
Gross Sports Soles 726 Washington Street Gary, Indiana 46402	Favor for Fund raising Dinner of 8/24/77	8/27/77	$ 149.10
David Fryer 5969 Rutledge Court Merrillville, Indiana 46410	Photographs for Dinner of 8/24/77	8/27/77	$ 300.00
Merrillville Florist Shop 7005 Madison Street Merrillville, Indiana 46410	Flowers for Dinner of 8/24/77	8/27/77	$ 426.92
Gary Postmaster Gary, Indiana 46401	Stamps	8/27/77	$1,040.00
Old Fort Specialty Company 2013 South Anthony Boulevard Fort Wayne, Indiana 46803	Favors for Fund raising dinner of 8/24/77	9/15/77	$ 500.00
Lake County Democratic Central Committee East Chicago, Indiana 46312	Purchase of Fund Raising Tickets	9/15/77	$2,500.00
Subtotal of expenditures this page (optional) ▶			$10,282.38
Total this period (last page this line number only) ▶			$17,440.63

Page

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SCHEDULE B
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions in Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 23 of FEC FORM 3

Page 1 of 2 for Line Number 20a

(Use separate Schedules for each numbered line)

Name of Candidate or Committee (in Full)
Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Gary Post Master Gary, Indiana 46401	Postage Expenditure for: ☐ Primary ☒ General ☐ Other	7-30-78 to 9-21-78	61.00
Merrillville Florists 7005 Madison Street Merrillville, Indiana 46410	Flowers Expenditure for: ☐ Primary ☒ General ☐ Other	8-31-78	130.80
U.S. House of Representatives Restaurant Washington, D.C. 20515	Payment for meals for visitors to Capitol Expenditure for: ☐ Primary ☒ General ☐ Other	9-9-78 to 9-10-78	1403.65
Kane Beverage Mart	Christmas Gifts Expenditure for: ☐ Primary ☒ General ☐ Other	9-13-78	2390.62
School Buildings, Inc. 36376 Grant Street Gary, Indiana 46408	Telephone expense Expenditure for: ☐ Primary ☐ General ☒ Other	9-18-78	446.04
Adam Benjamin, Jr. 1608 Longworth Bldg. Washington, D.C. 20515	Reimbursement for Campaign expense Expenditure for: ☐ Primary ☒ General ☐ Other	9-24-78	25.00
Lake County Democratic Central Committee Kake County, Indiana	Donation to Fund Raiser Expenditure for: ☐ Primary ☒ General ☐ Other	9-30-78	2,250.00
Robert Luckiewicz 5900 Roosevelt Street Merrillville, Indiana 46410	Contribution Expenditure for: ☐ Primary ☒ General ☐ Other	9-10-78	120.00
SUBTOTAL of expenditures this page (optional)			$
TOTAL this period (last page this line number only)			$6827.11

8204310652

SCHEDULE A
RE'
Fed. ...ection Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for
Line Number 15 C

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Aggregate Year-To-Date	Date (month, day, year)	Amount of each Receipt this Period
Lake County Democratic Central Committee, East Chicago, Indiana 46312	same; Political Committee; ☐ Check if Contributor is self-employed; Aggregate Year-To-Date . . . $	October and November 1978	$2,250.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			

SUBTOTAL of receipts this page (optional)	$
TOTAL this period (last page this line number only)	$2,250.00

Federal Election Commission
[illegible] Street, N.W.
D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Line Number 20 A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Expenditures-In-Kind made during General Election Campaign by Lake County Democratic Central Committee	Billboards, brochures, radio advertising and election day workers Expenditure for: ☐ Primary ☒ General ☐ Other	October and November 1978	$2,250.00
Adam Benjamin Jr. 1608 Longworth Building Washington, D.C. 20515	Reimbursement for campaign expenses IN INDIANA Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78 to 11-16-78	83.00
The Times 417 Fayette Street Hammond, Indiana 46320	Newspaper advertising Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78	109.20
The Post Tribune 1065 Broadway Gary, Indiana 46402	Newspaper advertising Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78	105.00
Lake Shore Press 810 Washington Street Gary, Indiana 46402	Printing Expenditure for: ☐ Primary ☒ General ☐ Other	11-13-78	263.81
Roskosky for Mayor Committee Hammond, Indiana	Ticket purchase Expenditure for: ☐ Primary ☐ General ☐ Other	11-27-78	250.00
	Expenditure for: ☐ Primary ☐ General ☐ Other		
	Expenditure for: ☐ Primary ☐ General ☐ Other		

SUBTOTAL of expenditures this page (optional) . . . . . $

TOTAL this period (last page this line number only) . . . . . $ 3061.01

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Revised
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Page 1 of 1 for Line Number 21 A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Lake County Democratic Central Committee East Chicago, Indiana 46312	Loan Expenditure for: ☐ Primary ☒ General ☐ Other	11-2-78 22X	$2,500.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
SUBTOTAL of expenditures this page (optional)			$
7 this period (last page this line number only)			$ 2,500.00

Federal Election Commission
[illegible] Street, N.W.
D.C. 20463

DEBTS 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 12

(Use Separate Schedules for each numbered line)

Name of Candidate and Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code of Debtor or Creditor	Date (month, day, year)	Amount of Original Debt, Contract, Agreement or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	11-2-78	$2500.00	$ 0	$ 2500.0
☐ Primary ☒ General ☐ Other				

NATURE OF OBLIGATION (Details of Debt):

Loan to County 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 Payment To Date	Outstanding Balance at Close of This Period
		$	$	$
☐ Primary ☐ General ☐ Other				

NATURE OF OBLIGATION (Details of Debt):

Full Name, Mailing Address and ZIP Code of Debtor or Creditor	Date (month, day, year)	Amount of Original Debt, Contract, Agreement or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
		$	$	$
☐ Primary ☐ General ☐ Other				

NATURE OF OBLIGATION (Details of Debt):

SUBTOTALS this period this page (optional)	$	$	$
TOTAL this period (last page this line number only)	$ 2500.00	$ 0	$ 2500.00

Carry outstanding balance only to appropriate line of summary.

82010657

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ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for Line Number 17-A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	East Chicago, Indiana Occupation: Political Committee ☐ Check if Contributor is self-employed Aggregate Year-To-Date $2500.00	3-20-79	$2500.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
SUBTOTAL of receipts this page (optional)			
TOTAL this period (last page this line number only)			

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In reply please refer to: 4SV1/79-768K

Indiana 7/29

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

29 June 1979

Peter J. Visclosky, Treasurer
Benjamin for Congress
1608 Longworth Building
Washington, D.C. 20515

Dear Mr. Visclosky:

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 30-Day Post General 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 and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of $1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committee listed as the source of the contribution in question does not presently qualify as a multi-candidate committee and we have notified them accordingly. We have recommended that the source committee notify you if it is confirmed that the contribution was in excess of the limits.

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.

820211065 1

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 Susan Kaltenbaugh (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4172.

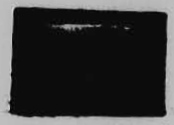
Sincerely,

Orlando B. Potter
Staff Director

Enclosure
Certified Mail:
Return Receipt Requested

8201120652





EKC BENJAMIN 45V:179-76SK

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

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

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

2 ARTICLE ADDRESSED TO:

3 ARTICLE DESCRIPTION

REGISTERED NO	CERTIFIED NO	INSURED NO

(Always obtain signature of addressee or agent)

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

J. Schwenk

4 DATE OF DELIVERY

POSTMARK JUL 2 1979

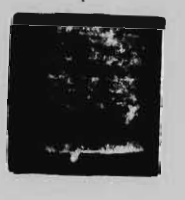
5 ADDRESS (Complete only if requested)

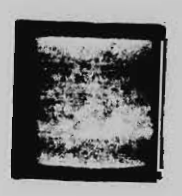
6 UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

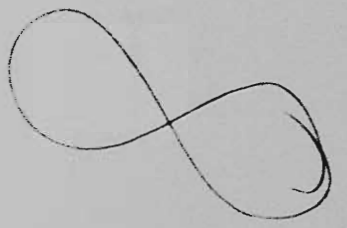
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Visclosky





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July 17, 1979

RECEIVED
FEDERAL ELECTION
COMMISSION

Susan Kaltenbaugh
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

Re: Benjamin for Congress
3877 Madison Street
Gary, Indiana 46408
No. 053431

Dear Ms. Kaltenbaugh:

Per Mr. Potter's letter of June 29th and our subsequent telephone conversations of July 6th, I hereby respond to the questions raised regarding an apparent "contribution" of the Lake County Democratic Central Committee to the Benjamin for Congress Committee in excess of the limits set forth in the Federal Election Campaign Act.

As explained on the 6th, prior to each general election campaign the Lake County Democratic Central Committee (LCDCC) holds a fundraiser to collect the monies it has budgeted for the fall campaign. After the LCDCC determines the amount necessary to run an effective campaign they assess each candidate a portion of the amount to be raised. The assessment is based primarily on the candidate's potential salary should he or she be elected. This in turn reflects the "value" of the advertising each will receive during the campaign.

In September, 1978, Mr. Benjamin was assessed $2,250. This payment was reflected as an itemized expenditure on Schedule B, for line 20A of the October 10, 1978, Committee Report filed with the FEC.

At this point, the Committee had paid $2,250 to the LCDCC and received nothing in return.

Subsequently, during the general election, billboards, brochures, newspaper and radio ads and other campaign items were disseminated throughout Lake County, Indiana, on behalf of all Democratic candidates for local, state and federal office, including Mr. Benjamin.

Radio ads were general in nature. Each billboard would list a number of candidates (Mr. Benjamin did not appear on each nor did he appear on any in the southern two-thirds of the County which is situated in the 2nd Congressional District). Other variances including different literature featuring different candidates also occurred because of the multiple division of Lake County into different state and federal legislative districts.

Given these numerous variables it was impossible to arrive at an exact amount of "value" received by Mr. Benjamin's committee from the LCDCC for the advertisements made during the fall campaign.

Therefore, I took, as the closest approximation, the assessment paid earlier by the campaign committee. This amount was then expressed as the value of the advertising received during the general election. This itemization was made on Schedule A, for line 15C of the 30th Day Report following the election which was filed on December 7, 1978. I also reported the expenditure of this amount on Schedule B for line 20A of the same report.

While our discussion of the 6th indicated that there is a question of how to treat the initial "assessment" and later, the "value received," it occurs to me that my second expenditure entry of $2,250 on December 7th was an error. This because the expenditure had already been made and reported on October 10th. It would be my impression that this report and the subsequent report of January 10, 1979, should be amended to eliminate the second expenditure entry of $2,250.

I also wish to inform the Commission that on July 9th, the Treasurer of the LCDCC, Leslie O. Pruitt, contacted me concerning the questions raised by the FEC.

Following our discussion it is my understanding that Mr. Pruitt substantially agrees with the circumstances as set forth herein and he has indicated his willingness to cooperate fully with the Commission in order to properly resolve any questions you may have concerning this item. I am forwarding a copy of this letter to Mr. Pruitt and am certain that he will contact you directly should he feel any additional comment or explanation would be helpful.

In sum, in return for a contribution of $2,250, which the Benjamin for Congress Committee made to the LCDCC in September, 1978, it received in return approximately the same amount of "value" in the advertising purchased by the Central Committee during the general election of 1978. The two "contributions" are equal and no monies or items of value in excess of these amounts were received by the Benjamin for Congress Committee from the LCDCC. Thus, it is the Committee's position that there is no responsibility to return $1,250 to the LCDCC.

Although in our conversations of the 6th, you indicated that the Commission was not immediately interested in the $2,500 loan made to the Central Committee by the Benjamin for Congress Committee it was mentioned in Mr. Potter's letter in the form of an enclosure. I therefore wish to note that this loan was repaid in full by the LCDCC on March 20, 1979,

and is so reported on Schedule A for line 17A of our April 10, 1979 report.

I will be happy to comply with any decisions or recommendations the FEC may make in clarifying the reporting of the $2,250 transaction between the committees. In light of the forgoing, if you feel it is still necessary to request an advisory opinion I will be happy to submit a request for same.

In order to facilitate a prompt resolution of this question I request that future correspondence regarding this matter be directed to me at my office, 410 Cannon Building, Washington, D.C. 20515.

Thank you for your courtesy and cooperation.

Respectfully,

Peter J. Visclosky
Treasurer

cc: Leslie Pruitt

8220126
7901-167-3543

MEMO FOR FILES

Susan Kaltenbaugh

TELECON:

FROM: Peter Viscolsky

DATE: 7/20/79

COMMITTEE: Benjamin for Congress

I called Mr. Visclosky to thank him for his explanatory letter and to ask him to submit tha advisory opinion. He said he would do so next week. I also gave him Dug Greevy's name to reference any party information.

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election Commission .25 K Street, N.W. Washington, D.C. 20463	(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made) Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3	(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Lake County Democratic Central Committee East Chicago, Indiana 46313	Purchase of August Fundraising Tickets Expenditure for: ☐ Primary ☐ General ☒ Other	8-13-79	$500.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period

SUBTOTAL of expenditures this page (optional)	$
TOTAL this period (last page this line number only)	$ 500.00

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MEMORANDUM FOR FILES

RE: TELECON

DATE: 9/10/79

FROM: Peter Visclosky, treasurer

TO: Susan Kaltenbaugh

NAME OF COMMITTEE: Benjamin for Congress

I called Mr. Visclosky about a possible debt settlement and the advisory opinion he had said he would submit. He said they're still on his desk. He will call me tomorrow and tell me exactly when it will be submitted.

82011206773

8 2 0 4 0 1 0 6 7 4

In reply please refer to: 4SV2/79-768K

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 11, 1979

Peter J. Visclosky, Treasurer
Benjamin for Congress
1608 Longworth House Bldg.
Washington, D.C. 20515

Dear Mr. Visclosky:

On June 29, 1979, you were notified that certain entries in the 30 Day Post-General Report of Receipts and Expenditures filed by your committee raised problems under 2 U.S.C. 441a.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 441a.

The Commission intends to take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within fifteen (15) days from the date of this letter.

If you have responded to the above or you require additional information, please contact Susan Kaltenbaugh, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is (202)523-4172.

Sincerely,

John W. McGarry
Commissioner

Certified Mail:
Return Receipt Requested

8201210673

MEMO TO THE FILE

FROM: Peggy Sims

SUBJECT: Benjamin for Congress/IN

DATE: February 14, 1980

The RTB letter, dated September 11, 1979, should have been sent for inadequate response rather than no response. Apparently, the error was due to the lag time between the preparation of the transmittal for the letter and the date the letter was mailed. The response was received during the interim period. Steps have been taken to avoid such errors in the future.

C20010675

8 2 0 4 0 5 1 0 6 7 7

Phyllis Kaysen 5116 73
[illegible] update

September 25, 1979

'79 SEP 28 PM 12:04

Federal Election Commission
Office of General Counsel
Advisory Opinion Section
1325 K Street, N. W.
Washington, D.C. 20463

Dear Gentlemen:

Pursuant to Commissioner McGarry's letter of September 11, 1979, and Section 112.1 of the Federal Election Commission Regulations, I request an advisory opinion regarding the treatment of the "value" of $2,250 received by the Benjamin for Congress Committee from the Lake County Democratic Central Committee (a non-multicandidate committee under the Federal Election Act) during the general election campaign of 1978.

FACTUAL SITUATION

Prior to each general election campaign the Lake County Democratic Central Committee (LCDCC) holds a fundraiser to collect the monies it has budgeted for the fall campaign. After the LCDCC determines the amount necessary to run an effective campaign they assess each candidate a portion of the amount to be raised. The assessment is based primarily on the candidate's potential salary should he or she be elected. This in turn reflects the "value" of the advertising each will receive during the campaign.

In September, 1978, Mr. Benjamin was assessed $2,250. This payment was reflected as an itemized expenditure on Schedule B, for line 20A of the October 10, 1978, Committee Report filed with the FEC.

At this point, the Committee had paid $2,250 to the LCDCC and received nothing in return.

Subsequently, during the general election, billboards, brochures, newspaper and radio ads and other campaign items were disseminated throughout Lake County, Indiana, on behalf of all Democratic candidates for local, state and federal office, including Mr. Benjamin.

8 2 0 1 0 1 6 7 3

Radio ads were general in nature. Each billboard would list a number of candidates (Mr. Benjamin did not appear on each nor did he appear on any in the southern two-thirds of the County which is situated in the 2nd Congressional District). Other variances including different literature featuring different candidates also occurred because of the multiple division of Lake County into different state and federal legislative districts.

Given these numerous variables it was impossible to arrive at an exact amount of "value" received by Mr. Benjamin's committee from the LCDCC for the advertisements made during the fall campaign.

Therefore, I took, as the closest approximation, the assessment paid earlier by the campaign committee. This amount was then expressed as the value of the advertising received during the general election. This itemization was made on Schedule A, for line 15C of the 30th Day Report following the election which was filed on December 7, 1978.

In sum, in return for a contribution of $2,250, which the Benjamin for Congress Committee made to the LCDCC in September, 1978, it received in return approximately the same amount of "value" in the advertising purchased by the Central Committee during the general election of 1978. The two "contributions" are equal and no monies or items of value in excess of these amounts were received by the Benjamin for Congress Committee from the LCDCC.

I also wish to inform the Commission that on July 9th, the Treasurer of the LCDCC, Leslie O. Pruitt, contacted me concerning the questions raised by the FEC.

Following our discussion it is my understanding that Mr. Pruitt substantially agrees with the circumstances as set forth herein and he has indicated his willingness to cooperate fully with the Commission in order to properly resolve any questions you may have concerning this item. I am forwarding a copy of this letter to Mr. Pruitt.

8201706720

FEC INITIAL POSITION

The Federal Election Commission's (FEC) initial position regarding this exchange of value was expressed by staff Director Orlando B. Potter in his letter of June 29th, 1979, in which he stated:

> "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."

BENJAMIN FOR CONGRESS COMMITTEE RESPONSE

In telephone conversations with Susan Kaltenbaugh and correspondence dated July 17, 1979, (a copy of which is enclosed and included as part of this request) the Committee maintained that since no "value" in excess of the Committee's initial contribution to the LCDCC was received no responsibility existed to "return" $1,250 to the LCDCC.

PURPOSE OF ADVISORY OPINION

Although the Committee maintains its position of July 17th and conversations with the staff of the FEC indicate that no violation of the Act has occurred, it does recognize that a legitimate question exists regarding the treatment of this item for reporting purposes. It is my further understanding that the Commission has never taken an official position relating to the treatment of "candidate assessments" made by local political organizations.

The request is predicated on this understanding and the Committee's desire to:

1. Comply with the Act's reporting requirements for the item discussed.

2. Assure proper compliance in the future.

3. Provide guidance to others similarly situated.

820410637

I am available at your convenience to answer any further questions you may have or to meet with representatives of the Section should you wish.

To facilitate a prompt communication, correspondence relating to this matter should be directed to me at my office, 410 Cannon Building, Washington, D.C. 20515.

Respectfully,

Peter J. Visclosky
Treasurer

PJV/lfs

cc: John W. McGarry, Commissioner, FEC
Susan Kaltenbaugh
Leslie O. Pruitt, Lake County Auditor

8204211068 1

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15

NOTE:

Contrary to Pre-Mur 44 report of November 14, 1979, (see attachment 1C) RAD formally referred this matter to OGC on October 3, 1979. Due to the statement made by the General Counsel during the October 23, 1979 Executive Session (attached), no further action was taken by RAD.

It should also be noted that the information contained in this referral is identical to the information contained in the October 3, 1979 referral.

8201106932

REPORTS ANALYSIS [redacted] UPDATE

*ORIGIN:

DATE 10-3-79

ANALYST Susan Kaltenbaugh SK

TO: OGC William C. Oldaker
ATTENTION: Phyllis Kayson

TEAM CHIEF Peter Kell, Jr.

COMPLIANCE REVIEW Peggy Sims

THROUGH: STAFF DIRECTOR

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

**PURPOSE: Information for AOR filed by Benjamin for Congress IN/01

Reports Analysis sent a first notice surface violation on the "in kind" contribution from LCDCC on 6/29/79. Attachment 1
Explanatory response received 7/19/79. 2
RTB was sent on 9/11/79. 3
Telecon 7/6/79 4
Telecon 7/20/79 5
Telecon 9/10/79 6

Other Relevant Information: Lake County Democratic Central Committee is presently an unregistered committee.

Compliance action has been initiated. 7

8201106331

*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).
**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

III. RESPONSE TO THE REAGAN FOR PRESIDENT COMMITTEE

Chairman Tiernan stated that a draft response to the Reagan for President Commitee's July 3, 1979 answer to the FEC May 23, 1979 request for additional information had been placed on the agenda pursuant to an objection he had filed following circulation of the draft under a staff memorandum dated October 12, 1979, which had been circulated on a 48-hour tally vote basis.

Chairman Tiernan recognized Assistant Staff Director for Reports Analysis, Thomas Haselhorst, who circulated a revised draft letter, which was then discussed by the Commission.

Chairman Tiernan recognized Vice Chairman Friedersdorf, who

MOVED that the Commission approve the revised draft letter to Ms. Ray Buchanan, Treasurer of the Reagan for President Committee.

The motion carried unanimously. (6-0)

IV. BENJAMIN FOR CONGRESS COMMITTEE (PRE-MUR)

Chairman Tiernan recognized General Counsel Oldaker, who stated that by vote of four Commissioners a letter from the Benjamin for Congress Committee would be processed in the Pre-MUR track.

I. MINUTES (resumed)

Chairman Tiernan recognized Commissioner Aikens, who

MOVED that the Commission approve the corrected Minutes for the Executive Session of October 2, 1979.

The motion carried unanimously. (6-0)

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Haselhorst

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

79 NOV 14 P12:12

Got something from LCDCC & sent the matter to OGC

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
Acting General Counsel

SUBJECT: Pre-MUR 44

DATE: November 14, 1979

On October 15, 1979, the Commission voted to handle the attached September 25, 1979 letter written on behalf of Benjamin For Congress Committee, as a compliance matter and not as an advisory opinion request.

The letter requesting an advisory opinion was initiated by treasurer Peter J. Visclosky in response to a surface violation letter, and a reason to believe letter from the Reports Analysis Division. The Office of the General Counsel has not received a formal compliance referral 1/ on this matter from the Reports Analysis Division; however, we have been advised that upon completion of RAD compliance procedures, a referral will be made.

As the letter from Mr. Visclosky refers to compliance action initiated by the Reports Analysis Division and the internally generated procedures have not been completed on this matter for MUR status, it is recommended that:

(1) the Office of the General Counsel not undertake compliance action on this matter until a formal referral is made; and that

(2) a letter be sent to Mr. Visclosky explaining the Commission's denial of an advisory opinion and that the subject of his letter will be handled through the Commission's compliance procedure.

1/ An informational referral was received from the Reports Analysis Division in regard to the September 25, 1979 letter from Mr. Visclosky requesting an advisory opinion.

8201205837

RAD [redacted]

REPORTS ANALYSIS [redacted] UPDATE

*ORIGIN:

DATE 10-3-79

ANALYST Susan Kaltenbaugh SK

TO: OGC William C. Oldaker
ATTENTION: Phyllis Kayson

TEAM CHIEF Peter Kell, Jr.

COMPLIANCE REVIEW Peggy Sims

THROUGH: STAFF DIRECTOR

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

**PURPOSE: Information for AOR filed by Benjamin for Congress IN/01

		Attachment
Reports Analysis sent a first notice surface violation on the "in kind" contribution from LCDCC on 6/29/79.		1
Explanatory response received 7/19/79.		2
RTB was sent on 9/11/79.		3
Telecon	7/6/79	4
Telecon	7/20/79	5
Telecon	9/10/79	6

Other Relevant Information: Lake County Democratic Central Committee is presently an unregistered committee.

Compliance action has been initiated. 7

8201106338

*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).
**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

D RAD 642 91-157B

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE February 19, 1980 ANALYST Lisa Stolaruk

TO: Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW OK PE

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: Lake County Democratic Central Committee
TREASURER: Leslie O. Pruitt
ADDRESS: 2293 North Main Street
Crown Point, IN 46307
AFFILIATE(S): N/A

ALLEGATION(S):	CITE:	ATTACHMENT(S)
Failure to register and report as a political committee	2 U.S.C. 433 and 434	1 & 4
Excessive contribution to a candidate	2 U.S.C. 441a	1 & 4

DATE INITIATED: 6/28/79

MANNER IN WHICH REVIEW WAS INITIATED: ATTACHMENT
XX Normal Review ☐ Other:
☐ Special Project:

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

PERIOD COVERED FROM N/A TO N/A

TOTAL RECEIPTS $ N/A TOTAL EXPENDITURES $ N/A

CASH ON HAND $ N/A DEBTS $ N/A

HISTORY:

RESULTS OF REVIEW:	ATTACHMENT
3SV1/79-63 (6/28/79)	1
3SV2/79-63 (9/12/79)	4

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:	ATTACHMENT
Telecon: Stolaruk with Pruitt (7/3/79)	2
Telecon: Stolaruk with Pruitt (7/9/79)	3
Telecon: Stolaruk with Pruitt (9/19/79)	5

REASON(S) FOR REFERRAL:	ATTACHMENT
Excessive contribution meets RAD threshold for OGC review Response to 3SV2/79-63 (9/21/79)	6

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT
NONE

OTHER RELEVANT INFORMATION: ATTACHMENT
Please see companion referral for Benjamin for Congress
(See next page for continuation of Other Relevant Information)

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:
Pre MUR 44

Attachment 7

3 3 0 1 COPY 1 0 6 7 2 RAD 92-157B

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE February 6, 1980 ANALYST Lisa Stolaruk

TO: Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR B.L. for C.D.P. COMPLIANCE REVIEW CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: Lake County Democratic Central Committee
TREASURER: Leslie O. Pruitt
ADDRESS: 2293 North Main Street
Crown Point, IN 46307
AFFILIATE(S): N/A

ALLEGATION(S):	CITE:	ATTACHMENT(S)
Failure to register and report as a political committee	2 U.S.C. 433 and 434	1 & 4
Excessive contribution to a candidate	2 U.S.C. 441a	1 & 4

DATE INITIATED: 6/28/79

MANNER IN WHICH REVIEW WAS INITIATED:
XX Normal Review ☐ Other: ATTACHMENT
☐ Special Project:

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

PERIOD COVERED FROM N/A TO N/A

TOTAL RECEIPTS $ N/A TOTAL EXPENDITURES $ N/A

CASH ON HAND $ N/A DEBTS $ N/A

HISTORY:

RESULTS OF REVIEW:	*ATTACHMENT*
3SV1/79-63 (6/23/79)	1
3SV2/79-63 (9/12/79)	4

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:	*ATTACHMENT*
Telecon: Stolaruk with Pruitt (7/3/79)	2
Telecon: Stolaruk with Pruitt (7/9/79)	3
Telecon: Stolaruk with Pruitt (9/19/79)	5

REASON(S) FOR REFERRAL:	*ATTACHMENT*
Excessive contribution meets RAD threshold for OGC review Response to 3SV2/79-63 (9/21/79)	6

OTHER PENDING ACTIONS INITIATED BY RAD: *ATTACHMENT*
NONE

OTHER RELEVANT INFORMATION: *ATTACHMENT*
Please see companion referral for Benjamin for Congress
(See next page for continuation of Other Relevant Information)

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:
PRE-MUR 44 ATTACHMENT 7

OTHER RELEVANT INFORMATION, continued
Lake County Democratic Central Committee

This referral addresses the registration and reporting requirements for Lake County during both 1978 and 1979. The year 1979 involves Lake County's repayment of a $2,500 loan to Benjamin for Congress which was incurred in 1978. Please note that a Pre-MUR regarding CALMEDPAC and Physicians for Younger was generated by this Division on 1/9/80 and sent to the attention of Scott Thomas and Lester Scall. That situation deals with the treatment of loan repayments made by an unregistered committee to a registered committee in excess of $1,000.

8200411069 21

In reply please refer to: 3SV1/79-63

(1)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463 June 28, 1979

Treasurer
Lake County Democratic Central Committee
East Chicago, Illinois 46312

Dear Treasurer:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by Benjamin for Congress indicates that your organization may have made contributions which total in excess of $1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The Act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of $1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed $1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Susan Owen, in our Reports Analysis Division at (800)424-9530. Our local number is (202)523-4172.

Sincerely,

Orlando B. Potter
Staff Director

Enclosure
Certified Mail:
Return Receipt Requested

8201210693

SCHEDULE A
FEC
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for Line Number: 15 c

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date ... $	Date (month, day, year)	Amount of each Receipt this Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	same / Political Committee	October and November 1978	$2,250.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date ... $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date ... $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date ... $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date ... $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year-To-Date ... $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
SUBTOTAL of receipts this page (optional)			$
TOTAL this period (last page this line number only)			$2,250.00

Federal Election Commission
[redacted]
Washington, D.C. 20463

ITEMIZED EXPENDITURES

[redacted]perating, Transfers Out, Contributions [redacted]
[redacted]ans, Loan Repayments and Refunds Made
Supporting Lines 20a, 21a, and 22a, 22b, and 22c
of FEC FORM 3

Page [redacted] of [redacted] for
Line Number 20 A

Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Expenditures-In-Kind made during General Election Campaign by Lake County Democratic Central Committee	Billboards, brochures, radio advertising and election day workers Expenditure for: ☐ Primary ☒ General ☐ Other	October and November 1978	$2,250.00
Adam Benjamin Jr. 1608 Longworth Building Washington, D.C. 20515	Reimbursement for campaign expenses HI INDIC[illegible] Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78 to 11-16-78	246 83.00
The Times 417 Fayette Street Hammond, Indiana 46320	Newspaper advertising Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78	109.20
The Post Tribune 1065 Broadway Gary, Indiana 46402	Newspaper advertising Expenditure for: ☐ Primary ☒ General ☐ Other	11-4-78	105.00
Lake Shore Press 810 Washington Street Gary, Indiana 46402	Printing Expenditure for: ☐ Primary ☒ General ☐ Other	11-13-78	263.81
Roskosky for Mayor Committee Hammond, Indiana	Ticket purchase Expenditure for: ☐ Primary ☐ General ☐ Other	11-27-78	250.00
	Expenditure for: ☐ Primary ☐ General ☐ Other		
	Expenditure for: ☐ Primary ☐ General ☐ Other		

SUBTOTAL of expenditures this page (optional)	$
TOTAL this period (last page this line number only)	$ 3061.01

FEC FORM 3
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Page 1 of 1 for Line Number 21 A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Lake County Democratic Central Committee East Chicago, Indiana 46312	Loan Expenditure for: ☐ Primary ☒ General ☐ Other	11-2-78 22X	$2,500.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period

SUBTOTAL of expenditures this page (optional) . . . . . $

TOTAL this period (last page this line number only) . . . . . $ 2,500.00

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

DEBTS 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 12
(Use Separate Schedules for each numbered line)

Name of Candidate and Committee in Full
Benjamin for Congress

Full Name, Mailing Address and ZIP Code of Debtor or Creditor	Date (month, day, year)	Amount of Original Debt, Contract, Agreement or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
Lake County Democratic Central Committee East Chicago, Indiana 46312 ☐ Primary ☐ General ☐ Other	11-2-78	$2500.00	$ 0	$ 2500.0

NATURE OF OBLIGATION (Details of Debt):
Loan to County 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 Payment To Date	Outstanding Balance at Close of This Period
☐ Primary ☐ General ☐ Other		$	$	$

NATURE OF OBLIGATION (Details of Debt):

Full Name, Mailing Address and ZIP Code of Debtor or Creditor	Date (month, day, year)	Amount of Original Debt, Contract, Agreement or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
☐ Primary ☐ General ☐ Other		$	$	$

NATURE OF OBLIGATION (Details of Debt):

SUBTOTALS this period this page (optional)	$	$	$
TOTAL this period (last page this line number only)	$ 2500.00	$ 0	$ 2500.00

Carry outstanding balance only to appropriate line of summary.

8020117697

(2)

DATE: 7/3/79

TIME: 11:30

COMMITTEE: Lake County Democratic Central Committee

PERSON SPOKEN TO: Les Pruit (219) 738-2324

REC'R: Lisa Stolaruk

SUBJECT: M letter

Lake County received a $2,500 loan from the Benjamin for Congress Committee in late 1978. They also spent $2,250 in in-kind contributions for Benjamin. They received an M letter.

MR. Pruit called to explain that the Committee did not contribute directly to Benjamin. I wanted to talk with Sue Kaltenbach before getting back with Mr. Pruit, to see if the candidate responded. Sue was out of the office this day.

I called Pruit back and he said the loan was repaid in full in March of this year. I said I'd call him back Thursday after I talked with Sue.

8201106928

(3)

TELECON

DATE: 7/9/79

TIME: 10:30

COMMITTEE: Lake County Democratic Committee

PERSON SPOKEN TO: Les Pruit, Treasurer

FEC'R: Lisa Stolaruk

SUBJECT: M letter

Mr. Pruit called in response to the M letter. I informed him that the $2,250 that Lake County made in in-kind contributions to Benjamin was in excess of the legal limit of $1,000. Pruit said that it was Benjamin's committee that assessed the value of the in-kind at $2,250. He said that it could very easily have been assesed at $1,000. I also explained that the $2,500 loan that Lake County repaid to Benjamin in March of '79 also triggered a reporting responsibility on Lake County's behalf. I said that they could also seek a refund of $1,500 to relieve them of the reporting burden. I further advised Mr. Pruit that he could request an Advisory Opinion concerning the loan. He said that he would consult with Benjamin's people and get back to me with their proposed course of action.

In response please refer to: SSV2/79-63

(4)

FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

September 12, 1979

Treasurer
Lake County Democratic Central Committee
East Chicago, IL. 46312

Dear Treasurer:

On June 28, 1979, you were notified that you may have made contributions to a political committee which raised problems under 2 U.S.C. 433 and 434.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 433 and 434.

The Commission notes that your committee made a loan repayment to Benjamin for Congress in the amount of $2,500 on March 30, 1979. A copy of this portion of the report is attached. Thus, your committee may qualify as a political committee for 1979, as well as 1978. Please inform the commission of the nature of this loan repayment. This information should include the nature of the bank account from which the payment was made, and the sources of the funds placed into this account.

The Commission will take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within fifteen (15) days from the date of this letter.

If you have responded to the above or you require additional information, please contact Lisa Storlaruk, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is 523-1474.

Sincerely,

Joan D. McGarry
Commissioner

Enclosure

8001107700

(Contributions, Transfers, Contributions, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Line Number 17-A

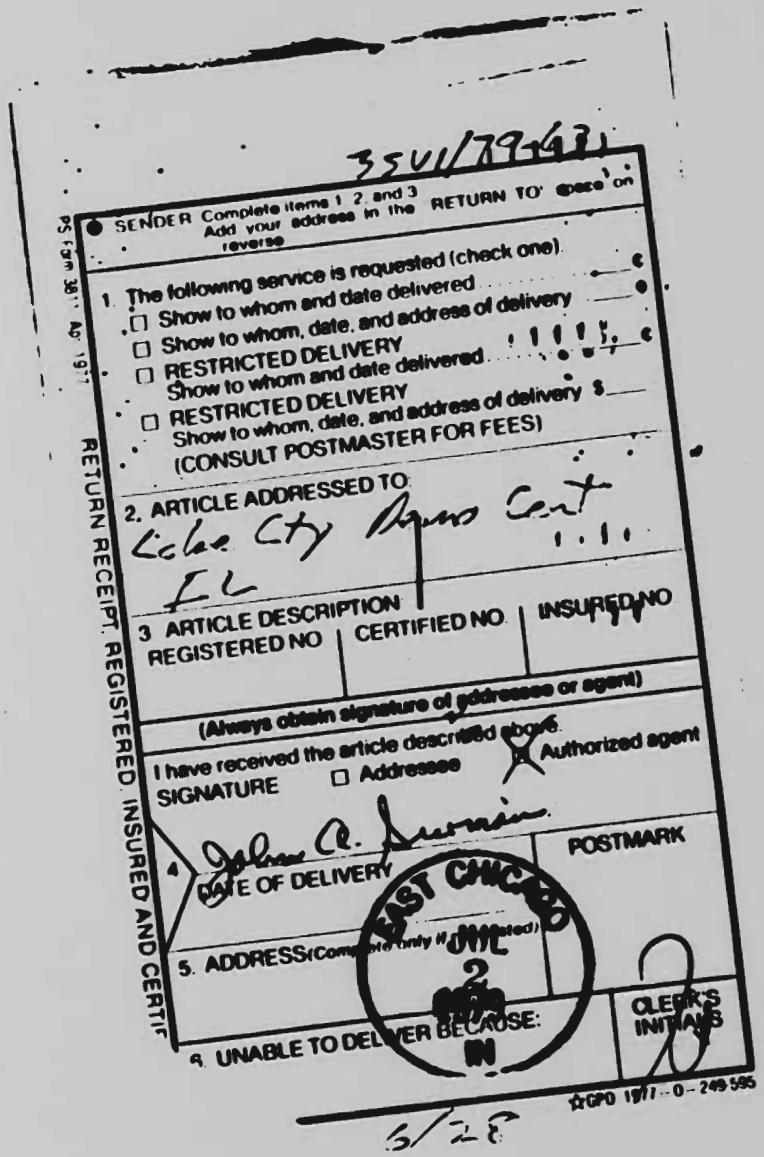
(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Benjamin for Congress

Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Lake County Democratic Central Committee East Chicago, Indiana 46312	East Chicago, Indiana Occupation: Political Committee ☐ Check if Contributor is self-employed Aggregate Year-To-Date $2500.00	3-20-79	$2500.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date $	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other			
SUBTOTAL of receipts this page (optional)			$
TOTAL this period (last page this line number only)			$2500.00

8 2 0 1 0 : 1 0 7 0 3



3SU1/79-63

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:
Lake City Depo Cent
FL

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

John A. Sweeney

4 DATE OF DELIVERY

POSTMARK

EAST CHICAGO
SEP 2
IN

5. ADDRESS (Complete only if requested)

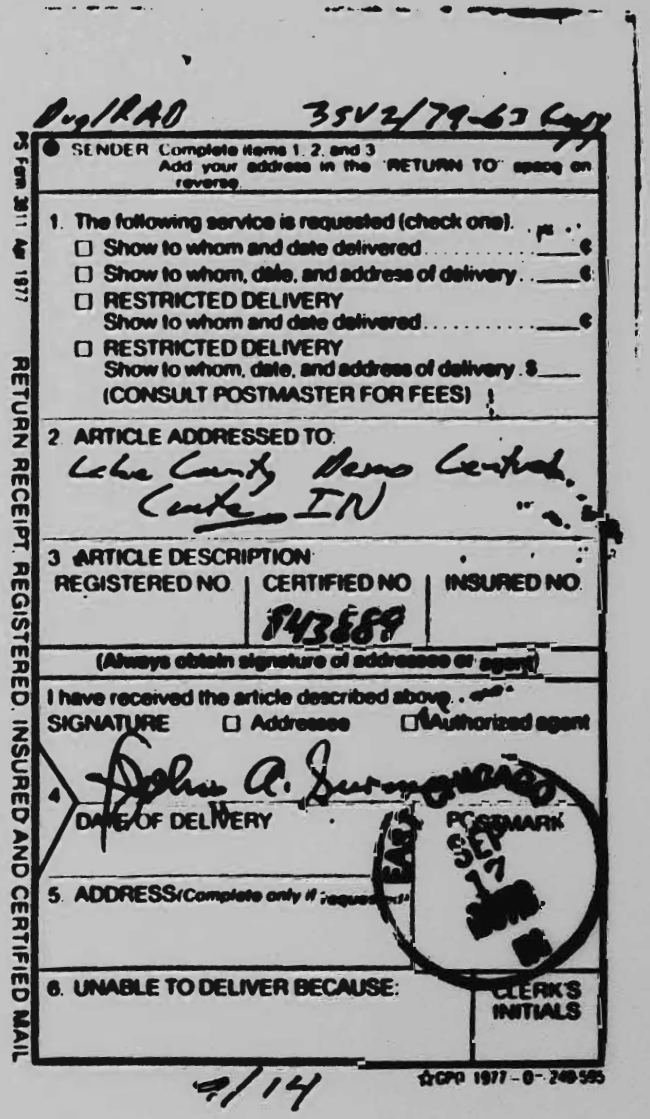
6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO 1977 - O - 249 595

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

3/28



Dup/RAD 3SU2/79-63 Copy

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:
Lake County Depo Central
Center IN

3 ARTICLE DESCRIPTION

REGISTERED NO	CERTIFIED NO	INSURED NO
	843688	

(Always obtain signature of addressee or agent)

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

John A. Sweeney

4 DATE OF DELIVERY

POSTMARK

EAST CHICAGO
SEP 17
IN

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO 1977 - O - 249 595

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

9/14

TELECON

(5)

DATE: 9/19/79

TIME: 2:00

COMMITTEE: Lake County Democratic Central Committee

PERSON SPOKEN TO: Les Pruitt (219)738-232-

FEC'R: Lisa Stolaruk

SUBJECT: Excessive contribution to Benjamin for Congress

Mr. Pruitt called today to talk about the violation. I asked him to send a letter stating the facts according to his understanding of them, and also to include a statement as to the composition of the funds that were transfered to Benjamin as a loan repayment. He did not understand why I was requesting him to do this, since Benjamin's treasurer already sent a letter explaining the situation. I told him that, for the Public Record, he should respond to the SV that was sent to his committee and that he should present some documentation of Lake County's side of the story. He was still very reluctant to do this, and I tried to make it clear that we were not forcing him to do anything, but for his own sake, he should send something in. In the end, he agreed to send in a letter.

He also gave me a new address & which may be used to forward any new correspondence:

2293 N. Main St.
Crown Point, IN 46307

(6)

LAKE COUNTY DEMOCRATIC CENTRAL COMMITTEE

LESLIE O. PRUITT, TREASURER
COUNTY COURT HOUSE
CROWN POINT, INDIANA 46307

79 SEP 24 AM 11:59

September 21, 1979

Federal Election Commission
Washington, D.C. 20463

Attention: Lisa Storlaruk

RE: 3SV2/79-63

Dear Ms. Storlaruk,

In reference to your letter dated September 12, 1979, The Benjamin for Congress Committee loaned the Lake County Democratic Central Committee $2,500.00, to help defray expenses for the General Election of 1978.

The repayment was made March 28,1979, Check #488, written on Commercial Bank, Crown Point, Indiana. Funds are placed in this account from voluntary contributions made to the Lake County Democratic Central Committee.

The assessment of $2,250.00, was for tickets that were to be sold by Mr. Benjamin for the Golf Fund Raiser, monies that were collected and used for the General Election of 1978.

Hoping that the above information will be satisfactory, if further information is needed, please contact me and information will be submitted.

Sincerly,

Leslie O. Pruitt,
Treasurer of the Lake
County Democratic Central
Committee

LOP/kmr

8 0 0 0 1 1 0 7 0 4

(7)

Haselhorst

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463 3 NOV 14 P12:10

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
Acting General Counsel

SUBJECT: Pre-MUR 44

DATE: November 14, 1979

On October 15, 1979, the Commission voted to handle the attached September 25, 1979 letter written on behalf of Benjamin For Congress Committee, as a compliance matter and not as an advisory opinion request.

The letter requesting an advisory opinion was initiated by treasurer Peter J. Visclosky in response to a surface violation letter, and a reason to believe letter from the Reports Analysis Division. The Office of the General Counsel has not received a formal compliance referral 1/ on this matter from the Reports Analysis Division; however, we have been advised that upon completion of RAD compliance procedures, a referral will be made.

As the letter from Mr. Visclosky refers to compliance action initiated by the Reports Analysis Division and the internally generated procedures have not been completed on this matter for MUR status, it is recommended that:

(1) the Office of the General Counsel not undertake compliance action on this matter until a formal referral is made; and that

(2) a letter be sent to Mr. Visclosky explaining the Commission's denial of an advisory opinion and that the subject of his letter will be handled through the Commission's compliance procedure.

1/ An informational referral was received from the Reports Analysis Division in regard to the September 25, 1979 letter from Mr. Visclosky requesting an advisory opinion.

RAD 97-157

REPORTS ANALYSIS [redacted] UPDATE

*ORIGIN:

DATE 10-3-79

ANALYST Susan Kaltenbaugh SK

TO: OGC William C. Oldaker
ATTENTION: Phyllis Kayson

TEAM CHIEF Peter Kell, Jr.

COMPLIANCE REVIEW Peggy Sims

THROUGH: STAFF DIRECTOR

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

**PURPOSE: Information for AOR filed by Benjamin for Congress IN/01

	Attachment
Reports Analysis sent a first notice surface violation on the "in kind" contribution from LCDCC on 6/29/79.	1
Explanatory response received 7/19/79.	2
RTB was sent on 9/11/79.	3
Telecon 7/6/79	4
Telecon 7/20/79	5
Telecon 9/10/79	6

Other Relevant Information: Lake County Democratic Central Committee is presently an unregistered committee.

Compliance action has been initiated. 7

*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).
**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

8204211727

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1171

Date Filmed 2/11/82 Camera No. --- 2

Cameraman GPC