



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1750

Date Filmed 9/26/85 Camera No. --- 2

Cameraman AS

850405/52388

MUR assignment form, Routing Slips, all blue cards,
12-day report + comments; ^{conciliation report} objection to conciliation
agreement (civil penalty); copy of penalty memo + check.

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

- | | |
|--|---|
| ☐ (1) Classified Information | ☐ (6) Personal privacy |
| ☒ (2) Internal rules and practices | ☒ (7) Investigatory files |
| ☐ (3) Exempted by other statute | ☐ (8) Banking information |
| ☐ (4) Trade secrets and commercial or financial information | ☐ (9) Well Information (geographic or geophysical) |
| ☒ (5) Internal Documents | |

Signed Lanane E. Tobey

date September 17, 1985

Indurcia
 9/23/85

SUMMARY FILE CHECK-OFF

NUR # 1750

JULY 18, 1985

Date of Close-out Letters (Mailing Date)

CONTENT CHECK-OFF

- X Close-Out Letter(s)
- X Final OGC Report or Memorandum or Conciliation Agreement(s)
- Respondent(s) Reply to Brief(s)
- General Counsel's Brief(s)
- X Respondent's Reply to RTB Finding
- X First General Counsel's Report
- X Respondent's Reply to the Complaint
- X Original Complaint(s) (If Any)
- X Other Report or Correspondence*
- X All Certifications**

Lawrence E. Tobey

Preparer of the Summary File

Date

File Reviewed by Thomas J. Kline 9/23/85

* To be included if, in the opinion of the staff member, it is important.

** Certifications of Commission actions should be placed in the Summary File prior to the documents which formed the basis of the action and in reverse chronological order.

(Revised 7/5/83)

85040552390



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4750

85040552391

BEFORE THE FEDERAL ELECTION COMMISSION

S. Levin

In the Matter of

Engineers Political Education
Committee/International Union
of Operating Engineers
Frank Hanley, as treasurer

MUR 1750

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 2, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1750:

1. Approve the conciliation agreement submitted with the General Counsel's Report signed June 26, 1985.
2. Approve the letters attached to the General Counsel's Report signed June 26, 1985.
3. Close the file.

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

Attest:

7-2-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

6-27-85, 11:16
6-27-85, 4:00

85040552392

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1750
Engineers Political Education)
Fund/International Union of)
Operating Engineers)
Frank Hanley, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 2, 1985, the Commission decided by a vote of 4-0 to take the following actions in MUR 1750:

1. Enter into conciliation with the Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement submitted with the General Counsel's Report signed March 28, 1985.
3. Approve the letter attached to the General Counsel's Report signed March 28, 1985.

Commissioners Elliott, Harris, McGarry and Reiche voted affirmatively in this matter; Commissioners Aikens and McDonald did not cast a vote.

Attest:

4/3-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

3-29-85, 9:53
3-29-85, 2:00

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1750
Committee to Elect Levinson)
Bruce D. Corbin, as treasurer)
Engineers Political Education)
Committee)
Frank Hanley, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 4, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1750:

1. Find reason to believe that the Engineers Political Education Committee/International Union of Operating Engineers, and Frank Hanley as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by contributing in excess of \$5000 to the Committee to Elect Levinson with respect to the September 11, 1982, Delaware primary.
2. Find reason to believe that the Committee to Elect Levinson and Bruce D. Corbin as treasurer, violated 2 U.S.C. § 441a(f), take no further action, and close the file with respect to them.
3. Find reason to believe that the Committee to Elect Levinson and Bruce D. Corbin as treasurer, violated 11 C.F.R. § 104.14(d), take no further action, and close the file with respect to them.

(Continued)

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4. Approve and send the letters attached to the First General Counsel's Report signed January 30, 1985.

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

Attest:

2-5-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

85040552395

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

1-31-85, 10:00
1-31-85, 4:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 18, 1985

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

RE: MUR 1750

Dear Mr. Avakian and Ms. Poindexter:

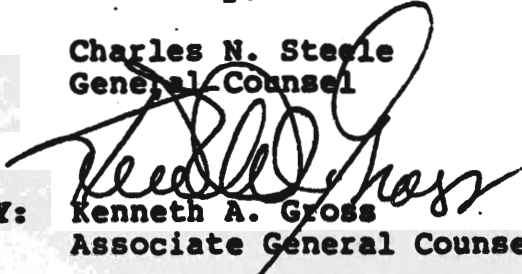
This is in reference to the complaint you filed with the Commission on July 30, 1984, concerning the Engineers Political Education Committee/International Union of Operating Engineers (hereinafter "EPEC/IUOE").

After conducting an investigation in this matter, the Commission determined there was reason to believe that EPEC/IUOE violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. On July 2, 1985, a conciliation agreement signed by the respondent was accepted by the Commission thereby concluding the matter. A copy of this agreement is enclosed for your information.

The file number in this matter is MUR 1750. If you have any questions, please contact Stephen Levin, 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
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 18, 1985

Michael R. Fanning, Esquire
Engineers Political Education Committee/
International Union of Operating Engineers
1125 17th Street, N.W.
Washington, D.C. 20036

RE: MUR 1750

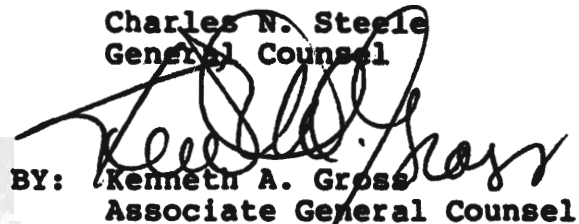
Dear Mr. Fanning:

On July 2 , 1985, the Commission accepted the conciliation agreement signed by Frank Hanley and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Engineers Political Education) MUR 1750
Committee/International Union of)
Operating Engineers,)
Frank Hanley, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a complaint filed with the Commission by James Edward Antosh (hereinafter "Complainant"). The Commission found reason to believe that the Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer ("Respondent") violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Committee to Elect Levinson ("the Levinson Committee") in 1982.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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

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

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

1. Respondent is a multicandidate committee with Frank Hanley as treasurer.

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2. Respondent made the following contributions to the Levinson Committee for the 1982 Delaware primary election:

<u>Amount</u>	<u>Date C/or Made</u>	<u>C/or Desig.</u>	<u>Recip. Desig.</u>	<u>Date Recip. Rec'd</u>
\$2,000	5/18/82	None	P	6/8/82
2,500	6/9/82	P	P	6/29/82
2,500	7/13/82	None	P-\$500 G-\$2,000	7/27/82
\$7,000				

3. The Delaware primary election was held on September 11, 1982.

4. The contributions were made by Respondent and received by the Levinson Committee prior to the 1982 Delaware primary election.

5. According to 2 U.S.C. § 441a(a)(2)(A), 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.

6. Pursuant to 11 C.F.R. § 110.1(a)(2)(i), a contribution designated in writing by the contributor for a particular election shall be attributed to that election.

7. Further, 11 C.F.R. § 110.1(a)(2)(ii)(A) provides that contributions not designated in writing by the contributor for a particular election are attributable to the primary election if made on or before the date of the primary election.

8. Accordingly, Respondent's contributions to the Levinson Committee are considered contributions for the 1982 Delaware primary election.

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9. Respondent's contributions to the Levinson Committee for the 1982 Delaware primary election totaled \$7,000.

V. Respondent made a excessive contribution of \$2,000 to the Levinson Committee for the 1982 Delaware primary election in violation of 2 U.S.C. § 441a(a)(2)(A).

VI. Subsequent to the 1982 election cycle, and prior to the complaint in this matter, the administrative procedures of Respondent were modified to preclude the likelihood of a recurrence of the violation identified herein.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of Three Hundred and Fifty Dollars (\$350), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

X. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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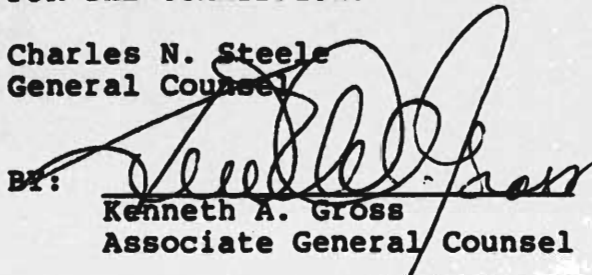
XI. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

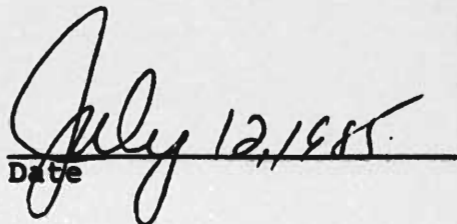
XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents or either party, that is not contained in this written agreement, shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY:


Kenneth A. Gross
Associate General Counsel


Date

FOR THE RESPONDENT:

x 
Frank Hanley
Treasurer

June 4, 1985
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 1985

Michael R. Fanning, Esquire
1125 17th Street, N.W.
Washington, D.C. 20036

RE: MUR 1750
Engineers Political Education
Committee/International
Union of Operating Engineers,
Frank Hanley, as Treasurer

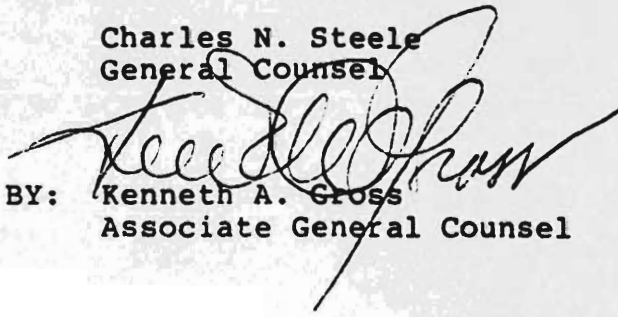
Dear Mr. Fanning:

On February 4, 1985, the Commission found reason to believe that your client violated 2 U.S.C. § 441a(a)(2)(A). At your request, the Commission determined on April 2, 1985, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Stephen Levin, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

Enclosures

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Engineers Political Education)
Fund/International Union of)
Operating Engineers,)
Frank Hanley, as treasurer)

MUR 1750

GENERAL COUNSEL'S REPORT

On February 4, 1985, the Commission found reason to believe that the Engineers Political Education Fund/International Union of Operating Engineers (hereinafter "EPEC/IUOE") and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of contribution limitations to the Committee to Elect Levinson (the "Levinson Committee") for the September 11, 1982, Delaware primary.

EPEC/IUOE made the following contributions to the Levinson Committee for the 1982 Delaware primary election, which was held on September 11, 1982:

<u>Amount</u>	<u>Date C/or Made</u>	<u>C/or Desig.</u>	<u>Recip. Desig.</u>	<u>Date Recip. Rec'd</u>
\$2,000	5/18/82	None	P	6/8/82
2,500	6/9/82	P	P	6/29/82
2,500	7/13/82	None	P-\$500 G-\$2,000	7/27/82
\$7,000				

The undesignated EPEC/IUOE contribution of July 13 was made before the September 11, 1982 primary election and, following the general rule of 11 C.F.R. § 110.1(a)(2)(ii)(A), would be considered for the primary. Therefore, by contributing a total of \$7,000 for the primary election, EPEC/IUOE violated 2 U.S.C. § 441a(a)(2)(A).

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The EPEC/IUOE response contends that no violation of 2 U.S.C. § 441a(a)(2)(A) was committed because the cover letter of EPEC/IUOE which accompanied the July 13th contribution of \$2,500 clearly instructed the Levinson Committee to treat the contribution in compliance with applicable federal law. EPEC/IUOE maintains that, consistent with this instruction, the Levinson Committee, on August 5, 1982, sent EPEC/IUOE a letter indicating its allocation of the contribution in accord with 2 U.S.C. § 441a(a)(2)(A).

The Commission has previously considered that EPEC/IUOE's transmittal letter was not a written designation of an election or authority for the recipient committee to vary the presumption of 11 C.F.R. § 110.1(a)(2)(ii)(A) concerning undesignated contributions received before the date of the primary election. Consistent with MUR 1676, the fact that the Levinson Committee wrote a letter to EPEC/IUOE indicating that it was splitting the July 13th contribution has no bearing on EPEC/IUOE's intent nor can it be construed to be a designation by EPEC/IUOE. Since EPEC/IUOE did not designate the contribution and since it was given before the primary election, it is attributable to the primary election.

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RECOMMENDATIONS

1. Enter into conciliation with the Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement.
3. Approve the attached letter.

Charles N. Steele
General Counsel

March 28, 1955
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

Proposed conciliation agreement
Letter to respondent

ACC# 6837



International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST * WASHINGTON, D. C. 20036

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT * (202) 429-9100

March 6, 1985

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1750

Dear Mr. Gross:

Reference is made to Chairman McGarry's letter of February 26, 1985, in the above-captioned matter, requesting further information. Please be advised that our submission of August 23, 1984 contained substantially all of the information in the files of EPEC/IUOE with respect to this matter.

Briefly, EPEC/IUOE made contributions to the Levison Committee totaling \$4,500 prior to July 15, 1982 and, with a cover letter dated July 15, 1982, EPEC/IUOE forwarded an additional contribution of \$2,500 to the Levison Committee. The EPEC/IUOE cover letter requested that the Committee advise if the contribution exceeded permissible statutory limitations. In compliance with that request, the Levison Committee, on August 5, 1982, advised that the Committee had allocated \$500 of the contribution to the primary election and had, in accordance with Commission regulations, segregated the remaining \$2,000 for the general election to be spent only subsequent to the September 11, 1982 primary election.

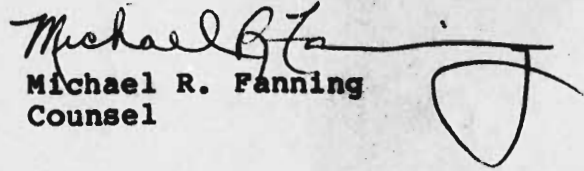
While we continue to believe that the EPEC/IUOE July 15 cover letter, conjoined with the Levison Committee's August 5 correspondence, establish the intent of the

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FEB 17 1985

contributor beyond peradventure, we must assume that the Commission, having had both documents before it, concluded otherwise. Accordingly, if after further review it is determined that, absent conciliation, this matter should proceed to the next compliance stage, EPEC/IUOE requests informal conciliation prior to such proceeding.

Sincerely,


Michael R. Fanning
Counsel

MRF/jlw

85040552408

David N. Levinson

RECEIVED AT THE FEC

85 MAR 7 12:00

March 4, 1985

Charles Steele
Federal Election Commission
Washington D.C. 20463

ATT: Kenneth Gross
Associate General Counsel

RE: MUR 1750, Committee to Elect Levinson

Dear Mr. Steele:

I am in receipt of your letter of February 26, 1985 in which you indicate you are closing your file as it pertains to the Committee to Elect Levinson and the treasury thereof.

In your letter, you indicate I may submit to you within ten days any information which I wish to become part of the public record. I hereby request that all materials which I have submitted to you to date and this letter become part of the public record.

Our position is as follows:

1. Our Committee received a sum of money from the Political Action Committee in question which was more than \$5000 but not more than \$10,000.
2. Upon receipt of such funds, we communicated with the Federal Election Commission and were told to designate part of these funds for the primary election, to hold the balance of these funds in reserve for the general election, to return the funds if I was not in fact the candidate in the general election, to report accordingly, and to notify the PAC in question precisely what we were doing.
3. Our committee followed the instructions of the FEC exactly. I was in fact the party nominee. The general election funds were spent in the general election.
4. The PAC failed to notate by checking the proper box on its FEC report which contributions were for the primary and which contributions were for the general election.

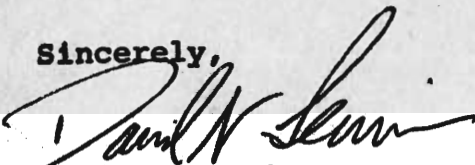
Page 2
March 4, 1985

This action was beyond our control.

Given the above facts, it is the position of our committee that the committee committed no violation, either as to the intent of the law or, in view of the fact that we followed FEC's instructions, the technicalities of the law.

Thank you for the professional manner in which this matter has been handled.

Sincerely,



David N. Levinson

DNL:bm

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CERTIFIED MAIL P442-033-165

Charles Steele
Federal Election Commission
Washington D.C. 20463

ATT: Kenneth Gross

CERTIFIED
P442 033 165
MAIL

05 MAR 7 12:08



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 26, 1985

Bruce D. Corbin, Treasurer
Committee to Elect Levinson
P.O. Box 349
Middletown, Delaware 19709

RE: MUR 1750
Committee to Elect Levinson
Bruce D. Corbin, as Treasurer

Dear Mr. Corbin:

On August 6, 1984, the Commission found reason to believe that the Committee to Elect Levinson and you, as treasurer, had violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") and Code of Federal Regulations, in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you and your committee.

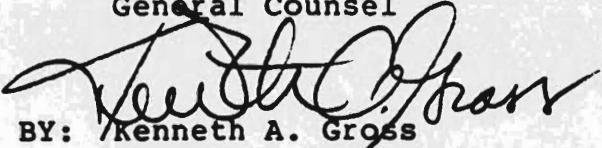
The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please direct them to Stephen Levin, 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

February 26, 1985

Michael R. Fanning, Esquire
1125 Seventeenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1750
Engineers Political Education
Committee/International Union of
Operating Engineers

Dear Mr. Fanning:

The Federal Election Commission notified your client on August 6, 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.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on February 4, 1985, determined that there is reason to believe that your client has violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that your client contributed in excess of \$5,000 to the Committee to Elect Levinson in connection with the September 11, 1982 primary election in Delaware.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file 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 as noted on page 2, paragraph 2, of the enclosed procedures.

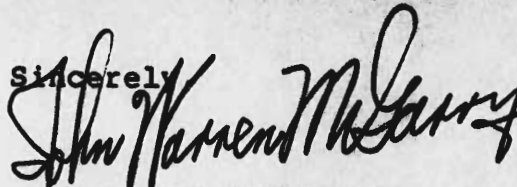
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Michael R. Fanning, Esquire
Page 2

The 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 Stephen Levin, the
staff member assigned to this matter, at (202) 523-4143.

Sincerely,



John Warren McGarry
Chairman

Enclosure
Procedures

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SENSITIVE

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT ⁸⁵JAN 28 P 4:19

DATE AND TIME OF TRANSMITTAL BY
OGC TO THE COMMISSION 1/28/85 - 4:20

MUR NO. 1750
DATE COMPLAINT RECEIVED
BY OGC 8/1/84
DATE OF NOTIFICATION TO
RESPONDENT 8/6/84
STAFF MEMBER
Stephen Levin

COMPLAINANT'S NAME: James Edward Antosh

RESPONDENTS' NAMES: Committee to Elect Levinson
Bruce D. Corbin, Treasurer
Engineers Political Education Committee
Frank Hanley, Treasurer

RELEVANT STATUTES: 2 U.S.C. § 441a(a)(2)(A)
§ 441a(f)
11 C.F.R. § 104.14(d)
§ 110.1(a)(2)(ii)(A)

INTERNAL REPORTS
CHECKED: Committee Reports

FEDERAL AGENCIES
CHECKED: None

SUMMARY OF ALLEGATIONS

On July 30, 1984, Mr. James Edward Antosh filed this complaint against David N. Levinson, a former federal candidate; his authorized committee, Committee to Elect Levinson (the "Committee" or "Levinson Committee"); George B. Schreppler, Jr., individually and in his capacity as treasurer of the Committee to Elect Levinson; and against the Engineers Political Education Committee/International Union of Operating Engineers (EPEC); and Frank Hanley, individually and in his capacity as treasurer. According to Commission records, Mr. Bruce D. Corbin has replaced

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Mr. Schreppler as treasurer. The General Counsel's recommendations accordingly refer to Mr. Corbin in his official capacity as treasurer.

On August 6, 1984, respondents were notified by letter of the Commission's receipt of this complaint. The Levinson Committee response was received on August 13, 1984. EPEC's response was received on August 23, 1984.

Mr. Antosh maintains that EPEC knowingly contributed \$7,000 to the Committee to Elect Levinson in connection with the September 11, 1982 primary election in Delaware, thereby exceeding by \$2,000 the contribution limit of \$5,000 per election established by 2 U.S.C. § 441a(a)(2)(A). Complainant contends that the Committee's acceptance of \$7,000 violated 2 U.S.C. § 441a(f).

FACTUAL AND LEGAL ANALYSIS

Section 441a(a)(2)(A) of Title 2, United States Code, provides that multicandidate political committees may contribute no more than \$5,000 per election to federal candidates. Section 441a(f) provides that federal candidates may not accept contributions made in violation of 2 U.S.C. § 441a(a)(2)(A).

11 C.F.R. § 110.1(a)(2)(i) makes it clear that a contribution designated in writing by a contributor for a particular election is attributable to the limit set for that election. Furthermore, 11 C.F.R. § 110.1(a)(2)(ii)(A) states that in the case of a contribution not designated in writing for a particular election, the contribution will be attributable for the primary, if made on or before the primary date, and the

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contribution will be attributable to the general election if made after the primary election date.

Section 104.14(d) of Title 11, Code of Federal Regulations, provides that the treasurer of a political committee must accurately and timely report the receipts and disbursements of their political committees.

Based on a review of reports on file with the Commission and the complaint, the following chart demonstrates the complainant's allegations.

<u>Amount</u>	<u>Date C/or Made</u>	<u>C/or Desig.</u>	<u>Recip. Desig.</u>	<u>Date Recip. Rec'd</u>
\$2,000	5/18	None	P	6/8/82
2,500	6/9	P	P	6/29/82
2,500	7/13	None	P-\$500 G-\$2,000	7/27/82
\$7,000				

Date of Primary: September 11, 1982.

Complainant states that EPEC failed to accurately report the two contributions it made on May 18 and July 13. Those contributions are not designated on EPEC's May or July monthly reports for any election. Thus, EPEC violated the requirement of accurate filing in 11 C.F.R. § 104.14(d).

The undesignated EPEC contribution of July 13 was made before the September 11, 1982 primary election and, following the general rule of 11 C.F.R. § 110.1(a)(2)(ii)(A), would be considered for the primary. Therefore, by contributing a total of \$7,000 for the primary election, EPEC violated 2 U.S.C. § 441a(a)(2)(A).

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By accepting EPEC's undesignated contribution of July 13, which caused EPEC to exceed the limit of 2 U.S.C. § 441a(a)(2)(A) by \$2,000, the Levinson Committee violated 2 U.S.C. § 441a(f). Following the presumption created by 11 C.F.R. § 110.1(a)(2)(ii)(A), the Committee should have treated the entire \$7,000 as contributed for the primary election.

By reporting the July 13th primary contribution for the primary and general election, the Levinson Committee violated the accurate reporting requirement of 11 C.F.R. § 104.14(d). In light of the discussion below, however, this Office recommends taking no further action on this violation.

The Levinson Committee response, however, provides six reasons why the Commission should take no action in this matter with respect to the Committee. Chief among them is a reference to a letter dated August 5, 1982, which was sent to EPEC that informed EPEC of the splitting of the July 13th contribution. The Committee says that upon receipt of the July 13th contribution, it called the Commission for advice as to how to treat the excessive amount of the July 13th contribution. The Committee says it was told that it should separate out the amount in excess of the primary limit, place it into a separate account and not use it until after the date of the primary election. The Committee says it followed this advice and informed EPEC of its actions by its above-mentioned letter.

Specifically, the Committee says it allocated \$2,000 to the general election and placed that money in a "segregated fund, which [would] draw interest until September 11, 1982, the date of

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Delaware's primary election." The Committee thus states, and exhibits submitted bear out, that the excess funds received were set aside until the primary passed and spent on the general election. Moreover, as the exhibits demonstrate, the Committee notified EPEC in writing of its allocation and this allocation was not objected to by EPEC.

This Office recommends that the Commission find reason to believe that the Levinson Committee violated 2 U.S.C. § 441a(f) based on the fact of acceptance of an undesignated contribution prior to the date of the 1982 Delaware primary which exceeded the limit of 2 U.S.C. § 441a(a)(2)(A), but take no further action.

The EPEC response contends that no violation of 2 U.S.C. § 441a(a)(2)(A) was committed because the cover letter of EPEC which accompanied the July 13th contribution of \$2,500 clearly instructed the Levinson Committee to treat the contribution in compliance with applicable federal law. EPEC maintains that consistent with this instruction, the Levinson Committee sent the August 5, 1982 letter discussed above indicating its allocation of the contribution in accord with 2 U.S.C. § 441a(a)(2)(A).

EPEC also states that it considers 11 C.F.R. § 104.14(d) to be "jurisdictional in nature and not substantively violable." EPEC maintains that failure to mark the appropriate boxes on its FEC Reports was a clerical oversight and that in order to clarify the record in this matter, EPEC has filed an amendment to its May 1982 monthly report marking the appropriate boxes. (See Attachment 2, pages 5-8).

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The Commission has previously considered that EPEC's transmittal letter was not a written designation of an election or authority for the recipient committee to vary the presumption of 11 C.F.R. § 110.1 concerning undesignated contributions received before the date of the primary election.

Consistent with MUR 1676, the fact that the Levinson Committee wrote a letter to EPEC indicating that it was splitting the July 13th contribution has no bearing on EPEC's intent nor can it be construed to be a designation by EPEC. Since EPEC did not designate the contribution and since it was given before the primary election, it is attributable to the primary election.

Accordingly, the Office of General Counsel recommends that the Commission find reason to believe EPEC and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) and 11 C.F.R. § 104.14(d).

RECOMMENDATIONS

1. Find reason to believe that the Engineers Political Education Committee/International Union of Operating Engineers, and Frank Hanley as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by contributing in excess of \$5,000 to the Committee to Elect Levinson with respect to the September 11, 1982, Delaware primary.
2. Find reason to believe that the Engineers Political Education Committee/International Union of Operating Engineers, and Frank Hanley as treasurer, violated 11 C.F.R. § 104.14(d) by failing to accurately report contributions to the Committee to Elect Levinson, in 1982, and take no further action.
3. Find reason to believe that the Committee to Elect Levinson and Bruce D. Corbin as treasurer, violated 2 U.S.C. § 441a(f), take no further action, and close the file with respect to them.

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4. Find reason to believe that the Committee to Elect Levinson and Bruce D. Corbin as treasurer, violated 11 C.F.R. § 104.14(d), take no further action, and close the file with respect to them.
5. Approve and send the attached letters.

Charles N. Steele
General Counsel

January 28, 1985
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

Levinson Committee response
EPEC reports
Letters (2)

85040552421

David N. Levinson

RECEIVED AT THE FEC
84 AUG 13 10:31

August 9, 1984

Mr. Charles N. Steele
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Re: complaint MUR No. 1750

Dear Mr. Steele:

Thank you for giving us the opportunity to demonstrate that no action should be taken against our committee or our treasurer. The facts are as follows.

In 1982 I was the Democratic candidate for U.S. Senate. Although Delaware is a primary state, no candidate filed against me in the primary. Before the date of the primary itself, we received a \$2,500 contribution from the Operating Engineers, which brought their total contribution to \$7,000. The letter accompanying that contribution (copy enclosed) stated that if cumulative contributions exceeded the legal amount to so advise them. We called the F.E.C. to ask for instructions. The advice we received from the F.E.C. is embodied in a letter which we sent to the contributor (copy enclosed). The excess funds were set aside until the primary passed. They were then spent on the general election. The total contribution which we received was only \$7,000, whereas we could have legally received \$10,000.

The reasons that we believe the F.E.C. should take no action are as follows.

1. The total amount received was less than that which we legally could have received.
2. There was no substantive advantage to receiving the extra \$2,000 before the primary date, as I had no primary.
3. We asked the F.E.C. for advice and followed that advice.

ATTACHMENT 1

1

85040552422

Mr. Charles N. Steele
August 9, 1984
Page Two

4. We informed the contributor of the proper designation of funds and assumed that the contributor filed correctly with the F.E.C.

5. We segregated the funds that should have been designated for the general election and in fact spent the funds on the general election.

6. There clearly was no intent to violate the regulations.

Sincerely,

David N. Levinson

DNL/smt
Enclosures

cc: Paul Reyes
Kenneth A. Gross

85040552423

J. C. TURNER
Chairman

FRANK HANLEY
Treasurer

25 Seventeenth Street, N.W.
Washington, D.C. 20036
202-429-9100

Engineers Political Education Committee

July 15, 1982



Mr. George B. Schreppler, Jr. Treasurer
COMMITTEE TO ELECT LEVINSON
P. O. Box 349
Middletown, Delaware 19709

Dear Mr. Schreppler:

Attached hereto is our check #000758 in the amount of \$2,500.00 as a contribution from the Engineers Political Education Committee of the International Union of Operating Engineers for Mr. Levinson's campaign for the United States Senate.

If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise.

Sincerely,

J. C. Turner
J. C. Turner
CHAIRMAN

Frank Hanley
Frank Hanley
TREASURER

JCT:FH/kmg

Enc. (1)

85040552424

Levinson

FOR UNITED STATES SENATE

GEN ELEC.

EAK

August 5, 1982

Mr. J. C. Turner, Chairman
Engineers Political Education Committee
1125 Seventeenth Street, NW
Washington, DC 20036

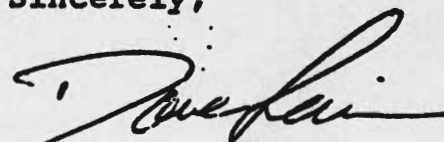
Dear Mr. Turner:

Thank you so much for your organization's additional contribution to my campaign for the U.S. Senate. I am firmly convinced that together we can win this election in November.

In accordance with your letter, please be advised of the following: we have allocated \$500.00 of the most recent contribution, (your check #000758) to our primary election effort, bringing your organization's total contribution to the primary election to \$5,000. We have allocated \$2,000 to our general election effort. In accordance with Federal Election Commission regulations, this portion of the contribution is in a segregated fund, which will draw interest until September 11, 1982, the date of Delaware's primary election.

Again, thanks so much for your support and encouragement.

Sincerely,



David N. Levinson

DNL:rmb

cc: Frank Hanley, Treasurer

4

P.O. BOX 349
MIDDLETOWN, DELAWARE 19709
PHONE: (302) 328-0450

PAID FOR AND AUTHORIZED BY THE COMMITTEE TO ELECT LEVINSON • GEORGE B. SCHREPPLE, JR., TREASURER.

LEVINSON

85040552425

(Summary Page)

ALIGN AREA

ALIGN AREA

1. Name of Committee (In Full)

Engineers Political Education
Committee (EPEC)/International Union
of Operating Engineers (IUOE)

Address (Number and Street)

1125 17th Street, N.W.

City, State and ZIP Code

Washington, D.C. 20036

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C-00029504

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 July, 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 7/1/82 through 7/31/82

6. (a) Cash on hand January 1, 19 82

(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

\$ 148,383.83

\$161,785.23

\$ 85,445.45 \$ 327,959.73

\$247,230.68 \$ 476,343.56

\$ 78,291.20 \$ 307,404.08

\$168,939.48 \$ 168,939.48

\$ 0

\$ 0

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

Frank Hanley

Type or Print Name of Treasurer

Frank Hanley
SIGNATURE OF TREASURER

8/22/84

Date

For further information contact:

Federal Election Commission

Toll Free 800-424-9530

Local 202-523-4068

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

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

FEC FORM 3X (3/80)

ATTACHMENT 2

5

8504052426

SCHEDULE B

ITEMIZED DISBURSEMENT

LINE NUMBER 22
(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) **Engineers Political Education Committee (EPEC)**
International Union of Operating Engineers (IUOE)

A. Full Name, Mailing Address and ZIP Code Committee to Elect Levinson P.O. Box 349 Middletown, DE	Purpose of Disbursement: \$5,000.00 Cand. Dave Levinson (D) U.S. Sen. Delaware Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 7/13/82	Amount of Each Disbursement This Period \$500.00
B. Full Name, Mailing Address and ZIP Code Committee to Elect Levinson P.O. Box 349 Middletown, DE	Purpose of Disbursement: \$7,000.00 Cand. Dave Levinson (D) U.S. Sen. Delaware Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 7/13/82	Amount of Each Disbursement This Period \$2,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			

SCHEDULE B

ITEMIZED DISBURSEMENTS

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) **Engineers Political Education Committee (EPEC)/
 International Union of Operating Engineers (IUOE)**

A. Full Name, Mailing Address and ZIP Code Committee to Elect Levinson P.O. Box 349 Middletown, DE	Purpose of Disbursement \$2,000.00 Cand. Dave Levinson (D) dev. year) U.S. Sen., Delaware Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 5/18/82	Amount of Each Disbursement This Period \$2,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

**Bruce D. Corbin, Treasurer
Committee to Elect Levinson
P.O. Box 349
Middletown, Delaware 19709**

**RE: MUR 1750
Committee to Elect Levinson
Bruce D. Corbin, as Treasurer**

Dear Mr. Corbin:

On August 6, 1984, the Commission found reason to believe that the Committee to Elect Levinson and you, as treasurer, had violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") and Code of Federal Regulations, in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you and your committee.

The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please direct them to Stephen Levin, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

**John Warren McGarry
Chairman**



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Michael R. Fanning, Esquire
1125 Seventeenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1750
Engineers Political Education
Committee/International Union of
Operating Engineers

Dear Mr. Fanning:

The Federal Election Commission notified your client on August 6, 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.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on , 1985, determined that there is reason to believe that your client has violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that your client contributed in excess of \$5,000 to the Committee to Elect Levinson in connection with the September 11, 1982 primary election in Delaware.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file 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 as noted on page 2, paragraph 2, of the enclosed procedures.

Michael R. Fanning, Esquire
Page 2

The 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 Stephen Levin, the
staff member assigned to this matter, at (202) 523-4143.

Sincerely,

John Warren McGarry
Chairman

Enclosure
Procedures

85040552432

(11)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: PAUL REYES

FROM: SHAWN WOODHEAD *SW*
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MURs 1640 and 1750: ENGINEERS POLITICAL EDUCATION
COMMITTEE/IUOE (EPEC)

Please review the attached Informational Notice which is to be sent to the EPEC for the 1984 August Monthly Report. Any comments which you may have should be forwarded to RAD by 12:00 noon on Tuesday, December 18, 1984. Thank you.

COMMENTS:

Attachment

85040552433



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

Frank Hanley, Treasurer
Engineers Political Education
Committee (EPEC)/International
Union of Operating Engineers
1125 17th Street, NW
Washington, DC 20036

Identification Number: C00029504

Reference: August Monthly Report (7/1/84-7/30/84)

Dear Mr. Hanley:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-The Commission notes the refund of the apparent impermissible funds received from organizations, which are not registered political committees. Although the Commission may take further legal steps concerning the acceptance of impermissible funds, the prompt action by your committee will be taken into consideration.

Any amendment or clarification should be filed with the Federal Election Commission. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Edward Ryan
Reports Analyst
Reports Analysis Division

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4

FORM 100-10

FEDERAL DISBURSEMENT

Use this form for each
disbursement of the General
Fund only

This document is not to be used for any other purpose than the purpose of collecting contributions or for any other purpose. It is to be used only for the purpose of collecting contributions from each contributor.

Engineers Political Education Committee (EPEC)/Int'l. Union of Operating Engineers (IUOE)

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement See Below - Funded	Date (month, day, year)	Amount of Each Disbursement This Period
Political Fund Washington and Clay Streets Baltimore, MD 21201	Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	07/11/84	\$25,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
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I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (section I)			
TOTAL This Period (last page this line number only)			\$25,000.00

*To refund the mistaken deposit on 1/17/84 of non federal money into our federal EPEC account. This receipt had been reported on the January, 1984 FEC Report as a transfer from an affiliated committee.

84033:52625



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CCC # 4427
Reyes
International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST ★ WASHINGTON, D. C. 20036
AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT • (202) 426-9100

August 23, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
34 AUG 23 1984 3:42

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

Re: MUR 1750

Dear Mr. Steele:

This statement is submitted on behalf of the Engineers Political Education Committee of the International Union of Operating Engineers (EPEC/IUOE) and its Treasurer, Frank Hanley, in response to the Complaint filed in the above-captioned matter. Enclosed please find a duly executed Designation of Counsel form.

In paragraphs 12 through 15, the Complaint alleges that EPEC/IUOE violated 2 U.S.C. § 441a(a)(2)(A) by contributing a total of \$7,000.00 to the Committee to Elect Levinson (the Levinson Committee) for the 1982 primary election of David N. Levinson, a candidate for U.S. Senate, and that EPEC/IUOE violated 11 CFR § 104.14(d) by failing to mark appropriate boxes on its Report Form 3 in connection with contributions made to the Levinson Committee on May 18 and July 13, 1982.

With respect to the 2 U.S.C. § 441a(a)(2)(A) allegation, please be advised that no violation occurred. Attached as Exhibit 1 is the cover letter of EPEC/IUOE which accompanied its July 13 contribution of \$2,500.00 to the Levinson Committee. While neither the words "primary election" nor "general election" are used in the letter, the final paragraph clearly instructs the Levinson Committee to treat the contribution in compliance with applicable federal law. Consistent with this instruction, the Levinson

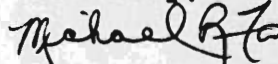
8504052436

Committee, on August 5, 1982, forwarded a letter to EPEC/IUOE, a copy of which is attached as Exhibit 2, advising that the Committee had allocated \$500.00 of the contribution to the primary election and the remaining \$2,000.00 to the general election. Accordingly, the contribution limits of 2 U.S.C. § 441a(a)(2)(A) were not exceeded.

With respect to the 11 CFR § 104.14(d) allegation, please be advised that it is the position of EPEC/IUOE that the regulation is jurisdictional in nature and not substantively violable. In this case, failure to mark the appropriate boxes was a clerical oversight. In order to clarify the record in this matter, EPEC/IUOE has filed amended Form 3 reports marking appropriate boxes for the May 18 and July 13, 1982 contributions. A copy of the reports are attached hereto as Exhibits 3 and 4.

Based upon the information contained herein it is respectfully requested that the General Counsel find no reason to believe that the Act has been violated and recommend that the Federal Election Commission take no further action in this matter.

Sincerely,


Michael R. Fanning
Counsel

MRF/jlw

Enclosures

85040552437

J. C. TURNER
Chairman

FRANK HANLEY
Treasurer

25 Seventeenth Street, N.W.
Washington, D.C. 20036
202-429-9100

Engineers Political Education Committee

July 15, 1982



Mr. George B. Schreppler, Jr. Treasurer
COMMITTEE TO ELECT LEVINSON
P. O. Box 349
Middletown, Delaware 19709

Dear Mr. Schreppler:

Attached hereto is our check #000758 in the amount of \$2,500.00 as a contribution from the Engineers Political Education Committee of the International Union of Operating Engineers for Mr. Levinson's campaign for the United States Senate.

If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise.

Sincerely,

J. C. Turner
J. C. Turner
CHAIRMAN

Frank Hanley
Frank Hanley
TREASURER

JCT: FH/kmg

Enc. (1)

85040552438

Levinson

FOR UNITED STATES SENATE

Exhibit 2
GEN ELEC.

EAK

August 5, 1982

Mr. J. C. Turner, Chairman
Engineers Political Education Committee
1125 Seventeenth Street, NW
Washington, DC 20036

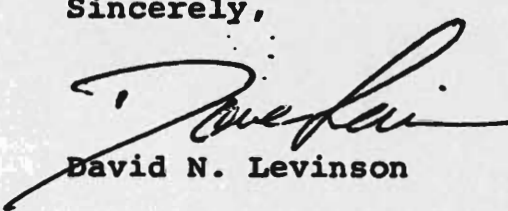
Dear Mr. Turner:

Thank you so much for your organization's additional contribution to my campaign for the U.S. Senate. I am firmly convinced that together we can win this election in November.

In accordance with your letter, please be advised of the following: we have allocated \$500.00 of the most recent contribution, (your check #00758) to our primary election effort, bringing your organization's total contribution to the primary election to \$5,000. We have allocated \$2,000 to our general election effort. In accordance with Federal Election Commission regulations, this portion of the contribution is in a segregated fund, which will draw interest until September 11, 1982, the date of Delaware's primary election.

Again, thanks so much for your support and encouragement.

Sincerely,



David N. Levinson

DNL:rmb
cc: Frank Hanley, Treasurer

P.O. BOX 349
MIDDLETOWN, DELAWARE 19709
PHONE: (302) 328-0450

PAID FOR AND AUTHORIZED BY THE COMMITTEE TO ELECT LEVINSON • GEORGE B. SCHREPPLER, JR., TREASURER.

LEVINSON

85040552439

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

Exhibit 3

(Summary Page)

ALIGN AREA 1. Name of Committee (In Full) Engineers Political Education Committee (EPEC)/International Union of Operating Engineers (IUOE) Address (Number and Street) 1125 17th Street, N.W. City, State and ZIP Code Washington D.C. 20036 ☐ Check here if address is different than previously reported. 2. FEC Identification Number C-00029504 3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (Date)	ALIGN AREA 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 <u>May, 1982</u> ☐ 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		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>5/1/82</u> through <u>5/31/82</u>			
6. (a) Cash on hand January 1, 19 <u>82</u>			\$ 148,383.83
(b) Cash on Hand at Beginning of Reporting Period		\$ 202,247.69	
(c) Total Receipts (from Line 18)		\$ 34,882.47	\$ 219,508.53
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 237,130.16	\$ 367,892.36
7. Total Disbursements (from Line 28)		\$ 61,995.09	\$ 192,757.29
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 175,135.07	\$ 175,135.07
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)		\$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)		\$ -0-	

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

FRANK HANLEY, TREASURER

Type or Print Name of Treasurer

Frank Hanley

SIGNATURE OF TREASURER

8/22/84

Date

For further information contact:

Federal Election Commission

Toll Free 800-424-9530

Local 202-523-4068

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.

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FEC FORM 3X (3/80)

85040552440

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) **Engineers Political Education Committee (EPEC)/
 International Union of Operating Engineers (IUOE)**

A. Full Name, Mailing Address and ZIP Code Committee to Elect Levinson P.O. Box 349 Middletown, DE	Purpose of Disbursement \$2,000.00 Cand. Dave Levinson (D) U.S. Sen., Delaware Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 5/18/82	Amount of Each Disbursement This Period \$2,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			

85040552441

Exhibit 4

ALIGN AREA

ALIGN AREA

**Engineers Political Education
Committee (EPEC)/International Union
of Operating Engineers (IUOE)**

1125 17th Street, N.W.

Washington, D.C. 20036

☐ Check here if address is different than previously reported.

2.FEC Identification Number
C-00029504

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

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

July 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 July, 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

5. Covering Period 7/1/82 through 7/31/82

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)

B. 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)

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

Frank Hanley

Type or Print Name of Treasurer

SIGNATURE OF TREASURER

8/22/84

Date _____

For further information contact:

Federal Election Commission

Toll Free 800-424-9530

Local 202-523-4068

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

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

FEC FORM 3X (3/80)

SCHEDULE B

ITEMIZED DISBURSEMENT

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) **Engineers Political Education Committee (EPEC)**
International Union of Operating Engineers (IUOE)

A. Full Name, Mailing Address and ZIP Code Committee to Elect Levinson P.O. Box 349 Middletown, DE	Purpose of Disbursement \$5,000.00 Cand. Dave Levinson (D) <u>U.S. Sen. Delaware</u> Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 7/13/82	Amount of Each Disbursement This Period \$500.00
B. Full Name, Mailing Address and ZIP Code Committee to Elect Levinson P.O. Box 349 Middletown, DE	Purpose of Disbursement \$7,000.00 Cand. Dave Levinson (D) <u>U.S. Sen. Delaware</u> Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 7/13/82	Amount of Each Disbursement This Period \$2,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			

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INTERNATIONAL UNION OF OPERATING ENGINEERS

**1125 SEVENTEENTH STREET, N.W.
WASHINGTON, D. C. 20036**



INTERNATIONAL UNION OF OPERATING ENGINEERS

1125 Seventeenth St., N.W., Washington, D.C. 20036

ADDRESS CORRECTION REQUESTED

Mr. Charles N. Steele, Esq.

General Counsel

Federal Election Commission

1325 K Street, N. W.

Washington, D. C. 20463

HAND DELIVERED

FIRST CLASS

David N. Levinson

RECEIVED AT THE FEC

84 AUG 13 4:30

August 9, 1984

Mr. Charles N. Steele
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Re: complaint MUR No. 175096

Dear Mr. Steele:

Thank you for giving us the opportunity to demonstrate that no action should be taken against our committee or our treasurer. The facts are as follows.

In 1982 I was the Democratic candidate for U.S. Senate. Although Delaware is a primary state, no candidate filed against me in the primary. Before the date of the primary itself, we received a \$2,500 contribution from the Operating Engineers, which brought their total contribution to \$7,000. The letter accompanying that contribution (copy enclosed) stated that if cumulative contributions exceeded the legal amount to so advise them. We called the F.E.C. to ask for instructions. The advice we received from the F.E.C. is embodied in a letter which we sent to the contributor (copy enclosed). The excess funds were set aside until the primary passed. They were then spent on the general election. The total contribution which we received was only \$7,000, whereas we could have legally received \$10,000.

The reasons that we believe the F.E.C. should take no action are as follows.

1. The total amount received was less than that which we legally could have received.
2. There was no substantive advantage to receiving the extra \$2,000 before the primary date, as I had no primary.
3. We asked the F.E.C. for advice and followed that advice.

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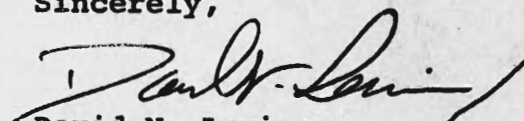
Mr. Charles N. Steele
August 9, 1984
Page Two

4. We informed the contributor of the proper designation of funds and assumed that the contributor filed correctly with the F.E.C.

5. We segregated the funds that should have been designated for the general election and in fact spent the funds on the general election.

6. There clearly was no intent to violate the regulations.

Sincerely,

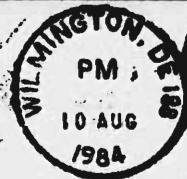

David N. Levinson

DNL/smt
Enclosures

cc: Paul Reyes
Kenneth A. Gross

85040552446

5040552447



10 AUG 1984



Mr. Charles N. Steele
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

J. C. TURNER
Chairman

FRANK HANLEY
Treasurer

25 Seventeenth Street, N.W.
Washington, D.C. 20036
202-429-9100

Engineers Political Education Committee

July 15, 1982



Mr. George B. Schreppler, Jr. Treasurer
COMMITTEE TO ELECT LEVINSON
P. O. Box 349
Middletown, Delaware 19709

Dear Mr. Schreppler:

Attached hereto is our check #000758 in the amount of \$2,500.00 as a contribution from the Engineers Political Education Committee of the International Union of Operating Engineers for Mr. Levinson's campaign for the United States Senate.

If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise.

Sincerely,

J. C. Turner
J. C. Turner
CHAIRMAN

Frank Hanley
Frank Hanley
TREASURER

JCT:FH/kmg

Enc. (1)

85040552448

Levinson

FOR UNITED STATES SENATE

GEN CLEL.

EAK

August 5, 1982

Mr. J. C. Turner, Chairman
Engineers Political Education Committee
1125 Seventeenth Street, NW
Washington, DC 20036

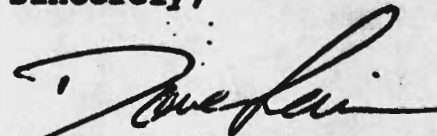
Dear Mr. Turner:

Thank you so much for your organization's additional contribution to my campaign for the U.S. Senate. I am firmly convinced that together we can win this election in November.

In accordance with your letter, please be advised of the following: we have allocated \$500.00 of the most recent contribution, (your check #000758) to our primary election effort, bringing your organization's total contribution to the primary election to \$5,000. We have allocated \$2,000 to our general election effort. In accordance with Federal Election Commission regulations, this portion of the contribution is in a segregated fund, which will draw interest until September 11, 1982, the date of Delaware's primary election.

Again, thanks so much for your support and encouragement.

Sincerely,



David N. Levinson

DNL:rmb
cc: Frank Hanley, Treasurer

P.O. BOX 349
MIDDLETOWN, DELAWARE 19709
PHONE: (302) 328-0450

PAID FOR AND AUTHORIZED BY THE COMMITTEE TO ELECT LEVINSON • GEORGE B. SCHREFFLER, JR., TREASURER

LEVINSON

8504052449



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frank Hanley
Treasurer
Engineers Political
Education Committee/
International Union
of Operating Engineers
1125 Seventeenth Street, N.W.
Washington, D.C. 20005

Re: MUR 1750

Dear Mr. Hanley:

This letter is to notify you that on July 30, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, 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 1750. 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, 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.

85040552450

If you have any questions, please contact Paul Reyes, the staff person assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Kenneth A. Gross
By: Kenneth A. Gross
Associate General Counsel

Enclosures

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

85040552451

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Dec. 1980

● **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:
*Frank H. Taylor, Pres.
Eng. Pol. Educ. Conf. Internat.
Union of Q. Engrs.
1125 - 17th St. NW
WASH DC 20005*

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943314

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent
D. Williams

5. DATE OF DELIVERY
8/19/84

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

mur 1750 Reyes 8-6-84



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

George B. Schreppe, Jr.
Treasurer
Committee to Elect Levinson
P.O. Box 349
Middletown, Delaware 19709

Re: MUR 1750

Dear Mr. Schreppe:

This letter is to notify you that on July 30, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, 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 1750. 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, 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.

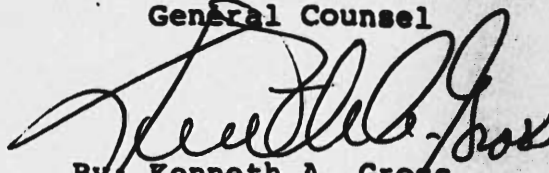
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040552452

If you have any questions, please contact Paul Reyes, the staff person assigned to this matter at (202) 523-4000. 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: David N. Levinson

85040552453



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1984

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

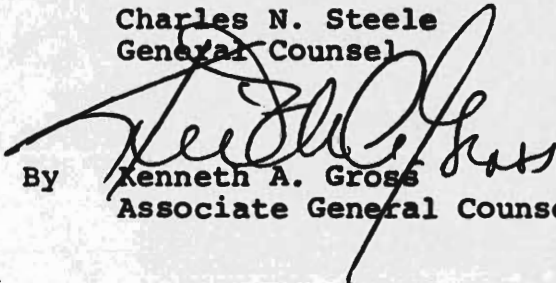
Dear Mr. Avakian and Ms. Poindexter:

This letter is to acknowledge receipt of the complaint of your client, James Edward Antosh, which we received on July 30, 1984, against David N. Levinson, George B. Schrepple, Jr., Committee to Elect Levinson, Frank Hanley, and Engineers Political Education Committee/International Union of Operating Engineers, 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 Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By 
Kenneth A. Gross
Associate General Counsel

Enclosure

85040552454

6CC4208

JUL 30 P4: 25

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

James Edward Antosh
13 Gilpin
Shawnee, Oklahoma 74801,

Complainant,

v.

David N. Levinson, Committee
to Elect Levinson, Engineers
Political Education Committee/
International Union of Operating
Engineers, and all the Committees'
treasurers,

Respondents.

Complaint
MUR No. 1750

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I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against candidate for federal public office, David N. Levinson, Committee to Elect Levinson, Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE") 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. David N. Levinson
P.O. Box 349
Middletown, Delaware 19709.
- b. George B. Schrepple, Jr., individually and in his capacity as treasurer of Committee to Elect Levinson
P.O. Box 349
Middletown, Delaware 19709.
- c. Committee to Elect Levinson
P.O. Box 349
Middletown, Delaware 19709.

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- d. Frank Hanley, individually and in his capacity as treasurer of the Engineers Political Education Committee/ International Union of Operating Engineers
1125 Seventeenth St., NW
Washington, D.C. 20005.
 - e. Engineers Political Education Committee/ International Union of Operating Engineers
1125 Seventeenth St., NW
Washington, D.C. 20005.

III. LIABILITY

3. Liability may be imposed upon the candidate, David N. Levinson, Committee to Elect Levinson and EPEC/IUOE 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 primary election in which David N. Levinson 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 David N. Levinson, Committee to Elect Levinson and its treasurer,

and EPEC/IUOE and its treasurer filed for the 1982 federal primary election.

6. For the 1982 federal primary election, excessive funds were contributed to David N. Levinson, Committee to Elect Levinson and its treasurer by EPEC/IUOE 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
COMMITTEE TO ELECT LEVINSON
IN THE 1982 FEDERAL PRIMARY 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, David N. Levinson, Committee to Elect Levinson and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from EPEC/IUOE in the amount of \$7,000.00 (SEVEN THOUSAND DOLLARS).

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9. Candidate David N. Levinson, Committee to Elect Levinson and its treasurer, for the 1982 federal primary election, accepted contributions from EPEC/IUOE in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
6/8/82	\$2,000.00	82020103065
6/29/82	\$2,500.00	82020103065
7/27/82	<u>\$2,500.00</u>	82020114115
Total	\$7,000.00	

10. A running total of the amount of contributions received from EPEC/IUOE would have put on notice David N. Levinson, Committee to Elect Levinson and its treasurer that they had received \$4,500.00 (FOUR THOUSAND FIVE HUNDRED DOLLARS) on June 29, 1982. On that date, David N. Levinson, Committee to Elect Levinson and its treasurer were only permitted to accept an additional contribution of \$500.00 (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. EPEC/IUOE and its treasurer failed to designate whether the \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLAR) contribution made on July 13, 1982 was a contribution for the primary or the general election. (See F.E.C. Microfilm # 82032411517). However, the contribution was made before the Delaware Congressional primary election which was held on September 11, 1982. Therefore, the contribution is considered a contribution for the primary

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election in accordance with 11 C.F.R. §110.1(a)(2)(ii)(A). In violation of 11 C.F.R. §104.14(d), David N. Levinson, Committee to Elect Levinson and its treasurer split the \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLAR) single contribution in two parts. They designated \$500.00 (FIVE HUNDRED DOLLARS) for the primary election and \$2,000.00 (TWO THOUSAND DOLLARS) for the general election. (See F.E.C. Microfilm# 82020114115). 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." David N. Levinson, Committee to Elect Levinson and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

**VI. VIOLATIONS OF THE F.E.C.A. BY
EPEC/IUOE
IN THE 1982 FEDERAL PRIMARY 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 EPEC/IUOE for the 1982 federal primary election contributed to candidate David N. Levinson, Committee to Elect Levinson and its treasurer a total of \$7,000.00 (SEVEN THOUSAND DOLLARS).

13. EPEC/IUOE contributed the following amounts:

a. On May 18, 1982, EPEC/IUOE contributed \$2,000.00 (TWO THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032332093).

b. On June 9, 1982, EPEC/IUOE contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). (See F.E.C. Microfilm # 82032380773).

c. On July 13, 1982, EPEC/IUOE contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). (See F.E.C. Microfilm # 82032411517).

14. A running total of the amount contributed to David N. Levinson, Committee to Elect Levinson and its treasurer would have put on notice EPEC/IUOE that as of June 9, 1982, it had contributed \$4,500.00 (FOUR THOUSAND FIVE HUNDRED DOLLARS) and that it could only contributed an additional \$500.00 (FIVE HUNDRED DOLLARS) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLAR) contribution was made to David N. Levinson, Committee to Elect Levinson and its treasurer. This amount exceeded the statutory monetary ceiling by \$2,000.00 (TWO THOUSAND DOLLAR).

15. EPEC/IUOE and its treasurer failed to accurately report the \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLAR) contributions made to David N. Levinson, Committee to Elect Levinson and its treasurer on May 18, 1982 and July 13, 1982. In violation of 11 C.F.R. §104.14(d), EPEC/IUOE and its treasurer failed to

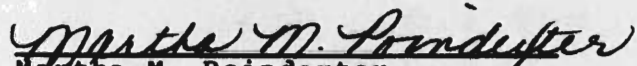
designate whether the contributions were intended for the primary or the general election. (See F.B.C. Microfilm #'s 82032332093 and 82032411517). Since the contributions were made before the Delaware Congressional primary election which was held on September 11, 1982, they are considered contributions for the primary election in accordance with 11 C.F.R. §110.1(a)(2) (ii)(A).

VII. CONCLUSION

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

17. 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
Center on National Labor Policy


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

Attorneys for Complainant

July 30, 1984

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 9th day of July 1984.

Denise K. 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.

July 9, 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 N.W.
WASHINGTON, D.C. 20463

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