



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20543

THIS IS THE END OF TCR # 1864

Date Filmed 6/27/85 Camera No. --- 1

Cameraman AS

850405/25280

SUMMARY FILE CHECK-OFF

MUR # 1864

April 29, 1985 Date of Close-out Letters (Mail...)

CONTENT CHECK-OFF

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

Anne Weissenborn Preparer of the Summary File

Date 6/10/85 File Reviewed by [Signature] 6/21/85

* 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)

85040525231

ANDERSON & ASSOCIATES, P.C.
ATTORNEYS AT LAW

RECEIVED AT THE FEC

G.C.C.# 1375

85 MAY 3 P3:24

ODIN P. ANDERSON
ROBERT L. ROSSI
A. DAVID DAVIS
TRACY ROACH

May 1, 1985

ONE LONGFELLOW PLACE
SUITE 216
BOSTON, MASSACHUSETTS 02114
(617) 742-8200

Charles N. Steele, General Counsel
Federal Election Commission
1324 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1864

Dear Mr. Steele:

On December 27, 1984, The LaRouche Campaign ("TLC") and its Treasurer Edward Spannaus provided a written response to the Commission's December 6, 1984 notification that a complaint by F.J. Warin alleged a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). The debt owed Mr. Warin, which was the basis of his complaint, was acknowledged and reported overdue to the Commission. It is therefore apparent that no violation of a law within the jurisdiction of the Commission has occurred.

Since there remains no actionable complaint, and no Commission action has yet been taken, Mr. Spannaus and TLC request that MUR 1864 be dismissed forthwith. A response from the Commission is requested ten (10) days from the date of this letter.

Very truly yours,
The LaRouche Campaign
Edward Spannaus, Treasurer
By Their Attorney,


TRACY ROACH

TR/jm

630405232



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 1985

Francis J. Warin
307 Harvest Lane
Oak Harbor, Ohio 43449

RE: MUR 1864

Dear Mr. Warin:

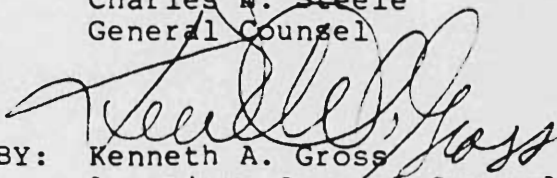
The Federal Election Commission has reviewed the allegations in your complaint which was received on December 11, 1984, and has determined that on the basis of information provided in your complaint and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act has been committed. Accordingly, the Commission has decided to close the file in this matter.

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

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

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

85040525283



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 29, 1985

Tracy Roach, Esquire
Anderson and Associates, P.C.
One Longfellow Place
Suite 216
Boston, Massachusetts 02114

RE: MUR 1864

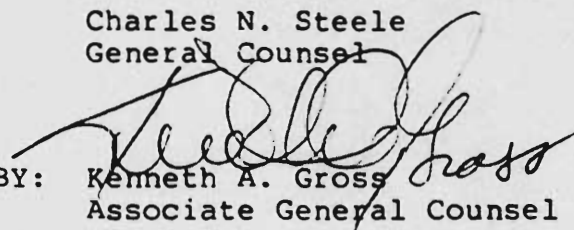
Dear Ms. Roach:

On December 27, 1984, the Commission notified the LaRouche Campaign, Inc., ("the Committee") and Edward Spannaus, as treasurer, of a complaint concerning the complainant's failure to receive repayment of loans made to the Committee.

The Commission, on April 23, 1985, determined that on the basis of the information in the complaint, and information provided on behalf of your client, there is no reason to believe that a violation of the Federal Election Campaign Act has been committed. Accordingly, the Commission has closed its files in this matter. The matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

850405234

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1864
The LaRouche Campaign, Inc.)
Edward Spannaus, as Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of April 23, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1864:

1. Find no reason to believe that The LaRouche Committee, Inc., and Edward Spannaus, as treasurer, have violated the Federal Election Campaign Act, as amended, in this matter.
2. Approve the letters attached to the General Counsel's report dated April 9, 1985.
3. Close the file.

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

Attest:

4-24-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

35040525285



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*
DATE: APRIL 16, 1985
SUBJECT: OBJECTION - MUR 1864 General Counsel's
Report signed April 9, 1985

The above-named document was circulated to the
Commission on Thursday, April 11, 1985 at 4:00.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	<u> X </u>
Commissioner Elliott	<u> </u>
Commissioner Harris	<u> </u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>
Commissioner Reiche	<u> </u>

This matter will be placed on the Executive Session
agenda for Tuesday, April 23, 1985.

85040525236



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel
DATE: April 11, 1985
SUBJECT: MUR 1864 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒ [X]
Sensitive ☒ [X]
Non-Sensitive ☐ []

24 Hour No Objection ☐ []
Sensitive ☐ []
Non-Sensitive ☐ []

Information ☐ []
Sensitive ☐ []
Non-Sensitive ☐ []

Other ☐ []

DISTRIBUTION

Compliance ☒ [X]

Audit Matters ☐ []

Litigation ☐ []

Closed MUR Letters ☐ []

Status Sheets ☐ []

Advisory Opinions ☐ []

Other (see distribution
below) ☐ []

85040525237

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

ED
FEC
RETARY

In the Matter of)

The LaRouche Campaign, Inc.)

Edward Spannaus, as Treasurer)

MUR 1864

00 APR 11 11:40

GENERAL COUNSEL'S REPORT

BACKGROUND

On December 11, 1984, this Office received a complaint from Frances J. Warin of Oak Harbor, Ohio, concerning the failure of The LaRouche Campaign ("the Committee") to repay two \$100 loans which he had made on May 25, 1984, and July 24, 1984, for which repayments were due on August 25, 1984 and September 24, 1984, respectively. The loans have been continuously reported by the Committee as debts owed. The Committee's response in this matter is attached.

LEGAL ANALYSIS

Whether or not Mr. Warin has been made whole, it appears that no violation of the Federal Election Campaign Act has occurred as regards the Committee's failure to repay his loans. The loans involved were made by an individual, not by a bank or corporation, and, therefore, constituted contributions at the time they were made. Mr. Warin's loans therefore do not come within the coverage of 11 C.F.R. § 114.10 which applies a "commercially reasonable" standard to the making and collection of loans obtained by political committees from corporations or banks.

Neither the Federal Election Campaign Act nor the Commission's regulations address the issue of the late repayment of loans received by a political committee from an individual.

85040525233

It also appears that the Committee has fulfilled its reporting requirements concerning Mr. Warin's loan.

This Office recommends that the Commission find no reason to believe that The LaRouche Campaign has violated the Act in this matter and close the file.

RECOMMENDATIONS

1. Find no reason to believe that The LaRouche Committee, Inc., and Edward Spannaus, as treasurer, have violated the Act in this matter.
2. Approve the attached letters.
3. Close the file.

Charles N. Steele
General Counsel

April 9, 1975
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

Response from Committee
Letters (2)

35040525289

ANDERSON & ASSOCIATES, P.C.

ATTORNEYS AT LAW

ODIN P. ANDERSON
ROBERT L. ROSSI
A. DAVID DAVIS
TRACY ROACH

HAND DELIVERED

35 JAN 18 AIO: 5

GCC#6456

ONE LONGFELLOW PLACE
SUITE 218
BOSTON, MASSACHUSETTS 02114
(617) 742-8200

January 17, 1985

BY FEDERAL EXPRESS

Charles N. Steele, General Counsel
Federal Election Commission
1025 K Street NW
Washington, D.C. 20463

Re: MUR 1864

Dear Mr. Steele;

This letter is in response to notification from the Commission, received on January 3, 1985 by Edward Spannaus, Treasurer of The LaRouche Campaign ("TLC"), that a complaint by Francis J. Warin alleges that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"), may have occurred. A review of TLC records indicates that two loans to TLC were in fact made by F.J. Warin which, as yet, have not been repaid. Despite the acknowledgement of a debt owed the complainant, Mr. Spannaus and TLC strongly dispute that a violation of the Act has occurred and therefore question the existence of jurisdiction for the Commission to involve itself with this matter.

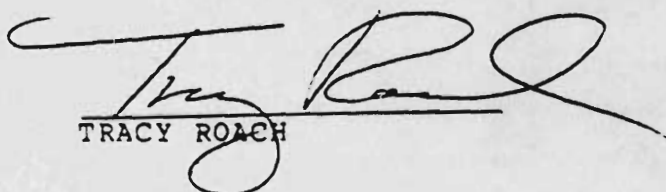
It appears from the complaint that the only issue raised is the existence of a debt and its eventual satisfaction. It is the understanding of TLC and Treasurer Spannaus that debtor/creditor disputes are not within the Commission's jurisdiction. As stated in an opinion of the Commission, "... In general, debt claims and liabilities are subject to relevant State law, and the Committee's 'responsibility' for satisfying the obligations would have to be determined with reference to those laws." AO 1975-102. See also, AO 1981-42, AO 1979-1 and CCH Federal Election Campaign Financing Guide Para. 6058. Should a debt dispute be resolved in a manner impacting upon the Act, such as settlement for less than full value, Commission involvement would then arguably be warranted. There are no facts before the Commission to date indicating that such a result will be an eventuality in this circumstance.

Attachment 1

①

The LaRouche Campaign is in the process of managing its campaign debt with expediency and in good faith. The task has been complicated by events beyond its control of which the Commission has been fully apprised. TLC regrets any inconvenience to the complainant and will schedule repayment as soon as possible. It is therefore requested that no further action be taken in connection with this matter and MUR 1864 closed.

Respectfully,
The LaRouche Campaign,
Edward Spannaus, Treasurer
By Their Attorney


TRACY ROACH

TR/jm

85040525291



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Francis J. Warin
307 Harvest Lane
Oak Harbor, Ohio 43449

RE: MUR 1864

Dear Mr. Warin:

The Federal Election Commission has reviewed the allegations in your complaint which was received on December 11, 1984, and has determined that on the basis of information provided in your complaint and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act has been committed. Accordingly, the Commission has decided to close the file in this matter.

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

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

Tracy Roach, Esquire
Anderson and Associates, P.C.
One Longfellow Place
Suite 216
Boston, Massachusetts 02114

RE: MUR 1864

Dear Ms. Roach:

On December 27, 1984, the Commission notified the LaRouche Campaign, Inc., ("the Committee") and Edward Spannaus, as treasurer, of a complaint concerning the complainant's failure to receive repayment of loans made to the Committee.

The Commission, on March , 1985, determined that on the basis of the information in the complaint, and information provided on behalf of your client, there is no reason to believe that a violation of the Federal Election Campaign Act has been committed. Accordingly, the Commission has closed its files in this matter. The matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

ANDERSON & ASSOCIATES, P.C.

ATTORNEYS AT LAW

ODIN P. ANDERSON
ROBERT L. ROSSI
A. DAVID DAVIS
TRACY ROACH

MUR 1864
Weissenborn

RECEIVED
HAND DELIVERED

85 JAN 18 AIO: 5

GCC#6456

ONE LONGFELLOW PLACE
SUITE 216
BOSTON, MASSACHUSETTS 02114
(617) 742-8200

January 17, 1985

BY FEDERAL EXPRESS

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

Re: MUR 1864

Dear Mr. Steele;

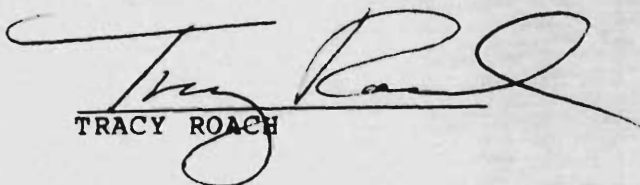
This letter is in response to notification from the Commission, received on January 3, 1985 by Edward Spannaus, Treasurer of The LaRouche Campaign ("TLC"), that a complaint by Francis J. Warin alleges that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"), may have occurred. A review of TLC records indicates that two loans to TLC were in fact made by F.J. Warin which, as yet, have not been repaid. Despite the acknowledgement of a debt owed the complainant, Mr. Spannaus and TLC strongly dispute that a violation of the Act has occurred and therefore question the existence of jurisdiction for the Commission to involve itself with this matter.

It appears from the complaint that the only issue raised is the existence of a debt and its eventual satisfaction. It is the understanding of TLC and Treasurer Spannaus that debtor/creditor disputes are not within the Commission's jurisdiction. As stated in an opinion of the Commission, "... In general, debt claims and liabilities are subject to relevant State law, and the Committee's 'responsibility' for satisfying the obligations would have to be determined with reference to those laws." AO 1975-102. See also, AO 1981-42, AO 1979-1 and CCH Federal Election Campaign Financing Guide Para. 6058. Should a debt dispute be resolved in a manner impacting upon the Act, such as settlement for less than full value, Commission involvement would then arguably be warranted. There are no facts before the Commission to date indicating that such a result will be an eventuality in this circumstance.

3 5 0 4 0 5 2 5 2 9 7

The LaRouche Campaign is in the process of managing its campaign debt with expediency and in good faith. The task has been complicated by events beyond its control of which the Commission has been fully apprised. TLC regrets any inconvenience to the complainant and will schedule repayment as soon as possible. It is therefore requested that no further action be taken in connection with this matter and MUR 1864 closed.

Respectfully,
The LaRouche Campaign,
Edward Spannaus, Treasurer
By Their Attorney


TRACY ROACH

TR/jm



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO:

CHARLES N. STEELE
GENERAL COUNSEL *mwe*

FROM:

MARJORIE W. EMMONS/JODY C. RANSOM *JCR*

DATE:

JANUARY 14, 1985

SUBJECT:

MURS

1864 -

First General Counsel's Report
signed January 10, 1985

85040525296
The above-captioned matter was circulated to the
Commission on a 24 hour no-objection basis at 4:00,
January 10, 1985.

There were no objections to the First General Counsel's
Report at the time of the deadline.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *CX*
DATE: January 10, 1985
SUBJECT: MURs ^{1804:} First General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote	[]
Sensitive	[]
Non-Sensitive	[]
24 Hour No Objection	[X]
Sensitive	[X]
Non-Sensitive	[]
Information	[]
Sensitive	[]
Non-Sensitive	[]
Other	[]

DISTRIBUTION

Compliance	[X]
Audit Matters	[]
Litigation	[]
Closed MUR Letters	[]
Status Sheets	[]
Advisory Opinions	[]
Other (see distribution below)	[]

35040525297

SENSITIVE

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

AD
FEC
CLERK

FIRST GENERAL COUNSEL'S REPORT 10 P12:38

DATE AND TIME OF
TRANSMITTAL BY OGC TO
COMMISSION
1/10/85 - 12:40

MURS # 1864
DATES COMPLAINTS RECEIVED BY
COMMISSION

12/10/84
DATES OF NOTIFICATIONS TO RESPONDENTS

12/27/84
STAFF MEMBER Anne Weissenborn

COMPLAINANTS' NAMES:

Francis J. Warin

RESPONDENTS' NAMES:

The LaRouche Campaign
Edward Spannaus, as treasurer

RELEVANT STATUTES:

2 U.S.C. § 434(b)(3) and (8)
2 U.S.C. § 9042(c)

INTERNAL REPORTS CHECKED:

The LaRouche Campaign

SUMMARY OF ALLEGATIONS

FACTUAL & LEGAL ANALYSIS

Francis J. Warin have been reported as
loans by the committee;

85040525293

85040525299

January 10, 1985
Date

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 27, 1984

Francis J. Warin
307 Harvest Lane
Oak Harbor, Ohio 43449

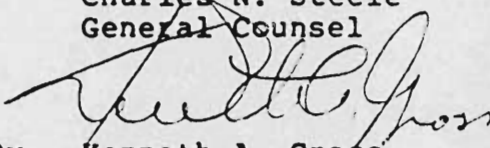
Dear Mrs. Warin:

This letter is to acknowledge receipt of your complaint which we received on December 11, 1984, against Edward Spannaus and the LaRouche Campaign, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 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

85040525300



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 27, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Edward Spannaus
Treasurer
The LaRouche Campaign
P.O. Box 2150, GPO
New York, New York 10116

Re: MUR 1864

Dear Mr. Spannaus:

This letter is to notify you that on December 11, 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 1864. 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.

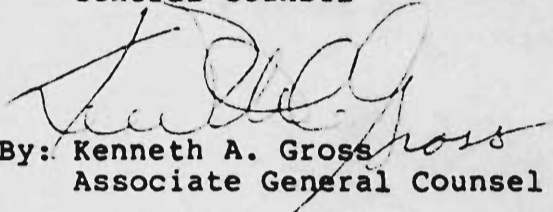
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

95040525301

If you have any questions, please contact Anne Weissenborn, the attorney 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

85040525302

84DEC10 P12:43

GCC#5917

Dec. 6, 1984

MUR

1864

To whom it may concern,

The undersigned testifies that the loans extended by himself to the La Rouch campaign haven't been - to this date - refunded. The La Rouch campaign has acknowledged the facts in letters (enclosed copies) received by the undersigned about two weeks ago.

A true statement

WARIN

Francis Warin

307 Harvest Lane

Oak Harbor, Ohio, 43449

(419) 898 9611 - home

(419) 635 2175 - office.

Helen F. Reynolds

HELEN F. REYNOLDS, Notary Public
State of Ohio
My Commission Expires May 16, 1985

The LaRouche Campaign
P.O. Box 2150, G.P.O
New York, N.Y. 10116

F. J. WARIN
307 HARVEST LN.
OAK HARBOR

OH 43449

The LaRouche Campaign acknowledges that on 05/25/84
the above individual loaned \$100.00 to The LaRouche Campaign,
located at 304 West 58th Street, 5th Floor, New York, New York.

The LaRouche Campaign acknowledges its indebtedness to
F. J. WARIN only, in the amount of. \$100.00,
which it shall repay to F. J. WARIN by
08/25/84. This obligation of the LaRouche Campaign to
F. J. WARIN shall not be assigned,
transferred, or discounted.

Edward Spannaus
Treasurer
The LaRouche Campaign

85040525304

The LaRouche Campaign
P.O. Box 2150, G.P.O.
New York, N.Y. 10116

F. J. WARIN
307 HARVEST LN.
OAK HARBOR

OH 43449

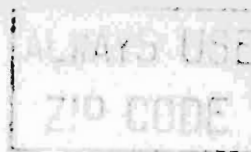
The LaRouche Campaign acknowledges that on 07/24/84
the above individual loaned \$100.00 to The LaRouche Campaign,
located at 304 West 58th Street, 5th Floor, New York, New York.

The LaRouche Campaign acknowledges its indebtedness to
F. J. WARIN only, in the amount of \$100.00,
which it shall repay to F. J. WARIN by
09/24/84. This obligation of the LaRouche Campaign to
F. J. WARIN shall not be assigned,
transferred, or discounted.

Edward Spannaus
Treasurer
The LaRouche Campaign

85040525305

816 FRONT ST ERE INDUSTRIAL PARK
CLINTON, OHIO 43452



DEC 10 212:43



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1864

Date Filmed 6/27/85 Camera No. --- 1

Cameraman AS

85040525307