



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE END OF TUE # 1638

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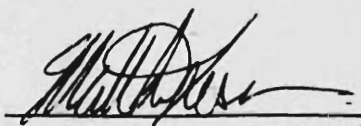
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FEDERAL ELECTION COMMISSION

routing slips - international letters from RAD - duplicate
letters - Transmittal Memos to & from Commission - envelopes
12. day report - comments

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):

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|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input checked="" type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input checked="" type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents | |

Signed date 4-17-85

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Laborers' Political League and)
Jack Curran, as Treasurer) MUR 1638
Michaelson for U.S. Senate Committee)
and Michael R. Truppa, as)
Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of March 5,
1985, do hereby certify that the Commission decided by a
vote of 6-0 to take the following actions in MUR 1638:

1. Find no probable cause to believe that the Michaelson for U.S. Senate Committee and Michael R. Truppa, as treasurer, violated 2 U.S.C. § 441a(f).
2. Find no probable cause to believe that the Laborers' Political League and Jack Curran, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
3. Find no reason to believe that the Michaelson for U.S. Senate Committee and Michael R. Truppa, as treasurer, violated 11 C.F.R. § 104.14(d).
4. Find reason to believe that the Laborers' Political League and Jack Curran, as treasurer, violated 11 C.F.R. § 104.14(d).

(continued)

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Certification for MUR 1638
March 5, 1985

Page 2

5. Take no further action with regard to the 11 C.F.R. § 104.14(d) violation.
6. Close the file.
7. Send the letters attached to the General Counsel's report dated February 22, 1985.

Commissioners Aikens, Elliott, Harris, McDonald,
McGarry, and Reiche voted affirmatively for the decision.

Attest:

3-5-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 19, 1985

Mr. Michael R. Truppa
25 Jefferson Drive
East Greenwich, Rhode Island 02818

RE: MUR 1638

Dear Mr. Truppa:

8 5 0 4 0 5 2 3 1 5 0
This is to advise you that after an investigation was conducted, the Commission concluded on March 5, 1985, that there is no probable cause to believe that the Michaelson for U.S. Senate Committee and you, as treasurer, violated Section 441a(f) of the Federal Election Campaign Act, as amended. The Commission also determined that on the basis of the information in the complaint and the information provided by you, there is no reason to believe that you or your committee violated 11 C.F.R. § 104.14(d). Accordingly, the file in this matter has been closed.

This matter will become part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days.

If you have any questions, feel free to contact Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 19, 1985

Mr. James Antosh
13 Gilpin
Shawnee, Oklahoma 74801

RE: MUR 1638

Dear Mr. Antosh:

This is in reference to the complaint that the Commission received from you on March 1, 1984, concerning the Laborers' Political League and the Michaelson for U.S. Senate Committee.

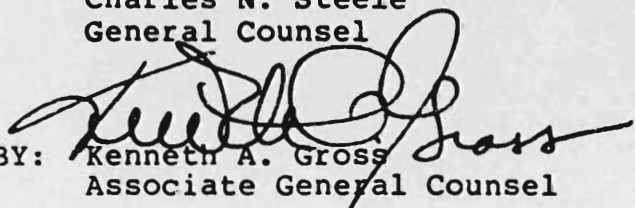
Based on your complaint, and information provided by the Respondents, the Commission determined there was reason to believe that the Michaelson for U.S. Senate Committee, and Michael R. Truppa, as treasurer, violated 2 U.S.C. § 441a(f) and that the Laborers' Political League, and Jack Curran, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) and 11 C.F.R. § 104.14(d). After an investigation was conducted and briefs of the General Counsel were considered, the Commission concluded on March 5, 1985, that there was no probable cause to believe that any of the respondents violated 2 U.S.C. § 441a(f) or 441a(a)(2)(A). The Commission decided to take no further action with regard to the 11 C.F.R. § 104.14(d) violation.

Accordingly, the entire file in this matter has been closed and will become part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days. 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).

If you have any questions, please contact Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 19, 1985

Orrin Baird, Esquire
Connerton, Bernstein & Katz
Suite 800
1899 L Street, N.W.
Washington, D.C. 20036

RE: MUR 1638

Dear Mr. Baird:

This is to advise you that after an investigation was conducted, the Commission concluded on March 5, 1985, that there is no probable cause to believe that your client violated Section 441a(a)(2)(A) of the Federal Election Campaign Act, as amended. However, the Commission found reason to believe that the Laborers' Political League and Jack Curran, as treasurer, violated 11 C.F.R. § 104.14(d). After considering the circumstances of this matter, the Commission decided to take no further action and close its file.

This matter will become part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The Commission reminds you that a treasurer is "personally responsible" for a report's timeliness, completeness, and accuracy. Filing an erroneous report, therefore, appears to be a violation of 11 C.F.R. § 104.14(d). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, contact Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

John Warren McGarry
Chairman

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMUNICATIONS SECRETARY

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In the Matter of)
Laborers' Political League and)
Jack Curran, as Treasurer)
Michaelson for U.S. Senate Committee) MUR 1638
and Michael R. Truppa, as Treasurer)

MAR 05 1985

GENERAL COUNSEL'S REPORT

EXECUTIVE SESSION

I. BACKGROUND

The Laborers' Political League (the "League") contributed \$10,000 to the Michaelson for U.S. Senate Committee (the "Committee") for the 1982 election cycle. The chart below reflects the manner in which the League and the Committee reported the contributions:

Amount	Date of Receipt	League's Election Designation	Committee's Election Designation	
\$2,500	May 25, 1982	P	P	
\$2,500	August 10, 1982	G	P	P= Primary
\$5,000	October 8, 1982	G	G	G= General

The Rhode Island primary election occurred on September 14, 1982.

According to the "checkoff boxes" on the Committee's FEC reports, the March and August \$2,500 contributions were for the September primary and October's \$5,000 contribution was for the general election. However, the "checkoff boxes" on the League's reports designate both the August \$2,500 contribution and the October \$5,000 contribution for the general election. There appears to be no contemporaneous writing specifying the League's intentions.

James Antosh recognized the discrepancy and, on March 1, 1984, filed a complaint alleging that the \$7,500 contribution to the general election violated the Act. The Committee responded through counsel on March 27, 1984. On April 2, 1984, the Michaelson Committee responded through its treasurer. On May 22, 1984, the Commission found reason to believe that the Laborer's Political League and Jack Curran, as treasurer, violated 2 U.S.C. § 441(a)(2)(A). The Commission also found reason to believe that the Michaelson for U.S.Senate Committee and Michael R. Truppa, as treasurer, violated 2 U.S.C. § 441a(f). The League responded to the reason to believe notification on June 18, 1984 after requesting an extension of time to answer. On May 25, 1984, the Commission attempted to send a reason to believe notification to the Committee. The letter mailed to the address listed as the Committee's address was returned undelivered. On October 22, 1984, the Committee was mailed a second notification. The Committee responded to the second reason to believe notification on November 29, 1984.

On January 16, 1985, the General Counsel sent out briefs and letters notifying the respondents that he intended to recommend that the Commisison find no probable cause to believe. The respondents' fifteen day response period expired on January 31, 1985.

II. LEGAL ANALYSIS (See OGC Briefs of January 16, 1985).

The Act prohibits multicandidate political committees such as the League from contributing more than \$5,000 to any federal

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candidate or his authorized political committee for any federal election. 2 U.S.C. § 441a(a)(2)(A). Accordingly, candidates and their committees are prohibited from accepting such "excessive" contributions. 2 U.S.C. § 441a(f).

11 C.F.R. § 110.1(a)(2)(i) makes it clear that contributions designated in writing by a contributor for a particular election are attributable to the limit set for that election. The regulation further states that a contribution made after a primary election and designated for the primary shall be made only to the extent of the net primary debt. In the case of a contribution not designated in writing for a particular election, the contribution will be attributable to the primary election if made on or before the primary date, and the contribution will be attributable to the general election if made after the primary election date.

1. The Michaelson Committee

It appears that the recipient committee designated the contributions in question in accordance with the presumptions in 11 C.F.R. § 110.1(a)(2). The contributions made prior to the primary were designated for the primary election and the contribution made after the primary was designated to the general election. Because there does not appear to be a contemporaneous writing explaining the contributor's intent and since the contributor's notations on the reports (checking the "primary" or "general" box) are not considered written designations for assessing a recipient's reporting violations, the Committee

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correctly relied on the presumption of 11 C.F.R. 110.1(a) (2). Therefore, this Office recommends that the Commission find no probable cause to believe that the Committee and its treasurer violated 2 U.S.C. § 441a(f).

2. The League

The League's first response stated that the August contribution was mistakenly generated on the League's FEC reports as attributable to the general election. The League's counsel noted that the Michaelson Committee report indicated that the contribution was for the primary election and that the contribution was made one month before the primary election. He added:

At the time that the contribution was made, it was the understanding of [the League] that the money would be used by Michaelson for expenditures to be made in connection with the primary election. It should also be noted that when the August ... contribution is aggregated with the other [League] contribution to Michaelson's primary campaign ..., the applicable limits for a primary election have not exceeded.

Counsel noted that there is no evidence that the August contribution was used for anything other than the September primary.

In the League's response to the reason to believe notification, counsel reiterated that the Committee deposited the League's contribution in their primary election account. The response also included an affidavit from Mr. Jack Curran, the League's Acting Treasurer. Mr. Curran stated that the incorrect

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designation on the August contribution was a clerical error. While the League did not keep any "contemporaneous documentation," Mr. Curran explained that, "there is no doubt in (his) mind that, at the time that the August 10, 1982 political contribution was made, it was intended to be a contribution to the primary campaign of Mr. Michaelson." Finally, the League filed an amended report indicating that the August contribution was for the primary rather than the general election.

The above mentioned facts persuade this Office to recommend that the Commission find no probable cause to believe that the League and its treasurer violated 2 U.S.C. 441a(a). We find it significant that the timing of the League's contributions fell within the presumptions of 11 C.F.R. § 110.1(a) (2); the check in question was delivered before the primary and deposited by the recipient into its primary account. In addition, the contributor's Acting Treasurer stated under oath that "he has no doubt" that the contribution was intended for Michaelson's primary campaign and amended the erroneous report. Lastly, the League's contributions seem to have been intended to reach only the maximum permissible levels.

3. The Treasurers' Liability

The complainant alleged that both the League and the Committee's treasurer violated the Act individually and as treasurer because 11 C.F.R. § 104.14(d) provides that a treasurer

is "personally responsible" for a report's timeliness, completeness, and accuracy.

As discussed above, the General Counsel is of the opinion that the Committee's treasurer, Michael R. Truppa, designated the contributions in question in accordance with the presumptions in 11 C.F.R. § 110.1(a)(2). Therefore, this Office does not believe that the Committee and its treasurer violated 11 C.F.R.

§ 104.14(d). However, the League's report did contain an error. Indeed, the inaccuracy in designating to which election the \$2,500 was contributed constituted a violation of 11 C.F.R.

§ 104.14(d). Mr. Curran states that his office made a clerical error in preparing the report. He states that the reports are, "routinely prepared by his secretary;" he "reviews and signs them." "Apparently, in reviewing the August 1982 report, (he) failed to notice that the box for "general" rather than the box for "primary" was mistakenly checked for the August 10, 1982 Michaelson contribution." Mr. Curran is charged to take greater care in undertaking a treasurer's responsibility. Therefore, this Office recommends that the Commission find reason to believe that the League and its treasurer violated 11 C.F.R. 104.14(d). However, because the League amended the erroneous report, the League's treasurer attested that "he has no doubt" that the contribution was intended for the Committee's primary campaign, and the timing of the League's contributions fell within the


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presumptions of 11 C.F.R. § 110.1(a)(2), this Office recommends that the Commission take no further action with regard to the 11 C.F.R. § 104.14(d) violation.

III. RECOMMENDATIONS

1. Find no probable cause to believe that the Michaelson for U.S. Senate Committee and Michael R. Truppa, as treasurer, violated 2 U.S.C. 441a(f).
2. Find no probable cause to believe that the Laborers' Political League and Jack Curran, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
3. Find no reason to believe that the Michaelson for U.S. Senate Committee and Michael R. Truppa, as treasurer, violated 11 C.F.R. § 104.14(d).
4. Find reason to believe that the Laborers' Political League and Jack Curran, as treasurer, violated 11 C.F.R. § 104.14(d).
5. Take no further action with regard to the 11 C.F.R. § 104.14(d) violation.
6. Close the file.
7. Send the attached letters.

22 February 1985
Date


Charles N. Steele
General Counsel

Attachments

1. Letters to respondents
2. Letter to complainant

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SENSITIVE

RECEIVED
OFFICE OF THE FEC
COMM. SECRETARY

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

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January 16, 1985

MEMORANDUM

TO: THE COMMISSION

FROM: CHARLES N. STEELE
GENERAL COUNSEL

SUBJECT: MUR #1638

Attached for the Commission's review are briefs stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of these briefs and letters notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of no probable cause to believe was mailed to the respective respondents on January 16, 1985. Following receipt of the respondents' replies to these notices, this Office will make a further report to the Commission.

Attachments

1. Briefs
2. Letters to Respondents

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION
January 16, 1985

In the Matter of

Laborers' Political League) MUR 1638
Jack Curran, Treasurer)

GENERAL COUNSEL'S BRIEF

I. Statement of Case

The Laborers' Political League (the "League") contributed \$10,000 to the Michaelson for U.S. Senate Committee (the "Committee") for the 1982 election cycle. The chart below reflects the manner in which the League and the Committee reported the contributions:

Amount	Date of Receipt	League's Election Designation	Committee's Election Designation	
\$2,500	May 25, 1982	P	P	
\$2,500	August 10, 1982	G	P	P= Primary
\$5,000	October 8, 1982	G	G	G= General

The Rhode Island primary election occurred on September 14, 1982.

According to the "checkoff boxes" on the Committee's FEC reports, the March and August \$2,500 contributions were for the September primary and October's \$5,000 contribution was for the general election. However, the League's reports, through the use of the "checkoff boxes", designate both the August \$2,500 contribution and the October \$5,000 contribution for the general election. There appears to be no contemporaneous writing designating the League's intentions.

James Antosh recognized the discrepancy and, on March 1, 1984, filed a complaint alleging that the \$7,500 contribution to the general election violated the Act. The League responded on

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March 27, 1984. On May 22, 1984, the Commission found reason to believe that the Laborer's Political League and Jack Curran, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A). The Commission also found reason to believe that the Michaelson for U.S. Senate Committee and Michael R. Truppa, as treasurer, violated 2 U.S.C. § 441a(f). The League responded to the reason to believe notification on June 18, 1984.

II. Legal Analysis

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The Act prohibits multicandidate political committees such as the League from contributing more than \$5,000 to any federal candidate or his authorized political committee for any federal election. 2 U.S.C. §441a(a)(2)(A). 11 C.F.R. § 110.1(a)(2)(i) makes it clear that contributions designated in writing by a contributor for a particular election are attributable to the limit set for that election. The regulation further states that a contribution made after a primary election and designated for the primary shall be made only to the extent of the net primary debt. In the case of a contribution not designated in writing for a particular election, the contribution will be attributable to the primary election if made on or before the primary date, and the contribution will be attributable to the general election if made after the primary election date.

The League's first response stated that the August contribution was mistakenly generated on the League's FEC reports as attributable to the general election. The League's counsel noted that the Michaelson Committee report indicated that the

contribution was for the primary election and that the contribution was made one month before the primary election. He added:

At the time that the contribution was made, it was the understanding of [the League] that the money would be used by Michaelson for expenditures to be made in connection with the primary election. It should also be noted that when the August ... contribution is aggregated with the other [League] contribution to Michaelson's primary campaign ..., the applicable limits for a primary election have not exceeded.

Counsel noted that there is no evidence that the August contribution was used for anything other than the September primary.

In the League's response to the reason to believe notification, counsel reiterated that the Committee deposited the League's contribution in their primary election account. The response also included an affidavit from Mr. Jack Curran, the League's Acting Treasurer. Mr. Curran stated that the incorrect designation on the August contribution was a clerical error. While the League did not keep any "contemporaneous documentation," Mr. Curran explained that, "there is no doubt in (his) mind that, at the time that the August 10, 1982 political contribution was made, it was intended to be a contribution to the primary campaign of Mr. Michaelson." Finally, the League filed an amended report indicating that the August contribution was for the primary rather than the general election.

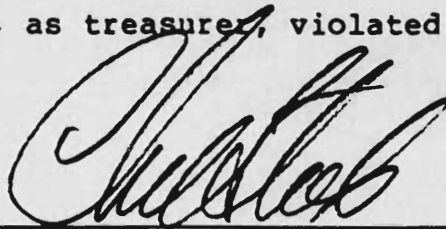
The above mentioned facts indicate that the League did not violate 2 U.S.C. 441a(a). It is significant that the timing of

the League's contributions fell within the presumptions of 11 C.F.R. § 110.1(a) (2); the check in question was delivered before the primary and deposited by the recipient into its primary account. In addition, the contributor's Acting Treasurer stated under oath that "he has no doubt" that the contribution was intended for Michaelson's primary campaign and amended the erroneous report. Lastly, the League's contributions seem to have been intended to reach only the maximum permissible levels.

III. Recommendation

Find no probable cause to believe that the Laborers' Political League and Jack Curran, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

14 Jan 1985
Date



Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION
January 16, 1985

In the Matter of

Michaelson for U.S. Senate)
Committee) MUR 1638
Michael R. Truppa, Treasurer)

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

The Laborers' Political League (the "League") contributed \$10,000 to the Michaelson for U.S. Senate Committee (the "Committee") for the 1982 election cycle. The chart below refelects the manner in which the League and the Committee reported the contributions:

Amount	Date of Receipt	League's Election Designation	Committee's Election Designation	
\$2,500	May 25, 1982	P	P	
\$2,500	August 10, 1982	G	P	P= Primary
\$5,000	October 8, 1982	G	G	G= General

The Rhode Island primary election occurred on September 14, 1982.

According to the "checkoff boxes" on the Committee's FEC reports, the March and August \$2,500 contributions were for the September primary and October's \$5,000 contribution was for the general election. However, the League's reports utilize the "checkoff boxes" to designate both the August \$2,500 contribution and the October \$5,000 contribution for the general election. There appears to be no contemporaneous writing designating the League's intentions.

James Antosh recognized the discrepancy and, on March 1, 1984, filed a complaint alleging that the \$7,500 contribution to the general election violated the Act. The Committee responded

on April 2, 1984. On May 22, 1984, the Commission found reason to believe that the Michaelson for U.S. Senate Committee and Michael R. Truppa, as treasurer, violated 2 U.S.C. § 441a(f). The Commission also found reason to believe that the Laborers' Political League and Jack Curran, as treasurer, violated 2 § U.S.C. 441a(a)(2)(A). On May 25, 1984, the Commission attempted to notify the respondents of this decision. The letter mailed to the address listed as the Committee's address was returned undelivered. On October 22, 1984, the Committee was mailed a second notification. The Committee responded to the second reason to believe notification on November 29, 1984.

II. Legal Analysis

The Act prohibits multicandidate political committees such as the League from contributing more than \$5,000 to any federal candidate or his authorized political committee for any federal election. 2 U.S.C. § 441a(a)(2)(A). Accordingly, candidates and their committees are prohibited from accepting such "excessive" contributions. 2 U.S.C. § 441a(f).

11 C.F.R. § 110.1(a)(2)(i) makes it clear that contributions designated in writing by a contributor for a particular election are attributable to the limit set for that election. The regulation further states that a contribution made after a primary election and designated for the primary shall be made only to the extent of the net primary debt. In the case of a contribution not designated in writing for a particular election, the contribution will be attributable to the primary election if


made on or before the primary date, and the contribution will be attributable to the general election if made after the primary election date.

In this instance, it appears that the recipient committee designated the contributions in question in accordance with the presumptions in 11 C.F.R. § 110.1(a) (2). The contributions made prior to the primary were designated for the primary election and the contribution made after the primary was designated to the general election. Because there does not appear to be a contemporaneous writing explaining the contributor's intent and since the contributor's notations on the reports (checking the "primary" or "general" box) are not considered written designations for assessing a recipient's reporting violations, the Committee correctly relied on the presumption of 11 C.F.R. 110.1(a) (2) and, therefore, did not violate 2 U.S.C. § 441a(f).

III. Recommendation

Find no probable cause to believe that the Michaelson for U.S. Senate Committee and Michael R. Truppa, as treasurer, violated 2 U.S.C. 441a(f).

14 Jan 1985
Date


Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 16, 1985

Mr. Orrin Baird, Esquire
Connerton & Bernstein
1899 L Street, N.W.
Washington, D.C. 20036

RE: MUR 1638
Laborers' Political League
Jack Curran, Treasurer

Dear Mr. Baird:

Based on a complaint filed with the Commission on March 1, 1984, and information supplied by you, the Commission determined, on May 22, 1984, that there was reason to believe that your client had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and instituted an investigation of this matter.

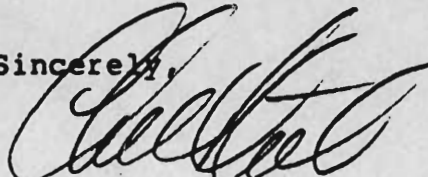
After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find no probable cause to believe that a violation has occurred. The Commission may or may not approve the General Counsel's Recommendation.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your client's position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of General Counsel, if possible. The General Counsel's brief and any brief which you submit will be considered by the Commission before proceeding to a vote of no probable cause to believe a violation has occurred.

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Should you have any questions, please contact Matthew Gerson, the staff member assigned to handle this matter, at (202) 523-4143.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

85040523169



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 16, 1985

Mr. Michael R. Truppa, Treasurer
Michaelson for U.S. Senate Committee
25 Jefferson Drive
East Greenwich, Rhode Island 02818

RE: MUR 1638
Michaelson for U.S. Senate
Committee
Michael R. Truppa, Treasurer

Dear Mr. Truppa:

Based on a complaint filed with the Commission on March 1, 1984, and information supplied by you, the Commission determined on May 22, 1984, that there was reason to believe the Michaelson for U.S. Senate Committee, and you, as treasurer, had violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find no probable cause to believe that a violation has occurred. The Commission may or may not approve the General Counsel's Recommendation.

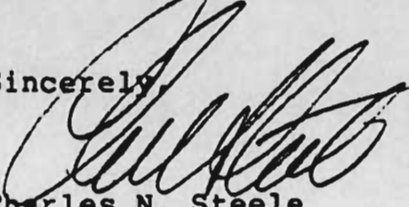
Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of General Counsel, if possible. The General Counsel's brief and any brief which you submit will be considered by the Commission before proceeding to a vote of no probable cause to believe a violation has occurred.

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Should you have any questions, please contact Matthew Gerson, the staff member assigned to handle this matter, at (202) 523-4143.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

85040523171

"You have had countless opportunities to judge my performance, and my leadership ability."



AB: 59

November 26, 1984

NOV 29
A 9: 59

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: Michaelson for U. S. Senate for U. S. Senate Committee

Dear Mr. Steele,

Pursuant to your letter dated October 22, 1984, concerning a complaint alleging violations of certain sections the Federal Election Campaign Act more specifically section 2 U.S.C. 441a (f).

I direct your attention to my letter dated April 2, 1984 which succinctly describes the Committee's position concerning the alleged violation. (see attached letter) We reiterate that the Committee received \$5,000 in contributions applicable to and properly reported in our 1982 primary election reports and \$5,000 for the 1982 General Election, both from the Laborers Political League. The allegation concerns our Committee receiving \$7,500 applicable to the General Election of 1982. The aforementioned allegation was prompted as a result of the FEC reports submitted by the Laborers political League to you designating contributions of \$7,500 for the General Election in error. This was properly pointed out to you in a subsequent letter you received from Laborers Political Leagues legal counsel dated June of 1984. Apparently it was merely a typographical error.

Once you have reviewed the above and analyzed my letter dated April 2, 1984 which had attached copies of the FEC reports filed and your review of the letter from the Laborers Political Leagues legal Counsel, I am of the opinion that the facts will properly define the true picture.

If you should have any future questions, don't hesitate to contact me.

Sincerely yours,

Michael Imppe

MRT/cjt

MICHAELSON

U.S. Senate

Democrat

P.O. Box 731 Providence, Rhode Island 02901

Paid for by the committee to elect Julius C. Michaelson United States Senator



85040523172



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1984

Mr. Michael R. Truppa, Treasurer
25 Jefferson Drive
East Greenwich, Rhode Island 02818

RE: MUR 1638
Michaelson for U.S. Senate
Committee
Michael R. Truppa, Treasurer

Dear Mr. Truppa:

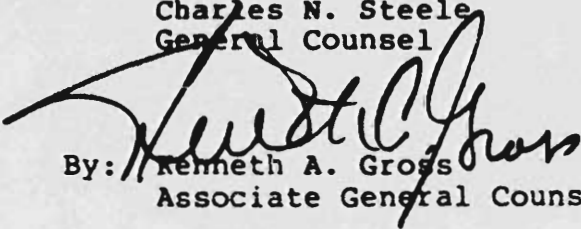
The Federal Election Commission notified you on March 9, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time and you responded by letter dated April 2, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 22, 1984, determined that there is reason to believe that the Michaelson for U.S. Senate Committee and you, as treasurer, have violated 2 U.S.C. § 441a(f), a provision of the Act. On May 25, 1984, the Commission attempted to notify you of this decision at P.O. Box 731, Providence, Rhode Island 02901, the address listed as the Michaelson Committee's address; enclosed herewith please find a copy of the May 25, 1984, letter from Commission Chairman Elliott. If the Committee's address has been changed, 2 U.S.C. § 433(c) requires you to amend the statement of organization.

If you have any questions, please contact Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

Enclosure

cc: Julius Michaelson

85040523173



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 25, 1984

Mr. Michael R. Truppa, Treasurer
Michaelson for U.S. Senate Committee
P.O. Box 731
Providence, Rhode Island 02901

RE: MUR 1638
Michaelson for U.S. Senate
Committee
Michael R. Truppa, Treasurer

Dear Mr. Truppa:

8 5 0 4 0 5 2 3 1 7 4
The Federal Election Commission notified you on March 9, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time. We acknowledge receipt of your explanation of this matter which was dated April 2, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 22, 1984, determined that there is reason to believe that the Michaelson for U.S. Senate Committee and you, as treasurer, have violated 2 U.S.C. § 441a(f), a provision of the Act.

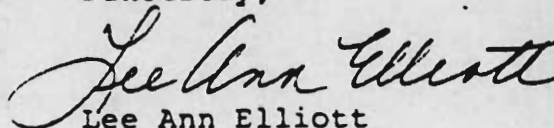
You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Specifically, provide copies of any internal, contemporaneous documentation which may show the Laborers' Political League's intent to designate the August 10, 1982 contribution to the Michaelson Committee. In addition, please provide information and documentation that the contribution in question was deposited into a primary election bank account or in some manner attributed to and used in the primary rather than general election campaign. See 11 C.F.R. § 102.9(e). Please submit any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against the committee and you, as treasurer, the Office of General Counsel must proceed to the next compliance stage.

Mr. Michael R. Truppa, Treasurer
Page 2

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 Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



Lee Ann Elliott
Chairman

85040523175

✓
"You have had countless opportunities to judge my performance, and my leadership ability."



April 2, 1984

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Steele:

8
7
1
3
Pursuant to your letter dated March 9, 1984 concerning a complaint filed with your office alleging that the Michaelson for U. S. Senate Committee violated Federal Election law nos. U.S.C 44/A (f) and U.S.C 441a (a) (2) (A) by receiving excessive contributions during 1982 election year, the following comments are note worthy.

2
5
Please be advised that the committee properly reflected the contributions we received from the Laborers Political League during 1982 as follows:

- 8
5
0
4
0
5
1. \$2,500 received 5-25-82, reported 6-30-82 quarterly report earmarked as contribution for the 1982 primary election.
2. \$2,500 received 8-10-82, reported in preprimary report as of 8-25-82. This contribution was also designated as a primary contribution bringing our year-to-date primary contribution to 5,000 maximum allowable under the law.
3. \$5,000 contribution received 10-8-82 earmarked as contribution for general election. This contribution was reported in our October 13, 1982 report & designation for the general election.

✓
In summary, we received \$10,000 from the Laborers Political League during 1982 and properly reported \$5,000 earmarked as primary

MICHAELSON
U.S. Senate **Democrat**

P.O. Box 731 Providence, Rhode Island 02901

Paid for by the committee to elect Michaelson U. S. Senator

"You have had countless
opportunities to judge
my performance, and
my leadership ability."



Mr. Charles N. Steele
Pg. 2

contributions and \$5,000 earmarked as general election contributions.

If you should have any further questions or inquiries into the
aforementioned matter, don't hesitate to contact me.

Very truly yours,

Michael R. Truppa
Michael R. Truppa CPA
(Former) Treasurer

MRT:cv

cc: Julius C. Michaelson, Esq.

Laborers Political League
Mr. Jack Curran

attachments enclosed

MICHAELSON
U.S. Senate Democrat

P.O. Box 731 Providence, Rhode Island 02901

Printed by the committee to elect Julius C. Michaelson United States Senator

85040523177

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

OF THE FEC
COMMISSION SECRETARY

In the Matter of)
)
Michaelson for U.S. Senate)
Committee and as treasurer,) MUR 1638
Michael R. Truppa)
Laborers' Political League)
and as treasurer, Jack)
Curran)

84 AUG 7 A 9: 02

COMPREHENSIVE INVESTIGATIVE REPORT #1

On May 22, 1984, the Commission took the following action in this matter:

1. Found reason to believe that the Michaelson for U.S. Senate Committee ("the Michaelson Committee") and Michael R. Truppa, as treasurer, violated 2 U.S.C. § 441a(f).
2. Found reason to believe that the Laborers' Political League ("the LPL") and Jack Curran, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

On May 25, 1984, this Office notified the respondents of the Commission's determinations in this matter.

The LPL responded with an affidavit arguing that its contributions were made in accordance with 2 U.S.C. § 441a(a)(2)(A).

The reason to believe notice to the Michaelson Committee was returned unclaimed. This notice was mailed to the same address as that on the Michaelson Committee's response to the original complaint which had been received a month earlier. We are seeking

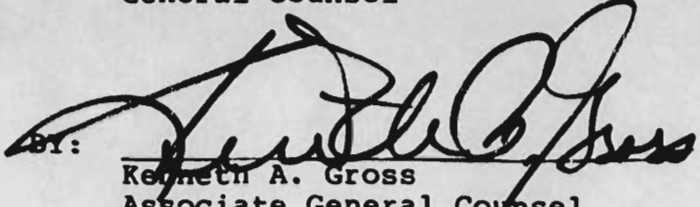
85040523178

another address for the Michaelson Committee and will prepare the appropriate reports concerning these respondents.

Charles N. Steele
General Counsel

August 6, 1984
Date

By:


Kenneth A. Gross
Associate General Counsel

85040523179

600-3673

LAW OFFICES

CONNERTON, BERNSTEIN & KATZ

SUITE 800

1899 L STREET, N.W.

WASHINGTON, D.C. 20036

(202) 466-6790

TELECOPIER: (202) 659-5559



1638

MARYLAND OFFICE:
6241 EXECUTIVE BOULEVARD
ROCKVILLE, MARYLAND 20852
(301) 984-1212

VIRGINIA OFFICE:
2080 NORTH 14TH STREET
ARLINGTON, VIRGINIA 22201
(703) 534-1900

ROBERT J. CONNERTON
JULES BERNSTEIN
DANIEL M. KATZ†
DONALD ELISBURG
DAVID W. ELBAOR†
THEODORE T. GREEN†
JAMES S. RAY†
PHILLIS PAYNE
LINDA LIPSETT*
ORRIN BAIRD
LAURENCE E. GOLD
STEPHEN P. CLARK
STANLEY C. WISNIEWSKI*
SAMUEL W. HALPERN
SHELLEY D. HAYES

JACK CURRAN
LEGISLATIVE DIRECTOR
(NOT A MEMBER OF THE BAR)

June 18, 1984

* NOT ADMITTED IN D.C.
‡ ADMITTED IN MD
† ADMITTED IN VA

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

Re: Amendment to August 1982 Monthly Report
for the Laborers' Political League (FEC
Identification No. C00007922)

Dear Sir:

Enclosed please find an amended report for August 1982
for the Laborers' Political League (FEC Identification No.
C00007922). Please note that the amendment appears on page 1
for Line 21, Item A. That entry is amended to indicate that
the disbursement was for the "primary" rather than the "general"
election.

If you have any questions regarding the foregoing amend-
ment, please contact me.

Sincerely,

Orrin Baird
Counsel for the Laborers'
Political League

OB:ve

Enclosure

cc: Jack Curran
Charles Steele

85040523180

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 1 for
 LINE NUMBER 21
 (Use separate schedule(s) for each
 category of the Detailed
 Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

Laborers' Political League

A. Full Name, Mailing Address and ZIP Code "Michaelson For U.S. Senate" Dem. Sen. Cand. Julius Michaelson Contribution (R.I.), P.O. Box 731 Providence, R.I. 02901	Purpose of Disbursement Senatorial Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 8/10/82	Amount of Each Disbursement This Period \$ 2,500.00
B. Full Name, Mailing Address and ZIP Code "Northern Virginians For Herb Harris", Cong. Cand. Herb Harris, 8th C.D. Va., P.O. Box 1982, Mt. Vernon, Va.	Purpose of Disbursement Congressional Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 8/10/82	Amount of Each Disbursement This Period 600.00
C. Full Name, Mailing Address and ZIP Code "People For Beth Bland For Congress Committee", Dem. Cong. Cand. 8th C.D. Wash. Beth Bland, Box 1072, Mercer	Purpose of Disbursement Congressional Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 8/10/82	Amount of Each Disbursement This Period 500.00
D. Full Name, Mailing Address and ZIP Code "Lyman For Congress Committee", Dem. Cong. Cand. 2nd Mont. Hoard Lyman, P.O. Box 168, Great Falls, Mont.	Purpose of Disbursement Congressional Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 8/10/82	Amount of Each Disbursement This Period 500.00
E. Full Name, Mailing Address and ZIP Code "Tom Cronin For Congress" Cong. Cand. 5th Colo. Tom Cronin (Democrat), 59 G St. S.W., Wash., D.C. 20024	Purpose of Disbursement Congressional Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 8/10/82	Amount of Each Disbursement This Period 300.00
F. Full Name, Mailing Address and ZIP Code "Friends of Lane Evans Cttee." Dem. Cong. Cand. 17th Ill. Lane Evans, 59 G St., S.W., Wash., D. C. 20024	Purpose of Disbursement Congressional Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 8/10/82	Amount of Each Disbursement This Period 300.00
G. Full Name, Mailing Address and ZIP Code "Stephens For Congress" Dem. Cong. Cand. Doug Stephens (D-Ill.), Suite 1012, Lehman Building, Peoria, Ill. 61602	Purpose of Disbursement Congressional Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 8/10/82	Amount of Each Disbursement This Period 300.00
H. Full Name, Mailing Address and ZIP Code "Get The FEC Off Mo's Back" Cong. Mo Udall (D-Ariz.) 4514 Brandywine St., N. W. Wash., D. C. 20016	Purpose of Disbursement Congressional Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 8/10/82	Amount of Each Disbursement This Period 200.00
I. Full Name, Mailing Address and ZIP Code "Brian Long For Congress" Dem. Cong. Cand. Brian Long (D-Wash.), 6026 37th St., N. Seattle, Wash. 98115	Purpose of Disbursement Congressional Contribution Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 8/10/82	Amount of Each Disbursement This Period 500.00
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			

**DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3X)**

Name of Committee (in Full)

Laborers' Political League

Report Covering the Period:

From: 8/1

To: 8/31/82

**COLUMN A
Total This Period**

**COLUMN B
Calendar Year-To-Date**

I. RECEIPTS

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

\$ 1,709.13

\$ 137,026.54

11(a)

(See attached page for contributions exceeding \$100.00)

(b) Political Party Committees

\$100.00

11(b)

(c) Other Political Committees

11(c)

(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))

1,709.13

137,026.54

11(d)

12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES

12

13. ALL LOANS RECEIVED

13

14. LOAN REPAYMENTS RECEIVED

14

15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)

15

**16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES
AND OTHER POLITICAL COMMITTEES**

16

17. OTHER RECEIPTS (Dividends, Interest, etc.)

114.01

17

18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)

1,709.13

137,140.55

18

II. DISBURSEMENTS

19. OPERATING EXPENDITURES

880.00

19

20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES

20

**21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND
OTHER POLITICAL COMMITTEES**

6,450.00

122,425.00

21

22. INDEPENDENT EXPENDITURES (use Schedule E)

22

**23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES
(2 U.S.C. § 441 a(d)) (Use Schedule F)**

23

24. LOAN REPAYMENTS MADE

24

25. LOANS MADE

25

26. REFUNDS OF CONTRIBUTIONS TO

(a) Individuals/Persons Other Than Political Committees

26(a)

(b) Political Party Committees

26(b)

(c) Other Political Committees

26(c)

(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))

26(d)

27. OTHER DISBURSEMENTS

5,000.00

27

28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)

6,450.00

128,305.00

28

III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES

29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)

1,709.13

137,026.54

29

30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)

30

31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)

1,709.13

137,026.54

31

32. TOTAL OPERATING EXPENDITURES from Line 19

880.00

32

33. OFFSETS TO OPERATING EXPENDITURES from Line 15

33

34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)

880.00

34

REPORT OF RECEIPTS AND DISBURSEMENTS
For Political Committee Other Than an Authorized Committee

(Summary Page)

ALIGN AREA

ALIGN AREA

1. Name of Committee (In Full)

Laborers' Political League

Address (Number and Street)

905 16th St., N. W.

City, State and ZIP Code

Washington, D. C. 20006

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C00007922

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (Date)

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report

☐ July 15 Quarterly Report ☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-Election Year Only)

☒ Monthly Report for August, 1982

☐ Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election

on _____ in the State of _____

☐ Termination Report

(b) Is this Report an Amendment?

☒ YES

☐ NO

SUMMARY

5. Covering Period 8/1/82 through 8/31/82

6. (a) Cash on hand January 1, 1982

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 18)

(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 28)

8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))

9. Debts and Obligations Owed TO The Committee
(Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee
(Itemize all on Schedule C or Schedule D)

COLUMN A
This Period

COLUMN B
Calendar Year-to-Date

\$ 116,515.10

\$ 130,091.52

\$ 1,709.13

\$ 137,140.55

\$ 131,800.65

\$ 253,655.65

\$ 6,450.00

\$ 128,305.00

\$ 125,350.65

\$ 125,350.65

\$

\$

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

For further information contact:

Federal Election Commission

Toll Free 800-424-9530

Local 202-523-4068

Jack Curran, Acting Treasurer

Type or Print Name of Treasurer

SIGNATURE OF TREASURER

Date

6/15/84

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

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3X (3/80)

GC# 3672

LAW OFFICES

CONNERTON, BERNSTEIN & KATZ

ROBERT J. CONNERTON
JULIE BERNSTEIN
DANIEL M. KATZ†
DONALD ELISBURG
DAVID W. ELBAOR†
THEODORE T. GREEN†
JAMES S. RAY†
PHILLIS PAYNE
LINDA LIPSETT*
ORRIN BAIRD
LAURENCE E. GOLD
STEPHEN P. CLARK
STANLEY C. WISNIEWSKI*
SAMUEL W. HALPERN
SHELLEY D. HAYES

SUITE 800
1899 L STREET, N.W.
WASHINGTON, D.C. 20036
(202) 466-6790
TELECOPIER: (202) 659-5559

MARYLAND OFFICE:
6241 EXECUTIVE BOULEVARD
ROCKVILLE, MARYLAND 20852
(301) 984-1212

VIRGINIA OFFICE:
2080 NORTH 14TH STREET
ARLINGTON, VIRGINIA 22201
(703) 534-1900

JACK CURRAN
LEGISLATIVE DIRECTOR
(NOT A MEMBER OF THE BAR)

June 18, 1984

* NOT ADMITTED IN D.C.
‡ ADMITTED IN MD
† ADMITTED IN VA

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1638

Dear Mr. Steele:

This letter is submitted in response to Chairman Elliott's letter of May 25, 1984 informing me that, with regards to the above-referenced matter, the Commission had determined that there was reason to believe that the Laborers' Political League and Jack Curran, as Treasurer, violated 2 U.S.C. § 441(a)(2)(A). Chairman Elliott invited me to submit any factual or legal material on my client's behalf which might be relevant to the Commission's analysis of this matter.*

The complaint in this matter alleges that the Laborers' Political League ("LPL") made a contribution in excess of the applicable limits to the Michaelson for U. S. Senate Campaign ("Michaelson") in connection with a 1982 Federal general election. LPL is a political action committee affiliated with the Laborers' International Union of North America, AFL-CIO, and Michaelson was a candidate in 1982 for U. S. Senator from Rhode Island.

* Initially we were given 10 days from receipt of Chairman Elliott's letter to submit this material. By telephone, Mr. Thomas Whitehead, on behalf of the Commission, agreed to grant us an extension of 10 more days until June 18, 1984 in which to respond to Chairman Elliott's letter. That oral agreement was confirmed by a letter from me to General Counsel Steele on June 8, 1984.

35040523184

1004:52

Charles N. Steele
June 18, 1984
Page Two

More specifically, the complaint states that LPL contributed \$2,500.00 on August 10, 1982 to Michaelson and then made another \$5,000.00 contribution to Michaelson on October 8, 1982. The complaint further alleges that both of these contributions were for the 1982 general election and, when aggregated, exceeded the permissible contribution limit.

The FEC reports filed by Michaelson clearly indicate that the \$2,500.00 contribution made on August 10, 1982 by LPL was for the primary rather than the general election. (FEC Microfilm # 820212009A.) Moreover, the treasurer for the Michaelson campaign has informed the Commission in connection with this matter that the August 10, 1982 contribution made by LPL was deposited into Michaelson's primary election account.

The original August 1982 FEC Report filed by LPL also states that a \$2,500.00 contribution was made to Michaelson on August 10, 1982. However, in completing this report, the box marked "general" rather than the box marked "primary" was mistakenly checked for the Michaelson contribution. The enclosed affidavit of Jack Curran clearly establishes that this incorrect designation of the August 10, 1982 contribution was a clerical error. Ms. Frances Hagan, a member of the Commission's staff, stated to me over the phone that the Commission has no other evidence other than the August 1982 FEC Report to support the allegations in the complaint.* Thus, it appears that the complaint in this matter is based entirely upon this clerical error.

In response to Chairman Elliott's letter, LPL does not have any internal contemporaneous documentation which would show LPL's intent to designate the August 10, 1982 contribution as a contribution to Michaelson's primary campaign. No such documentation was kept on this contribution. However, as Mr. Curran's affidavit indicates, there is no doubt that it was the intent of LPL that the contribution be for Michaelson's primary campaign.

The questioned contribution was made prior to the primary election in Rhode Island. Since there was no written designation

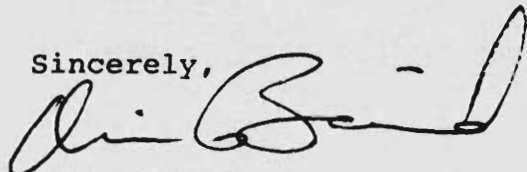
* Moreover, Ms. Hagan indicated that if the Commission did have any additional evidence, it would be made available to me. I have not heard anything further from Ms. Hagan.

Charles N. Steele
June 18, 1984
Page Three

for a particular election with respect to the questioned contribution, under 11 C.F.R. § 110.1(a)(2)(ii)(A), the contribution must be considered as a contribution to Michaelson's primary campaign. Moreover, since the contribution was made during the primary election, if Michaelson had wanted to treat it as a contribution to the general election, he would have had to have deposited it into a separate account designated for the general election. 11 C.F.R. § 102.9(e). Thus, as a matter of law, the Commission must treat the August 10, 1982 contribution as a contribution to Michaelson's primary campaign regardless of what the mistaken August 1982 report states.

Finally, it should be noted that LPL is simultaneously filing an amended August 1982 report reflecting that the August 10, 1982 contribution to Michaelson was for the primary rather than the general election.

Sincerely,



Orrin Baird

OB:ve

Enclosure

cc: Jack Curran

85040523186

85040523137

City of Washington)
) ss:
District of Columbia)

Having been duly sworn under oath, affiant deposes and says:

1. I am the Political Director of the Laborers' International Union of North America, AFL-CIO. I am also the Acting Treasurer of the Laborers' Political League ("LPL") which maintains a voluntary fund from which contributions to candidates for federal, state, and local offices are made. I am responsible for keeping LPL's records and completing the appropriate FEC reports filed on LPL's behalf.

2. On August 10, 1982, LPL made a contribution of \$2,500.00 to the campaign of Julius Michaelson who was at that time a candidate for the United States Senate in the Rhode Island Democratic Primary. In connection with preparing this affidavit, I have reviewed the records of LPL. There were no contemporaneous records made of the August 10, 1982 contribution to Michaelson's primary campaign which would indicate that the contribution was designated for the primary campaign. However, there is no doubt in my mind that, at the time that the August 10, 1982 political contribution was made, it was intended to be a contribution to the primary campaign of Mr. Michaelson. Indeed, the contribution was reported by the Michaelson Campaign Committee as a contribution to his primary campaign and was made prior to the primary election in Rhode Island.

3. The Federal Election Commission report covering the month of August 1982 filed by LPL mistakenly indicates that the August 10,

1982 contribution was for the general election. This clearly was a clerical error made in preparing the report. The report should indicate that the contribution was for the primary election. LPL is now in the process of preparing an amended report which will be filed with the FEC and will properly reflect that the August 10, 1982 contribution was for the primary, rather than the general, election.

4. LPL's FEC reports are routinely prepared by my secretary. I then review the reports and sign them. Apparently, in reviewing the August 1982 report, I failed to notice that the box for "general" rather than the box for "primary" was mistakenly checked for the August 10, 1982 Michaelson contribution.

Further, Affiant sayeth not.

Jack Curran
JACK CURRAN

Subscribed and sworn to before me this 15th day of June, 1984.

Mary D'Anella
NOTARY PUBLIC

My commission expires: August 14, 1987

RECEIVED AT THE FEC

Case # 3559

84 JUN 11 8:53

LAW OFFICES

CONNERTON, BERNSTEIN & KATZ

SUITE 800

1899 L STREET, N.W.

WASHINGTON, D.C. 20036

(202) 466-6790

TELECOPIER: (202) 659-5559



MARYLAND OFFICE:

6241 EXECUTIVE BOULEVARD
ROCKVILLE, MARYLAND 20852
(301) 984-1212

VIRGINIA OFFICE:

2090 NORTH 14TH STREET
ARLINGTON, VIRGINIA 22201
(703) 524-1900

ROBERT J. CONNERTON

JULES BERNSTEIN

DANIEL M. KATZ†

DONALD ELISBURG

DAVID W. ELBAOR†

THEODORE T. GREEN†

JAMES S. RAY†

PHILLIS PAYNE

LINDA LIPSETT*

ORRIN BAIRD

LAURENCE E. GOLD

STEPHEN P. CLARK

STANLEY C. WISNIEWSKI*

SAMUEL W. HALPERN

SHELLEY D. HAYES

JACK CURRAN

LEGISLATIVE DIRECTOR

(NOT A MEMBER OF THE BAR)

June 8, 1984

* NOT ADMITTED IN D.C.

‡ ADMITTED IN MD

† ADMITTED IN VA

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1638

Dear Mr. Steele:

This is to confirm my conversation of this date with Mr. Thomas Whitehead in which he agreed to grant the Laborers' Political League and Jack Curran an extension of 10 days, until June 18, 1984, in which to respond to Chairman Elliott's letter of May 25, 1984.

Sincerely,

Orrin Baird

OB:ve

cc: Jack Curran

35040523189



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 25, 1984

Mr. Michael R. Truppa, Treasurer
Michaelson for U.S. Senate Committee
P.O. Box 731
Providence, Rhode Island 02901

RE: MUR 1638
Michaelson for U.S. Senate
Committee
Michael R. Truppa, Treasurer

Dear Mr. Truppa:

The Federal Election Commission notified you on March 9, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time. We acknowledge receipt of your explanation of this matter which was dated April 2, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 22, 1984, determined that there is reason to believe that the Michaelson for U.S. Senate Committee and you, as treasurer, have violated 2 U.S.C. § 441a(f), a provision of the Act.

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Specifically, provide copies of any internal, contemporaneous documentation which may show the Laborers' Political League's intent to designate the August 10, 1982 contribution to the Michaelson Committee. In addition, please provide information and documentation that the contribution in question was deposited into a primary election bank account or in some manner attributed to and used in the primary rather than general election campaign. See 11 C.F.R. § 102.9(e). Please submit any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against the committee and you, as treasurer, the Office of General Counsel must proceed to the next compliance stage.

Mr. Michael R. Truppa, Treasurer
Page 2

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 Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



Lee Ann Elliott
Chairman

85040523191



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 25, 1984

Orrin Baird, Esquire
Connerton and Bernstein
1899 L Street, N.W.
Washington, D.C. 20036

RE: MUR 1638
Laborers' Political League
Jack Curran, Treasurer

Dear Mr. Baird:

The Federal Election Commission notified your client on March 9, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time. We acknowledge receipt of your explanation of this matter which was dated March 27, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 22 , 1984, determined that there is reason to believe that the Laborers' Political League and Jack Curran as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act.

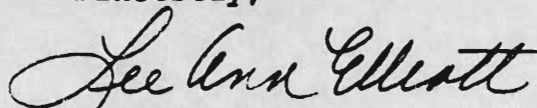
You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Specifically, provide copies of any internal, contemporaneous documentation which may show LPL's intent to designate the August 10, 1982 contribution to the Michaelson for U.S. Senate primary election campaign. Please submit any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage.

Orrin Baird, Esquire
Page 2

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 your client wishes the matter to be made public. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

A handwritten signature in cursive script that reads "Lee Ann Elliott".

Lee Ann Elliott
Chairman

8 5 0 4 0 5 2 3 1 9 3

"You have had countless
opportunities to judge
my performance, and
my leadership ability."



April 2, 1984

*mur 1638
Hagan*

9 14:36

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Steele:

Pursuant to your letter dated March 9, 1984 concerning a complaint filed with your office alleging that the Michaelson for U. S. Senate Committee violated Federal Election law nos. U.S.C 44/A (f) and U.S.C 441a (a) (2) (A) by receiving excessive contributions during 1982 election year, the following comments are note worthy.

Please be advised that the committee properly reflected the contributions we received from the Laborers Political League during 1982 as follows:

1. \$2,500 received 5-25-82, reported 6-30-82 quarterly report earmarked as contribution for the 1982 primary election.
2. \$2,500 received 8-10-82, reported in preprimary report as of 8-25-82. This contribution was also designated as a primary contribution bringing our year-to-date primary contribution to 5,000 maximum allowable under the law.
3. \$5,000 contribution received 10-8-82 earmarked as contribution for general election. This contribution was reported in our October 13, 1982 report & designation for the general election.

In summary, we received \$10,000 from the Laborers Political League during 1982 and properly reported \$5,000 earmarked as primary

MICHAELSON

U.S. Senate

Democrat

P.O. Box 731 Providence, Rhode Island 02901

Paid for by the committee to elect Julius C. Michaelson United States Senator



"You have had countless
opportunities to judge
my performance, and
my leadership ability."



Mr. Charles N. Steele
Pg. 2

contributions and \$5,000 earmarked as general election contributions.

If you should have any further questions or inquiries into the
aforementioned matter, don't hesitate to contact me.

Very truly yours,

Michael R. Truppa
Michael R. Truppa CPA
(Former) Treasurer

MRT:cv

cc: Julius C. Michaelson, Esq.

Laborers Political League
Mr. Jack Curran

attachments enclosed

MICHAELSON

U.S. Senate

Democrat

P.O. Box 731 Providence, Rhode Island 02901

Paid for by the committee to elect Julius C. Michaelson United States Senator



Cut# 1966

LAW OFFICES

CONNERTON & BERNSTEIN

ROBERT J. CONNERTON
JULES BERNSTEIN
DANIEL M. KATZ
DONALD ELISBURG
DAVID W. ELBAOR
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ROCKVILLE, MARYLAND 20852
(301) 984-1212

VIRGINIA OFFICE:
2080 NORTH 14TH STREET
ARLINGTON, VIRGINIA 22201
(703) 524-1900

JACK CURRAN
LEGISLATIVE DIRECTOR
(NOT A MEMBER OF THE BAR)

March 27, 1984

* NOT ADMITTED IN D. C.
* ADMITTED IN MD
* ADMITTED IN VA

MUR
1638
Haga

20
19:50

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1638

Dear Mr. Steele:

This letter is submitted pursuant to 2 U.S.C. § 437g(a)(1) in response to the complaint filed in the above-referenced matter. Complainant alleges that the Laborers' Political League ("LPL") made a contribution in excess of the applicable limits to the Michaelson for U.S. Senate Campaign ("Michaelson") in connection with the 1982 federal general election. LPL is a political action committee affiliated with the Laborers' International Union of North America, AFL-CIO, and Michaelson was a candidate for U.S. Senator from Rhode Island.

The complainant alleges that LPL contributed \$2,500 on August 10, 1982 to Michaelson and then made another \$5,000 contribution to Michaelson on October 8, 1982. Complainant alleges that both of these contributions were for the general election and, when aggregated, exceeded the permissible contribution limit.

Initially, it should be noted that under 29 U.S.C. § 437g(a)(1) the complaint must be in writing, signed and sworn to by the complainant. Complainant's verification states only that he has "read the foregoing complaint and knows the contents thereof, and that the same is true on information and belief." The only evidence referred to in the complaint are the FEC reports filed by LPL and Michaelson.

85040523196

Charles N. Steele
March 27, 1984
Page Two

Despite complainant's allegations, the FEC reports filed by Michaelson clearly indicate that the \$2,500 contribution made on August 10, 1982 was for the primary rather than the general election. (FEC Microfilm #8202120098.) Indeed, at the time that the contribution was made in August 1982, Mr. Michaelson was a candidate in the primary election which was not held until September 1982.

The FEC report filed by LPL also indicates that a \$2,500 contribution was made on August 10, 1982. (FEC Microfilm #82032434725.) At the time that the contribution was made, it was the understanding of LPL that the money would be used by Michaelson for expenditures to be made in connection with the primary election. It should also be noted that when the August 10, 1982 contribution is aggregated with the other LPL contribution to Michaelson's primary campaign (\$2,500 on March 25, 1982), the applicable limits for a primary election have not been exceeded.

The complainant has presented no evidence that the \$2,500 contribution made in August 1982 was not in fact applied to Michaelson's primary expenditures. Complainant merely asserts that Michaelson knowingly accepted contributions for the general election in excess of the applicable limits (Complaint, ¶8) and failed to accurately report the August 10, 1982 contribution as a contribution to the general election (Complaint, ¶11). Complainant's only basis for these assertions is the inconsistency between the report filed by Michaelson and the report filed by LPL.

The complaint is based entirely on information and belief. The only documentation submitted in support of the complaint are the Michaelson and LPL reports described above. 11 CFR § 111.4(d)(2) requires that when a fact is stated on information and belief, the complainant must identify the source of information which gives rise to complainant's belief in the truth of the statement. Complainant has identified no source of information other than the two reports filed by Michaelson and LPL.

The minor inconsistency in these reports could not lead a reasonable person to conclude on information and belief that Michaelson had knowingly accepted a campaign contribution in excess of the applicable limits and that Michaelson failed to accurately report the contribution as a contribution to the general rather than the primary campaign. Just because LPL stated (mistakenly) on its report that the August 1982 contribution was for the general

85040523197

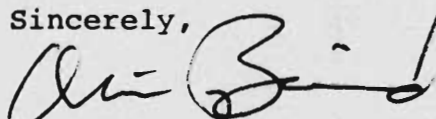
Charles N. Steele
March 27, 1984
Page Three

election, it does not necessarily follow that by reporting the contribution as being for the primary election, Michaelson mis-reported the contribution. After all, the crucial question is how was the money actually applied, and obviously between Michaelson and LPL, Michaelson was in a better position to know how the money had been applied.

Finally, it should be noted that complainant is represented by the Center on National Labor Policy. The Center on National Labor Policy is well known as an organization whose primary purpose is antagonistic to organized labor. Complainant is a resident of Shawnee, Oklahoma. He has no personal knowledge of the material facts in the complaint and no apparent interest in a senatorial campaign in Rhode Island. Obviously, the Center is the real moving party behind the complaint and the complaint was filed in furtherance of the Center's objectives of harassing organized labor and the candidates it supports.

Accordingly, it merits no further consideration and should be dismissed forthwith.

Sincerely,



Orrin Baird

OB:ve

85040523198

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Michaelson for U.S. Senate) MUR 1638
Committee, et al.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of May 22, 1984, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1638:

1. Find reason to believe that the Michaelson for U.S. Senate Committee, and Michael R. Truppa, as treasurer, violated 2 U.S.C. § 441a(f).
2. Find reason to believe that the Laborers' Political League, and Jack Curran, as treasurer, violated 2 U.S.C. § 441a(a) (2) (A).
3. Send the letters attached to the General Counsel's May 14, 1984 report.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Attest:

5-23-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

85040523199

SENSITIVE

FEDERAL ELECTION COMMISSION

1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT 14 P 3: 46

DATE AND TIME OF TRANSMITTAL BY MUR NO. 1638
OGC TO THE COMMISSION 5/14/84 - 3:45 STAFF MEMBER Frances B. Hagan

COMPLAINANT'S NAME: James Edward Antosh

RESPONDENTS' NAMES: Julius C. Michaelson
Michaelson for U.S. Senate Committee
Michael R. Truppa, Treasurer
Laborers' Political League
Jack Curran, Treasurer

RELEVANT STATUTE: 2 U.S.C. § 441a(a)(2)(A)
2 U.S.C. § 441a(f)
11 C.F.R. § 110.1(a)(2)(i)
11 C.F.R. § 102.9(e)
11 C.F.R. § 104.14(d)

INTERNAL REPORTS
CHECKED: MUR 1488

FEDERAL AGENCIES
CHECKED: None

SUMMARY OF ALLEGATIONS

1. Complainant alleges that the Laborers' Political League ("LPL") and its treasurer, Jack Curran, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of limitations to the Michaelson for U.S. Senate Committee during the 1982 general election campaign.

2. Complainant alleges that Julius C. Michaelson, the Michaelson for U.S. Senate Committee ("the Michaelson Committee") and its treasurer, Michael R. Truppa, violated 2 U.S.C. § 441a(f) for receipt of contributions in excess of limitations at 2 U.S.C. § 441a(a)(2)(A) from LPL.

85040523200

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any federal election which in the aggregate, exceed \$5,000.

2 U.S.C. § 441a(f) prohibits receipt of contributions violative of this section.

According to a complaint filed by James Edward Antosh, the Michaelson Committee received the following contributions for the September 14, 1982, Rhode Island general election totaling \$2,500 in excess of limitations at 2 U.S.C. § 441a(a)(2)(A):

<u>Contributor</u>	<u>Contribution Amount</u>	<u>Date of Michaelson Committee Receipt</u>	<u>Apparent Excessive Amount</u>
Laborers' Political League	\$ 2,500	8/10/82	
	5,000	10/8/82	
TOTAL	\$ 7,500		\$2,500

Complainant asserts that FEC reports show that the LPL designated both contributions for the general election while the Michaelson Committee reported the first \$2,500 as designated for the primary and \$5,000 as applicable to the general election.

11 C.F.R. § 110.1(a)(2)(i) makes it clear that contributions designated in writing by a contributor for a particular election are attributable to the limit set for that election. The regulation further states that a contribution made after a primary election and designated for the primary shall be made only to the extent of the net primary debt. In the case of a contribution not designated in writing for a particular election, the contribution will be attributable for the primary election if

made on or before the primary date, and the contribution will be attributable to the general election if made after the primary election date.

11 C.F.R. § 102.9(e) states that if a candidate or authorized committee receives contributions prior to the primary election, which contributions are designated by the candidate or committee for use in the general election, such candidate or committee shall use an acceptable accounting method to distinguish between contributions received for the primary and general elections.

Michaelson Committee Response to Complaint

Michael R. Truppa, treasurer, responding on behalf of the Michaelson Committee states that the Committee received three contributions from LPL as follows:

<u>Date of Receipt</u>	<u>Amount</u>	<u>Election Designation Reported by Michaelson Committee</u>
5/25/82	\$2,500	Primary
8/10/82	2,500	Primary
10/8/82	5,000	General

The treasurer asserts that these contributions (the earliest was not mentioned in the complaint) did not exceed the allowable contribution limits per election and that his Committee designated the contributions to comport with the limits. The response does not indicate whether LPL specifically designated the contributions at the time of receipt by the Michaelson Committee.

It is the General Counsel's position that the recipient committee cannot, without consent of the contributor, treat a

contribution received before the primary as a general election contribution. (See 11 C.F.R. § 110.1(a)(2) and MUR 1488). While 11 C.F.R. § 102.9(e) (which requires separate accounting to distinguish between primary and general election contributions received before the primary) refers to "contributions . . . designated by the candidate or his or her authorized committee(s) for use in connection with the general election," this phrase should not be construed as permission for the recipient committee to assign contributions to a particular campaign without the contributors' consent. Such independent designation by the recipient committee could contravene both the contributor's intent as well as the rules for designated and undesignated contributions at 11 C.F.R. § 110.1(a)(2).

In this instance, it appears that the recipient committee designated the contributions in question in accordance with 11 C.F.R. § 110.1(a)(2). The contributions made prior to the primary were designated for the primary election and the contribution made after the primary was designated to the general election. However, in such cases where no contemporaneous evidence is available that the contributor intended the appropriate election designations (specifically concerning the August 10, 1982 contribution in question here), the Office of General Counsel recommends reason to believe against the Michaelson Committee for a violation of 2 U.S.C. § 441a(f). Since there appear to be no individual violations involving the candidate or treasurer, we make no recommendation concerning these individuals.

LPL Response to Complaint

Complainant alleges that LPL contributed \$2,500 in excess of limitations to the Michaelson Committee during the 1982 general election campaign. Counsel for the LPL states that the August 10, 1982 contribution to the Michaelson Committee was mistakenly designated on FEC reports as attributable to the general election. The LPL asserts that "the crucial question is how was the money actually applied. . . ."

The LPL provided no contemporaneous evidence of its intent concerning the contributions in question, other than the designation appearing on reports. No apparent effort was made at the time to ensure that excessive contributions would not result. Therefore, this Office recommends that the Commission find reason to believe against the LPL for a violation of 2 U.S.C. § 441a(a)(2)(A) and against the Michaelson Committee for a violation of 2 U.S.C. § 441a(f) in this matter.

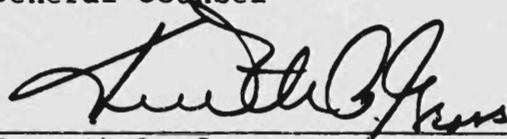
RECOMMENDATIONS

1. Find reason to believe that the Michaelson for U.S. Senate Committee, and Michael R. Truppa, as treasurer, violated 2 U.S.C. § 441a(f).
2. Find reason to believe that the Laborers' Political League, and Jack Curran, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
3. Send attached letters.

Charles N. Steele
General Counsel

May 14, 1984
Date

BY:


Kenneth A. Gross
Associate General Counsel

Attachments
Letters

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED AT THE FEC

600/155
84 MAR 26 11:17
MUR 1638
Hagan

RE: MUR 1638

NAME OF COUNSEL: Orrin Baird

ADDRESS: Connerton & Bernstein Law Firm
1899 L St., N. W.
Washington, D. C. 20036

TELEPHONE: 202-466-6790

85040523205
The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and
other communications from the Commission and to act on my
behalf before the Commission.

March 22, 1984
Date

Jack Curran
Signature

NAME: Jack Curran, Acting Treasurer
Laborers' Political League
ADDRESS: 905 16th St., N. W.
Wash., D. C. 20006

HOME PHONE: 703-533-7383

BUSINESS PHONE: 202-638-5753



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 9, 1984

Mr. James Edward Antosh
13 Gilpin
Shawnee, Oklahoma 74801

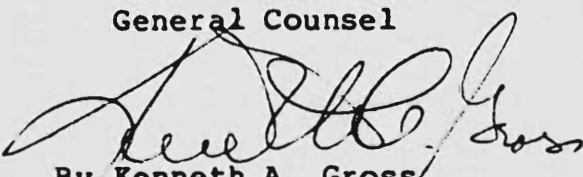
Dear Mr. Antosh:

This letter is to acknowledge receipt of your complaint which we received on March 1, 1984, against Julius C. Michaelson and the Laborers' Political League which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within five days.

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. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Cheryl Thomas at (202) 523-4073.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosure

85040523206

85040523207

PS Form 3811, July 1982

RETURN RECEIPT

1638 H-2000

• **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ **REGISTERED MAIL** where and date delivered \$
☐ **REGISTERED MAIL** where, date, and address of delivery .. \$
2. ☐ **RESTRICTED DELIVERY** \$
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
James Edward Antosh
13 Gilman
Shawnee, Oklahoma 74801

4. **TYPE OF SERVICE:** ☒ REGISTERED ☐ INSURED
☐ REGISTERED ☐ COO
☐ EXPRESS MAIL

ARTICLE NUMBER
943065

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY **APR 15 1984** POSTMARK (Apply to all return receipts)

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE: 7a. EMPLOYEE'S INITIALS



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 9, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael R. Truppa, Treasurer
Michaelson for U.S. Senate
Post Office Box 731
Providence, Rhode Island 02901

Re: MUR 1638

Dear Mr. Truppa:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, individually and as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1638. 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 the committee and you, individually and as treasurer, 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.

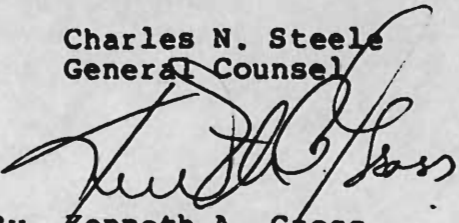
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form 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.

If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: Julius C. Michaelson

85040523209



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 9, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julius C. Michaelson
Post Office Box 731
Providence, Rhode Island 02901

Re: MUR 1638

Dear Mr. Michaelson:

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This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that you and your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1638. 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 and 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.

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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.

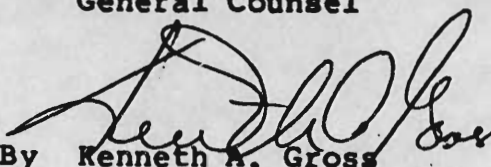
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form 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.

If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

85040523211



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 9, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jack Curran, Treasurer
Laborers' Political League
905 16th Street, N.W.
Washington, D.C. 20006

Re: MUR 1638

Dear Mr. Curran:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, individually and as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1638. 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 the committee and you, individually and as treasurer, 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.

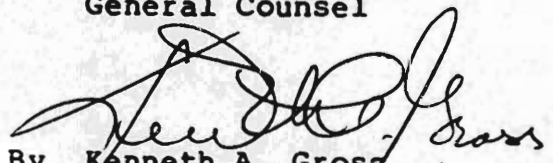
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form 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.

If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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MUR 1638 HCCCO

PS Form 3811, July 1982

• **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☐ Show to whom and date delivered

☒ Show to whom, date, and address of delivery

2. ☐ **RESTRICTED DELIVERY**

(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
Jack Curran, Treasurer
Laborers' Political League
905 16th St. N.W.
Washington, D.C. 20006

4. **TYPE OF SERVICE:**

☐ REGISTERED ☐ INSURED

☒ CERTIFIED ☐ COO

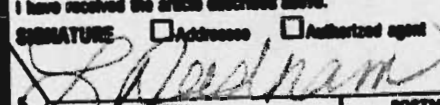
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ARTICLE NUMBER
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(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

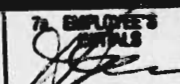


DATE OF DELIVERY
3-13-84

POSTMARK
(may be on reverse side)

6. **ADDRESSEE'S ADDRESS** (may be requested)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**


RETURN RECEIPT

• GPO: 1983-570-503

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

James Edward Antosh)
13 Gilpin)
Shawnee, Oklahoma 74801,)
Complainant,)
v.)
Julius C. Michaelson and)
the Laborers' Political League,)
Respondents.)

Complaint
MUR No. 1638

85040523214

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against former candidate for federal public office, Julius C. Michaelson, Michaelson for U.S. Senate, the Laborers' Political League and all the Committees' treasurers individually and in their capacities as treasurers for the making and receiving of excessive contributions in violation of 2 U.S.C. §441a(f) and 2 U.S.C. §441a(a)(2)(A).

II. PARTIES

2. Complainant is James Edward Antosh who resides at 13 Gilpin, Shawnee, Oklahoma 74801. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

Respondents are:

a. Julius C. Michaelson, Post Office Box 731, Providence, Rhode Island 02901.

b. Michael R. Truppa, individually and in his capacity as treasurer of Michaelson for U.S. Senate, Post Office Box 731, Providence, Rhode Island 02901.

c. Michaelson for U.S. Senate, Post Office Box 731, Providence, Rhode Island 02901.

d. Jack Curran, individually and in his capacity as treasurer of Laborers' Political League, 905 16th Street, N.W., Washington, D.C. 20006.

e. Laborers' Political League, 905 16th Street, N.W.,
Washington, D.C. 20006.

III. LIABILITY

3. Liability may be imposed upon the candidate, Julius C. Michaelson, Michaelson for U.S. Senate, and Laborers' Political League pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND DOLLAR) maximum contribution ceiling and 2 U.S.C. §441a(f) which proscribes a candidate or political committee from accepting any contributions in excess of \$5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and in their capacities as treasurers pursuant to 11 C.F.R. §104.14(d).

IV. OVERVIEW

5. Based on complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal general election in which Julius C. Michaelson was a candidate for public office. Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Julius C. Michaelson; Michaelson for U.S. Senate and its treasurer; and Laborers' Political League and its treasurer filed for the 1982 federal general election.

6. For the 1982 federal general election, excessive funds were contributed to Julius C. Michaelson, Michaelson for U.S. Senate and its treasurer by Laborers' Political League and its treasurer.

7. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A) which provides that a multicandidate political committee may not contribute more than \$5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office and §441a(f) which prohibits a candidate from receiving illegal contributions.

V. VIOLATIONS OF THE F.E.C.A. BY
MICHAELSON FOR U.S. SENATE IN THE
1982 FEDERAL GENERAL ELECTION

8. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Julius C. Michaelson, Michaelson for U.S. Senate and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal general election from Laborers' Political League in the amount of \$7,500.00 (SEVEN THOUSAND FIVE HUNDRED DOLLARS).

9. Candidate Julius C. Michaelson, Michaelson for U.S. Senate and its treasurer, for the 1982 federal general election, accepted contributions from Laborers' Political League in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm</u>
8/10/82	\$2,500.00	82020120098
10/8/82	<u>\$5,000.00</u>	82020153971
Total =	\$7,500.00	

10. A running total of the amount of contributions received from Laborers' Political League would have put on notice Julius C. Michaelson, Michaelson for U.S. Senate and its treasurer that they had received \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) on August 10, 1982. On that date, Julius C. Michaelson, Michaelson for U.S. Senate and its treasurer were only permitted to accept an additional contribution of \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). In violation of 2 U.S.C. §441a(f), they accepted additional contributions and thereby exceeded the maximum \$5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

11. Julius C. Michaelson, Michaelson for U.S. Senate and its treasurer failed to accurately report the \$2,500.00 (TWO THOUSAND

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FIVE HUNDRED DOLLARS) contribution of August 10, 1982 designated by Laborers' Political League as a contribution for the general election. In violation of 11 C.F.R. §104.14(d), Julius C. Michaelson, Michaelson for U.S. Senate and its treasurer reported it as a contribution for the primary election. F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein." Julius C. Michaelson, Michaelson for U.S. Senate and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

VI. VIOLATION OF THE F.E.C.A. BY THE
LABORERS' POLITICAL LEAGUE IN THE
1982 FEDERAL GENERAL ELECTION

12. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that Laborers' Political League for the 1982 federal general election contributed to candidate Julius C. Michaelson, Michaelson for U.S. Senate and its treasurer a total of \$7,500.00 (SEVEN THOUSAND FIVE HUNDRED DOLLARS).

13. Laborers' Political League contributed the following amounts:

a. On August 10, 1982, Laborers' Political League contributed

\$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). (See F.E.C. Microfilm # 82032434725.)

- b. On September 28, 1982, Laborers' Political League contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032502574.)

14. A running total of the amount contributed to Julius C. Michaelson, Michaelson for U.S. Senate and its treasurer would have put on notice Laborers' Political League that as of August 10, 1982, it had contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) and that it could only contribute an additional \$2,500.00 (TWO THOUSAND FIVE HUNDRED) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), at \$5,000.00 (FIVE THOUSAND DOLLARS) contribution was made to Julius C. Michaelson, Michaelson for U.S. Senate and its treasurer. This amount exceeded the statutory monetary ceiling by \$2,500.00 (TWO THOUSAND FIVE HUNDRED).

VII. CONCLUSION

15. As documented above, Respondents have violated the spirit and letter of the Federal Election Campaign Act.

16. Complainant requests that an investigation into this complaint be undertaken, that Respondents be ordered to return the accepted

excess contributions and that civil sanctions be imposed on the Respondents.

Michael Ernest Avakian
Michael Ernest Avakian
Center on National Labor Policy

Martha M. Poindexter
Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, VA 22151
(703) 321-9180

Attorneys for Complainant

March 1, 1984

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VERIFICATION OF CITIZEN COMPLAINANT

Shawnee)

State of Oklahoma)

ss.

Pursuant to 2 U.S.C. §437g(a)(1), I, James Edward Antosh, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

James Edward Antosh

Subscribed and sworn to before me this 29th day of February 1984.

Denise H. Almon
Notary Public

My Commission expires:

Sept. 17, 1986

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DESIGNATION OF COUNSEL

I, James Edward Antosh, a complainant to the attached complaint designate the attorney(s) identified below as complainant's attorney(s) of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

Feb. 29, 1984
Date

James Edward Antosh
Complainant

DESIGNATED COUNSEL

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

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FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1638

Date Filmed 4/24/85 Camera No. --- 21

Cameraman AL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 1638 .

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 23, 1985

Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, Virginia 22151

RE: MUR 1638

Dear Ms. Poindexter:

This is in reference to the complaint that the Commission received from your client, Mr. James Antosh, on March 1, 1984, concerning the Laborers' Political League and the Michaelson for U.S. Senate Committee.

Based on his complaint, and information provided by the Respondents, the Commission determined that there was reason to believe that the Michaelson for U.S. Senate Committee, and Michael R. Truppa, as treasurer, violated 2 U.S.C. § 441a(f) and that the Laborers' Political League, and Jack Curran, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) and 11 C.F.R. § 104.14(d). After an investigation was conducted and briefs of the General Counsel were considered, the Commission concluded on March 5, 1985, that there was no probable cause to believe that any of the respondents violated 2 U.S.C. § 441a(f) or § 441a(a)(2)(A). The Commission decided to take no further action with regard to the 11 C.F.R. § 104.14(d) violation. Note that the complainant was informed of these conclusions in a March 9, 1985 letter from the General Counsel's Office.

The entire file in this matter has been closed and will become part of the public record. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days. 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).

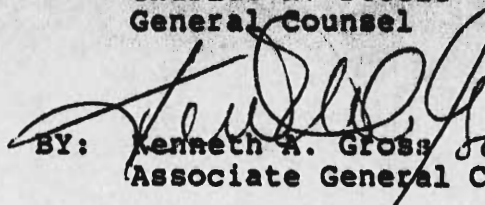
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Martha M. Poindexter
Page 2

If you have any questions, please contact Matthew Gerson,
the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Attachments
General Counsel's Report

85040554139

SENSITIVE

Gerson

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Laborers' Political League and)

Jack Curran, as Treasurer)

Michaelson for U.S. Senate Committee)

and Michael R. Truppa, as Treasurer)

MUR 1638

MAR 05 1985

GENERAL COUNSEL'S REPORT

EXECUTIVE SESSION

I. BACKGROUND

The Laborers' Political League (the "League") contributed \$10,000 to the Michaelson for U.S. Senate Committee (the "Committee") for the 1982 election cycle. The chart below reflects the manner in which the League and the Committee reported the contributions:

Amount	Date of Receipt	League's Election Designation	Committee's Election Designation	
\$2,500	May 25, 1982	P	P	
\$2,500	August 10, 1982	G	P	P = Primary
\$5,000	October 8, 1982	G	G	G = General

The Rhode Island primary election occurred on September 14, 1982.

According to the "checkoff boxes" on the Committee's FEC reports, the March and August \$2,500 contributions were for the September primary and October's \$5,000 contribution was for the general election. However, the "checkoff boxes" on the League's reports designate both the August \$2,500 contribution and the October \$5,000 contribution for the general election. There appears to be no contemporaneous writing specifying the League's intentions.

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James Antosh recognized the discrepancy and, on March 1, 1984, filed a complaint alleging that the \$7,500 contribution to the general election violated the Act. The Committee responded through counsel on March 27, 1984. On April 2, 1984, the Michaelson Committee responded through its treasurer. On May 22, 1984, the Commission found reason to believe that the Laborer's Political League and Jack Curran, as treasurer, violated 2 U.S.C. § 441(a)(2)(A). The Commission also found reason to believe that the Michaelson for U.S. Senate Committee and Michael R. Truppa, as treasurer, violated 2 U.S.C. § 441a(f). The League responded to the reason to believe notification on June 18, 1984 after requesting an extension of time to answer. On May 25, 1984, the Commission attempted to send a reason to believe notification to the Committee. The letter mailed to the address listed as the Committee's address was returned undelivered. On October 22, 1984, the Committee was mailed a second notification. The Committee responded to the second reason to believe notification on November 29, 1984.

On January 16, 1985, the General Counsel sent out briefs and letters notifying the respondents that he intended to recommend that the Commission find no probable cause to believe. The respondents' fifteen day response period expired on January 31, 1985.

II. LEGAL ANALYSIS (See OGC Briefs of January 16, 1985).

The Act prohibits multicandidate political committees such as the League from contributing more than \$5,000 to any federal

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candidate or his authorized political committee for any federal election. 2 U.S.C. § 441a(a)(2)(A). Accordingly, candidates and their committees are prohibited from accepting such "excessive" contributions. 2 U.S.C. § 441a(f).

11 C.F.R. § 110.1(a)(2)(i) makes it clear that contributions designated in writing by a contributor for a particular election are attributable to the limit set for that election. The regulation further states that a contribution made after a primary election and designated for the primary shall be made only to the extent of the net primary debt. In the case of a contribution not designated in writing for a particular election, the contribution will be attributable to the primary election if made on or before the primary date, and the contribution will be attributable to the general election if made after the primary election date.

1. The Michaelson Committee.

It appears that the recipient committee designated the contributions in question in accordance with the presumptions in 11 C.F.R. § 110.1(a)(2). The contributions made prior to the primary were designated for the primary election and the contribution made after the primary was designated to the general election. Because there does not appear to be a contemporaneous writing explaining the contributor's intent and since the contributor's notations on the reports (checking the "primary" or "general" box) are not considered written designations for assessing a recipient's reporting violations, the Committee

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correctly relied on the presumption of 11 C.F.R. 110.1(a) (2). Therefore, this Office recommends that the Commission find no probable cause to believe that the Committee and its treasurer violated 2 U.S.C. § 441a(f).

2. The League

The League's first response stated that the August contribution was mistakenly generated on the League's FEC reports as attributable to the general election. The League's counsel noted that the Michaelson Committee report indicated that the contribution was for the primary election and that the contribution was made one month before the primary election. He added:

At the time that the contribution was made, it was the understanding of [the League] that the money would be used by Michaelson for expenditures to be made in connection with the primary election. It should also be noted that when the August ... contribution is aggregated with the other [League] contribution to Michaelson's primary campaign ..., the applicable limits for a primary election have not exceeded.

Counsel noted that there is no evidence that the August contribution was used for anything other than the September primary.

In the League's response to the reason to believe notification, counsel reiterated that the Committee deposited the League's contribution in their primary election account. The response also included an affidavit from Mr. Jack Curran, the League's Acting Treasurer. Mr. Curran stated that the incorrect

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designation on the August contribution was a clerical error. While the League did not keep any "contemporaneous documentation," Mr. Curran explained that, "there is no doubt in (his) mind that, at the time that the August 10, 1982 political contribution was made, it was intended to be a contribution to the primary campaign of Mr. Michaelson." Finally, the League filed an amended report indicating that the August contribution was for the primary rather than the general election.

The above mentioned facts persuade this Office to recommend that the Commission find no probable cause to believe that the League and its treasurer violated 2 U.S.C. 441a(a). We find it significant that the timing of the League's contributions fell within the presumptions of 11 C.F.R. § 110.1(a) (2); the check in question was delivered before the primary and deposited by the recipient into its primary account. In addition, the contributor's Acting Treasurer stated under oath that "he has no doubt" that the contribution was intended for Michaelson's primary campaign and amended the erroneous report. Lastly, the League's contributions seem to have been intended to reach only the maximum permissible levels.

3. The Treasurers' Liability

The complainant alleged that both the League and the Committee's treasurer violated the Act individually and as treasurer because 11 C.F.R. § 104.14(d) provides that a treasurer

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is "personally responsible" for a report's timeliness, completeness, and accuracy.

As discussed above, the General Counsel is of the opinion that the Committee's treasurer, Michael R. Truppa, designated the contributions in question in accordance with the presumptions in 11 C.F.R. § 110.1(a)(2). Therefore, this Office does not believe that the Committee and its treasurer violated 11 C.F.R.

§ 104.14(d). However, the League's report did contain an error. Indeed, the inaccuracy in designating to which election the \$2,500 was contributed constituted a violation of 11 C.F.R.

§ 104.14(d). Mr. Curran states that his office made a clerical error in preparing the report. He states that the reports are, "routinely prepared by his secretary;" he "reviews and signs them." "Apparently, in reviewing the August 1982 report, (he) failed to notice that the box for "general" rather than the box for "primary" was mistakenly checked for the August 10, 1982 Michaelson contribution." Mr. Curran is charged to take greater care in undertaking a treasurer's responsibility. Therefore, this Office recommends that the Commission find reason to believe that the League and its treasurer violated 11 C.F.R. 104.14(d). However, because the League amended the erroneous report, the League's treasurer attested that "he has no doubt" that the contribution was intended for the Committee's primary campaign, and the timing of the League's contributions fell within the

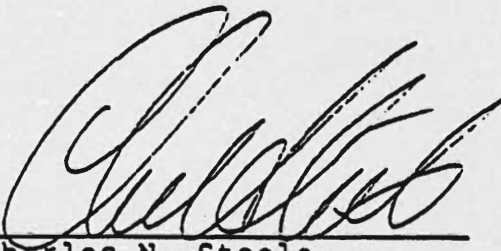
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presumptions of 11 C.F.R. § 110.1(a)(2), this Office recommends that the Commission take no further action with regard to the 11 C.F.R. § 104.14(d) violation.

III. RECOMMENDATIONS

1. Find no probable cause to believe that the Michaelson for U.S. Senate Committee and Michael R. Truppa, as treasurer, violated 2 U.S.C. 441a(f).
2. Find no probable cause to believe that the Laborers' Political League and Jack Curran, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
3. Find no reason to believe that the Michaelson for U.S. Senate Committee and Michael R. Truppa, as treasurer, violated 11 C.F.R. § 104.14(d).
4. Find reason to believe that the Laborers' Political League and Jack Curran, as treasurer, violated 11 C.F.R. § 104.14(d).
5. Take no further action with regard to the 11 C.F.R. § 104.14(d) violation.
6. Close the file.
7. Send the attached letters.

22 February 1985
Date


Charles N. Steele
General Counsel

Attachments

1. Letters to respondents
2. Letter to complainant

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