



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1322

Date Filmed 3-26-81 Camera No. --- 2

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8104023309



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 18, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gail Harmon, Esquire
Harmon and Weiss
1725 I Street, N.W.
Suite 506
Washington, D.C. 20006

Re: MUR 1322

Dear Ms. Harmon:

On October 28, 1980, the Commission notified you of a complaint alleging that your clients, Friends of Family Planning and Stewart R. Mott had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 16, 1981, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles N. Steele", is written over the word "Sincerely,".

Charles N. Steele
General Counsel

810040235210

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gail Harmon, Esquire
Harmon and Weiss
1725 I Street, N.W.
Suite 506
Washington, D.C. 20006

Re: MUR 1322

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Sincerely,

Charles N. Steele
General Counsel

CW7 dmm 02/10/81

(CW)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 18, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marion Edwyn Harrison, Esquire
Barnett, Alagia and Carey
1627 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1322

Dear Mr. Harrison:

The Federal Election Commission has reviewed the allegations of your complaint dated October 24, 1980 and determined that on the basis of the information provided in your complaint and information provided by the Respondents there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles N. Steele", is written over the word "Sincerely,".

Charles N. Steele
General Counsel

81040235212

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marion Edwyn Harrison, Esquire
Barnett, Alagia and Carey
1627 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1322

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Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

(CW)

BEFORE THE FEDERAL ELECTIONS COMMISSION

In the Matter of

Friends of Family Planning
Stewart R. Mott

)
)
)
)

MUR 1322

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 16, 1981 1981, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 1322:

1. Find NO REASON TO BELIEVE that Friends of Family Planning violated 2 U.S.C. § 434(b), 11 C.F.R. §104.13 by failing to accurately report in-kind contributions for rent payments from Stewart R. Mott.
2. Find NO REASON TO BELIEVE that Stewart R. Mott violated 2 U.S.C. § 441a(a)(1)(C) by making contributions in excess of lawful limitations.
3. Find NO REASON TO BELIEVE that Friends of Family Planning violated 2 U.S.C. § 441a(f) by accepting contributions in excess of lawful limitations.
4. CLOSE THE FILE in this matter.

(Continued)

310040235214

CERTIFICATION

MUR 1322

First General Counsel's Report

Dated March 12, 1981

Page 2

5. Approve and send the letters as attached to the First General Counsel's Report dated March 12, 1981.

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

Attest:

3-16-81
Date

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

Received in Office of the Commission Secretary: 3-12-81, 11:02
Circulated on 48 hour vote basis: 3-12-81, 4:00

31010235015

March 12, 1981

MEMORANDUM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 1322

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

3177725215

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

81 MAR 12 All: 02
ORT

FIRST GENERAL COUNSEL'S REPORT

MUR # 1322
DATE COMPLAINT RECEIVED
BY OGC: 10/27/80
STAFF MEMBER:
Carolyn Weeder

MUR # 1322
DATE COMPLAINT RECEIVED
BY OGC: 10/27/80
STAFF MEMBER:
Carolyn Weeder

MUR # 1322
DATE COMPLAINT RECEIVED
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Carolyn Weeder

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STAFF MEMBER:
Carolyn Weeder

MUR # 1322
DATE COMPLAINT RECEIVED
BY OGC: 10/27/80
STAFF MEMBER:
Carolyn Weeder

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 434 and 11 C.F.R. § 104.13(a)(1)

2 U.S.C. § 434 and 11 C.F.R. § 104.13(a)(1) prescribe that the amount of an in-kind contribution shall be equal to the usual and normal value of the goods or services received. 11 C.F.R. § 100.7 (a)(1)(iii)(A) further states that the provision of any services without charge or at a charge which is less than the usual and normal charge for such services is a contribution. The payment for rent as an in-kind contribution falls within the scope of this provision.

The complaint alleges that Friends failed to report the usual and normal value of rent payments as in-kind contributions from Mott. The complaint states that Friends reported rent in a building owned by Mott at \$30 per month, aggregating \$100 for six months. The complaint asserts that the more accurate value for rent for the six months is approximately \$1,350.

To substantiate its allegations, complainant submitted affidavits of two individuals. Christian S. White estimates in his affidavit that the office space he believed Friends occupied to be approximately 450 square feet. In the second affidavit, Rudolph A. Taylor, a licensed real estate broker in the District of Columbia, appraises the fair market rental value of the property in question at six dollars per square per year.

Based on these affidavits, the complaint avers that the usual and normal charge for rent for the Friends' office for the six month period is not less than \$1,350. Thus, the complaint alleges that Friends erroneously reported the rent at \$180 when in fact it should have been reported as \$1,350.

On November 10, 1980, Gail Harmon, counsel for Friends, submitted a response to the allegations. The response asserts that the reported monthly rent payments of \$30 is in fact a generous appraisal of the space it occupies.

Friends argue that complainant's affiants estimated the value owed by Friends to Mott for rent without information and knowledge as to what office space Friends in fact occupies. Friends included with its response an affidavit by Diane Abelman, Chair of Friends, in which she states that Mr. White did visit the Friends' office in April, 1980. However, although they sat in the 13' by 9' room in question, Mr. White never inquired as to how much office space or building space is allotted to Friends.

Friends contend that it uses a minimal part of the office. Specifically, Friends state that it only makes use of one-half of one drawer of one file cabinet and one of twenty-one small shelves which are both located in one office. Friends explain that it does not need much office space due to the fact that most of its activities are handled by outside consultants and a volunteer Board of Directors. It's direct mail fundraising is handled by a consultant in New York City; the contributions are opened and recorded by a bank in Washington, D.C.; and the decisions of which candidates to support are made from time to time by a volunteer Board of Directors. In addition, Diane Abelman states in her affidavit that the office is used on Friends' business less than 20 hours per month.

Thus, Friends assert that although it makes use of this minimal space, it generously determined the rent due at one-half of the value of the room in which the file drawer and shelves are located. The dimensions of the room in question are 13' x 9', and thus, in applying the fair market rental value suggested by the complainant's affiants (\$6 per square per year), the rent for the entire room should be \$58.50. In view of the minimal space used by Friends, the \$30 per month rent payments in fact exceeds the rental value of the space which it occupied.

Reports filed by Friends disclose in-kind contributions from Mott for rent at \$30 per month from April through September, 1979 and disclose disbursements from Friends to Mott from October through November, 1979, for rent at the same rate.

Therefore, Friends contend that it accurately reported the usual and normal value of the goods and/or services as in-kind contributions received from Stewart Mott as prescribed by 2 U.S.C. § 434 and 11 C.F.R. § 104.13(a)(1). Further, Friends contend that the amount paid to Mott for rent for October through November, 1980 is at a charge which is not less than the usual and normal charge for such "services" and thus no contribution as described in 11 C.F.R. § 100.7(a)(1)(iii)(A) results.

In consideration of respondent's documentation that the payments reported for rent were accurate with regard to the office space occupied, the Office of General Counsel recommends that the Commission find no reason to believe that Friends violated 2 U.S.C. § 434.

2 U.S.C. § 441a(a)(1)(C) and § 441a(f)

Relying on the assumption that Friends inaccurately reported the amount of in-kind contributions from Mott, complainant

alleges that the difference in the unreported amount would place Mott in violation of 2 U.S.C. § 441a(a)(1)(C).

2 U.S.C. § 441a(a)(1)(C) prescribes that no person shall make contributions to any political committees, other than authorized political committees or national party committees, which exceed an aggregate of \$5,000 per calendar year. However, in that Friends has submitted documentation that the amount reported for rent is accurate, the aggregate of Mott's contributions to Friends in 1979 as reflected by the reports does not exceed lawful limitations.

Specifically, the Friends' reports disclose the following contributions from Mott in 1979:

<u>Amount</u>	<u>Date</u>
\$ 406.67	05/79 - 06/79
130.00	07/79 - 09/79
4,000.00	12/14/79
410.00	12/29/79
TOTAL: \$4,946.67	

Thus, the reports indicate that Mott's total contributions to Friends in 1979 was less than \$5,000. The Office of General Counsel therefore recommends that the Commission find no reason to believe that Stewart R. Mott violated 2 U.S.C. § 441a(a)(1)(C).

Accordingly, the Office of General Counsel also recommends that the Commission find no reason to believe that Friends violated 2 U.S.C. § 441a(f) by accepting contributions in excess of lawful limitations.

RECOMMENDATIONS

1. Find no reason to believe that Friends of Family Planning violated 2 U.S.C. § 434(b), 11 C.F.R. § 104.13 by failing to accurately report in-kind contributions for rent payments from Stewart R. Mott.
2. Find no reason to believe that Stewart R. Mott violated 2 U.S.C. § 441a(a)(1)(C) by making contributions in excess of lawful limitations.
3. Find no reason to believe that Friends of Family Planning violated 2 U.S.C. § 441a(f) by accepting contributions in excess of lawful limitations.

- Attachments:**

1. Letters to Complainant and Respondents (2 pages)
2. Complaint (6 pages)
3. Friends' Response (5 pages)
4. Mott's Response (3 pages)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marion Edwyn Harrison, Esquire
Barnett, Alagia and Carey
1627 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1322

Dear Mr. Harrison:

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Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

(Sixteen Pages of Attachments in total)

Attachment 1
Page 1



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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Sincerely,

Charles N. Steele
General Counsel

Attachment 1
Page 2

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BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

(202) 785-5572

CABLE ALL OFFICES ALBAR

BARNETT & ALAGIA*
KENTUCKY HOME LIFE BUILDING
BOX 1179
LOUISVILLE, KENTUCKY 40201
(502) 585-4131

BARNETT, ALAGIA & PROSPERI**
249 ROYAL PALM WAY
PALM BEACH, FLORIDA 33480
(305) 832-5696

BARNETT, ALAGIA & YESSIN***
P.O. DRAWER 8
FRANKFORT, KENTUCKY 40601
(502) 227-7326

BERNARD H. BARNETT
MARION EDWYN HARRISON
RICHARD M. TRAUTWEIN*
JOSEPH M. DAY*
A. PAUL PROSPERI**
JAMES L. COORSSEN*
PATRICIA C. ANDERSON
STEVEN G. BOLTON***
FRANKLIN DRAKE*
JOHN E. EVANS*
RONALD L. GAFFNEY*
WILLIAM S. GLADING
JOHN M. HIMMELBERG
W. DAVID KISER*
MARY CHERYL MATHEIS
DONALD F. MINTMIRE
JEFFREY B. RITTER*

OF COUNSEL
RUFUS E. WILSON

D. PAUL ALAGIA, JR.
WILLIAM A. CAREY
ALLAN B. SOLOMON*
RUDY YESSIN***
MICHAEL E. LANNON*
ST. JOHN BARRETT
RICHARD A. GLADSTONE
CHARLES DAWSON BARNETT*
GREGORY B. DICKENSON**
DARRYL W. DURHAM*
WM. CARL FUST*
GARY D. GARRISON*
JOSEPH L. HAMILTON*
JOHN S. KECK*
JOHN B. LYNN
HUGH MacMILLAN, JR.**
IVAN H. RICH, JR.*
JACK E. RUCK*
JOHN F. SHERLOCK III
MARY JO WINKLER*

October 24, 1980

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

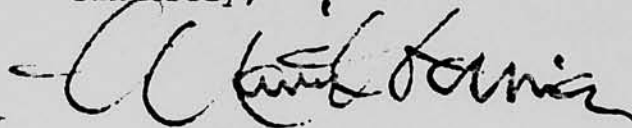
Re: LAPAC, Inc. v. Friends of Family Planning
MUR #

Dear Mr. Steele:

Pursuant to the provisions of 2 USCA §437g(a)(1) and 11 CFR §111.4 we submit herewith the sworn complaint of our client Life Amendment Political Action Committee, Inc. against Friends of Family Planning.

Our client urges a thorough-going investigation by the Federal Election Commission of all in-kind contribution reporting by Friends of Family Planning on the theory that if an obvious value has been grossly understated it is possible that less obvious values also have been understated.

Sincerely,



MARION EDWYN HARRISON

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Attachment 2 - Page 1

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BEFORE THE FEDERAL ELECTION COMMISSION

LIFE AMENDMENT POLITICAL ACTION COMMITTEE, INC.]

v.]

FRIENDS OF FAMILY PLANNING]

MUR # _____

COMPLAINT

1. Upon information and belief, the reports of Friends of Family Planning, stated to be a political action committee, 122 Maryland Avenue, S.W., Washington, D. C. 20002, show for the calendar year 1979 contributions received from Mr. Stewart R. Mott as cash in the sum of \$4,410.00 and in kind in the sum of \$280.50, a total of \$4,690.50. Of the foregoing in-kind contribution of \$280.50, two contributions of \$90.00 each, totaling \$180.00, are reported as rent for six months, at the rate of \$30.00 monthly, for the offices of Friends of Family Planning in a building at 122 Maryland Avenue, S.W., Washington, D. C. 20002, owned by Mr. Stewart R. Mott.

2. Upon information and belief, the offices of Friends of Family Planning comprise about 450 square feet, of a rental value of not less than \$6.00 per square foot.

3. Accordingly, the in-kind contribution of Mr. Stewart R. Mott is erroneously reported at \$180.00 when, in fact, it should be reported as not less than \$1,350.00.

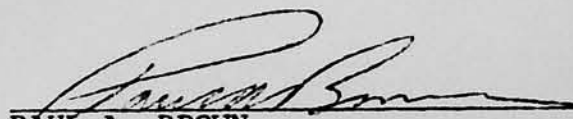
4. Upon information and belief, the total contribution for the calendar year 1979 of Mr. Stewart R. Mott is not less than \$5,860.00 (\$4,410.00 in cash; \$105.50 [\$25.00 plus \$75.50] in-kind other than rent and \$1,350.00 in-kind as rent).

(10)

- 2 -

5. The limitation upon the contribution of an individual to a political action committee is \$5,000.00 per annum.

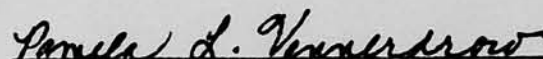
6. Life Amendment Political Action Committee, Inc., refers to, and incorporates by reference herein, the Affidavits of Mr. Christian S. White, IV, and Mr. Rudolph A. Taylor, each attached.


PAUL A. BROWN
Treasurer
Life Amendment Political Action
Committee, Inc.

DISTRICT OF COLUMBIA

CITY OF WASHINGTON, ss:

Subscribed and sworn to before me this 14th day of
~~September~~ ^{October}, 1980.


PAMELA L. VENNERDROW
Notary Public, D.C.

My Commission expires April 14, 1984.

(11)

AFFIDAVIT OF CHRISTIAN S. WHITE, IV, ESQUIRE

CHRISTIAN S. WHITE, IV, ESQUIRE, first sworn, deposes and says as follows.

1. I am a member of the Virginia Bar; formerly was a licensed real estate salesman in Virginia; and am a consultant to Life Amendment Political Action Committee, Inc. ("LAPAC").
2. On or about April 10, 1980 I entered upon the premises of "Friends of Family Planning", located at 122 Maryland Avenue, N.W., Washington, D. C.
3. I observed said premises, which consist of two rooms on the north side of the third floor of the building in which they are located. These rooms appear to be about 20 feet by 15 feet and about 10 feet by 15 feet, a total of about 450 square feet.
4. I estimated these dimensions both by counting paces mentally and by comparing the approximate ratios of the dimensions of objects the size of which I also readily could estimate - as, for example, a circular table of a diameter of about 6 feet.
5. During my years as a licensed real estate salesman I often had occasion to estimate dimensions of rooms and I have reasonable confidence that these estimates are approximately accurate.

Further Affiant sayeth not.

Christian S. White, IV
CHRISTIAN S. WHITE, IV

12

- 2 -

DISTRICT OF COLUMBIA

CITY OF WASHINGTON, ss:

Subscribed and sworn to before me this 14th day of
~~September~~ ^{October}, 1980.

Pamela L. Vennerdrow
PAMELA L. VENNERDROW
Notary Public, D.C.

My Commission expires April 14, 1984.

13

AFFIDAVIT AS TO VALUE
AND
APPRAISAL REPORT

DISTRICT OF COLUMBIA, ss:

Rudolph A. Taylor, being duly sworn on oath, deposes and says, that he is a licensed Real Estate Broker, authorized to engage in the said real estate business in the District of Columbia, over a period of 30 years. That he is a qualified appraiser; that he has inspected the property described below and on the basis thereof, submits the following report:

LOCATION: Lot 7 in Square 726 with improvements thereon known as 122 Maryland Avenue, Northeast, Washington, D.C.

TYPE: A detached brick structure located on a level lot approximately 3,165 square feet.

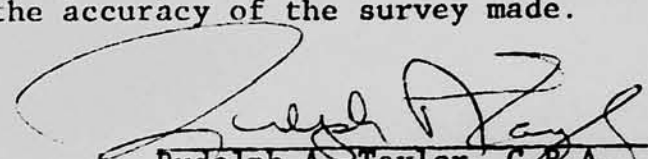
DESCRIPTION: A detached brick structure presently used as office space and subdivided space, within being rented to several different companies. The purpose of this appraisal is to determine the value of said office space in regards to fair market rental.

ZONING: SP (Special Purpose)

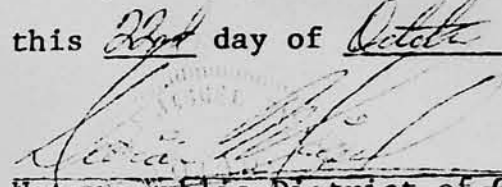
VALUATION: This Affiant further says that he is familiar with Real Estate rental in this area, that he has inspected the said premises and based upon his experience, is of the opinion that the Fair Market Rental for this subject property is:

SIX DOLLARS (\$6.00) PER SQUARE PER YEAR

This Affiant, further states that he has no interest in the said Real Estate, presently or prospective, and he has assumed no responsibility for the accuracy of the survey made.


Rudolph A. Taylor, C.R.A.

Subscribed and sworn before me this 22nd day of October, 1980


Notary Public, District of Columbia

Dennis Wilgus Taylor

My Commission Expires March 14, 1983

Friends of Family Planning

14

911263

122 Maryland Avenue, N.E.

GPC # 3342

Washington, D.C. 20002 202/543-7803

Board of Directors

Diane S. Abelman, Chair

Phyllis Avedon

Werner Fornos

Population Action Council

Gail Harmon, Esq.

Russell Hemenway

National Committee for
An Effective Congress

Henrietta Marshall

Planned Parenthood
Federation of America

Roy Morgan

Zero Population Growth

Stewart R. Mott

Karen Mulhauser

National Abortion Rights
Action League

Judith Senderowitz

Center for
Population Options

Anne B. Zill

Fund for
Constitutional Government

Advisory Council

Cathryn Adamsky

Association for
Women Psychology

Cristine Candela

Women's Equity
Action League

Florence L. Denmark, Ph.D.

American Psychological
Association

Uta Landy, Ph.D.

National Abortion
Federation

Judith Lichtman

Women's Legal Defense Fund

Naomi J. McAfee

Federation of Organizations
for Professional Women

Sheila M. Pfafflin

Association for Women
in Science

Jeannie Rosoff

Alan Guttmacher Institute

Elisa Sanchez

National Council of La Raza

Leon Shull

Americans for
Democratic Action

Alan Stone, M.D.

American Psychiatric
Association

George Zeidenstein

Population Council

Sponsors

Anne Ehrlich

Paul Ehrlich

Mrs. Alan Guttmacher

Honorable Richard Lamm

Frances Lear

Norman Lear

(Organizations listed for
identification purposes only)

14 November, 1980

30 NOV 17 11:04

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

Dear Ms. Weeder:

This letter is to inform you that in the
case of MUR 1322, Friends of Family Planning
will be represented by:

Gail Harmon, Esq.
Harmon & Weiss
1725 I Street, N.W.
Suite 506
Washington, D.C. 20006
(202) 833-9070

Please do not hesitate to contact me if
you need any additional information concerning
this matter.

Sincerely,

Diane S. Abelman

Diane S. Abelman
Friends of Family Planning

cc: Gail Harmon, Esq.

Attachment 3 - Page 1

GCC#3294

(15)

HARMON & WEISS

1725 I STREET, N.W.

SUITE 506

WASHINGTON, D. C. 20006

GAIL M. HARMON
ELLYN R. WEISS
WILLIAM S. JORDAN, III
LEE L. BISHOP

TELEPHONE
(202) 833-9070

November 10, 1980

NOV 12 4 9: 09

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

Re: MUR 1322

Attn: Carolyn Weeder

Dear Ms. Weeder:

On behalf of Friends of Family Planning I am responding to the above referenced complaint filed by Life Amendment Political Action Committee, Inc. (LAPAC) against my client, Friends of Family Planning ("Friends").

The complaint alleges that Friends received contributions from Stewart R. Mott in excess of the \$5,000 limit because his in-kind contribution of office space was undervalued. The complaint incorporates two affidavits, one estimating the fair market value of the space to be \$6 per year and another estimating the premises of Friends to be two rooms totaling 450 square feet.

In fact, Friends of Family Planning makes only occasional use of one office. In this office, Friends uses 1/2 of 1 drawer of a file cabinet to store some records and 1 of 21 small shelves to store stationery. Friends does not need much office space because most of its activities are handled by outside consultants and a volunteer Board of Directors. For example, its direct mail fundraising is handled by a consultant in New York City, the contributions are opened and recorded by a bank in Washington, D.C. and the decisions of which candidates to support are made from time to time by a volunteer Board of Directors.

During his visit to the premises, Mr. White did not specifically inquire as to whether Friends used 1, 2 or 4 offices. Clearly, the Chair of the Committees, whose affidavit is attached, is more knowledgeable than a one-time casual visitor.

Although the office is used infrequently by Friends, in an effort to avoid any suggestion of undervaluation of the in-kind contribution, slightly over 1/2 of each month's rent was allocated to Friends. Thus, using the \$6/square foot fairmarket rental suggested by LAPAC's Affiant, Rudolph A. Taylor, the \$58.50

Attachment 3 - Page 2

HARMON & WEISS

16

Federal Election Commission
November 5, 1980
Page 2

annual rent is 13' x 9' x \$6 or \$702 per year or \$58.50 per month. From May-September Friends reported an in-kind contribution of \$30/ month for this office space. In the period from October to December, Friends paid Stewart Mott rent at this rate.

Attached hereto is an affidavit of Diane S. Abelman, Chair of Friends of Family Planning which describes Friends' office space.

For reasons discussed above we respectfully request that LAPAC's complaint be promptly dismissed.

If you need additional information, please contact the undersigned.

Sincerely,

Gail M. Harmon
Gail M. Harmon

GMH/lc

Enclosure

Attachment 3 - Page 3

(11)

317402332

AFFIDAVIT OF DIANE S. ABELMAN

DIANE S. ABELMAN, being duly sworn deposes and says as follows:

1. I am the Chair of Friends of Family Planning, a multicandidate political committee registered with the Federal Election Commission.

2. Attached hereto is a floor plan of the third floor of 122 Maryland Avenue and marked with a star is the office occasionally used by Friends of Family Planning. The office is used on Friends of Family Planning business less than 20 hours per month and houses 1/2 of one file drawer of Friend's records and a small amount of stationery stored on one of twenty-one available shelves.

3. In April of 1980, Christian S. White visited the offices of Friends. We sat in the office starred on the floor plan. While he never asked specifically whether Friends used 1, 2 or 4 offices, I do not remember any suggestion or implication that Friends used additional space.

4. Further affiant sayth not.

Diane S. Abelman
Diane S. Abelman

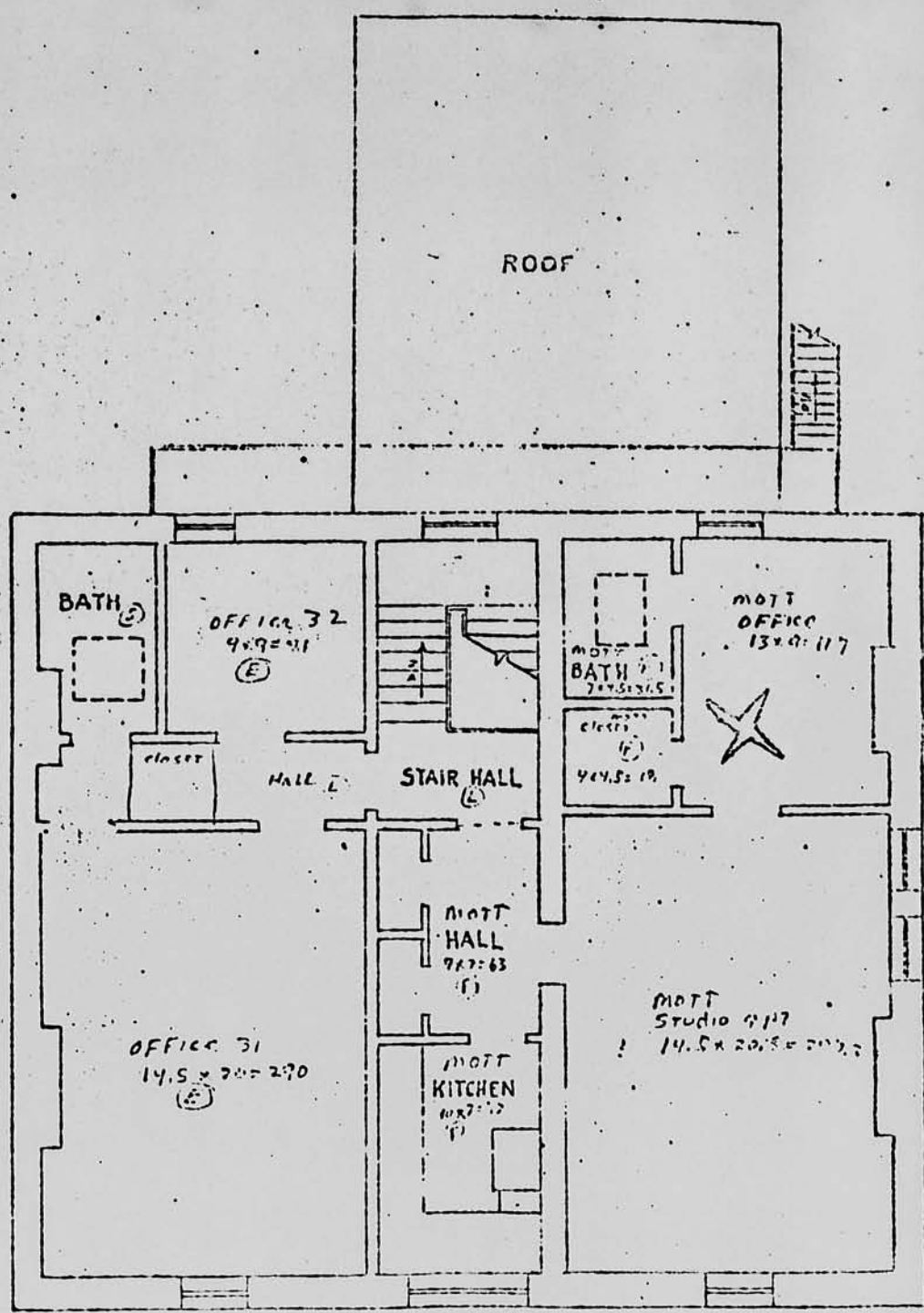
Sworn to and subscribed before me this 10th day of November 1980.

Deanne M. Westergaard
Notary Public

My Comm. Ex. 10, 1984

8100102333

81040235234



THIRD FLOOR PLAN
Scale 1/8" = 1'-0"

911495

3519

30 DEC 9 18:32

19

TELEPHONE
(202) 833-9070

HARMON & WEISS

1725 I STREET, N.W.

SUITE 506

WASHINGTON, D. C. 20006

GAIL M. HARMON
ELLYN R. WEISS
WILLIAM S. JORDAN, III
LEE L. BISHOP

December 5, 1980

Federal Election Commission
ATTN: Carolyn Weeder
1325 K Street, N.W.
Washington, D.C. 20463RE: MUR 1322

Dear Ms. Weeder:

Stewart R. Mott has requested that I respond on his behalf to the above-referenced complaint filed by LAPAC against Friends of Family Planning ("Friends").

Mr. Mott's response relies on the same facts and reasoning used in the response filed previously by Friends. Thus, no excessive contribution was made because Friends makes only occasional use of one small office in Mr. Mott's house.

The complaint alleges that Friends received contributions from Stewart R. Mott in excess of the \$5,000 limit because his in-kind contribution of office space was undervalued. The complaint incorporates two affidavits, one estimating the fair market value of the space to be \$6 per square foot per year and another estimating the premises of Friends to be two rooms totalling 450 square feet.

In fact, Friends of Family Planning makes only occasional use of one office. In this office, Friends uses 1/2 of 1 drawer of a file cabinet to store some records and 1 of 21 small shelves to store stationery. Friends does not need much office space because most of its activities are handled by outside consultants and a volunteer Board of Directors. For example, its direct mail fundraising is handled by a consultant in New York City, the contributions are opened and recorded by a bank in Washington, D.C. and the decisions of which candidates to support are made from time to time by a volunteer Board of Directors.

During his visit to the premises, Mr. White did not specifically inquire as to whether Friends used 1, 2 or 4 offices. Clearly, the Chair of the Committees, whose previously filed affidavit is incorporated by reference, is more knowledgeable than a one-time casual visitor.

Although the office is used infrequently by Friends, in an effort to avoid any suggestion of undervaluation of the

Attachment 4- Page 1

Federal Election Commission
December 5, 1980
Page 2

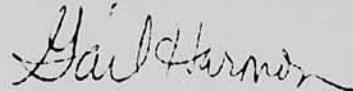
in-kind contribution, we believe we allocated a generous monthly rent to Friends. Thus, using the \$6/square foot fair market rental suggested by LAPAC's Affiant, Rudolph A. Taylor, the annual rent is 13' x 9' x \$6 or \$702 per year or \$58.50 per month. From May - September, Friends reported an in-kind contribution of \$30/month for this office space or 1/2 of the \$58.50 rent. In the period from October to December, Friends paid Stewart Mott rent at this rate.

I wish to incorporate by reference the affidavit of Diane S. Abelman, Chair of Friends of Family Planning describing Friends' office space which was filed with your office by letter dated November 10, 1980.

For reasons discussed above we respectfully request that LAPAC's complaint be promptly dismissed.

If you need additional information, please contact the undersigned.

Sincerely,



Gail M. Harmon

GMH/dmw

11837 RECEIVED
GCC# 3790

31 JAN 14 P 2: 35

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20008

(202) 785-5572

CABLE ALL OFFICES ALBAR

BARNETT & ALAGIA*
KENTUCKY HOME LIFE BUILDING
BOX 1179
LOUISVILLE, KENTUCKY 40201
(502) 585-4131

BARNETT, ALAGIA & PROSPERI**
249 ROYAL PALM WAY
PALM BEACH, FLORIDA 33480
(305) 832-5888

BARNETT, ALAGIA & YESSIN***
P.O. DRAWER 8
FRANKFORT, KENTUCKY 40601
(502) 227-7328

BERNARD H. BARNETT
MARION EDWYN HARRISON
RICHARD M. TRAUTWEIN*
JOSEPH M. DAY*
A. PAUL PROSPERI**
JAMES L. COORSEN*
PATRICIA C. ANDERSON
STEVEN G. BOLTON***
FRANKLIN DRAKE*
JOHN E. EVANS*
RONALD L. GAFFNEY*
WILLIAM S. GLADING
JOHN M. HIMMELBERG
W. DAVID KISER*
MARY CHERYL MATHEIS
DONALD F. MINTMIRE
JEFFREY B. RITTER*

OF COUNSEL
RUFUS E. WILSON

D. PAUL ALAGIA, JR.
WILLIAM A. CAREY
ALLAN B. SOLOMON*
RUDY YESSIN**
MICHAEL E. LANNON*
ST. JOHN BARRETT
RICHARD A. GLADSTONE
CHARLES DAWSON BARNETT*
GREGORY B. DICKENSON**
DARRYL W. DURHAM*
WM. CARL FUST*
GARY D. GARRISON*
JOSEPH L. HAMILTON*
JOHN S. KECK*
JOHN B. LYNN
HUGH MacMILLAN, JR.**
IVAN H. RICH, JR.*
JACK E. RUCK*
JOHN F. SHERLOCK III
MARY JO WINKLER*

January 13, 1981

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

Re: LAPAC, Inc. v. Friends of Family Planning
MUR #

Dear Mr. Steele:

May we refer to our letter of October 24, 1980, and yours of October 28, 1980, photocopies attached.

We have had no substantive response.

Sincerely,

MARION EDWYN HARRISON

MEH:kg
Enc

01 JAN 14 P 3: 07



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463



October 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marion Edwyn Harrison, Esquire
Barnett, Alagia and Carey
1627 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Harrison:

This letter is to acknowledge receipt of your complaint of October 24, 1980, against Friends of Family Planning which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be handled will be made 15 days after the respondent's notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

(202) 785-5572

CABLE ALL OFFICES ALBAR

BARNETT & ALAGIA*
KENTUCKY HOME LIFE BUILDING
BOX 1179
LOUISVILLE, KENTUCKY 40201
(502) 586-4121

BARNETT, ALAGIA & PROSPER***
316 ROYAL PALM WAY
PALM BEACH, FLORIDA 33480
(305) 832-0886

BARNETT, ALAGIA & YESSIN***
P.O. DRAWER 8
FRANKFORT, KENTUCKY 40601
(502) 227-7336

BERNARD H. BARNETT
MARION EDWYN HARRISON
RICHARD M. TRAUTWEIN*
JOSEPH M. DAY*
A. PAUL PROSPER**
JAMES L. COORSSEN*
PATRICIA C. ANDERSON
STEVEN G. BOLTON***
FRANKLIN DRAKE*
JOHN E. EVANS*
RONALD L. GAFFNEY*
WILLIAM S. GLADWIG
JOHN M. HIMMELBERG
W. DAVID KISER*
MARY CHERYL MATHEIS
DONALD F. MINTMIRE
JEFFREY S. RITTER*

OF COUNSEL
RUFUS E. WILSON

October 24, 1980

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

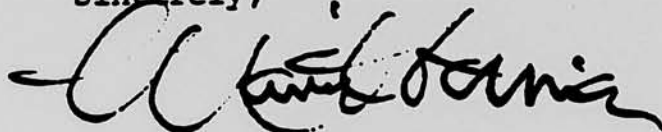
Re: LAPAC, Inc. v. Friends of Family Planning
MUR #

Dear Mr. Steele:

Pursuant to the provisions of 2 USCA §437g(a)(1) and 11 CFR §111.4 we submit herewith the sworn complaint of our client Life Amendment Political Action Committee, Inc. against Friends of Family Planning.

Our client urges a thorough-going investigation by the Federal Election Commission of all in-kind contribution reporting by Friends of Family Planning on the theory that if an obvious value has been grossly understated it is possible that less obvious values also have been understated.

Sincerely,



MARION EDWYN HARRISON

MEH:kg
Enc

81040233240

810103341
BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

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



SERVING
AMERICA

13 JAN 1981
D.C.
UNITED STATES POSTAL SERVICE
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RECEIVED

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HARMON & WEISS

1725 I STREET, N.W.

SUITE 506

WASHINGTON, D. C. 20006

GAIL M. HARMON
ELLYN R. WEISS
WILLIAM S. JORDAN, III
LEE L. BISHOP

TELEPHONE
(202) 833-9070

December 5, 1980

Federal Election Commission
ATTN: Carolyn Weeder
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1322

Dear Ms. Weeder:

Stewart R. Mott has requested that I respond on his behalf to the above-referenced complaint filed by LAPAC against Friends of Family Planning ("Friends").

Mr. Mott's response relies on the same facts and reasoning used in the response filed previously by Friends. Thus, no excessive contribution was made because Friends makes only occasional use of one small office in Mr. Mott's house.

The complaint alleges that Friends received contributions from Stewart R. Mott in excess of the \$5,000 limit because his in-kind contribution of office space was undervalued. The complaint incorporates two affidavits, one estimating the fair market value of the space to be \$6 per square foot per year and another estimating the premises of Friends to be two rooms totalling 450 square feet.

In fact, Friends of Family Planning makes only occasional use of one office. In this office, Friends uses 1/2 of 1 drawer of a file cabinet to store some records and 1 of 21 small shelves to store stationery. Friends does not need much office space because most of its activities are handled by outside consultants and a volunteer Board of Directors. For example, its direct mail fundraising is handled by a consultant in New York City, the contributions are opened and recorded by a bank in Washington, D.C. and the decisions of which candidates to support are made from time to time by a volunteer Board of Directors.

During his visit to the premises, Mr. White did not specifically inquire as to whether Friends used 1, 2 or 4 offices. Clearly, the Chair of the Committees, whose previously filed affidavit is incorporated by reference, is more knowledgeable than a one-time casual visitor.

Although the office is used infrequently by Friends, in an effort to avoid any suggestion of undervaluation of the

80 DEC 9 11:18

GENERAL COUNCIL

31040235242

HARMON & WEISS

Federal Election Commission
December 5, 1980
Page 2

in-kind contribution, we believe we allocated a generous monthly rent to Friends. Thus, using the \$6/square foot fair market rental suggested by LAPAC's Affiant, Rudolph A. Taylor, the annual rent is 13' x 9' x \$6 or \$702 per year or \$58.50 per month. From May - September, Friends reported an in-kind contribution of \$30/month for this office space or 1/2 of the \$58.50 rent. In the period from October to December, Friends paid Stewart Mott rent at this rate.

I wish to incorporate by reference the affidavit of Diane S. Abelman, Chair of Friends of Family Planning describing Friends' office space which was filed with your office by letter dated November 10, 1980.

For reasons discussed above we respectfully request that LAPAC's complaint be promptly dismissed.

If you need additional information, please contact the undersigned.

Sincerely,



Gail M. Harmon

GMH/dmw

31040235244

SHELDON, HARMON & WEISS

1725 I STREET, N.W.

SUITE 506

WASHINGTON, D.C. 20006



Federal Election Commission
ATTN: Carolyn Weeder
1325 K Street, N.W.
Washington, D.C. 20463

911448
911457

RECEIVED
Stewart Rawlings Mott

80 DEC 4 10 31 AM
NEW YORK FOIA
(212) 421-2155

CCC
3472

December 2, 1980

Attn: Carolyn Weeder
Federal Election Commission
1325 K St. N.W.
Washington D.C. 20463

Re: MUR 1322

Dear Ms. Weeder,

This is to notify you that I will be represented by
counsel in the matter of MUR 1322.

I authorize my counsel, Gail Harmon, Esq., to receive
any notifications and other communications from the Commission.

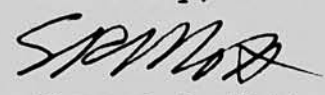
Ms. Harmon may be reached at:

Gail Harmon
1725 I St. N.W.
Suite 506
Washington D.C. 20006
202-833-9070

30 DEC 4 9 31 AM

GENERAL COUNSEL

Sincerely,



Stewart R. Mott

DA
dwm

81040235245

91040235246
STEWART RAWLINGS MOTT
800 PARK AVE.
NEW YORK CITY 10021



RECEIVED



80 DEC 4 P 1:21

Carolyn Weeder
Federal Election Commission
1325 K St. N.W.
Washington D.C.
20463

Friends of Family Planning

911263

122 Maryland Avenue, N.E.

GR # 3342

Washington, D.C. 20002

202/543-7803

Board of Directors

Diane S. Abelman, Chair
Phyllis Avedon
Werner Fornos
Population Action Council
Gail Harmon, Esq.
Russell Hemenway
National Committee for
An Effective Congress
Henrietta Marshall
Planned Parenthood
Federation of America
Roy Morgan
Zero Population Growth
Stewart R. Mott
Karen Mulhauser
National Abortion Rights
Action League
Judith Senderowitz
Center for
Population Options
Anne B. Zill
Fund for
Constitutional Government

Advisory Council

Cathryn Adamsky
Association for
Women Psychology
Cristine Candela
Women's Equity
Action League
Florence L. Denmark, Ph.D.
American Psychological
Association
Uta Landy, Ph.D.
National Abortion
Federation
Judith Lichtman
Women's Legal Defense Fund
Naomi J. McAtee
Federation of Organizations
for Professional Women
Sheila M. Pfafflin
Association for Women
in Science
Jeannie Rosoff
Alan Guttmacher Institute
Elisa Sanchez
National Council of La Raza
Leon Shull
Americans for
Democratic Action
Alan Stone, M.D.
American Psychiatric
Association
George Zeidenstein
Population Council

Sponsors

Anne Ehrlich
Paul Ehrlich
Mrs. Alan Guttmacher
Honorable Richard Lamm
Frances Lear
Norman Lear

(Organizations listed for
identification purposes only)

14 November, 1980

NOV 17 11:04

RECEIVED
GENERAL INVEST

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

Dear Ms. Weeder:

This letter is to inform you that in the
case of MUR 1322, Friends of Family Planning
will be represented by:

Gail Harmon, Esq.
Harmon & Weiss
1725 I Street, N.W.
Suite 506
Washington, D.C. 20006
(202) 833-9070

Please do not hesitate to contact me if
you need any additional information concerning
this matter.

Sincerely,

Diane S. Abelman
Diane S. Abelman
Friends of Family Planning

cc: Gail Harmon, Esq.

8 1 1 0 4 0 2 3 3 1 8
Friends of Family Planning

122 Maryland Avenue, N.E.

Washington, D.C. 20002



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

GCC#3294

HARMON & WEISS

1725 I STREET, N.W.

SUITE 808

WASHINGTON, D. C. 20006

GAIL M. HARMON
ELLYN R. WEISS
WILLIAM S. JORDAN, III
LEE L. BISHOP

TELEPHONE
(202) 833-9070

November 10, 1980

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

Re: MUR 1322

Attn: Carolyn Weeder

Dear Ms. Weeder:

On behalf of Friends of Family Planning I am responding to the above referenced complaint filed by Life Amendment Political Action Committee, Inc. (LAPAC) against my client, Friends of Family Planning ("Friends").

The complaint alleges that Friends received contributions from Stewart R. Mott in excess of the \$5,000 limit because his in-kind contribution of office space was undervalued. The complaint incorporates two affidavits, one estimating the fair market value of the space to be \$6 per year and another estimating the premises of Friends to be two rooms totaling 450 square feet.

In fact, Friends of Family Planning makes only occasional use of one office. In this office, Friends uses 1/2 of 1 drawer of a file cabinet to store some records and 1 of 21 small shelves to store stationery. Friends does not need much office space because most of its activities are handled by outside consultants and a volunteer Board of Directors. For example, its direct mail fundraising is handled by a consultant in New York City, the contributions are opened and recorded by a bank in Washington, D.C. and the decisions of which candidates to support are made from time to time by a volunteer Board of Directors.

During his visit to the premises, Mr. White did not specifically inquire as to whether Friends used 1, 2 or 4 offices. Clearly, the Chair of the Committees, whose affidavit is attached, is more knowledgeable than a one-time casual visitor.

Although the office is used infrequently by Friends, in an effort to avoid any suggestion of undervaluation of the in-kind contribution, slightly over 1/2 of each month's rent was allocated to Friends. Thus, using the \$6/square foot fairmarket rental suggested by LAPAC's Affiant, Rudolph A. Taylor, the \$58.50

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annual rent is 13' x 9' x \$6 or \$702 per year or \$58.50 per month. From May-September Friends reported an in-kind contribution of \$30/ month for this office space. In the period from October to December, Friends paid Stewart Mott rent at this rate.

For reasons discussed above we respectfully request that LAPAC's complaint be promptly dismissed.

Sincerely,

Gail M. Harmon

GMH/lc

Enclosure

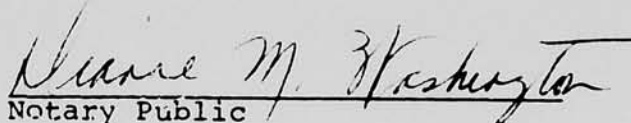
AFFIDAVIT OF DIANE S. ABELMAN

DIANE S. ABELMAN, being duly sworn deposes and says as follows:

1. I am the Chair of Friends of Family Planning, a multicandidate political committee registered with the Federal Election Commission.
2. Attached hereto is a floor plan of the third floor of 122 Maryland Avenue and marked with a star is the office occasionally used by Friends of Family Planning. The office is used on Friends of Family Planning business less than 20 hours per month and houses 1/2 of one file drawer of Friend's records and a small amount of stationery stored on one of twenty-one available shelves.
3. In April of 1980, Christian S. White visited the offices of Friends. We sat in the office starred on the floor plan. While he never asked specifically whether Friends used 1, 2 or 4 offices, I do not remember any suggestion or implication that Friends used additional space.
4. Further affiant sayth not.

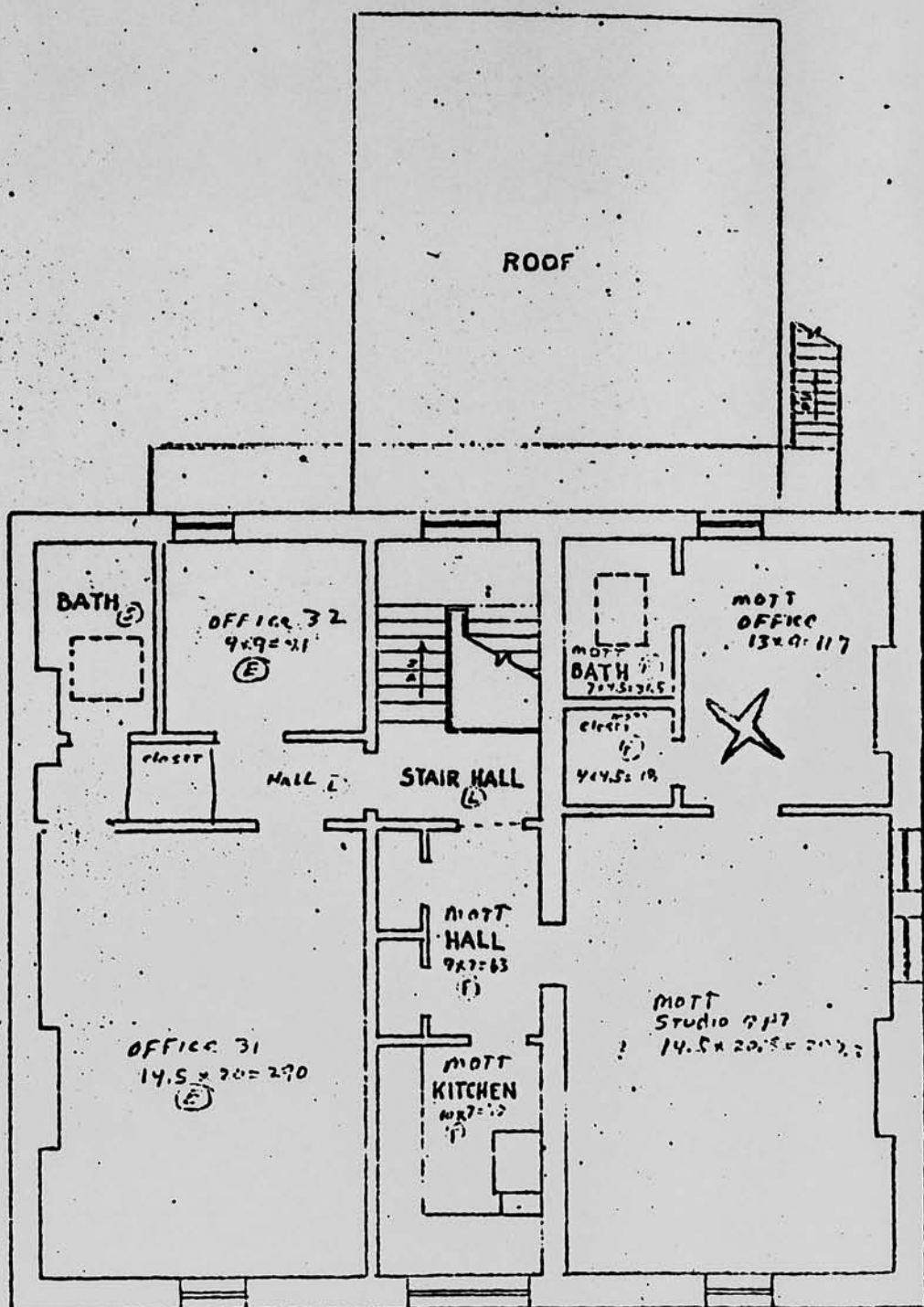

Diane S. Abelman

Sworn to and subscribed before me this 10th day of November 1980.


Notary Public

My Commission Expires December 14, 1984

81010235252



THIRD FLOOR PLAN

Scale 1/8"=1'-0"

81740333
3
SHELDON, HARMON & WEISS

1725 I STREET, N.W.

SUITE 508

WASHINGTON, D.C. 20006

Federal Election Commission
1325 K Street, N.W.
Office of General Counsel, 7th Floor
Washington, D.C. 2046



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Stewart R. Mott
122 Maryland Avenue, N.E.
Washington, D.C. 20002

Re: MUR 1322

Dear Mr. Mott:

On October 28, 1980, the Federal Election Commission notified Friends of Family Planning of a complaint filed against it by the Life Amendment Political Action Committee, Inc. In that the allegations of the complaint also concern your activities with respect to a possible violation of the Federal Election Campaign Act of 1971, as amended, a copy of the complaint is enclosed for your response.

We have numbered this matter MUR 1322. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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.

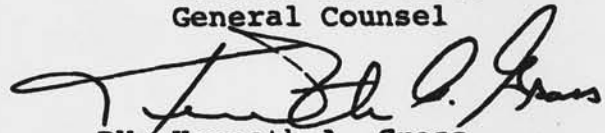
If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

Letter to: Stewart Mott
Page Two

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

Sincerely,

Charles N. Steele
General Counsel



BY: Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures

910400235255

1320 Weeder

1. The following articles is requested (check one): ☐ Short to return and date delivered ☐ Short to return, date and address of delivery ☐ RETURNED DELIVERY ☐ RETURNED DELIVERY Short to return and date delivered Short to return, date, and address of delivery		2. ARTICLE'S POSTMASTER (FOR FIRM) STEWART MOTT	
3. ARTICLE'S DESCRIPTION ENCLOSURE NO. 947208		4. I have received the article described above. Signature: Labrache	
5. ADDRESS (complete only if required)		6. UNABLE TO DELIVER REASON:	

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Friends of Family Planning
122 Maryland Avenue, S.W.
Washington, D.C. 20002

Re: MUR 1322

Dear Sir or Madam:

This letter is to notify you that on October 27, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1322. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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 intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

Letter to: Friends of Family Planning
Page Two

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

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

1322 White

TO: <i>Friends of Family Planning</i>	
FROM: <i>Charles N. Steele</i>	
DATE: <i>10/2/80</i>	
SUBJECT: <i>Complaint</i>	
REMARKS: <i>See attached for details of complaint.</i>	
ACTION: <i>See attached for details of action.</i>	
I have reviewed the facts described above.	
SIGNATURE: <i>[Signature]</i> DATE: <i>10/2/80</i>	
TITLE: <i>General Counsel</i>	
DATE OF DELIVERY: <i>OCT 3 0 1980</i>	
ADDRESS (Complete only if required): <i>3 A9:03</i>	
UNABLE TO DELIVER (Complete only if required):	
RECEIVED: <i>[Stamp]</i>	



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marion Edwyn Harrison, Esquire
Barnett, Alagia and Carey
1627 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Harrison:

This letter is to acknowledge receipt of your complaint of October 24, 1980, against Friends of Family Planning which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be handled will be made 15 days after the respondent's notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

65253301018

1322 White

Form 3811, Jan. 1978

● 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:
Marion Hanson

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	110646	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

4. DATE OF DELIVERY
OCT 31 1980

5. ADDRESS (Complete only if requested)
60164

6. UNABLE TO DELIVER BECAUSE:
☐

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CLERK'S INITIALS

☆GPO : 1978-253-048

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL.

8109025500
MUR 1322

Respondent

Friends of Family Planning
122 Maryland Avenue, S.W.
Washington, D.C. 20002

Complainant

Marion Edwyrn Harrison, Esquire
BARNETT, ALAGIA : CAREY
1627 K₇ Street, N.W.
Washington, D.C. 20006

RE: LAPAC, Inc

MUR 1322

1322

REC

60-3117

80 OCT 27 AIO: 02

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BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

(202) 785-5572

CABLE ALL OFFICES ALBAR

BARNETT & ALAGIA*
KENTUCKY HOME LIFE BUILDING
BOX 1178
LOUISVILLE, KENTUCKY 40201
(502) 585-4131

BARNETT, ALAGIA & PROSPERI**
248 ROYAL PALM WAY
PALM BEACH, FLORIDA 33480
(305) 832-5886

BARNETT, ALAGIA & YESSIN***
P.O. DRAWER B
FRANKFORT, KENTUCKY 40601
(502) 227-7326

BERNARD H. BARNETT
MARION EDWYN HARRISON
RICHARD M. TRAUTWEIN*
JOSEPH M. DAY*
A. PAUL PROSPERI**
JAMES L. COORSSEN*
PATRICIA C. ANDERSON
STEVEN G. BOLTON***
FRANKLIN DRAKE*
JOHN E. EVANS*
RONALD L. GAFFNEY*
WILLIAM S. GLADING
JOHN M. HIMMELBERG
W. DAVID KISER*
MARY CHERYL MATHEIS
DONALD F. MINTMIRE
JEFFREY B. RITTER*

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RUDY YESSIN***
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GARY D. GARRISON*
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JOHN B. LYNN
HUGH MacMILLAN, JR.**
IVAN H. RICH, JR.*
JACK E. RUCK*
JOHN F. SHERLOCK III
MARY JO WINKLER*

October 24, 1980

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

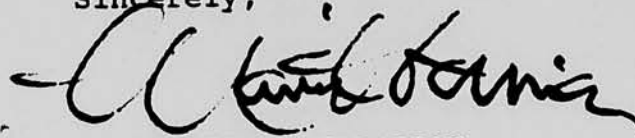
Re: LAPAC, Inc. v. Friends of Family Planning
MUR #

Dear Mr. Steele:

Pursuant to the provisions of 2 USCA §437g(a)(1) and 11 CFR §111.4 we submit herewith the sworn complaint of our client Life Amendment Political Action Committee, Inc. against Friends of Family Planning.

Our client urges a thorough-going investigation by the Federal Election Commission of all in-kind contribution reporting by Friends of Family Planning on the theory that if an obvious value has been grossly understated it is possible that less obvious values also have been understated.

Sincerely,



MARION EDWYN HARRISON

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MEH:kg
Enc

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BEFORE THE FEDERAL ELECTION COMMISSION

LIFE AMENDMENT POLITICAL ACTION COMMITTEE, INC. }

v. }

MUR # _____

FRIENDS OF FAMILY PLANNING }

COMPLAINT

1. Upon information and belief, the reports of Friends of Family Planning, stated to be a political action committee, 122 Maryland Avenue, S.W., Washington, D. C. 20002, show for the calendar year 1979 contributions received from Mr. Stewart R. Mott as cash in the sum of \$4,410.00 and in kind in the sum of \$280.50, a total of \$4,690.50. Of the foregoing in-kind contribution of \$280.50, two contributions of \$90.00 each, totaling \$180.00, are reported as rent for six months, at the rate of \$30.00 monthly, for the offices of Friends of Family Planning in a building at 122 Maryland Avenue, S.W., Washington, D. C. 20002, owned by Mr. Stewart R. Mott.

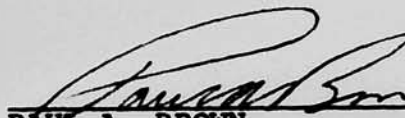
2. Upon information and belief, the offices of Friends of Family Planning comprise about 450 square feet, of a rental value of not less than \$6.00 per square foot.

3. Accordingly, the in-kind contribution of Mr. Stewart R. Mott is erroneously reported at \$180.00 when, in fact, it should be reported as not less than \$1,350.00.

4. Upon information and belief, the total contribution for the calendar year 1979 of Mr. Stewart R. Mott is not less than \$5,860.00 (\$4,410.00 in cash; \$105.50 [\$25.00 plus \$75.50] in-kind other than rent and \$1,350.00 in-kind as rent).

5. The limitation upon the contribution of an individual to a political action committee is \$5,000.00 per annum.

6. Life Amendment Political Action Committee, Inc., refers to, and incorporates by reference herein, the Affidavits of Mr. Christian S. White, IV, and Mr. Rudolph A. Taylor, each attached.


PAUL A. BROWN
Treasurer
Life Amendment Political Action
Committee, Inc.

DISTRICT OF COLUMBIA
CITY OF WASHINGTON, ss:

Subscribed and sworn to before me this 14th day of ~~September~~^{October}, 1980.


PAMELA L. VENNARDROW
Notary Public, D.C.

My Commission expires April 14, 1984.

3 1 7 1 0 2 3 5 3 4

AFFIDAVIT OF CHRISTIAN S. WHITE, IV, ESQUIRE

CHRISTIAN S. WHITE, IV, ESQUIRE, first sworn, deposes and says as follows.

1. I am a member of the Virginia Bar; formerly was a licensed real estate salesman in Virginia; and am a consultant to Life Amendment Political Action Committee, Inc. ("LAPAC").

2. On or about April 10, 1980 I entered upon the premises of "Friends of Family Planning", located at 122 Maryland Avenue, N.W., Washington, D. C.

3. I observed said premises, which consist of two rooms on the north side of the third floor of the building in which they are located. These rooms appear to be about 20 feet by 15 feet and about 10 feet by 15 feet, a total of about 450 square feet.

4. I estimated these dimensions both by counting paces mentally and by comparing the approximate ratios of the dimensions of objects the size of which I also readily could estimate - as, for example, a circular table of a diameter of about 6 feet.

5. During my years as a licensed real estate salesman I often had occasion to estimate dimensions of rooms and I have reasonable confidence that these estimates are approximately accurate.

Further Affiant sayeth not.


CHRISTIAN S. WHITE, IV

- 2 -

DISTRICT OF COLUMBIA

CITY OF WASHINGTON, ss:

Subscribed and sworn to before me this 14th day of
~~September~~ ^{October}, 1980.

Pamela L. Vennerdrow
PAMELA L. VENNERDROW
Notary Public, D.C.

My Commission expires April 14, 1984.

3 1 7 4 0 2 3 5 2 6

**AFFIDAVIT AS TO VALUE
AND
APPRAISAL REPORT**

DISTRICT OF COLUMBIA, ss:

Rudolph A. Taylor, being duly sworn on oath, deposes and says, that he is a licensed Real Estate Broker, authorized to engage in the said real estate business in the District of Columbia, over a period of 30 years. That he is a qualified appraiser; that he has inspected the property described below and on the basis thereof, submits the following report:

LOCATION: Lot 7 in Square 726 with improvements thereon known as 122 Maryland Avenue, Northeast, Washington, D.C.

TYPE: A detached brick structure located on a level lot approximately 3,165 square feet.

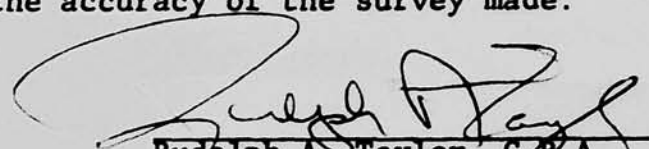
DESCRIPTION: A detached brick structure presently used as office space and subdivided space, within being rented to several different companies. The purpose of this appraisal is to determine the value of said office space in regards to fair market rental.

ZONING: SP (Special Purpose)

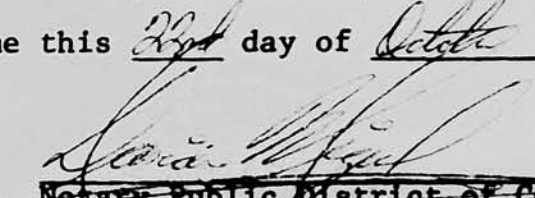
VALUATION: This Affiant further says that he is familiar with Real Estate rental in this area, that he has inspected the said premises and based upon his experience, is of the opinion that the Fair Market Rental for this subject property is:

SIX DOLLARS (\$6.00) PER SQUARE PER YEAR

This Affiant, further states that he has no interest in the said Real Estate, presently or prospective, and he has assumed no responsibility for the accuracy of the survey made.


Rudolph A. Taylor, C.R.A.

Subscribed and sworn before me this 23rd day of October, 1980


Notary Public, District of Columbia

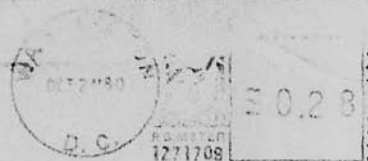
Damien Miguel Taylor

My Commission Expires March 14, 1983

7 BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006



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

NO OCT 27 AIO: 02



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1322

Date Filmed 3-26-81 Camera No. --- 2

Cameraman LPE

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