



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2002

DATE FILMED 10/17/90 CAMERA NO. 2

CAMERAMAN AS

90040802438

REPORTS ANALYSIS REFERRAL
TO
OFFICE OF GENERAL COUNSEL

DATE: February 21, 1985

ANALYST: Pat Sheppard

I. COMMITTEE: Committee to Elect Bennie O. Batts
(C00189761)
Glanvin Alveranga, Treasurer^{1/}
43 Gramatan Avenue, 2nd Floor
Mount Vernon, NY 10550

II. RELEVANT STATUTE: 2 U.S.C. §441a(f)

III. BACKGROUND:

Acceptance of Excessive Contribution

The 1984 12 Day Pre-Primary Report for the Committee to Elect Bennie O. Batts (the "Committee") disclosed the receipt of a contribution on July 5, 1984 in the amount of \$6,489 designated for the Primary Election and a loan on August 29, 1984 in the amount of \$4,845 designated for both the Primary and General Elections, from Evelyn D. Batts (Attachment 2).^{2/} This resulted in an excessive contribution of \$10,334.

A Request for Additional Information ("RFAI") citing the excessive contribution was sent to the Committee on September 25, 1984 (Attachment 3). On October 18, 1984, a Second Notice was mailed to the Committee for failure to respond (Attachment 4). On November 20, 1984, Mrs. Evelyn Batts contacted a Reports Analysis Division ("RAD") Analyst to explain the circumstances of the contribution and loan.

^{1/} Mr. Alveranga is the treasurer of record; however, the 1984 12 Day Pre-Primary Report was signed by Mr. William Stallings, the Assistant Treasurer.

^{2/} The candidate lost the September 11, 1984 Democratic Primary Election for the 20th Congressional District of New York with 5.8% of the vote. Therefore, RAD has attributed the entire loan to the Primary Election (see Advisory Opinion 1980-122 and 1980-68).

COMMITTEE TO ELECT BENNIE O. BATTS
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

Mrs. Batts stated that bills relating to the Committee needed to be paid, so she wrote checks from an account consisting of the income of both her and her husband. She said that the Committee's Treasurer disclosed these transactions as a contribution and loan from her to the Committee. She stated that a written response from her would be forthcoming (Attachment 5).

The response received on December 5, 1984 reiterated that the candidate does not have a personal checking account and money was needed for campaign bills; therefore, the candidate's wife paid the bills from her personal checking account. This account contained monies contributed by the candidate, his wife, and their children. Furthermore, of the \$11,334 originally disclosed as a loan and contribution from Mrs. Evelyn Batts, \$8,000 had been borrowed by the candidate from Dr. Arlene Alveranga (a friend), \$1,000 was a direct contribution from the candidate's wife (Evelyn Batts), and the remaining \$2,334 was from income belonging to the entire family (Attachment 6). Since there is no indication of the amount attributed to each family member, it is not possible to determine the total amount of contributions from Mrs. Batts or any other family member.

An RFAI for the Amended 12 Day Pre-Primary Report citing the apparent \$7,000 excessive contribution from Dr. Alveranga was sent to the Committee on December 18, 1984 (Attachment 7). On January 10, 1985, a Second Notice was mailed for failure to respond (Attachment 8). To date, the Committee has not responded.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION: 5/9/85-8:25

RAD: 85L-4
STAFF MEMBER:
Matt Gerson

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

RESPONDENTS' NAMES: Committee to Elect Bennie O. Batts and
Glanvin Alveranga, as treasurer
Mrs. Evelyn Batts
Dr. Arlene Alveranga

RELEVANT STATUTES: 2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(f)
2 U.S.C. § 431(8)(a)(i)
11 C.F.R. § 101.2
11 C.F.R. § 101.3
11 C.F.R. § 102.10

INTERNAL REPORTS
CHECKED:

Review and Referral Procedures for
Authorized Committees

FEDERAL AGENCIES
CHECKED:

None

GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred this matter to the General Counsel's Office on February 21, 1985 pursuant to its Review and Referral Procedures for Authorized Committees. The referral alleges that the Committee to Elect Bennie O. Batts and Glanvin Alveranga, as treasurer (hereinafter "Batts Committee"), violated 2 U.S.C. § 441a(f) by accepting excessive contributions.

SUMMARY OF ALLEGATIONS

Evelyn Batts, the candidate's wife, used funds from a checking account from which the Batts family's household expenses and incidentals were paid (hereinafter "Family Account"), to pay

\$11,334 of the Committee's obligations. The Family Account contained funds deposited by the candidate, his wife, and their children. While the candidate's wife may contribute \$1,000 to the Committee, and the candidate may contribute unlimited personal funds to his campaign, it is unclear how much of the \$11,334 at issue belonged to each of them personally. Thus, there may have been excessive contributions.

It is asserted that \$8,000 of the funds paid by Mrs. Batts from the Family Account were the candidate's personal funds. However, the \$8,000 are alleged to be the proceeds of a loan from the candidate's friend, Dr. Arlene Alveranga. If the loan to the candidate was "for the purpose of influencing an election," Dr. Alveranga made, and the Committee accepted, an excessive contribution. The question remains whether all the payments should be attributed to Mrs. Batts as a result of her signing all of the checks.

FACTUAL AND LEGAL ANALYSIS

The Batts Committee's 1984 12-Day Pre-Primary Report notes the following receipts from Evelyn Batts, the candidate's wife:

Date	Amount	Designation
July 5, 1984	\$6,489	contribution primary
August 29, 1984	<u>\$4,845</u>	loan both primary and general
	\$11,334	total

Because the candidate lost the September 11, 1984 primary, the entire loan was attributed to the primary. RAD requested additional information in letters dated September 25 and

October 15, 1984. Mrs. Batts telephoned a reports analyst on November 20, 1984 and a letter from the Committee's Assistant Treasurer, received December 5, 1984, substantially corroborated the telephone conversation.

According to the information provided by Mrs. Batts and the Committee, Mrs. Batts' payments came from a checking account that she maintained to pay household expenses and incidentals.

("Family Account") See Attachment 1. That account purportedly contained earnings deposited by the candidate, his wife, and their children. While the largest portion of the account came from the candidate's salary, the amount that each family member deposited in the account is unclear. See Attachment 2. This Office does not know who beside Mrs. Batts had the right to withdraw money from the Family Account. Mrs. Batts states that the treasurer listed payments from the Family Account as a "contribution" or "loan" from Mrs. Batts because he did not know what else to do.

A letter from the Committee's Assistant Treasurer contends that, in fact, \$8,000 of the payments actually came from the candidate's personal money and, thus, were lawful. Not only do we not know how much of the commingled family funds are the candidate's personal funds, the letter notes that the \$8,000 were the proceeds of an \$8,000 personal loan from Dr. Arlene Alveranga. See Attachment 1. Of the remaining \$3,334, \$1,000 is alleged to be an in-kind contribution from Mrs. Batts and the remainder is simply attributed to the Family Account.

2 U.S.C. § 441a(a)(1)(A) prohibits any person from making contributions aggregating in excess of \$1,000 per election to a candidate's authorized campaign committee. 2 U.S.C. § 441a(f) prohibits a political committee from knowingly accepting unlawful contributions. The term "contribution" refers to anything of value tendered for the purpose of influencing a federal election and specifically includes loans. 2 U.S.C. § 431(8)(a)(i).

While there is no limit on the amount of personal funds a candidate may contribute to his own campaign, the term "personal funds" is narrowly defined to include:

assets which, ... at the time he ... became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had either:

- (1) legal and rightful title, or
- (2) an equitable interest

11 C.F.R. § 110.10(b)(1)

The regulations provide that a candidate is his authorized committee's agent when he obtains a loan "in connection with his campaign" regardless of whether he obtains the loan prior to, or during the course of, the campaign. Thus, if a candidate obtains an excessive loan "in connection with his campaign," his authorized committee has accepted an unlawful contribution.

11 C.F.R. § 101.2(a) and (b).

The \$8,000 Loan to the Candidate

If the \$8,000 loan from Dr. Alveranga was completely unrelated to the campaign, i.e. extended for personal reasons before Mr. Batts contemplated a federal candidacy, the contribution may be lawful. A candidate may contribute unlimited

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personal funds to his authorized committee. If, however, the loan was extended during his candidacy and was for the purpose of influencing his federal election, Dr. Alveranga made a \$7,000 excessive contribution. 2 U.S.C. § 431(8)(A). In addition, if the candidate procured the loan "in connection with his campaign," the committee accepted an excessive contribution. 2 U.S.C. §§ 441a(f) and 432(e)(2) and 11 C.F.R. § 101.2. See also the Committee's reporting requirements under 11 C.F.R. § 101.3. Finally, if the candidate procured the loan "in connection with his campaign," the funds should have been deposited in the Committee's depository rather than the Family Account. Thus, there may have been a 2 U.S.C. § 432(h)(1) violation, as well. This Office recommends that the Commission find reason to believe that Dr. Alveranga made an excessive contribution and the Committee, through its agent, accepted an excessive contribution. This Office also recommends that the Commission find reason to believe that the Committee failed to deposit receipts in the campaign depository.

Attached are questions that are designed to clarify the facts surrounding the \$8,000 loan. These questions may uncover additional violations because the regulations state that a married person may not attribute a contribution to his or her spouse unless otherwise specified by that individual or by that individual's spouse. 11 C.F.R. § 100.7(c). Indeed, there is a presumption that the last person signing a check made the

contribution. 11 C.F.R. § 104.8(c) and (d). Thus, our investigation may reveal that Mrs. Batts, rather than Mr. Batts, is responsible for the \$8,000 contribution. This Office recommends that the Commission approve and send those questions.

Mrs. Batts' Excessive Contribution

Assuming that \$8,000 out of the \$11,334 at issue comes from the candidate's personal funds, the \$3,334 balance must be considered. The letter states that Mrs. Batts made a \$1,000 in-kind contribution and that the remaining \$2,334 came from the Family Account. See Attachment 1. If any part of the \$2,334 is directly attributable to Mrs. Batts, there is an excessive contribution since the letter admits that she had reached her personal contribution limit. 2 U.S.C. § 441a. It is also possible that the children made excessive contributions. Therefore, this Office recommends that the Commission find reason to believe that Mrs. Batts violated the Act by making an excessive contribution and the Committee violated the Act by receiving an excessive contribution. This Office also recommends that the Commission approve the attached questions that are designed to discern the amount that each family member deposited in the Family Account and whether all the family members intended to make contributions to the Batts Committee.

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Dr. Alene Alveranga violated 2 U.S.C. § 441a(a)(1)(A).

3. Find reason to believe that Mrs. Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A).
4. Find reason to believe that the Batts Committee and Glanvin Alveranga, as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(2), and 432(h)(1).
5. Approve and send the attached questions to the Batts Committee, Bennie O. Batts, Evelyn Batts, and Dr. Arlene Alveranga.
6. Approve and send the attached General Counsel's Factual and Legal Analyses.
7. Approve and send the attached letters to the Committee, Bennie O. Batts, Evelyn Batts, and Dr. Arlene Alveranga.

Charles N. Steele
General Counsel

May 8, 1985
Date

BY:

Kenneth A. Gross
General Counsel

Attachments

1. Letter from Assistant Treasurer William Stallings to John Gibson dated November 28, 1984.
2. "Memorandum for Files: TELECON" prepared by Reports Analyst Pat Sheppard on November 20, 1984.
3. Questions to the Committee, Bennie O. Batts, Evelyn Batts and Dr. Arlene Alveranga.
4. Letters.
5. General Counsel's Factual and Legal Analyses.

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NOV 30 1984

216 Malcolm Rd.
Yonkers, N.Y. 10583

November 28, 1984

Mr. John D. Gibson
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

RE: ID # CD0189761

Dear Mr. Gibson:

Please forgive the late filing of this statement explaining the circumstances surrounding the contributions/loans of Evelyn D. Batts to the Committee to Elect Bernie O. Batts to Congress.

Mr. Batts informed me that he made a personal uncollateralized loan from a friend - Dr. Arlene Alveringa, for \$8,000.00. Mr. Batts does not keep a personal checking account. Mrs. Batts has the personal checking account from which household expenses and incidentals are paid. Both Mr. & Mrs. Batts contribute to this account, as well as their children from their part-time earnings. Therefore, of the \$11,334.00 contributed/loaned to the campaign, \$8,000.00 was solely Mr. Batts' money. From the remaining \$3,334.00, Mrs. Batts made a direct contribution of \$1,000.00 and the remaining \$2,334.00 was money paid out from the checking account which includes monies from the whole Batts family. p85

Monies had been pledged by various individuals and organizations to the campaign. These monies were never realized; however, in the meantime, Mrs. Batts wrote checks from the checking account to pay bills as they became due thinking that the pledged monies would become available.

Sincerely,

William Stallings

William Stallings
Assistant Treasurer
Committee to Elect Bernie O. Batts

Attachment 1

MEMORANDUM FOR FILES:TELECON

SUBJECT: RFAI (441a)

DATE: November 20, 1984

FROM: Evelyn Batts

TO: Pat Sheppard

NAME OF COMMITTEE: Committee to elect Bennie O. Batts /NY

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Ms. Batts called to explain that the committee has failed to respond to the notices sent to them due to the fact that the accountant responsible for the filing of the reports refuses to respond because Mr. Batts has not paid him. She explained that she has a checking account that is in her name only to pay household bills, and that this account consist of the income of both her and her husband. Ms. Batts said that the largest portion of the account is that of her husbands salary. She said that the bills relating to the committee needed to be paid so she wrote checks from this account and not knowing how to report this , the treasurer disclosed it as a contribution and loan from her. I explained that we would need a statement giving a ratio of the money making up the account as soon as possible to clear the matter up. Mrs. Batts said that she would try to get one submitted.

Attachment 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Committee to Elect Bennie O. Batts) MUR 2002
and Glanvin Alveranga, as treasurer)
Mrs. Evelyn Batts)
Dr. Arlene Alveranga)

Questions to Bennie O. Batts

Mr. Bennie O. Batts
216 Falmouth Road
Scarsdale, New York 10583

1. In William Stallings November 28, 1984 letter to the Federal Election Commission, (copy attached) he states that Dr. Arlene Alveranga extended an \$8,000 loan to Bennie O. Batts. Please explain the circumstances surrounding that loan.

Your explanation should include, but not be limited to, information regarding: a) which parties or entities were involved in arranging the loan; b) when the parties arranged the loan; c) when the loan was tendered; d) the purpose of the loan; e) any oral or written instructions on, or understandings of, how the proceeds of the loan were to be spent; f) the terms of the loan including interest rate, any regular periodic payments, and duration; g) the amount of the loan that has been repaid; h) who has repaid the loan; i) from what account the loan is being, or is intended to be, repaid to Dr. Alveranga.

1a. Please provide Dr. Arlene Alveranga's current mailing address.

2. The November 28, 1984 letter also states that you, your wife and your children all contributed to Mrs. Batts' personal checking account from which household expenses and incidentals were paid. Please provide information explaining how much money each family member contributed to Mrs. Batts personal checking account between September 1, 1983 and September 1, 1984. Did you have the power to withdraw money from that account?

3. Did you or anyone else at any time explain to the Committee's Treasurer that \$8,000 out of the \$11,334 at issue were your personal funds? Please explain all the circumstances surrounding that explanation. Please restate the explanation made to the Committee's Treasurer.

3a. Did you or anyone else at any time explain to the Committee's Treasurer that the \$11,334 at issue, or any portion of that \$11,334 at issue, was being contributed on a pro rata basis based upon the amount of money each family member contributed to the family bank account? Please explain all the circumstances surrounding that explanation. Please restate the explanation made to the Committee's Treasurer.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Committee to Elect Bennie O. Batts) MUR 2002
and Glanvin Alveranga, as treasurer)
Mrs. Evelyn Batts)
Dr. Arlene Alveranga)

Question to Dr. Arlene Alveranga

TO: Dr. Arlene Alveranga
c/o The Committee to Elect Bennie O. Batts
and Glanvin Alveranga, as Treasurer
43 Gramatan Avenue - 2nd Floor
Mount Vernon, New York 10550

1. In William Stallings November 28, 1984 letter to the Federal Election Commission (copy attached), he states that you extended an \$8,000 loan to Bennie O. Batts. Please explain the circumstances surrounding that loan.

Your explanation should include, but not be limited to, information regarding: a) which parties or entities were involved in arranging the loan; b) when the parties arranged the loan; c) when the loan was tendered; d) the purpose of the loan; e) any oral or written instructions on, or understandings of, how the proceeds of the loan were to be spent; f) the terms of the loan including interest rate, any regular periodic payments, and duration; g) the amount of the loan that has been repaid; h) who has repaid the loan; i) from what account the loan is being, or is intended to be, repaid to Dr. Alveranga.

2. Did you make any payments to Bennie O. Batts, aside from the \$8,000 referred to above, or to the Committee to Elect Bennie O. Batts, as a contribution to Mr. Batts' 1984 campaign for Congress? If so, please explain, providing dates and amounts contributed.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Committee to Elect Bennie O. Batts) MUR 2002
and Glanvin Alveranga, as treasurer)
Mrs. Evelyn Batts)
Dr. Arlene Alveranga)

Questions to the Committee to Elect Bennie O. Batts

TO: Glanvin Alveranga, Treasurer
Committee to Elect Bennie O. Batts
43 Gramatan Avenue - 2nd Floor
Mount Vernon, New York 10550

1. Did Bennie O. Batts or anyone else at any time explain to the Committee's Treasurer that \$8,000 out of the \$11,334 at issue were Bennie O. Batts' personal funds? Please explain all the circumstances surrounding that explanation. Please restate the explanation made to the Committee's Treasurer.

2. Did Bennie O. Batts or anyone else at any time explain to the Committee's Treasurer that the \$11,334 at issue, or any portion of that \$11,334 at issue, was being contributed on a pro rata basis based upon the amount of money each family member contributed to the family bank account? Please explain all the circumstances surrounding that explanation. Please restate the explanation made to the Committee's Treasurer.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Committee to Elect Bennie O. Batts
Glanvin Alveranga, as treasurer
Mrs. Evelyn Batts
Dr. Arlene Alveranga

)
) RAD Referral 85L-4
)
)
)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 14, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 85L-4:

1. Open a MUR.
2. Find reason to believe that Dr. Arlene Alveranga violated 2 U.S.C. § 441a(a)(1)(A).
3. Find reason to believe that Mrs. Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A).
4. Find reason to believe that the Batts Committee and Glanvin Alveranga, as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(2), and 432(h)(1).
5. Approve and send the questions to the Batts Committee, Bennie O. Batts, Evelyn Batts, and Dr. Arlene Alveranga.
6. Approve and send the General Counsel's Factual and Legal Analyses attached to the First General Counsel's Report signed May 8, 1985.

(Continued)

Certification
RAD Referral 85L-4
First General Counsel's Report
Signed May 8, 1985

Page 2

7. Approve and send the letters to the Committee, Bennie O. Batts, Evelyn Batts, and Dr. Arlene Alveranga attached to the First General Counsel's Report signed May 8, 1985.

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

Attest:

5-14-85

Date

Jody C. Ranson

for

Marjorie W. Emmons
Secretary of the Commission

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

5-9-85, 8:24
5-9-85, 4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 17, 1985

Glanvin Alveranga, Treasurer
Committee to Elect Bennie O. Batts
43 Gramatan Avenue - 2nd Floor
Mount Vernon, New York 10550

RE: MUR 2002
Committee to Elect Bennie O. Batts
and Glavin Alveranga, as treasurer
Evelyn Batts
Dr. Arlene Alveranga

Dear Mr. Alveranga:

On May 14, 1985, the Federal Election Commission determined that there is reason to believe the Committee to Elect Bennie O. Batts and you, as treasurer, violated 2 U.S.C. §§ 432(e)(2), 432(h)(1) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

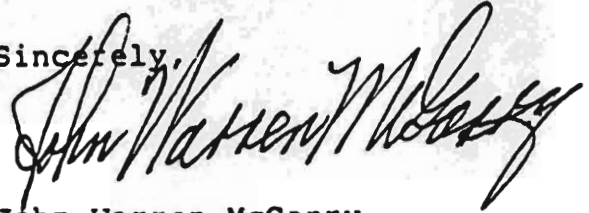
In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

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.

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Matt Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,



John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement
Questions

90040802456



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1985

Glanvin Alveranga, Treasurer
Committee to Elect Bennie O. Batts
43 Gramatan Avenue - 2nd Floor
Mount Vernon, New York 10550

RE: MUR 2002
Committee to Elect Bennie O. Batts
and Glanvin Alveranga, as treasurer
Evelyn Batts
Dr. Arlene Alveranga

Dear Mr. Alveranga:

On May 14, 1985, the Federal Election Commission determined that there is reason to believe the Committee to Elect Bennie O. Batts and you, as treasurer, violated 2 U.S.C. §§ 432(e)(2), 432(h)(1) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

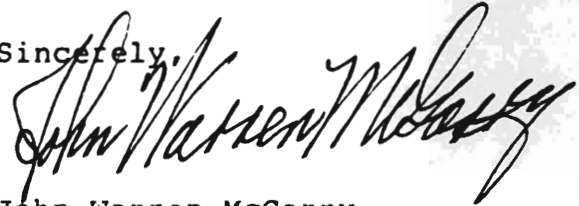
If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Matt Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,



John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement
Questions

0040802458



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Arlene Alveranga
c/o The Committee to Elect
Bennie O. Batts and
Glanvin Alveraga, as treasurer
43 Gramatan Avenue - 2nd Floor
Mount Vernon, New York 10550

RE: MUR 2002
Committee to Elect Bennie O. Batts
and Glanvin Alveranga, as
treasurer
Evelyn Batts
Dr. Arlene Alveranga

PERSONAL

Dear Dr. Alveranga:

On May 14, 1985, the Federal Election Commission determined that there is reason to believe you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

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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.

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Matt Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,



John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement
Questions

90040302460



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 17, 1985

Mr. Bennie O. Batts
216 Falmouth Road
Scarsdale, New York 10583

RE: MUR 2002
Committee to Elect Bennie O. Batts
and Glanvin Alveranga, as treasurer
Evelyn Batts
Dr. Arlene Alveranga

Dear Mr. Batts:

This is to advise you that on May 14, 1985, the Federal Election Commission found reason to believe that your committee, the Committee to Elect Bennie O. Batts and Glanvin Alveranga, as treasurer of the committee, violated 2 U.S.C. §§ 441a(f), 432(e)(2) and 432(h)(1), provisions of the Federal Election Campaign Act, by accepting unlawful contributions, accepting an excessive loan, and failing to deposit receipts in its campaign repository.

Although the committee treasurer is responsible for these violations, we believe that you, as the candidate, should be aware of this development. A copy of our letter to your committee treasurer and the General Counsel's Factual and Legal Analysis is enclosed.

In connection with its investigation in this matter, the Commission wishes you to respond to the attached questions. Please do so within 10 days.

Under 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), this matter will remain confidential unless the committee and Glanvin Alveranga, as treasurer, notify the Commission in writing that they wish the investigation to be made public.

93040802461

If you have any questions, please contact Matt Gerson, the staff member assigned to this matter, at (202) 523-4143. We have numbered this matter MUR 2002.

Sincerely,



John Warren McGarry
Chairman

Enclosures

Letter to committee treasurer
General Counsel's Factual and Legal Analysis
Questions

90040802462



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 17, 1985

Mrs. Evelyn D. Batts
216 Falmouth Road
Scarsdale, New York 10583

RE: MUR 2002
Committee to Elect Bennie O. Batts
and Glavin Alveranga, as treasurer
Evelyn Batts
Dr. Arlene Alveranga

Dear Mrs. Batts:

On May 14, 1985, the Federal Election Commission determined that there is reason to believe you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

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.

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Matt Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,



John Warren McGarry
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement
Questions

20040802434



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 12, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Glanvin Alveranga, Treasurer
Committee to Elect Bennie O. Batts
170 Grandview Boulevard
Yonkers, N.Y. 10710

RE: MUR 2002
Committee to Elect Bennie O. Batts
and Glanvin Alveranga, as treasurer
Evelyn Batts
Dr. Arlene Alveranga

Dear Mr. Alveranga:

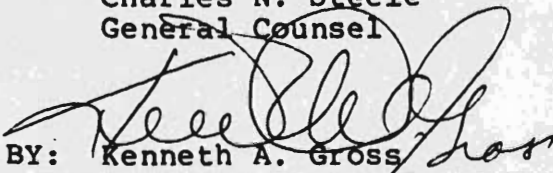
On May 17, 1985, the Federal Election Commission attempted to notify you by mail that it had found reason to believe the Committee to Elect Bennie O. Batts and you, as treasurer, violated 2 U.S.C. §§ 432(e)(2), 432(h)(1) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended. The Commission mailed that notification letter to you at the address on Gramatan Avenue, Mount Vernon, N.Y. listed as the Batts Committee's address. Enclosed please find a photocopy of the May 17, 1985 letter from Commission Chairman McGarry and the attachments thereto. Note that if the Batts Committee's address has been changed, 2 U.S.C. § 433(c) requires you to amend the Statement of Organization.

As the May 17, 1985 letter states, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

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

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosures

May 17, 1985 letter to Mr. Alveranga from Chairman McGarry and attachments thereto

93040802456



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 12, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Arlene Alveranga
18 Nimitz Road
Yonkers, N.Y. 10710

RE: MUR 2002
Committee to Elect Bennie O. Batts
and Glanvin Alveranga, as
treasurer
Evelyn Batts
Dr. Arlene Alveranga

Dear Dr. Alveranga:

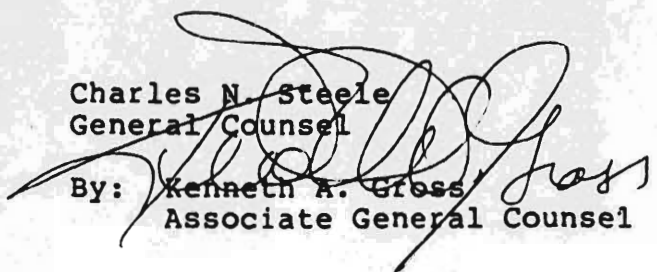
On May 17, 1985, the Federal Election Commission attempted to notify you by mail that it had found reason to believe you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. The Commission mailed that notification letter to you care of the Committee to Elect Bennie O. Batts and Glanvin Alveranga, as treasurer. On June 3, 1985, Glanvin Alveranga told a Commission staff attorney that that address was obsolete. Thereafter, Mr. Alveranga provided the Commission your address at: 18 Nimitz Road, Yonkers, N.Y. Enclosed please find a photocopy of the May 17, 1985 letter from Commission Chairman McGarry and the attachments thereto.

As the May 17, 1985 letter states, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

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

Sincerely,

Charles N. Steele
General Counsel

By:  Kenneth A. Gross
Associate General Counsel

Enclosures

May 17, 1985 letter to Dr. Alveranga from Chairman McGarry and attachments thereto

90040302468

FRAZIER DAVIDSON
ATTORNEY AND COUNSELLOR AT LAW
358 NORTH AVENUE
NEW ROCHELLE, NEW YORK 10801
(914) NE. 2-XXXX 4659

RECEIVED AT THE FEC

85 JUN 13 48:48

GCC #
1742

June 10, 1985

Federal Election Commission
Washington, D.C. 20463

Re: MUR2002 Committee to elect Bennie O'Batts
and Glanvin Alveranga as Treasurer, et al

Dear Sirs:

I have been consulted by Bennie O'Batts regarding the above-mentioned matter. We are unable to respond to the commission's questions within the time set by its letter or the time extended to us.

However, we wish to advise the commission that we will respond as soon as possible after the date of this letter.

Thank you in advance for your kind consideration in this matter.

Yours truly,

Frazier Davidson

FD:md

90040802469



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 14, 1985

Frazier Davidson, Esquire
358 North Avenue
New Rochelle, New York 10801

RE: MUR 2002

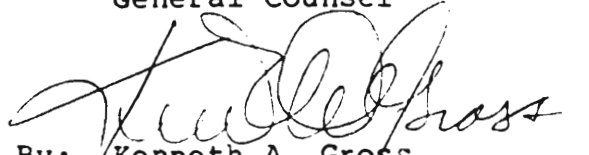
Dear Mr. Davidson:

On May 17, 1985, the Federal Election Commission notified your client, Mr. Bennie Batts, that it had found reason to believe that he had violated certain sections of the Federal Election Campaign Act of 1971, as amended. Enclosed with that notification letter were a counsel designation form and a brief description of the Commission's procedures for handling possible violations. Enclosed herewith please find the photocopies of those two documents that you requested by telephone on June 10, 1985.

If you have any questions, please contact Matt Gerson, the attorney assigned to this matter, at (202) 523-4040 or (800) 424-9530.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

90040802470

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

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

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

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

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

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

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

November 1980

MAILGRAM SERVICE
MIDDLETOWN, VA, 22645
12AM

Western
Union Mailgram



4-0339908163002 06/12/85 ICS IPHMTZZ CBP NYAD
1 9146324659 MGM TDMT NEW ROCHELLE NY 06-12 0409P EST

FRAZIER DAVIDSON
358 NORTH AVE
NEW ROCHELLE NY 10801

THIS IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

9146324659 MGMS TDMT NEW ROCHELLE NY 34 06-12 0409P EST
ZIP
BENNIE O BATTS
216 FALMOUTH RD
SCARSDALE NY 10583
RE MUR 2002 COMMITTEE TO ELECT BENNIE O BATTS

I WILL NOT AND CANNOT PROCEED ON THE ABOVE MENTIONED MATTER WITHOUT
YOUR COOPERATION
FRAZIER DAVIDSON

IN THE EVENT OF ANY SERVICE INQUIRIES, PLEASE DIRECT CORRESPONDENCE TO:

NATIONAL CONSUMER SERVICE CENTER
C/O WESTERN UNION TELEGRAPH COMPANY
308 WEST ROUTE 38
MOORESTOWN, NJ 08057

16109 EST

MGMCOMP

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GCC # 7824
85 JUN 24 AIO: 58

FRAZIER DAVIDSON
ATTORNEY AND COUNSELLOR AT LAW
358 NORTH AVENUE
NEW ROCHELLE, NEW YORK 10801
(914) NE. 2-4600

Y659

June 17, 1985

Federal Election Commission

Washington D.C.

20463

RECEIVED
GENERAL COUNSEL
JUN 24 11:35

RE: MUR 2002

SIRS,

I ~~am~~ have not been
retained by Mr BATES, unable



93040802474

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CC #7788
85 JUN 20 9:0

Glanvin Alveranga
170 Grandview Boulevard
Yonkers, New York 10710

June 19, 1985

Federal Election Commission
Washington, D. C. 20463
Attention: Kenneth Gross

Dear Sir:

On or about April 1, 1984 Mr. & Mrs. Bennie O. Batts visited me in my home and requested that I serve as treasurer for his campaign. I agreed to do this (See Enc. # 1) and established an account in the Hudson Valley National Bank (See Enc. # 2). I maintained complete and accurate records of all transactions affecting the account, which I will supply upon request. I have photostatic copies of all checks I received and in case of cash a description of the donor.

During the summer of 1984 the committee was required to file a financial report. At this time I became aware that Mr. and Mrs. Batts had made expenditures and received funds totalling significantly more than had been disbursed through the account. I therefore refused to sign the report or accept responsibility for funds of which I knew nothing.

I was unaware of any loans made to the Batts' campaign until I received your communication. It is my understanding that the committee designated someone else to account for the funds about which I knew nothing.

Finally I am no longer the treasurer of the committee.

Sincerely,

Glanvin Alveranga

Robert H. Newman
ROBERT H. NEWMAN
NOTARY PUBLIC, State of New York
No. 66-2891988

Qualified in Westchester County
Commission Expires March 20, 1991

6/18/85

5 JUN 20 11:55

90040802475



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED AT THE FEC

85 JUN 20 9:05

June 12, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Glanvin Alveranga, Treasurer
Committee to Elect Bennie O. Batts
170 Grandview Boulevard
Yonkers, N.Y. 10710

RE: MUR 2002
Committee to Elect Bennie O. Batts
and Glanvin Alveranga, as treasurer
Evelyn Batts
Dr. Arlene Alveranga

Dear Mr. Alveranga:

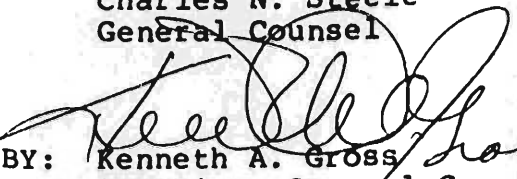
On May 17, 1985, the Federal Election Commission attempted to notify you by mail that it had found reason to believe the Committee to Elect Bennie O. Batts and you, as treasurer, violated 2 U.S.C. §§ 432(e)(2), 432(h)(1) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended. The Commission mailed that notification letter to you at the address on Gramatan Avenue, Mount Vernon, N.Y. listed as the Batts Committee's address. Enclosed please find a photocopy of the May 17, 1985 letter from Commission Chairman McGarry and the attachments thereto. Note that if the Batts Committee's address has been changed, 2 U.S.C. § 433(c) requires you to amend the Statement of Organization.

As the May 17, 1985 letter states, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

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

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosures

May 17, 1985 letter to Mr. Alveranga from Chairman McGarry and attachments thereto

90040302477

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Committee to Elect Bennie O. Batts) MUR 2002
and Glanvin Alveranga, as treasurer)
Mrs. Evelyn Batts)
Dr. Arlene Alveranga)

Questions to the Committee to Elect Bennie O. Batts

TO: Glanvin Alveranga, Treasurer
Committee to Elect Bennie O. Batts
43 Gramatan Avenue - 2nd Floor
Mount Vernon, New York 10550

1. Did Bennie O. Batts or anyone else at any time explain to the Committee's Treasurer that \$8,000 out of the \$11,334 at issue were Bennie O. Batts' personal funds? Please explain all the circumstances surrounding that explanation. Please restate the explanation made to the Committee's Treasurer.
2. Did Bennie O. Batts or anyone else at any time explain to the Committee's Treasurer that the \$11,334 at issue, or any portion of that \$11,334 at issue, was being contributed on a pro rata basis based upon the amount of money each family member contributed to the family bank account? Please explain all the circumstances surrounding that explanation. Please restate the explanation made to the Committee's Treasurer.

90040302478

REGISTRATION CERTIFICATE

The undersigned hereby certify that the following committee has been formed pursuant to Article 14, Section 118 of the Election Law of New York

BENNIE O. BATTS FOR CONGRESS "84

Further that the Treasurer of said committee is

GLANVIN ALVERANGA

presently residing at: 170 Grandview Boulevard, Yonkers, New York
10710

Further that all monies collected by said committee will be used for the election campaign of BENNIE O. BATTS and that the depository for the funds will be HUDSON VALLEY NATIONAL BANK

P.O.Box 180, Centuck Station
located at: Yonkers , New York 10710

That the duly authorized signatures for said accounts are:

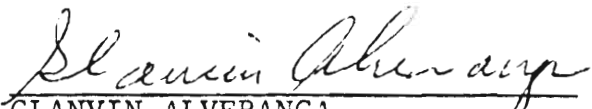
GLANVIN ALVERANGA residing at 170 Grandview Boulevard

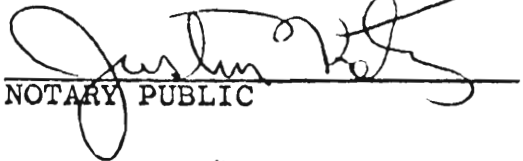
Yonkers, New York 10710

ROOSEVELT DAY residing at 91 Valley Lane

Chappaqua, N.Y. 10514

Sworn to before me
this 9 day of April, 1984


GLANVIN ALVERANGA


NOTARY PUBLIC

JUSTIN KATZ
Notary Public, State of New York
No. 41-4785530
Qualified in Queens County:
Commission Expires March 30, 1985

21-74773-501

GENERAL RESOLUTION OF UNINCORPORATED ASSOCIATION

We, the undersigned, President and Secretary, respectively, of

BENNIE O BATHS INC CONGRESS '84

(Exact Name of Unincorporated Association)

481 MAIN STREET, NEW ROCKELL, NY 10801

(Address)

hereby CERTIFY that the following is a true copy of a certain resolution duly adopted by the Membership

("Membership")

or the Board of _____ of the said unincorporated association in accordance with the Constitution and

("Directors" or "Trustees")

By-Laws at, and recorded in the minutes of, a meeting of the said Membership duly held on

("Membership" or "Board")

MARCH 26

(Date of Meeting)

1984, and not subsequently rescinded or modified:

RESOLVED:

1. That Hudson Valley National Bank

(hereinafter called the "Bank") be and hereby is designated a depository of the funds of this Association, and

GLADYIN ALVARANGA & ROOSEVELT DAY, JOINTLY
(If officer(s), designate office(s) only, for example: President, Treasurer, etc.; if person(s) other than officer(s), insert name(s).)

(If two or more are designated, indicate whether they are to sign singly, any two, jointly or otherwise)

is/are hereby authorized to sign, for and on behalf of this Association, any and all checks, drafts and other orders with respect to any funds at any time(s) to the credit of this Association with the Bank and/or against any account(s) of this Association maintained at any time(s) with the Bank, inclusive of any such checks, drafts and other orders in favor of any of the above designated officer(s) and/or other person(s), and that the Bank be and hereby is authorized: (a) to pay the same to the debit of any account(s) of this Association then maintained with it; (b) to receive for deposit to the credit of this Association, and/or for collection for the account of this Association, any and all checks, drafts, notes and other instruments for the payment of money, whether or not endorsed by this Association, which may be received by it for such deposit and/or collection, it being understood that each such item shall be deemed to have been unqualifiedly endorsed by this Association, and (c) to receive, as the act of this Association, any and all stop-payment instructions (inclusive of any relative agreement) with respect to any such checks, drafts or other orders as aforesaid and reconciliation(s) of account when signed by any one or more of the officer(s) and/or other person(s) as hereinbefore designated.

2. That

GLADYIN ALVARANGA & ROOSEVELT DAY
(If officer(s), designate office(s) only, for example: President, Treasurer, etc.; if person(s) other than officer(s), insert name(s).)

JOINTLY

(If two or more are designated, indicate whether they are to sign singly, any two, jointly or otherwise)

is/are hereby authorized, for and on behalf of this Association, to transact any and all other business with or through the Bank which at any time(s) may be deemed by the said officer(s) and/or other person(s) transacting the same to be advisable, including, without limiting the generality of the foregoing, authority to: (a) discount and/or negotiate notes, drafts and other commercial paper; (b) apply for letters or other forms of credit; (c) borrow money, with or without security; (d) assign, transfer, pledge or otherwise hypothecate any property of the Association; (e) purchase, exchange, sell, or otherwise deal in or with any stocks, bonds and other securities; (f) execute and deliver automated customers services and other agreements relative to performance of various computer services; (g) in reference to any of the business or transactions hereinbefore in this subdivision "2" referred to, to make, enter into, execute and deliver to the Bank such negotiable or non-negotiable instruments, indemnity and other agreements, obligations, assignments, endorsements, hypothecations, pledges, receipts and/or other documents as may be deemed by the officer(s) and/or other person(s) so acting to be necessary or desirable.

3. That any and all withdrawals of money and/or other transactions heretofore had in behalf of this Association with the Bank are hereby ratified, confirmed and approved, and that the Bank (and any interested third party) may rely upon the authority conferred by this entire resolution unless, and except to the extent that, this resolution shall be revoked or modified by a subsequent resolution of this Board, and until a certified copy of such subsequent resolution has been received by the Bank.

WE FURTHER CERTIFY that the following now occupy(ies) the (respective) office(s) designated in the above-quoted resolution and that the same is(are) duly qualified as such officer(s):

NAMES:

GLADYIN ALVARANGA
[Signature]

TITLES OF OFFICES HELD:

TREASURER
Chrmn Finance Comm.

IN WITNESS WHEREOF, we have hereunto subscribed our names over our official titles this 9th day of April, 1984

JUSTIN KATZ
Notary Public, State of New York
No. 41-4785530
Qualified in Queens County
Commission Expires March 30, 1985

[Signature]
TREASURER

[Signature]
Chrmn Fin. Comm.

ENC. #2

FRAZIER DAVIDSON
ATTORNEY AND COUNSELLOR AT LAW
358 NORTH AVENUE
NEW ROCHELLE, NEW YORK 10801
(914) NE. 2-4888

RECEIVED AT THE REC
GCC# 7968
85 JUL 10 AM: 51

July 8, 1985

Federal Election Commission
Washington, D.C. 20463

Re: Mur 2002
Committee to Elect
Bennie O. Batts et al

Dear Sirs:

Please find enclosed "Reply" in the above-captioned
matter.

Yours etc.,

FD:md
Enclosure

Frazier Davidson

RECEIVED
GENERAL
15 JUL 10 AM: 03

90040802481

In the Matter of)
Committee to Elect Bennie O. Batts)
and Glanvin Alveranga, as treasurer)
Mrs. Evelyn Batts)
Dr. Arlene Alveranga)

Mur 2002

Reply on Behalf of Bennie O. Batts to Questions
from Federal Election Commission

1. The \$8,000 loan was arranged between Dr. Arlene Alveranga and Bennie O. Batts sometime in 1984. The loan was for the personal use of Bennie O. Batts; it was without interest and without any written or oral understanding except that when Bonnie O. Batts was financially able to do so he would repay the loan. The loan has been paid.

The loan was solely personal and was not made for the purpose of influencing an election nor procured in connection with an election.

1a. Dr. Arlene Alvenanga's address is 18 Nimitz, Yonkers, New York

2. There are six children in the family, three of whom made deposits into the account.

The children of Mr. and Mrs. Batts contributed approximately \$1,500 to the "Family Account." These were monies earned from various part-time and summer jobs. At the time of deposit no minies were designated for any campaign or election purposes. The balance of the funds in the account are attributed to Mr. and Mrs. Bennie O. Batts. Mr. Batts had an equitable right to withdraw funds. This was a "Family Account" where husband, wife and children made deposits primarily for family purposes.

3. The answer to question 3. is "Yes!" Mr. Bennie O. Batts indicated to the Treasurer several times that \$8,000 was personal funds.

3a. See our statement of November 28, 1984 previously submitted to a member of your staff from the Federal Election Commission.

Respectfully submitted for
Bennie O. Batts

Frazier Davidson
358 North Avenue
New Rochelle, NY 10801
(914) 632-4659

93040302482

NOV 30 1984

216 Palmarth Rd.
Yonkers, N.Y. 10583

November 28, 1984

Mr. John D. Gibson
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

RE: ID # CD0189761

Dear Mr. Gibson:

Please forgive the late filing of this statement explaining the circumstances surrounding the contributions/loans of Evelyn D. Batts to the Committee to Elect Bennie O. Batts to Congress.

Mr. Batts informed me that he made a personal uncollateralized loan from a friend - Dr. Arlene Alverunga, for \$8,000.00. Mr. Batts does not keep a personal checking account. Mrs. Batts has the personal checking account from which household expenses and incidentals are paid. Both Mr. & Mrs. Batts contribute to this account, as well as their children from their part-time earnings. Therefore, of the \$11,334.00 contributed/loaned to the campaign, \$8,000.00 was solely Mr. Batts' money. From the remaining \$3,334.00, Mrs. Batts made a direct contribution of \$1,000.00 and the remaining \$2,334.00 was money paid out from the checking account which includes monies from the whole Batts family. pgs

Monies had been pledged by various individuals and organizations to the campaign. These monies were never realized; however, in the meantime, Mrs. Batts wrote checks from the checking account to pay bills as they became due thinking that the pledged monies would become available.

Sincerely,

William Stallings

William Stallings
Assistant Treasurer
Committee to Elect Bennie O. Batts

Attachment 1

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2002

NAME OF COUNSEL:

Frazier Davidson

ADDRESS:

358 North Ave.

New Rochelle, N.Y. 10801

TELEPHONE:

(914) 632-4659

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

Date

Signature

Emlyn Batts
Bernice C. Batts

RESPONDENT'S NAME:

Bernice C. Batts

ADDRESS:

Emlyn Batts

HOME PHONE:

BUSINESS PHONE:



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 16, 1985

Frazier Davidson, Esquire
358 North Avenue
New Rochelle, New York 10801

RE: MUR 2002

Dear Mr. Davidson:

On May 17, 1985, the Federal Election Commission notified your client, Mrs. Evelyn Batts, that it had found reason to believe that she had violated certain sections of the Federal Election Campaign Act of 1971, as amended. Enclosed with that notification letter were a set of questions. Enclosed herewith please find the photocopy of the questions that you requested by telephone on July 11, 1985.

Please be advised that if this Office does not receive complete answers to the questions posed to both Mr. and Mrs. Batts within 5 days of your receipt of this letter, the General Counsel will recommend to the Commission that it proceed with compulsory process.

If you have any questions, please contact Matt Gerson, the attorney assigned to this matter, at (202) 523-4143 or (800) 424-9530.

Sincerely,

Charles N. Steele
General Counsel

A handwritten signature in dark ink, appearing to read "Kenneth A. Gross", is written over the typed name of the Associate General Counsel.

By: Kenneth A. Gross
Associate General Counsel

Enclosures

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Committee to Elect Bennie O. Batts) MUR
and Glanvin Alveranga, as treasurer)
Mrs. Evelyn Batts)
Dr. Arlene Alveranga)

Questions to the Evelyn Batts

Mrs. Evelyn D. Batts
216 Falmouth Road
Scarsdale, New York 10583

1. The William Stallings November 28, 1984 letter to the Federal Election Commission (copy attached) states that you had, "the personal checking account from which household expenses and incidentals (were) paid." Please explain what type of account was used and include information on who had the power to withdraw funds from that account.
2. The William Stallings November 28, 1984 letter to the Federal Election Commission (copy attached), states that you, your husband, and your children all contributed to the checking account, "from which household expenses and incidentals (were) paid." Please provide information explaining how much money each family member contributed to your personal checking account between September 1, 1983 and September 1, 1984.
3. Did you at any time explain to the Committee's Treasurer that \$8,000 out of the \$11,334 at issue were Bennie O. Batts' personal funds? Please explain all the circumstances surrounding that explanation. Please restate the explanation that you made to the Committee's Treasurer.
4. Did you at any time explain to the Committee's Treasurer that the \$11,334 at issue, or any portion of that \$11,334 at issue, was being contributed on a pro rata basis based upon the amount of money each family member contributed to the bank family account? Please explain all the circumstances surrounding that explanation. Please restate the explanation that you made to the Committee's Treasurer.

July 15, 1985

85 JUL 22 A 9: 54

GCC# 8666

Federal Election Commission
Washington D.C. 20463

Washington D.C. 20463

Re: mur 2002, att. memo from Mr 2002

I returned from a trip at the end of
June to find this very distressing
communication from your agency. Mrs. Ball
had told me several weeks ago that I
would be hearing from you because of your
desire to verify my loan to be of \$5000
in February 1984. This sounded reasonable
to me with no hint of the difficulties
which are apparent in your letter.

In response to your question I have never met Mr. Stalvey. I certainly never spoke with him about Mr. Batt's campaign or the money I lent Mrs. Batt. I never spoke with Mr. Batt about the money Mr. Batt requested that I lend her, at any time even up to the present.

Mrs Bates came to me early in 1984 with some papers relating to the intended sale of some property she owned in the south. The municipality wanted the property and recall, and was advising her that there would be a substantial delay in processing the sale. Since Mrs Bates had borrowed money from me before and since I knew that she owned a lot of property in several different places through both of her parents, I lent her the money.

In November 1984 Mrs Brita gave me a check for \$75.60 made out by the municipality, which I put into my checking account. She returned the remainder of the amount due me in cash.

I contributed a check of \$150 to Mr. Bates campaign. I never had any substantive conversation with Mr. Bates about his campaign nor much as I know very little about politics.

Sincerely,

Anna Galvin MP.

9 J U 4 0 8 0 2 4 8 8

RECEIVED AT THE FEC
85 JUL 29 8 148
85 JUL 29 P 1:39

In the Matter of)
Committee to Elect)
Bennie O. Batts and)
Glanvin Alveranga as)
treasurer)
Mrs. Evelyn Batts)
Dr. Arlene Alveranga)

MUR - 2002

Reply to Questions for Ms. Evelyn Batts from the
Federal Election Commission.

Question 1 - This was a regular checking account over which
Ms. Evelyn Batts had the power to withdraw funds. However,
all the family members made deposits and/or contributions
to the account, as this account was designed for household
use.

Question 2 - Approximate figures 9/1/83 - 9/1/84

(a) Bonnie O. Batts	\$25,000.00
(b) Evelyn Batts	10,000.00
(c) Wendel Batts (son) Student Loan	1,500.00
(d) Carlton Batts (son)	300.00
(e) Marla Batts (daughter)	500.00

Question 3 - "Yes" we did advise the Committee's Treasurer
that \$8,000.00 were personal funds of Bennie O. Batts.
We paid various campaign related bills from the "Family
Account" and when the Treasurer inquired about the source
of the funds when making his report, we so advised him.

Question 4 - The answer is "No." However, please see
answers to Questions 2 and 3 above.

(N) We are requesting an opportunity for a Conciliation Agreement.

Submitted for Ms. Evelyn Batts

Frazier Davidson
358 North Avenue
New Rochelle, NY 10801
(914) 632-4659

In the Matter)
Committee to Elect)
Bennie O. Batts and)
Glanvin Alveranga as)
treasurer)
Mrs. Evelyn Batts)
Dr. Arlene Alveranga)

MUR-2002

ADDITIONAL REPLY on BEHALF
of BENNIE O. BATTS

Question 1

The loan was made in April 1, 1984. Mr. Batts negotiated the loan for the purpose of paying City and County taxes. The check was made to Mrs. Batts because the "Family Account" was set up by the family for Mrs. Batts to handle all household responsibilities.

Question 2

General estimates of contributions to the account 9/1/83-9/1/84

(a) Maria Batts (daughter)	\$500.00
(b) Wendel " (son) Student Loan	1500.00
(c) Carlton Batts (son)	300.00
(d) Bennie O. Batts	25000.00
(e) Ms. Evelyn Batts	10000.00

We are requesting an opportunity to enter into a conciliation agreement.

Submitted for Bennie O. Batts
by:

Frazier Davidson
358 North Avenue
New Rochelle, NY 10801
(914) 632 4659

90040802490

FRAZIER DAVIDSON
ATTORNEY AND COUNSELLOR AT LAW
388 NORTH AVENUE
NEW ROCHELLE, NEW YORK 10801
(914) NE. 2-XXXX 4659

July 25, 1985

Federal Election Commission
Washington, D.C. 20463

Re: Mur 2002
Bennie O. Batts
Evelyn Batts

Dear Sirs:

Please find enclosed answers to questions submitted to
us.

Yours truly,

Frazier Davidson

FD:md

Enclosure

93040302491

Page 1 of 1 for
 LINE NUMBER 111
 (file separate schedule(s) for each
 category of the Detailed
 Summary Page)

SCHEDULE A

ITEMIZED RECEIPTS

1984 12 Day Pre- Primary Report

Any information copied from such Reports or 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)

Committee to Elect Bernie O. Batt

A. Full Name, Mailing Address and ZIP Code

Evelyn D. Batt
 216 Falmouth Road
 Scarborough New York

Name of Employer

New York City Health &
 Hospital Corp.

Date (month,
day, year)

7/5/84

Amount of Each
Receipt This Period

6,489.00

Receipt For: ☒ Primary ☐ General
☐ Other (specify):

Occupation

Secretariat Sup III

Aggregate Year-to-Date-\$ 6489.00

B. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)Amount of Each
Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

C. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)Amount of Each
Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

D. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)Amount of Each
Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For: ☐ Primary ☐ General
☒ Other (specify):

E. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)Amount of Each
Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

F. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)Amount of Each
Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

G. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)Amount of Each
Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

SUBTOTAL of Receipts This Page (optional).....

6,489.00

TOTAL This Period (last page this line number only).....

6,489.00

SCHEDULE C
(Revised 3/80)

LOANS

1984 12 Day Pre-Primary Report

ATTACHMENT #2
Page 2 of 2

Pay 1 of 1 to
LINE NUMBER 23
(Use appropriate schedule
for each numbered line)

Name of Committee (in full)

Committee to Elect Bernie O. Batt

A. Full Name, Mailing Address and ZIP Code of Loan Source

Cody D. Batt
216 Falmouth Rd.
Seaside N.Y.

100%

Original Amount
of Loan
4,845.00

Cumulative Payment
To Date
- 0 -

Balance Outstanding at
Close of This Period
4,845.00

Election ☒ Primary ☐ General ☐ Other (specify)

Terms Date Incurred 8/29/84

Date Due 4/1/85

Interest Rate none (year)

☐ Secured

List All Endorsers or Guarantors (if any) to Item A

1. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding
\$

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding
\$

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding
\$

B. Full Name, Mailing Address and ZIP Code of Loan Source

Original Amount
of Loan

Cumulative Payment
To Date

Balance Outstanding at
Close of This Period

Election ☐ Primary ☐ General ☐ Other (specify)

Terms Date Incurred

Date Due

Interest Rate (year)

☐ Secured

List All Endorsers or Guarantors (if any) to Item B

1. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding
\$

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding
\$

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding
\$

SUBTOTALS This Period This Page (optional)

TOTALS This Period (last page in this line only)

4,845.00

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

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VERBATIM TRANSCRIPTION OF HANDWRITTEN LETTER FROM DR. ARLENE
ALVERANGA TO THE FEC DATED JULY 15, 1985.

July 15, 1985

Federal Election Commission
Washington, D.C 20463
Re: MUR 2002, att. Matt Gerson

I returned from a trip at the end of June to find this very distressing communication from your agency. Mrs. Batts had told me several weeks ago that I would be hearing from you because of your desire to verify my loan to her of \$8,000 in February 1984. This sounded reasonable to me with no portent of the difficulties which are apparent in your letter.

In response to your questions I have never met Mr. Stallings. I certainly never spoke with him about Mr. Batts campaign or the money I lent Mrs. Batts. I never spoke with Mr. Batts about the money Mrs. Batts requested that I lend her, at any time even up to the present.

Mrs. Batts came to me early in 1984 with some papers relating to the intended sale of some property she owned in the south. The municipality wanted the property as I recall, and was advising her that there would be a substantial delay in processing the sale. Since Mrs. Batts had borrowed money from me before and since I knew that she owned or had control of property in several different places through both of her parents, I lent her the money.

In November 1984 Mrs. Batts gave me a check for \$7560 made out by the municipality, which I put into my checking account. She returned the remainder of the amount due me in cash.

I contributed a check of \$150 to Mr. Batts campaign. I never had any substantive conversation with Mr. Batts about his campaign inasmuch as I know very little about politics.

Sincerely,
Arlene Alveranga, M.D.

90040802494

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

Committee to Elect Bennie O. Batts)
and Glanvin Alveranga,)
as treasurer)
Evelyn Batts)
Dr. Arlene Alveranga)

95 AUG 20 10:09

MUR 2002

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

The Commission has found reason to believe that the Committee to Elect Bennie O. Batts and Glanvin Alveranga, as treasurer, violated 2 U.S.C. § 441a(f), 432(e)(2), and 432(h)(1). The Commission also found reason to believe that Dr. Arlene Alveranga and Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A).

RAD referred this matter to the General Counsel's Office when it became apparent that Evelyn Batts, the candidate's wife, used funds from a checking account from which the Batts family's household expenses and incidentals were paid ("Family Account") to pay \$11,334 of the Committee's obligations. Because the Family Account contained funds deposited by the candidate, his wife, and their children, and only the candidate may contribute more than \$1,000, the candidate's wife and his children may have made excessive contributions. It also appeared that the candidate's friend, Dr. Arlene Alveranga, loaned the candidate \$8,000 and that those funds were a part of the \$11,334 paid from the Family Account. If the loan to the candidate was "for the purpose of influencing an election," Dr. Alveranga made, and the Committee accepted, an excessive contribution.

20040902495

II. FACTUAL AND LEGAL ANALYSIS

90040802496

The responses to the Commission's questions contain some contradictory information and do not sufficiently clarify the facts in this case. (See Attachments 1-4). For example, Dr. Alveranga explained that she tendered the loan to Mrs. Batts in February 1984. Mr. Batts explained that he received the loan from Dr. Alveranga in April 1984. Mr. Batts also states that he borrowed the money for the purpose of paying City and County taxes. However, we were initially informed that \$8,000 out of the \$11,334 paid from the Family Account were the proceeds of an \$8,000 personal loan from Dr. Alveranga. Lastly, Mr. Alveranga's response states that, "Mr. and Mrs. Batts [] made expenditures and received funds totalling significantly more than had been disbursed through the [campaign] account." It is unclear whether this statement refers to the \$8,000 loan.

The General Counsel's Office recommends that the Commission authorize Subpoenae to Depose Bennie O. Batts, Evelyn Batts, Dr. Arlene Alveranga, Glanvin Alveranga, and William Stallings, the Committee's assistant treasurer. The Subpoena to Dr. Alveranga includes a request for a photocopy of the cancelled check issued to Mr. or Mrs. Batts. It is this office's opinion that such formal process is necessary to expeditiously complete the Commission's investigation in this matter.

III. REQUEST FOR CONCILIATION PRIOR TO A PROBABLE CAUSE TO BELIEVE DETERMINATION

In counsel's responses on behalf of Bennie O. Batts and Evelyn Batts, he requests conciliation prior to a probable cause to believe determination. Because this Office believes that the Commission's investigation should extend beyond the initial questions, this Office recommends that the Commission decline the request to enter into conciliation at this time. The letter informing counsel of that decision will note that the Commission will entertain the conciliation request when the investigation is completed.

IV. RECOMMENDATIONS

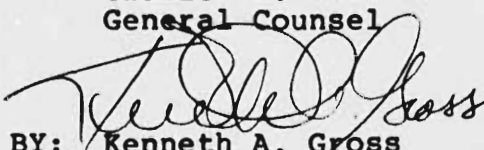
1. Issue subpoenae to appear for deposition to Bennie O. Batts, Evelyn Batts, Dr. Arlene Alveranga, Glanvin Alveranga and William Stallings.
2. Decline the request to enter into conciliation prior to a probable cause to believe determination submitted on behalf of Bennie O. Batts and Evelyn Batts.

90040802497

3. Approve and send the attached letters.

Charles N. Steele
General Counsel

August 19, 1985
Date

BY: 
Kenneth A. Gross
Associate General Counsel

Attachments

1. Glanvin Alveranga's response to the Commission's questions received June 20, 1985.
2. Bennie O. Batts' responses to the Commission's questions received July 10, 1985 and July 29, 1985.
3. Verbatim Transcription of Handwritten Response from Dr. Arlene Alveranga to the Commission dated July 15, 1985.
4. Evelyn Batts' response to the Commission's questions received July 29, 1985.
5. Letter from Assistant Treasurer William Stallings to John Gibson dated November 28, 1984.
6. Subpoenae
7. Letters

20040802493

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Elect Bennie O. Batts)
and Glanvin Alveranga, as treasurer) MUR 2002
Evelyn Batts)
Dr. Arlene Alveranga)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of September 4,
1985, do hereby certify that the Commission decided by a vote
of 6-0 to take the following actions in MUR 2002:

1. Issue subpoena to appear for deposition to
Bennie O. Batts, Evelyn Batts, Dr. Arlene
Alveranga, Glanvin Alveranga and William
Stallings.
2. Decline the request to enter into conciliation
at this time.
3. Approve and send the letters attached to the
General Counsel's report dated August 19,
1985.

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

Attest:

9-6-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 13, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frazier Davidson, Esquire
358 North Avenue
New Rochelle, N.Y. 10801

RE: MUR 2002

Dear Mr. Davidson:

On May 17, 1985, your client, Bennie O. Batts, was notified that the Commission found reason to believe that the Committee to Elect Bennie O. Batts and Glanvin Alveranga, as treasurer, violated 2 U.S.C. § 441a(f), 432(e)(2) and 432(h)(i), provisions of the Federal Election Campaign Act of 1971, as amended. Mrs. Evelyn Batts was concurrently notified that she violated 2 U.S.C. § 441a(a)(1)(A). An investigation of this matter is being conducted and it has been determined that additional information from your clients is necessary.

Consequently, the Federal Election Commission has issued the attached subpoenae which require your clients to appear and give sworn testimony which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended. The deposition will occur on Friday, September 27, 1985, at 9:30 a.m.

Pursuant to 11 CFR § 111.14, a person summoned to testify by the Commission shall be paid \$30.00, plus mileage at the rate of 20.5 cents per mile. Your clients will be given checks for the witness fee and mileage at the time of the depositions.

Please confirm the scheduled appearance with Robert Raich on our toll free line (800/424-9530) within two days of your receipt of this notification.

Letter to Frazier Davidson, Esquire
Page 2

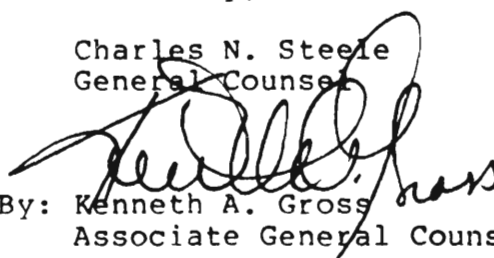
Please note that on July 29, 1985, the Federal Election Commission received your request to enter into conciliation prior to its consideration of whether there is probable cause to believe that your clients violated the Act. On September 4, 1985, the Commission declined to enter into conciliation because of its desire to investigate this matter further. Please be advised that the Commission will reconsider your request to enter into conciliation as soon as it completes its investigation.

Finally, on June 14, 1985, this Office complied with your June 10, 1985 telephone request and sent you additional photocopies of the counsel designation forms (See attached). Thus far, the Commission has not received the signed counsel designation forms from Mr. and Mrs. Batts. Please provide signed forms from each of your clients as soon as possible. Please note that additional forms are attached for your convenience.

If you have any questions, please direct them to Robert Raich at (202) 523-4000 or (800) 424-9530.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure

Subpoena to Bennie O. Batts
Subpoena to Evelyn Batts
Kenneth Gross' June 14, 1985 letter to Frazier Davidson
Counsel Designation forms

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 2002

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)
)

SUBPOENA

TO: Bennie O. Batts
c/o Frazier Davidson, Esquire
358 North Avenue
New Rochelle, N.Y. 10801

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 2002. Notice is hereby given that the deposition is to be taken on Friday, September 27, 1985, at the United States Attorney's Office, 101 East Post Road, White Plains, New York, in room 24 beginning at 9:30 a.m. and continuing each day thereafter as necessary.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on *Sept 10*, 1985.


John Warren McGarry
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

93040802502

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
MUR 2002

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)
)

SUBPOENA

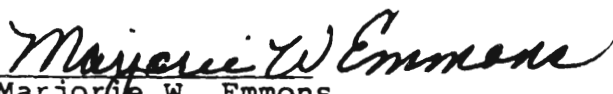
TO: Evelyn Batts
c/o Frazier Davidson, Esquire
358 North Avenue
New Rochelle, N.Y. 10801

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 2002. Notice is hereby given that the deposition is to be taken on Friday, September 27, 1985, at the United States Attorney's Office, 101 East Post Road, White Plains, New York, in room 24 beginning at 9:30 a.m. and continuing each day thereafter as necessary.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on *Sept. 10, 1985.*


John Warren McGarry
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 13, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William Stallings
25 Nassau Road
Yonkers, N.Y. 10710

RE: MUR 2002

Dear Mr. Stallings:

The Federal Election Commission, established in April, 1975, has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended. In connection with an investigation being conducted by the Commission, the Commission has issued the attached subpoena which requires you to appear and give sworn testimony on Thursday, September 26, 1985, at 3:30 p.m. The questions to you will concern your role as assistant treasurer to the Committee to Elect Bennie O. Batts and, specifically, payments made from the Batts' family checking account to the Committee's creditors. The Commission does not consider you a respondent in this matter; but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. That section of the Act prohibits the making public of any investigation conducted by the Commission without express written consent of the persons with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney present with you at the deposition. If you intend to be so represented, please advise us of the name and address of your attorney prior to the date of the deposition.

Pursuant to 11 CFR § 111.14, a person summoned to testify by the Commission shall be paid \$30.00, plus mileage at the rate of 20.5 cents per mile. You will be given a check for the witness fee and mileage at the time of the deposition.

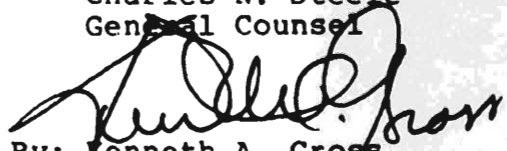
Letter to William Stallings
Page 2

Please confirm the scheduled appearance with Robert Raich on our toll free line (800/424-9530) within two days of your receipt of this notification.

If you have any questions, please direct them to Robert Raich, the staff member handling this matter, at (202) 523-4000 or (800) 424-9530.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure
Subpoena

90040302505

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
MUR 2002

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)
)
)

SUBPOENA

TO: William Stallings
25 Nassau Road
Yonkers, N.Y. 10710

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 2002. Notice is hereby given that the deposition is to be taken on Thursday, September 26, 1985, at the United States Attorney's Office, 101 East Post Road, White Plains, New York, in room 24 beginning at 3:30 p.m. and continuing each day thereafter as necessary.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on *Sept 10*, 1985.


John Warren McGarry
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

93040302506



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 13, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Glanvin Alveranga
170 Grandview Boulevard
Yonkers, N.Y. 10710

RE: MUR 2002

Dear Mr. Alveranga:

On June 12, 1985, you were notified that the Commission found reason to believe that the Committee to Elect Bennie O. Batts and you, as treasurer, violated 2 U.S.C. § 441a(f), 432(e)(2) and 432(h)(i), provisions of the Federal Election Campaign Act of 1971, as amended. An investigation of this matter is being conducted and it has been determined that additional information from you is necessary.

Consequently, the Federal Election Commission has issued the attached subpoena which requires you to appear and give sworn testimony which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended. The deposition will occur on Thursday, September 26, 1985, at 12:30 p.m.

You may consult with an attorney and have an attorney present with you at the deposition. If you intend to be so represented, please advise us of the name and address of your attorney prior to the date of the deposition.

Pursuant to 11 CFR § 111.14, a person summoned to testify by the Commission shall be paid \$30.00, plus mileage at the rate of 20.5 cents per mile. You will be given a check for the witness fee and mileage at the time of the deposition.

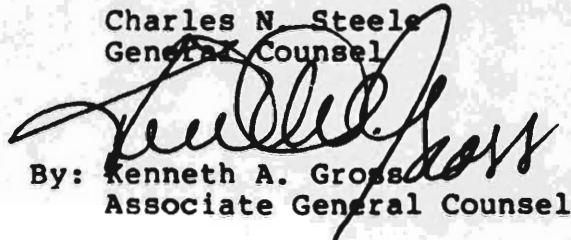
Please confirm the scheduled appearance with Robert Raich on our toll free line (800/424-9530) within two days of your receipt of this notification.

Letter to Glanvin Alveranga
Page 2

If you have any questions, please direct them to Robert Raich, the staff member handling this matter, at (202) 523-4000 or (800) 424-9530.

Sincerely,

Charles N. Steele
General Counsel

A handwritten signature in dark ink, appearing to read "Kenneth A. Gross", is written over the typed name and title.

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Subpoena

40802503

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 2002

SUBPOENA

TO: Glanvin Alveranga
170 Grandview Boulevard
Yonkers, N.Y. 10710

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 2002. Notice is hereby given that the deposition is to be taken on Thursday, September 26, 1985, at the United States Attorney's Office, 101 East Post Road, White Plains, New York, in room 24 beginning at 12:30 p.m. and continuing each day thereafter as necessary.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on *Sept 10*, 1985.


John Warren McGarry
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

90040802509



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 13, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Arlene Alveranga
18 Nimitz Road
Yonkers, N.Y. 10710

RE: MUR 2002

Dear Dr. Alveranga:

On June 12, 1985, you were notified that the Commission found reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. An investigation of this matter is being conducted and it has been determined that additional information from you is necessary.

Consequently, the Federal Election Commission has issued the attached subpoena which requires you to appear and give sworn testimony which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended. The deposition will occur on Thursday, September 26, 1985, at 2:00 p.m. Please note that the Subpoena also requires you to provide a photocopy of the cancelled check(s) issued by you to Mr. or Mrs. Batts that relate to the \$8,000 loan at issue.

You may consult with an attorney and have an attorney present with you at the deposition. If you intend to be so represented, please advise us of the name and address of your attorney prior to the date of the deposition.

Pursuant to 11 CFR 111.14, a person summoned to testify by the Commission shall be paid \$30.00, plus mileage at the rate of 20.5 cents per mile. You will be given a check for the witness fee and mileage at the time of the deposition.

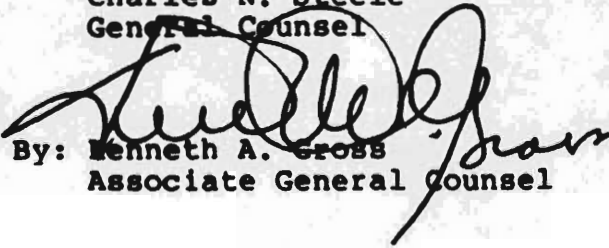
Please confirm the scheduled appearance with Robert Raich on our toll free line (800/424-9530) within two days of your receipt of this notification.

Letter to Dr. Arlene Alveranga
Page 2

If you have any questions, please direct them to Robert Raich, the staff member handling this matter, at (202) 523-4000 or (800) 424-9530.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure
Subpoena

90040802511

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 2002

SUBPOENA

TO: Dr. Arlene Alveranga
18 Nimitz Road
Yonkers, N.Y. 10710

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 2002. Notice is hereby given that the deposition is to be taken on Thursday, September 26, 1985, at the United States Attorney's Office, 101 East Post Road, White Plains, New York, in room 24 beginning at 2:00 p.m. and continuing each day thereafter as necessary.

Further, pursuant to section 437d of Title 2, United States Code, you are hereby subpoenaed to produce a photocopy of both sides of the check or checks that you issued to Bennie C. Batts and/or Evelyn Batts as payment for the \$8,000 loan at issue in MUR 2002. Production is to be made to the Federal Election Commission staff attorneys at the September 26, 1985 deposition.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on *Sept 10*, 1985.


John Warren McGarry
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

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IN RE:

MUR 2002

September 26, 1985
12:30 o'clock P.M.OCT 9
ALL: 30RECEIVED
OCT 9 1985

DEPOSITION of GLANVIN ALVERANGA, taken by

the Federal Election Commission, pursuant to
Subpoena, at the United States Courthouse, 101
East Post Road, White Plains, New York before
Florence E. Parrella, a Certified Shorthand
Reporter and Notary Public of the State of
New York.

2 A P P E A R A N C E S :

3 FOR THE FEDERAL ELECTION COMMISSION
4 1325 K Street, N.W.
Washington, D.C. 20463

5 BY: LOIS G. LERNER, ESQ., of Counsel
6 -and-
ROBERT RAICH, ESQ., of Counsel

7

8

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* * *

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11 G L A N V I N A L V E R A N G A, having been
12 first duly sworn by the notary public herein,
13 testified as follows:

14 (The witness stated that he resides at
15 170 Grandview Boulevard, Yonkers, New York 10710.)

16 MS. LERNER: Mr. Alveranga, before we start, do
17 you have some documents for us?

18 THE WITNESS: Yes (handing).

19 (Discussion off the record.)

20 EXAMINATION BY MS. LERNER:

21 Q Just state your full name for the record.

22 A Glanvin Alveranga, 170 Grandview Boulevard,
23 Yonkers, New York 10710.

24 Q Mr. Alveranga, what do you do for a living?

25 A Right now I am retired, but I am sort of

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part time selling insurance.

Q Do you know a gentleman by the name of Bennie Batts?

A Yes.

Q How do you know Mr. Batts?

A Primarily through my sister. He lives in Yonkers. My sister lives in Yonkers, and he became a friend of my sister.

Q When did you first meet Mr. Batts?

A The first occasion was probably 30 years ago through another mutual friend, who is now dead. I never really knew him until my sister moved into the area where I live.

Q When was that approximately?

A Ten or twelve years ago.

Q Would you say that you have been on social terms with Mr. Batts?

A He is primarily a friend of my sister. The occasions I have seen him prior to the campaign had been at my sister's or the house of another mutual friend.

Q Did there come a time when you became involved with Mr. Batts' campaign for office?

A He and his wife came to my house. I gave you a deposition. Do you still have it?

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Q Yes.

A They came to my house, asked me to be treasurer of his campaign.

Q Do you remember when that was?

A No, but you must have documents with the dates. I don't recall.

Q I don't think we have a date of when that might have been.

A On or about April 1st.

Q Go ahead and tell me how that came about.

A What is it you want me to tell you?

Q Did Mr. Batts ask you to become involved in the campaign?

A He and his wife came to my house. I had no prior knowledge they were going to visit me, and they asked me to serve in the capacity of treasurer of his campaign, which I agreed to at that time.

Q When did your office of treasurer actually begin, shortly thereafter?

A Almost immediately, thereafter I would say.

Q Was that the first time that you learned Mr. Batts was thinking about running for office?

A Well, I don't know what Mr. Batts' thoughts were. It was certainly the first time that he and I

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had any lengthy discussion about it. I might have been aware of the fact that he was considering it. That is very likely. He and I had never had any extended or involved conversations about his candidacy.

Q What is your relationship to Arlene Alveranga? Is that your sister?

A That is my sister.

Q Did she happen to tell you that Mr. Batts was going to be running for office prior to this time?

A She has at no time ever discussed the fact that he was running for office until I received a letter from you people, and in the letter one of the things I learned is she had ostensibly lent him \$10,000. I didn't know she had any interest in this matter. The only thing I knew was a \$150 contribution I saw she had made to the campaign. And that was not even made to me. I got that on the record from Evelyn.

Q I think I may have asked you this, but let me just clarify it. When was the first time that you learned that Mr. Batts was going to be running for office?

A I can't be sure. I know he had been involved in politics in that community for years, but I had not been. I had never been involved at all. So I don't know.

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On occasions when I saw him, I knew that he did discuss, he had expressed his interest in politics. When I became aware that he was specifically going to run for the Democratic nomination for the United States Congress I don't know, but certainly the day he and Evelyn came to my office, I was made aware of it.

Q How long were you involved as treasurer of the campaign?

A I stuck it out to the end. If you look at the piece of paper I gave you --

Q The piece of paper is the record of the campaign expenditures that you gave us?

A Yes, I see on 11/19, I closed the account and gave a check to Evelyn Batts. So let us say up until that day, I maintained this account, and that was my involvement with the campaign.

Q I am going to hand you now what I have marked as Exhibit A, the letter that you sent to the Federal Election Commission. Would you take a look at that please (handing).

A It is the same letter I have here.

Q In the second paragraph of the letter you indicate that you became aware that Mr. and Mrs. Batts had made expenditures and received funds totalling

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significantly more than had been disbursed through the account, and therefore you refused to sign the report or accept responsibility for the funds that you had no understanding about.

Do you know what happened after you refused to sign the report?

A Well, I went to that office one day and she had employed an accountant, and apparently they had appointed somebody else as the treasurer.

Q Do you know who the accountant was?

A That fellow (handing document to counsel).

Q Richard LaCondre?

A Yes, and somebody else they appointed to a position to sign the reports. That you would have to know because I have never seen the reports.

Q Did you ever sign any of the reports?

A No.

Q So all of the reports were signed by someone else, but in the meantime you continued to keep the financial records?

A I had made the commitment to open this account, and so whatever monies were deposited in the account, I did as I had promised them I would in the beginning, and I took care of them. But most of their expenditures

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had been made outside of this account, which I knew nothing about, which is why I would not sign the report.

Q Let me see if I have this correct. This was an account you had set up. They asked you to be treasurer and you set up an account?

A They didn't ask me to set up any account. That is the decision I made.

Q Were you aware at the time you set up the account whether or not they had another campaign account?

A No.

Q You were not?

A Apparently they had collected sums of money before I became the treasurer. I was not even aware of that until some point after.

Q Did you tell them you were going to set up an account?

A Yes, I did.

Q How did you get the funds to put into that account?

A I got them from somebody, probably Evelyn, his wife, checks that they had received.

Q These would be contribution checks?

A Well, I think I described it there (indicating). Whatever you see there, that is what I got.

2 Q Again you are referring to the documents that
3 you presented to us earlier.

4 AS far as checks that were written on the
5 account you set up, who wrote those checks? Would that
6 be you or Mr. and Mrs. Batts?

7 A I wrote all the checks, the ones in the account
8 that I signed. There were two signatures on the check,
9 mine and Mr. Day. He was a cosignatory of the checks.
10 I set that up so there would be no questions about
11 expenditures made from the account.

12 Q How did you learn that expenditures were being
13 made from another account?

14 A There came a point when Evelyn called me on
15 the phone one day and told me the Committee had to file
16 a financial report as required.

17 Q Do you recall about when that was?

18 A No, but anyway, I went there to the campaign
19 office, wherever it was -- in Mount Vernon. And Evelyn
20 presented me with a long sheet of expenditures and
21 contributions about which I knew nothing. So I told
22 her I could not accept responsibility for that, that
23 all I could accept responsibility for was disbursements
24 made from the account and that is all I would be
25 responsible for. And they asked me about, well, they

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had to do this and they had to do that, which was fine with me, but I was not going to accept the responsibility for attesting to the integrity of the report concerning the sums I knew nothing about. The amount I had handled in the account was hardly a significant portion of what they had spent, so I wouldn't sign the report.

Q Did you have any reason, other than the fact that you were not personally aware of these expenditures and contributions, to think that --

A My feeling was I had not been acting as treasurer since the majority of the funds had been spent by somebody else. That was my feeling and that was the reason I reacted the way I did.

Q Did you have any feeling that there was anything improper about the funds they had spent?

A I don't know what they were doing. I know what I did. And that is why I refused to accept responsibility for a report about which I knew nothing. You have to ask them what they did with the funds -- I don't know -- or where they got them.

Q You mentioned that you had Mr Day as a cosignatory on this account?

A Yes, and he knows even less about this than I did.

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Q Did he have any other involvement in the campaign?

A No. Well, he agreed in the beginning to serve along with me in the capacity of treasurer, he being a cosigner. In order to lend an air of integrity to the thing, we wanted two signatures required on the checks, and that was the extent of his involvement.

Q The Committee filed a statement of organization with the Federal Election Commission which lists you as treasurer.

A I am well aware of that.

Q Did you file that statement or did someone else do it?

A Well, there was a lawyer -- I signed the papers and it was notarized by somebody.

Q So you were aware they were going to do that?

A Of course I was.

Q Do you know Mr. William Stallings?

A It sounds familiar. I believe that is somebody who worked in the campaign, I don't know.

Q But you don't recall Mr. Stallings personally?

A I have heard that name. It is somebody who worked in the campaign, I think.

Q Did you ever have any involvement with Mr.

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Stallings?

A Well, insofar as I was nominally the treasurer of the organization and he was part of the campaign, I had to see him. I must have seen him.

Q Do you recall any instances where you discussed the campaign accounts with Mr. Stallings?

A Never. I discussed it with Evelyn, with Mr. LeCondre. I have never even discussed it with Bennie, just with Evelyn, LeCondre, a woman who assisted Evelyn by the name of Marietta Tanner.

I have never discussed -- I don't think I have ever discussed this with anybody else: my sister, after I got that letter. You sent me a letter stating she had lent the campaign money. I did discuss it with her when I found that out.

Q Do you know whether the campaign received a loan from your sister for about \$8,000?

A I told you, you sent me a letter telling me that and I went to my sister, and she told me she didn't lend them any campaign loan. She told me she loaned the money, but it was not for the campaign. I asked her why she would do something like that without telling me, and she said she didn't. I know the Batts through her, she was friends with them, and she lent them money, but it

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was not for campaign purposes.

Q Do you know if your sister ever lent them money?

A I don't know. You will see her tomorrow, you can ask her. It is part of her personal life.

Q The \$8,000 was not deposited into the account that you were keeping; is that right?

A It is there. What is deposited is right there. I didn't know anything about it.

Q I may be asking some questions that can be answered by looking at the documents, but you understand I need to make a written record, and that is why even though the document is here, I am asking the questions.

A I understand. No, I knew nothing about the \$8,000 loan until you sent me a letter telling me it had occurred, and I discussed it with my sister, and she told me it was not a loan.

Q When you discussed it with your sister, did she tell you what purpose she had loaned them the money for?

A Yes, she did, and not only that, we required Evelyn to come to the house, the one she had been dealing with, and Evelyn did come and they had a discussion about it. It had nothing to do with -- it was not given as a political loan. It was given as a loan to the

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Batts and the security of the loan my sister showed me was some house or property they were selling in Virginia, and they said they needed the money in the interim period. My sister showed me what they gave her as collateral. It had something to do with some property they were selling in Virginia. They needed it for personal reasons. She lent them the money. They gave her collateral.

Q Do you know approximately when she loaned them the money?

A No, you will have to ask her, and I don't know exactly when it was repaid.

Q When was the first time you were aware that the loan money was in fact put into the campaign?

A I am not even aware of that now. I don't know that. I don't know what was done with the loan money.

Q When was the first time you learned that Mrs. Batts was writing checks for campaign obligations outside of this account that you set up?

A Whenever it was that we were required to file this report, that I went to that office, whenever that was, during the summer of that year, some time during the summer.

Q That would have been before your June 19th letter to the Commission, the letter that I showed you

1 before as Exhibit A, June 19?

2 A That is 1985.

3 Q I am sorry.

4 A This occurred in the summer of 1984.

5 Q When did you first tell your sister that you
6 were going to be involved as treasurer of the campaign?

7 A I don't recall. She knew at the time. I
8 don't recall exactly when it was, nor do I recall how the
9 conversation came about.

10 Q Would it be shortly after you accepted the
11 position?

12 A It certainly would have been after because I
13 had no idea I would be doing it until they came to my
14 home and asked me.

15 Q From your conversations with your sister, did
16 you get the feeling she had possibly suggested you to
17 the Batts as the treasurer?

18 A I have never asked her. They may have discussed
19 it with my sister. I don't know. I have never asked
20 her.

21 Q You mentioned before that your sister had
22 dealt with Mrs. Batts with regard to the loan. Was the
23 loan made to Mrs. Batts or Mr. Batts or both, do you
24 know?
25

2 A I have given you what my impression is. My
3 impression was that my sister was dealing with Evelyn.
4 That is my impression, and you will have to ask her
5 specifically to whom she gave the money. My impression
6 of the situation is that my sister was dealing with
7 Evelyn. That is an impression.

8 Q At the time you learned there were funds being
9 expended out of another account --

10 A Wait a minute, I don't know about the account.
11 I know they made considerable expenditures. I don't
12 know where it came from.

13 Q Those expenditures did not come from the account
14 you set up?

15 A No.

16 Q At the time you learned that and you explained
17 to them that you would not sign the report because you
18 were unaware of these expenditures, did you still
19 consider yourself to be the treasurer of their
20 committee?

21 A No, and I told Evelyn, it is obvious I have
22 not been acting as the treasurer, but by this time it was
23 very near the primary date -- I think the primary was
24 held in September; I don't recall now, but it was very
25 near that time -- and she indicated that for me to take

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such a dramatic step at that point would be disastrous for the campaign, and I agreed with that. So I just rode this out to the end.

Q So you retained your position as treasurer, but you were not the person who signed the reports.

A I was still the custodian of this account and nominally I had been indicated as treasurer on the campaign literature. But to the extent of maintaining that account, yes.

Q Did you ever notify the Federal Election Commission of your change of status?

A No.

Q Did the Batts ever ask you to discuss the finances of the account you were keeping with anyone else in the campaign so that they might do their reports?

A Yes, I told you, LeCondre. I sat with Evelyn and LeCondre for that purpose. Of course it is not as complete as it is now, but I gave them the same indication I gave you, the same documents, to the extent they existed at that time.

Q When you had the discussions with Mrs. Batts and Mr. LeCondre, was this prior to the time the report had to be signed or after?

A I don't know. I think the reports were always

2 late. So it may well have been after.

3 Q The first time they asked you to sign the
4 report, was the report already filled out or did they
5 want you to sit down with somebody and fill out the
6 report?

7 A Evelyn had submitted long pages of expendi-
8 tures and receipts, and ostensibly they were to be
9 integrated with my material and the financial report
10 was to be produced. Well, I said I would be glad to
11 sign a financial report concerning the expenditures over
12 which I had control, but under no circumstances am I
13 going to sign for the others because they represented a
14 much larger set of expenditures than had been involved
15 with me. So I said whoever is acting as the treasurer
16 should sign it.

17 Q Do you know at the time when they showed you
18 the pages of receipts, was that a ledger-type thing or
19 was it actual documents showing they had received --

20 A I don't remember. My recollection is it was
21 sheets. I believe that it was just like a typewritten
22 or handwritten list of expenditures and receipts. No, it
23 was not in a ledger, definitely not in a ledger.

24 Q Are you aware of any loans that were made to
25 the committee during the time you were acting as the

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treasurer?

A I have a recollection that Evelyn at one time told me she was lending the campaign some money. I have an impression that Evelyn may have lent the campaign money at some point. But you will have to ask her.

Q Do you recall what the amount was?

A I see an item on 8/2, deposit cash from Evelyn. I guess maybe she was just -- no, I guess not. I don't see any indication of loans.

Q Once again you are now looking at the documents you produced for us earlier. But you recall a conversation that she was going to lend the campaign some money; is that correct?

A I don't know. Maybe she just gave for some reason the campaign \$50. I don't know whether that was a loan or not.

Q What was the amount, \$50?

A I see on the 2nd of August, deposit of cash from Evelyn, \$50.

Q Other than the monies that we have discussed in your records that you kept of your account, are you aware of any other monies that Mr. and Mrs. Batts may have spent on behalf of the campaign?

A No, I have never actually seen the financial

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reports that they issued. I have never seen them other
than the material I prepared. So I don't know. You will
have to get the reports they filed. I don't know. I
don't have them, and I don't know what their expendi-
tures were beyond that.

MS. LERNER: I believe that is all we have to
ask you right now, Mr. Alveranga.

We have a check for your witness fee, which I
am handing you right now, and at this point the deposition
will be closed.

Thank you for your time.

THE WITNESS: If I am in possession of anything
you might want, just write to me and I will mail it to you.

Signed and sworn to before me
this ____ day of _____, 1985.

September 17, 1985

Federal Election Commission
Washington D.C. 20463
Re: MUR 2002

Dear Mr. Robert Rich,

I am enclosing ^{SEP 22 1985} copies of
the checks issued to Mrs. B. B. B. and a copy of the acknowledgment
of my campaign contribution
for \$150. You did not ask
my for any additional
information in your letter
dated 9-13-85.

I hope that this will
make it unnecessary for me
to absent myself from
work, inasmuch as I am
employed at a Neighborhood
Health Center in Lower
Manhattan, specifically
West Health Center at
279 E. 3rd ST, 477-8500.

If you have additional
questions or require additional
documents I will be glad to
provide them.

Sincerely,
Arnell Lewis

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2 STATE OF NEW YORK)
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4 COUNTY OF NEW YORK)
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6 I, Florence Parrella, a Certified Shorthand
7 Reporter and Notary Public within and for the
8 State of New York, do hereby certify:

9 That GLANVIN ALVERANGA, the witness whose
10 deposition is hereinbefore set forth, was duly
11 sworn by me and that this transcript of such
12 deposition is a true record of the testimony
13 given by said witness.

14 I further certify that I am not related to
15 any of the parties to this action by blood or
16 marriage, and that I am in no way interested
17 in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this 14 day of October, 1985.

20
21 *Florence E. Parrella*
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RECEIPT

FOR TELLER'S CHECK FROM
EASTERN SAVINGS BANK
SCARSDALE, N.Y., N.Y.

BRANCH 407

CUSTOMERS COPY

ACCOUNT NO.

FEB 23 84

158596

DRAWN TO
ORDER OF

HEVELYN BATT

11900.00

IN THE THOUSAND DOLLARS AND 00 CENTS
AMOUNT OF

DOLLARS

NOT NEGOTIABLE

DRAWN ON

THE CHASE MANHATTAN BANK, N.A.

1075 CENTRAL PARK AVENUE, GREENVILLE,
SCARSDALE P.O., N.Y. 10583

KEEP THIS RECEIPT

WE CANNOT GIVE INFORMATION OR
SEARCH OUR RECORDS WITHOUT IT

RECEIPT

FOR TELLER'S CHECK FROM
EASTERN SAVINGS BANK
SCARSDALE, N.Y., N.Y.

BRANCH 407

CUSTOMERS COPY

ACCOUNT NO.

159021

DRAWN TO
ORDER OF

HEVELYN BATT

11900.00

IN THE THOUSAND DOLLARS AND 00 CENTS
AMOUNT OF

DOLLARS

NOT NEGOTIABLE

DRAWN ON

THE CHASE MANHATTAN BANK, N.A.

1075 CENTRAL PARK AVENUE, GREENVILLE,
SCARSDALE P.O., N.Y. 10583

KEEP THIS RECEIPT

WE CANNOT GIVE INFORMATION OR
SEARCH OUR RECORDS WITHOUT IT

THANK YOU

FOR YOUR TAX DEDUCTIBLE CONTRIBUTION

OF One Hundred Fifty DOLLARS

ON BEHALF OF

BENNIE O. BATES FOR CONGRESS '84.

VERY TRULY YOURS

BENNIE O. BATT

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September 26, 1985
3:30 o'clock P.M.

5 OCT 9
ALL: 39

DEPOSITION of WILLIAM STALLINGS, taken by
the Federal Election Commission, pursuant to
Subpoena, at the United States Courthouse, 101
East Post Road, White Plains, New York, before
Florence E. Parrella, a Certified Shorthand
Reporter and Notary Public of the State of
New York.

9004032536

1 fpml

2 A P P E A R A N C E S :

3 FOR THE FEDERAL ELECTION COMMISSION
4 1325 K Street N.W.
Washington, D.C. 20463

5 BY: LOIS G. LERNER, ESQ., of Counsel
6 -and-
ROBERT RAICH, ESQ., of Counsel

7

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11 W I L L I A M S T A L L I N G S, having been
12 first duly sworn by the notary public herein,
13 testified as follows:

14 (The witness stated that he resides at
15 27 Nassau Road, Apartment 4, Yonkers, New York
16 10710.)

17 EXAMINATION BY MS. LERNER:

18 Q Mr. Stallings, I am going to ask you a series of
19 questions, and if at any time while I am going through
20 them, you don't understand, please stop me and tell me
21 that you don't understand the question and then I will
22 repeat it or rephrase it.

23 A All right.

24 Q If you don't tell me you don't understand, I
25 will just assume that you did understand that the answer

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Stallings

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is responsive.

A OK.

Q Mr. Stallings, what is your occupation?

A I am an examiner, which is a social worker for the County of Westchester.

Q How long have you had that position?

A November will be nine years.

Q Do you know Evelyn and Bennie Batts?

A Yes.

Q How do you know them?

A They are neighbors. We live in the same neighborhood, within two or three blocks of each other.

Q How long have you known the Batts?

A At least ten years I would imagine.

Q Did there come a time when Mr. Batts told you that he was going to be running for federal office?

A Yes.

Q Do you recall about when that was?

A It has been either the end of 1983 or January of 1984 because they had the first meeting in January, around the 29th, because it is my birthday, I remember. It was early January or late December.

Q You just spoke about a meeting. What was that meeting?

2 A A meeting of the District Leaders of the City
3 of Mount Vernon, where they interviewed people who are
4 running for the office.

5 Q At the time that Mr. Batts told you he was
6 going to be running for office, did he indicate that he
7 wanted you to assist in his campaign?

8 A At that point he told me about it. He said he
9 would like some help, but nothing was specific at that
10 time.

11 Q When did you talk to him about becoming
12 involved in the campaign fund?

13 A I guess there was no real discussion. The
14 thing sort of evolved.

15 Q In January he decided he was going to run; you
16 were aware of that. Did they set up an office to run
17 the campaign?

18 A Much, much later.

19 Q When was that approximately?

20 A He made the announcement in April -- I don't
21 remember, either March or April the announcement was
22 made from the White Plains Hotel, and within a few weeks
23 after that, we set up an office in Mount Vernon.

24 Q Is that the 43 Gramatan Avenue address?

25 A Yes, Gramatan Avenue.

2 Q We received a letter from you November of 1984,
3 and that letter has a 216 Falmouth Road address. Is that
4 your personal address?

5 A No, that is Evelyn and Bennie's address.

6 Q So they set up the office, and what was your
7 responsibility in the office?

8 A At that point I became the campaign manager.
9 That is why I say my position evolved. Initially when we
10 met to organize, they had Billy Roe as the guy they wanted
11 to be campaign manager. He was a former newspaperman
12 with the Amsterdam News, and they wanted him to be
13 campaign manager, and they had a lot of people in-house
14 organizing, and I didn't have a position at that time.
15 Then they moved onto another guy, Paul Dennis. He was
16 director of the Youth Division in New Rochelle. And of
17 course the problem was they couldn't get in touch with
18 him. Either he wasn't around or something so I started
19 taking over the position of campaign manager, and later
20 on they said, He is the campaign manager, because I was
21 doing all the things. So that is how it evolved.

22 Q Did there come a time when you became assistant
23 treasurer to the committee?

24 A Yes.

25 Q Do you know approximately when that was?

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Stallings

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A Here again it sort of evolved also. The guy they had as the treasurer --

Q Mr. Alveranga?

A Alveranga. He was the treasurer, and then they had trouble getting in touch with him and everything else, so following the second or third report, that is when I became treasurer, so we can get the reports in on time because you get penalized if you don't get the reports in on time. So I took a position as assistant treasurer, and a CPA did go over the books and see everything is all right, and so I said I will be assistant treasurer then.

Q Do you know if any reports were filed prior to the time you became assistant treasurer?

A I believe there was. There was at least one before that.

Q Do you recall about when it was that they had the CPA go over the books and you became assistant treasurer?

A Whenever that second report was sent in, within a week or two of that report. Of course I wasn't going to sign any financial forms until someone else checked it, and that is when they got a CPA to go over it, and he said everything was OK, and so then I said

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Stallings

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I will become assistant treasurer.

Q Was there any discussion of making you treasurer instead of Mr. Alveranga, having you take over his position?

A No. The only problem was you couldn't get in touch with him, he was in and out. Some kind of problem developed. I don't know exactly what the problem was.

Q Did you have any dealings with Mr. Alveranga?

A Not really. I have met him. I know him if I see him, but that is the extent of our relationship.

Q Do you recall who the CPA was who reviewed the books?

A No, I don't.

Q Were you aware that Mr. Alveranga had set up a bank account on behalf of the committee?

A Yes, I knew there was a bank account, yes.

Q What bank account were you working from in terms of the records that were being compiled for the reports? Is that the Hudson Valley National Bank?

A I believe so. I am not sure. After the accountant checked the books and said everything checked out OK and the report was in order, he asked me to sign a card and I signed a card, and that made me an assistant treasurer. What bank it was I don't remember because I

2 never wrote any checks or anything. I just signed the
3 report after he said everything was OK.

4 Q Let me hand you a document marked as Exhibit 1,
5 which is the statement of organization for the Batts
6 Committee. This is signed by you.

7 A Yes.

8 Q On here it indicates that the committee's
9 depository is the Hudson Valley National Bank.

10 A Right.

11 Q Do you recall where you got the information
12 to fil this out?

13 A From Evelyn and the CPA.

14 Q Before I talk to you about Mr. Alveranga
15 setting up an account, were you aware that it was
16 separate from this Hudson Valley National Bank? Were
17 you aware that there was an account besides the Hudson
18 Valley National Bank account?

19 A No. You mean the committee had two bank
20 accounts?

21 Q It is possible they were both in the same bank.
22 Did you know the committee had more than one account?

23 A No.

24 Q When you sat down with the CPA and reviewed
25 the accounts, did the CPA fill out the reports or did

2 you?

3 A He did.

4 Q And you just signed them?

5 A Yes.

6 Q Are you aware that Dr. Arlene Alvarenga made a
7 \$8,000 loan either to Mrs. Batts or Mr. Batts during
8 the campaign period?

9 A Yes, I knew she made a loan, but the exact
10 amount, I know it was in the thousands, but the exact
11 amount I don't know.

12 Q How did you learn the loan had been made?

13 A Because Evelyn and Bennie told me they were
14 going to get some money, they were going to make a loan.
15 They borrowed a thousand dollars from me, and they said
16 they needed more money.

17 Q Did they indicate to you the loan was going
18 to be for the campaign, that the money would be used
19 for the campaign?

20 A I don't know if they told me or I assumed it.
21 I knew we needed some money because we didn't have money,
22 and the fund-raisers we attempted didn't raise too much
23 at all. So we definitely needed money. I don't know
24 if they told me or I assumed it was for the campaign,
25 because I also loaned them \$1,000.

2 Q Do you recall when it was that you learned
3 that they were going to get some money from Dr. Alvarenga?

4 A No, I can't tell you a date right now.

5 Q Did you become aware that in fact a loan had
6 been made at some point?

7 A Yes.

8 Q And how did you become aware of that?

9 A They told me.

10 Q I guess what I was really getting at is: Was
11 the money put into the campaign account and in what form?
12 Was it a check from Dr. Alvarenga?

13 A That I don't know. I didn't handle any money
14 at all. I didn't write any checks. The only thing I got
15 involved with, they couldn't get Glanville involved with
16 the second report, they needed someone, an assistant
17 treasurer, and they got the CPA and so I signed this.
18 I don't know how it was done, checks, cash, what.

19 Q Who were the person or persons making the
20 deposits and writing the checks for the campaign?

21 A Evelyn and Glanville.

22 Q As far as you know, all the checks that were
23 written for the committee and all the money that was
24 collected for the committee were put into the Hudson
25 Valley National Bank account?

2 A Yes.

3 Q You mentioned that you had loaned the campaign
4 a thousand dollars. Was that the only loan that you made
5 to the committee?

6 A Yes.

7 Q Did you contribute any funds to the committee?

8 A I think we did \$100, yes, my wife and myself.

9 Q Did there come a time when you received a letter
10 from the Federal Election Commission indicating that there
11 were some problems with the committee's reports?

12 A I think so because I had to write a letter.
13 I imagine so because I remember writing a letter to
14 someone.

15 Q Let me hand you what is marked Exhibit 2
16 (handing). I would like you to take a look at that.
17 Is this the letter you sent to the Federal Election
18 Commission?

19 A Yes.

20 Q In the letter you indicate that Mr. Batts told
21 you that he had made a personal loan from Dr. Alvarenga
22 for \$8,000, and that he doesn't keep his own checking
23 account, Mrs. Batts is the person who deals with their
24 household expenses, et cetera. And so that of the
25 approximately \$11,000, which I guess the Federal Election

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Stallings

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Commission was questioning you about, 8,000 was solely Mr. Batts' money.

Can you explain why you said the \$8,000 was solely Mr. Batts' money?

A I guess he said that he was the one who borrowed the money.

Q And then there is a discussion of the remaining \$3,000, \$1,000 of which was a contribution from Mrs. Batts and the remaining \$2,000 money paid out of the checking account, which includes money from the whole Batts family. What was the \$2,334 which was paid out of that checking account? What was that for, do you know?

A No, I don't.

Q The second paragraph of the letter indicates that monies were paid out of the family checking account to pay the bills of the campaign. Do you know what the total amount was that came out of the family account to pay the bills?

A No, I don't.

Q Would it have been over and above this \$2,334?

A I couldn't tell because I didn't do anything with the money. This was the last report over here I signed (indicating). I wouldn't know. Glanville was

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fpml Stallings

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taking care of that part.

Q I lost you.

A The only thing I knew about was this
(indicating).

Q When you say "this", you are talking about the
statement of organization?

A Yes, everything else, I didn't do nothing. I
drove him around, calling the press, trying to get people
involved at churches, appearances, et cetera. But as far
as the money, I didn't do anything with the money, so I
can't tell you.

Q Do you know who had the financial records of
the campaign?

A It would be Evelyn and Glanville would be the
two people.

Q Are you aware of any loans other than the
\$8,000 from Dr. Alvarenga and the \$1,000 from yourself
that were used in the campaign?

A No.

Q Correct me if I am wrong: Someone else, the
CPA I assume, filled out the reports and then you were
just asked to sign them. Is that right?

A Right, yes.

Q I hand you now what has been marked Exhibit

2 A No, I don't.

3 Q Was this particular report filled out by the
4 CPA?

5 A That I don't know.

6 Q Do you know what documentation might be
7 available that would indicate what these monies
8 represented?

9 A I would imagine she has receipts for papers and
10 printing machine and rentals for the office and everything
11 else. I would imagine she would have the records, but
12 I can't say for sure because I don't know.

13 Q Is the Gramatan Avenue address still the
14 correct one to be sending documents to the committee at?

15 A No, I guess you would send it to his house.
16 There is nothing there any more. I shouldn't say that.
17 They could have rented it to somebody else, but we have
18 nothing there.

19 Q The committee is not there?

20 A Right.

21 Q Have you had any contact with the Batts since
22 the campaign has been ended?

23 A Yes.

24 Q Did your contact have to do with the records
25 of the campaign at all?

2 A No.

3 Q Did you speak to the Batts about the Federal
4 Election Commission's investigation of the committee's
5 reports after you learned of it?

6 A Yes, because it indicated you might need a
7 lawyer, and I was wondering because I knew they had a
8 lawyer in New Rochelle, who had sent some kind of letter
9 or something. So I wanted to know if I have to have a
10 lawyer, and he said, "I don't think there is a need for
11 a lawyer." So I said OK.

12 Q When did your involvement with the campaign
13 end?

14 A In that we are now running his son for City
15 Council in Yonkers, and I was attempting to run myself
16 for County Legislature, so we have been ongoing, we have
17 been trying to do for some time, trying to get people to
18 run for various positions. So it is a weekly contact.

19 Q But that didn't have anything to do with --

20 A No, it had nothing to do with this (indicating).

21 Q Have you discussed with the Batts what
22 questions might be asked at the depositions?

23 A No, we didn't discuss that at all.

24 Q Did you ask them any questions about the
25 records once you received notice from the Commission?

1 A No, I didn't.

2 Q Were there any discussions between yourself
3 and Mr. or Mrs. Batts concerning how the funds received
4 by the campaign should be reported?

5 A You mean during the campaign?

6 Q Right.

7 A More likely I should say yes. I am not sure
8 what, but I am sure at some point. We know they had to
9 be reported, and I forget who went to get the books or
10 something to make sure we followed the procedures. So
11 there had to be some discussion on it at some point.

12 Q Were you involved in any way in filling out
13 the reports other than the signature?

14 A No.

15 Q When did you say it was that Mr. Batts
16 announced he was going to run?

17 A The official announcement had to be March,
18 April, because it was at the White Plains Hotel. That was
19 a Saturday morning. But of course he announced when we went
20 to a meeting in January, the mere fact that he was there
21 announced that.

22 Q Do you know if Dr. Alvarenga ever made a direct
23 contribution to the campaign?

24 A No, I don't know.

2 Q Did you ever speak to Dr. Alvarenga about the
3 loan to the campaign?

4 A No.

5 Q Do you know when Dr. Alvarenga would have
6 learned about Mr. Batts' candidacy?

7 A No, I wouldn't know. See, I am friendly with
8 the Batts and other people who are involved there, their
9 friends, although we all do live in the same neighborhood.

10 Q I may have already asked you this, but let
11 us just clear it up. Other than the \$6,000 that is
12 listed on Page 1 of Exhibit 3 and the \$4,000 listed on
13 Page 2, are you aware of any money that Mr. and Mrs. Batts
14 used to pay campaign obligations, any of their own money?

15 A Would you ask the question again.

16 Q Exhibit 3 says that Mrs. Batts gave \$6,000 to
17 the campaign and on Page 2 it says \$4,000. That is
18 their approximate figure. So that is \$11,000 that Mrs.
19 Batts gave to the campaign. Other than those two
20 figures that I have just pointed out, are you aware of
21 any times when either Mr. or Mrs. Batts paid monies out
22 of their personal accounts to take care of campaign
23 obligations?

24 A No, I wouldn't know about that.

25 Q Although you were signing the reports, did

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Stallings

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A I guess Evelyn. Evelyn and Bennie both were there, so one of them told me.

Q Would I be correct in saying that Mr. and Mrs. Batts actually took care of the whole financial end of the campaign, and you in fact were sort of a figurehead in terms of signing?

A Yes, that would be correct. I only signed this thing. At that point the campaign was just about over. As it turned out anyway, two weeks later it was over.

MS. LERNER: I believe that is all we have for you today. We have a check for a witness fee to give to you (handing to witness).

And we thank you for your cooperation.

That concludes the deposition.

Signed and sworn to before me this

____ day of _____, 1985.

fpml

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STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, Florence E. Parrella, a Certified Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That WILLIAM STALLINGS, the witness whose deposition is hereinbefore set forth was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of October, 1985.

Florence E. Parrella

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THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA
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IN THE MATTER OF: :
MUR 2002 :
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Deposition of BENNIE O. BATTS,
a witness, taken by the Commission pursuant
to notice, at the offices of the United
States Attorney, 101 East Post Road, White
Plains, New York, on Friday, November 7, 1985,
at 5:00 o'clock p.m.

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GENERAL COUNSEL

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A P P E A R A N C E S :

LOIS G. LERNER
ROBERT RAICH
Attorneys for the Commission

FRAZIER DAVIDSON
Attorney for Witness
358 North Avenue
New Rochelle, New York 10801

oOo

IT IS HEREBY STIPULATED AND AGREED

by and between the attorneys for the
respective parties herein, that the sealing,
filing and certification of the within
deposition be waived; that the within depo-
sition may be signed and sworn to before any
officer authorized to administer an oath with
the same force and effect as if signed and
sworn to before the officer before whom said
deposition is taken.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form, are
reserved to the time of trial.

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Bennie O. Batts

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B E N N I E O. B A T T S , residing at 216 Falmuth
Road, Scarsdale, New York, having been first duly
sworn, testified as follows:

EXAMINATION

BY MS. LERNER:

Q Please state your name and address for the
record.

A Bennie O. Batts, 216 Falmuth Road, Scarsdale,
New York.

Q Mr. Batts, are you represented here today by
counsel?

A Yes.

Q And could you please state the name of your
counsel for the record.

A Attorney Davidson.

MS. LERNER: I would like to put a statement on
the record that Mr. Batts presently is not a respondent in
this matter. The Commission has made no finding with regard
to him.

Q Mr. Batts, when did you decide that you were
going to run for Congress?

A Before Congressman Arlinger resigned.

Q Do you remember when?

A I decided before he resigned, and I started

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mms Bennie O. Batts

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to -- first debate we had, which was in January in Mount Vernon, I participated in that debate.

Q Would that be 1984?

A That was the year that we ran, January, yes, 1984. But I decided -- If that was 1984, I decided in 1983, the latter part of 1983, that we would run. And they had a debate at City Hall in Mount Vernon, I think it was the 29th, Mount Vernon. I attended that debate and participated in all of those through the Primary.

Q Do you know a Dr. Arlene Alveranga?

A Yes.

Q Do you know Mr. Glanvin Alveranga?

A Yes.

Q Do you know a gentleman by the name of William Stallings?

A Yes.

Q Did you ever tell Dr. Alveranga that you were going to run for Congress?

A I can't recall telling -- She's a personal friend of the family's. So I didn't go to her, no, I didn't go to her to tell her I was running for Congress. She knew, as far as my memory goes, she knew I was running when, you know, as any other friend would know. Maybe at a social function or some place else. I never went to her personally

2 and said, "I'm running," no. I don't recall ever going to
3 her as an individual saying to Dr. Alveranga, "I'm running
4 for Congress." We don't have that kind of relationship.
5 It's a social relationship.

6 Q Do you recall when the first time was that
7 you may have discussed it with her at a social event,
8 approximately?

9 A I can't remember that. I'll be very honest
10 with you, I don't know. I mean, you know, her kids -- May
11 I say this? You see, we are very close family. And we
12 live very close together. And her kids and my kids are
13 in and out of our homes. For example, we have car pools
14 together with the kids going to secondary school, that kind
15 of thing. So it would be impossible for me to state a
16 definitive date that I said to her that I was running for
17 Congress. I just can't remember that.

18 Q Do you know whether she was aware that you
19 were running prior to the debates you were discussing
20 before?

21 A No, I can't recall that. Unless she was over
22 there in our kitchen at that time, there would be no reason
23 for me to go to her and tell her I was running.

24 Q Do you remember discussing the fact that you
25 were going to run with her prior to the debates?

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Bennie O. Batts

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A You mean -- I don't remember ever telling her that before the debates, no.

Q Do you recall whether you ever told Mr. Glanvin Alvernaga that you were going to be running for office?

A No, I didn't tell him.

Q Was Mr. Alveranga the treasurer of your campaign?

A Yes.

Q Did you ask him to be treasurer?

A I didn't ask him. The committee. We had a committee to elect Bennie Batts, and he was chosen from that committee. They met separately from myself, and the committee chose him as the treasurer.

Q Did the committee discuss with you that they were thinking of asking Mr. Alveranga to be treasurer?

A They would go and meet. He was a friend, as his sister is. Mr. Alveranga and Dr. Alveranga are sisters and brothers. And they met, the committee, and that was a selection made by the committee. I didn't make it. I did not ask him personally to be the committee person.

Q Did you give the committee any input that you thought he would be a good person?

A No, I didn't meet with them. I didn't meet with the committee. They met separately. I was running a lot with Mr. Stallings, but not with Mr. Alveranga. They

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met -- I think they met at his house, and they would come back with a meeting at some point when we would be debriefing. They said that he was chosen as the treasurer. I was very pleased that he was the treasurer, because he is a lieutenant and all like that. He's trained in police science and has a tremendous reputation throughout the community. So I was very pleased to know that. But I did not meet with the committee and make recommendations that he should be treasurer, and I did not ask him.

Q The debates that you were referring to before, would that be the first time you notified the public that you were going to run for office?

A Yes, that was the first time. That debate was covered by the press, and that would -- yes, that's the first time. I think it was January 29th, 1984, a public statement was made, you know, they covered it.

Q Did you ever personally receive any contributions or loans to be used in connection with your campaign, you personally receiving the money?

A No, that -- You see, let me say this. My wife would go -- Whatever loans -- I wasn't -- From January the 29th, I ran. It was a rugged campaign, four people there. And I didn't miss one of those debates. Must have been about thirty-five. So my wife would tell me what was going

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on. If there was problems with money, she would discuss what she was going to do, you know, what she had done. And I did not keep the records. I did the same thing with my campaign as I did with my personal life. When I had monies or whatever, she handled that end of it. I didn't get involved in the finances of my campaign.

Q Mr. Alveranga was the treasurer of your campaign on record with the Federal Election Commission, and Mr. Stallings was the assistant treasurer on record with the Federal Election Commission. Mr. Stallings signed the reports. Mr. Alveranga did not. Do you know what the reason was that Mr. Alveranga did not sign the campaign reports?

A No, I don't know why he didn't sign them. He never told me why he didn't sign them. He negotiated with the committee, and my wife was part of that committee. But Mr. Stallings, he said, Mr. Stallings told me this, that at some point that there was a deadline to be met, and he -- this is what he said verbally to me. And that for whatever reason they could not get in touch with Mr. Alveranga, so he signed off that report, whatever time it was -- I don't remember now -- in order to meet the deadline.

Q How would you explain your wife's position with

2 the campaign?

3 A Well, I mean, she was kind of overall office
4 manager, or whatever. I mean, she was kind of in and out
5 of, you know, like any wife would be with her husband. She
6 was watching everything and she was there every day.

7 Q What was the extent of her involvement with
8 regard to contributions coming in?

9 A Before I try to answer the question, let me
10 make sure I understand it. Would you repeat that again,
11 please?

12 Q With regard to contributions that came in to
13 the campaign, what would your wife's involvement be, once
14 a contribution came in to the campaign? Would she be
15 aware of that?

16 A I guess if -- Well, I've seen her on some
17 occasions, if there was -- She and Alveranga worked very
18 closely together, the treasurer, you know.

19 Q You mean Glanvin?

20 A Glanvin, right. The two of them ran -- you
21 know, they were the ones, seemingly was closer to whatever
22 monies were needed or monies that were coming in.

23 Q Did you ever use any of your personal funds in
24 your campaign?

25 A Yes, I used my personal funds.

2 Q Do you know about how much?

3 A I don't know. My wife would have to answer that.
4 I'm not being evasive with this, but you know, whatever I
5 do, before I ever decided to run for Congress, I come home
6 and give it to my wife and she does the disbursements.

7 Q Do you have your own checking account?

8 A No.

9 Q Does your wife have a checking account?

10 A Yes.

11 Q Is the family money kept in your wife's checking
12 account?

13 A Whatever family money that comes in is kept in
14 the account. I would assume you're talking about my
15 children, the family.

16 Q What I was talking about was any money that's
17 used by your family.

18 A Yes, is kept in her checking account, yes.

19 Q You stated before that you had given your per-
20 sonal money to the campaign. Would that money --

21 A I said I gave -- Oh, I see what you mean. Let's
22 put it this way. Whatever monies I had, I gave it to my
23 wife, and I assume that if something was needed, she took
24 that money and put it in the campaign, if it was necessary,
25 if we had it.

2 Q If money was used from your personal funds
3 for the campaign, would it have come out of the family
4 checking account?

5 A Yes. If I gave it to my wife, she -- I
6 would assume she would put it in the checking account where
7 all our other family money was, especially at the beginning,
8 before we organized. You know, we were running in January.
9 Say from January, if I gave her money, I'm sure she put it
10 in the checking account to do whatever we had to do. Because
11 that was a full fledged race at that time. In January, we
12 were running full time. There was no -- It wasn't a -- You
13 couldn't be employed at that time. It was a full-time job,
14 eight hours a day. And we did that for almost eleven
15 months, from January to September.

16 Q Is your wife's checking account the only
17 family account involved in your family? Are there other
18 checking accounts or bank accounts?

19 A No, that's it.

20 Q Can you explain why campaign obligations would
21 have been paid out of your personal account, rather than --
22 "personal" meaning your wife's family account -- the campaign
23 account?

24 A No, I can't explain it.

25 Q Were you aware that Glanvin Alveranga had set up

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Bennie O. Batts

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a campaign account for the committee?

A Yes. Yes, he did that sometime -- I remember when they were meeting, it was roughly around -- I don't know the exact date, but sometime in the early spring, April or May, or sometime like that. Because there was a lot of meetings.

Q Do you know whether there was another campaign account, other than the one Mr. Alveranga set up, that was specifically for the campaign?

A No, I don't know. My wife would know that. I'm not aware of any.

Q Do you know whether most of the financial activity of the campaign was carried out through Mr. Alveranga's account, or whether it was through your wife's checking account?

A I think he would answer that question. As I told you at the beginning, I did not handle the finances of my campaign. Alveranga and those people that you talked about before were the ones that were involved. I was not involved in the finances. The committee did that.

Q Was your wife also involved in the committee's campaign finances?

A What do you mean? I don't understand.

Q Well, you stated before that she seems to be

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2 the one with the knowledge of monies that came in and went
3 out, and that she was sort of office manager.
4 A Office manager, right, campaign manager.
5 Q So would it be true to say that she was also
6 involved in the campaign financing contributions coming in
7 and expenditures going out?
8 A You know, again, not to be -- I can't speak for
9 what she did, other than I can say she was there daily and
10 she was involved. I was hoping that she was involved in
11 everything that was going on, she was managing the whole
12 affair.
13 MR. DAVIDSON: Just say you don't know, if you
14 don't know.
15 A I don't know. I don't know.
16 Q Let me clarify this.
17 If I ask you a question --
18 A Yes.
19 Q -- and you don't know the answer, --
20 A Well, okay.
21 Q -- just say you don't know.
22 A I don't know.
23 Q I don't want you to make up an answer.
24 A I'm not making it up. I just don't know. I
25 thought I said that over and over again. I don't know. I

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Bennie O. Batts

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was running.

Q Do you know who prepared the reports filed by your committee with the Federal Election Commission?

A That was an accountant. The committee had an accountant, yes.

Q Would that be a Mr. Le Condre?

A Yes.

Q Do you know Marietta Tanner?

A Yes.

Q Did she have a place in the campaign?

A No, she did as a personal friend of mine. She put out a news letter and did a very fine job.

Q Was she involved with the campaign finances at all?

A Not that I know of. I worked with her. She would --

MR. DAVIDSON: Just answer the question. You answered the question already, didn't you?

Q Did you seek a loan from Dr. Alveranga sometime in 1984?

A Did I seek a loan?

Q Yes, you personally.

A My wife went to Dr. Alveranga and got a loan from her for personal use, which we paid taxes with. And

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Bennie O. Batts

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I was aware of that. And she let us have the loan.

Q Did Dr. Alveranga deal solely with your wife concerning the loan?

A Well, I mean, I was aware that my wife was going to ask, and she loaned the money to use for personal use.

Q Were you ever present during the discussions concerning the loan?

A No. I mean, I wasn't there, but I was aware of the transaction.

Q Do you know what the terms of the loan were? Was there any interest or collateral or repayment time?

A There was a collateral. We had some property to sell, and it was a friendly transaction, as far -- There wasn't any interest or anything like that. But the collateralization was the fact that we sold some property to get this money at some point to pay her back.

Q Do you know whether that loan money was ever used for campaign purposes?

A No, it wasn't used for campaign purposes.

Q Do you know whether that loan money was deposited in your wife's checking account?

A No, I don't know that.

Q Do you know what form the loan came in from

2 Dr. Alveranga? Was it cash or was it a check?

3 A No, I don't know.

4 Q At the time your wife asked Dr. Alveranga for
5 the loan, was she aware that you were running for office?

6 A At that time that she asked for the -- Yes.

7 Q Do you know when it was that your wife asked
8 Dr. Alveranga for the loan?

9 A I don't know the exact date, no.

10 (Pause)

11 Q My co-counsel tells me my question was unclear,
12 so let me ask you again.

13 At the time your wife asked Dr. Alveranga for
14 the loan, do you know whether Dr. Alveranga was aware that
15 you were running for office?

16 A At the time, yes, she knew I was running for
17 office.

18 Q Dr. Alveranga knew?

19 A Yes. Yes.

20 Q Do you know whether there was any discussion
21 between your wife and Dr. Alveranga concerning using the
22 loan money for campaign purposes?

23 A No.

24 Q Did you or your wife, to your knowledge, ever
25 ask Dr. Alveranga for a contribution to your campaign?

2 A No, I didn't ask her for a contribution.

3 Q Do you know whether your wife ever asked her?

4 A No.

5 Q Is that no, you don't know, or no, she didn't
6 ask?

7 A I don't know.

8 Q Have you or your wife ever borrowed money from
9 Dr. Alveranga prior to 1984?

10 A Yes.

11 Q Do you know how many occasions that was?

12 A No.

13 Q Do you know approximately when?

14 A No.

15 Q Was it your wife who always dealt with
16 Dr. Alveranga?

17 A Yes.

18 Q Did your wife ever loan your campaign any money
19 that you're aware of?

20 A Yes, I think she did. I don't know the nature
21 of it, but I do think she did loan the campaign some
22 money.

23 Q Do you know whether your wife made any contri-
24 butions to the campaign?

25 A I don't know.

2 Q If your wife loaned the campaign money, would
3 that money have come from her checking account?

4 A Would it have -- You mean, would it have come --
5 I don't understand the nature of the question.

6 Q You indicated before that the family has
7 basically one bank account.

8 A Oh, yes, yes, you mean would that money have
9 come out of there. Yes. She doesn't walk around with cash.
10 Yes. The answer is yes.

11 Q Are you aware that your attorney has sent a
12 reply to certain questions to the Federal Election Commis-
13 sion on your behalf?

14 A Yes.

15 Q Did you see that reply prior to the time it was
16 sent to the Commission?

17 A I met with Attorney Davidson, and he asked me
18 questions as you're asking.

19 Q Did you actually see the letter that he sent
20 us, however?

21 A Did I see the letter?

22 MR. DAVIDSON: He saw it after I sent it out.

23 Q You have seen the letter, however?

24 A Yes.

25 MS. LERNER: Okay, I'm going to hand the court

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Bennie O. Batts

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reporter a two-page document, entitled, "Reply on Behalf of Bennie O. Batts to Questions from Federal Election Commission" and "Additional Reply on Behalf of Bennie O. batts," Exhibit 1.

(Two page document was marked Commission's Exhibit 1, for identification, this date)

Q I would ask you to take a look at the exhibit.
Take some time and look at it.

MR. DAVIDSON: Read it. She's going to ask you questions on it.

THE WITNESS: I don't have my glasses.

(Pause)

A I don't have my glasses.

Q Let me ask you this, then. At the time that you reviewed the letter, after your attorney had sent it to us, did it appear to you that the information contained in the letter was the correct information concerning the questions that were asked?

A Yes.

MR. DAVIDSON: Do you have a copy? This is the only one? That's all right.

Q On Page 2 of Commission's Exhibit 1, Question 2:
"General estimates of contributions to the account," meaning
the family account, "9/1/83 through 9/1/84." And there are

2 indicated several figures of money that was placed into the
3 account.

4 Do any of those represent the money that came
5 from Dr. Alveranga's loan?

6 A No.

7 Q Was Dr. Alveranga's loan placed in the account?

8 A Not to my knowledge. I don't know.

9 (Pause)

10 MS. LERNER: I believe that's all the questions
11 I have.

12 What do you want to do about signature on this
13 one?

14 MR. DAVIDSON: I would like to look at it.

15 MS. LERNER: Okay, so you're not waiving.

16 MR. DAVIDSON: Is that what the usual procedure
17 is, to waive the signature here?

18 MS. LERNER: It depends on you.

19 MR. DAVIDSON: I prefer reading it.

20 MS. LERNER: There is no problem with that.

21 When we get it, we will send it to you for signing, and then
22 you can send it back to us.

23 MR. DAVIDSON: All right.

24 MS. LERNER: Let the record reflect that I am
25 giving Mr. Batts his witness fee check.

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Bennie O. Batts

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C E R T I F I C A T E

I, Mary M. Staten, a certified Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That BENNIE O. BATTS, the witness whose examination is hereinbefore set forth, was duly sworn by me and that such examination is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of the matter.

In witness whereof, I have hereunto set my hand this 13th day of December, 1985.

Mary M. Staten

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Bennie O. Batts	3

EXHIBIT INDEX

<u>Commission</u>	<u>Page</u>
1 (id) Two page document entitled "Reply on Behalf of Bennie O.Batts to Questions from Federal Election Commission" and "Additional Reply on Behalf of Bennie O. Batts"	19

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Bennie O. Batts

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THE WITNESS: I get a check?

MR. DAVIDSON: I told you that.

MS. LERNER: That concludes the deposition.

Bennie O. Batts

Sworn to before me

this _____ day of _____, 198

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THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

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IN THE MATTER OF: :

MUR 2002 :

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35 DEC 18 A 9:53

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Deposition of EVELYN D. BATTS,
a witness, taken by the Commission pursuant
to notice, at the offices of the United States
Attorney, 101 East Post Road, White Plains,
New York, on Friday, November 7, 1985, at
4:10 o'clock p.m.

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A P P E A R A N C E S:

LOIS G. LERNER
ROBERT RAICH
Attorneys for the Commission

FRAZIER DAVIDSON
Attorney for Witness
358 North Avenue
New Rochelle, New York 10801

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IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the
respective parties herein, that the sealing,
filing and certification of the within
deposition be waived; that the within depo-
sition may be signed and sworn to before any
officer authorized to administer an oath with
the same force and effect as if signed and
sworn to before the officer before whom said
deposition is taken.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form, are
reserved to the time of trial.

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mms Evelyn Batts 3
EVELYN D. BATT S, residing at 216 Falmouth
Road, Scarsdale, New York, having been first duly
sworn, testified as follows:

EXAMINATION

BY MS. LERNER:

Q State your name and address for the record,
please.

A I plead the Fifth.

MR. LERNER: I don't think she has the right
to plead the Fifth with regard to her name. She doesn't
have a right to do that. To state her name is not
incriminating.

MR. DAVIDSON: I know.

MS. LERNER: How about if we do this one
question at a time with regard to less incriminating
questions, because I'll have to go down all the questions,
anyway. So let's get some introductory questions done that
I don't think are a problem to you and have her answer
those. And then at the point where you think we're getting
into substance, go ahead and do it that way.

MR. DAVIDSON: Off the record.

(Discussion off the record)

MS. LERNER: Back on the record.

Q Please state your full name for the record.

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Evelyn Batts

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2 A Evelyn D. Batts.

3 Q Mrs. Batts, are you employed?

4 A Yes, I am.

5 Q Where are you employed?

6 A New York City Health and Hospitals Corporation

7 at the Sydenham Neighborhood Family Care Center.

8 Q Are you being represented here today by an
9 attorney?

10 A Yes, I am.

11 Q And what is your attorney's name?

12 A Mr. Davidson.

13 Q Is Bennie O. Batts your husband?

14 A Yes, he is.

15 Q Did Mr. Batts decide to run for office --

16 MR. DAVIDSON: Plead the Fifth on this.

17 MS. LERNER: Can you let me finish the question,
18 please?

19 MR. DAVIDSON: Sorry.

20 Q Did Mr. Batts decide to run for office sometime
21 in 1983?

22 A Yes.

23 Q Do you recall when he told you he might run for
24 office?

25 A Fifth.

2 MS. LERNER: When you're saying the "Fifth,"
3 I would like to make it clear on the record that Mrs. Batts
4 is exercising her Fifth Amendment right.

5 MR. DAVIDSON: That's correct.

6 Q When did your husband publicly announce that
7 he was going to run for office?

8 A Fifth.

9 MS. LERNER: I want to read a statement into
10 the record here.

11 Mrs. Batts, I'm not authorized to compel you
12 to give me any evidence or testimony to which you may
13 assert your privilege against self-incrimination, and I
14 don't have any intent to do so. But be advised that I do
15 not have the authority to grant you any immunity in this
16 matter, and I cannot therefore grant you immunity in terms
17 of your testimony.

18 All the questions that I will ask you will be
19 with the understanding that if you wish to assert your
20 privilege against self-incrimination, you may merely state
21 that you are refusing to answer the question on the grounds
22 that your answer may tend to incriminate you.

23 If you choose to answer a question, that does
24 not mean that you have waived that privilege. In other
25 words, what I'm trying to say is, you can choose to answer

2 (Discussion off the record)

3 MS. LERNER: Back on the record.

4 Could you read me the last question, please.

5 (Last question and answer read)

6 Q I may have asked this question, but I'm going
7 to repeat it, because I can't remember where I am.

8 Was money from your personal checking account
9 ever used to pay any of the obligations of the campaign?

10 A The Fifth.

11 Q How is any money that came out of your personal
12 checking account to pay obligations for the campaign
13 reported on the campaign reports?

14 MR. DAVIDSON: I don't understand the question.

15 MS. LERNER: This is a follow-up question to
16 the previous question.

17 MR. DAVIDSON: I got it.

18 Take the Fifth.

19 Q How much money from your personal checking
20 account was used for campaign purposes.

21 MR. DAVIDSON: Fifth.

22 MS. LERNER: Could you please have the witness
23 state the privilege?

24 A The Fifth.

25 Q How is any money that came out of your personal

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Evelyn Batts

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checking account given to the committee for its use?

MR. DAVIDSON: Fifth.

A Take the Fifth.

Q If any campaign obligations were paid out of your personal checking account, why did you pay for the campaign obligations out of that account?

MR. DAVIDSON: Repeat the question, please.

Q If any campaign obligations were paid out of your personal checking account, could you explain why they were paid out of the personal checking account, rather than the campaign account?

(Pause)

MR. DAVIDSON: Take the Fifth on that.

A Fifth on that one.

Q Please speak a little louder, so she can hear you.

A I said I'll take the Fifth on that.

Q All right. Thank you.

Could you describe your family checking account, in terms of whose name is on the account?

A Evelyn Batts.

Q Are any of your other family members named on the account?

A No.

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1 rms Evelyn Batts 9

2 Q Are you the only family member that can write

3 checks on the account?

4 A I'll take the Fifth on that.

5 Q Does the money in the family checking account

6 come from any other family member than yourself?

7 A Yes.

8 Q Can you tell who those members are?

9 A My husband, from time to time different ones

10 of my children. If they have extra money, they -- I hold

11 it for them in my account.

12 Q How many children do you have?

13 A Six.

14 Q What are their names, please?

15 A Starting with the oldest, Bennie, Jr., Carlton,

16 Ronald, Wendell, Marla and Evander.

17 Q Do you know how much each of your family

18 members has contributed to that account since it's been

19 opened?

20 A Since it's been opened?

21 Q How long has the account been open?

22 A I don't know how many years.

23 Q During the time that your husband was running

24 for office, do you know how much each member had in the

25 account at that time?

2 MR. DAVIDSON: Fifth.

3 A I take the Fifth on that one.

4 Q Do you recall having a conversation in November
5 of 1984 with an individual by the name of Pat Shepherd from
6 the Reports Analysis Division of the Federal Election
7 Commission?

8 MR. DAVIDSON: Fifth Amendment.

9 A The Fifth on that one.

10 Q Do you know a gentleman by the name of Glanvin
11 Alveranga?

12 A Yes, I do.

13 Q Is he the treasurer of your husband's campaign?

14 MR. DAVIDSON: Fifth Amendment.

15 A Fifth.

16 MS. LERNER: I'm going to have to object to
17 her taking the Fifth on that. This question relates to
18 another person.

19 MR. DAVIDSON: I know.

20 MS. LERNER: She doesn't have any Fifth Amend-
21 ment privilege which relates to information concerning
22 another person, only about herself.

23 MR. DAVIDSON: I know.

24 MS. LERNER: I have not asked --

25 MR. DAVIDSON: That's the reason I asked why

1 mms Evelyn Batts 11
2 are you talking about somebody else. I thought she was the
3 target. Why are we talking about somebody else?

4 MS. LERNER: I'm sorry. I don't understand.

5 MR. DAVIDSON: Why are we discussing somebody
6 else if she's the target?

7 MS. LERNER: As I explained to you, there is
8 more than one respondent in this matter.

9 MR. DAVIDSON: Yes.

10 MS. LERNER: The questions go to the other
11 respondents.

12 In this case, Mr. Alverange is on the record
13 with the Commission as being the Treasurer of the campaign.
14 I'm asking her questions concerning him. I'm not asking
15 her questions concerning her. So she has no privilege, as
16 far as I'm concerned, with regard to --

17 MR. DAVIDSON: You ask the questions and we'll
18 answer as we see fit. Okay?

19 Q Do you know a gentleman by the name of William
20 Stallings?

21 A Yes, I do.

22 Q Was Mr. Stallings the assistant treasurer of
23 your husband's campaign?

24 A Yes.

25 Q Did Mr. Stallings sign the campaign reports that

were submitted to the Federal Election Commission?

MR. DAVIDSON: She wouldn't know that.

Q Do you know?

A No, I don't.

Q If Mr. Stallings was the assistant treasurer to the campaign, why would he sign the Federal Election Campaign Reports, rather than the treasurer?

MR. DAVIDSON: Take the Fifth. You don't know that.

MS. LERNER: Excuse me. I'm going to have to object. There is a difference between saying "The Fifth Amendment," and saying "I don't know the answer to the question."

MR. DAVIDSON: I understand what you're saying.

MS. LERNER: I would appreciate if she would answer in that way.

MR. DAVIDSON: You can answer that.

A I plead the Fifth.

MR. DAVIDSON: No, you can answer.

A I don't know.

MR. DAVIDSON: All right.

Q Did you know that Glanvin Alveranga had set up a campaign account for your husband's campaign at the Hudson Valley National Bank?

EXHIBIT 15
CONTENT

1 mms Evelyn Batts 13
2 MR. DAVIDSON: If you don't know, you don't
3 know.
4 A I don't know.
5 Q How do you know Mr. Alveranga?
6 A He's been a friend for many years. I know the
7 whole family.
8 Q How was it determined that Mr. Alveranga would
9 become the treasurer of your husband's campaign?
10 MR. DAVIDSON: If you don't know, say you don't
11 know.
12 A That, I don't know.
13 Q Were you involved in that decision?
14 MR. DAVIDSON: No.
15 A No.
16 MS. LERNER: I would ask you to wait for your
17 client to answer the question. Please don't answer for
18 her.
19 Q Do you know if there was another campaign
20 account, other than the one set up by Mr. Alveranga that
21 was used for the campaign?
22 A No.
23 Q You don't know, or no?
24 MR. DAVIDSON: You don't know.
25 A I don't know.

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Evelyn Batts

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MR. DAVIDSON: One minute.

If you don't know, just say you don't know.
Don't guess. Some things they ask, I never heard before.
If you don't know, just say you don't know.

(Pause)

Q Were you involved in the administration of your
husband's campaign at all?

A Yes.

Q What did you do for the campaign?

MR. DAVIDSON: Plead the Fifth.

A I plead the Fifth.

Q Did you handle any of the campaign's finances?

MR. DAVIDSON: Fifth.

A I plead the Fifth.

Q Would it be accurate to say that you were
acting in the position of treasurer, even though you were
not listed on the statement of organization of the campaign
as the treasurer?

MR. DAVIDSON: Fifth Amendment.

A I plead the Fifth on that.

MR. DAVIDSON: She wants to answer that she was
not acting as treasurer.

Q All right, would you please state that?

A I was not acting as treasurer.

EXHIBIT
CONTINUED
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Evelyn Batts

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Q Do you know a Dr. Arlene Alveranga?

A Yes, I do.

Q Did you seek a loan from Dr. Alveranga in 1984?

MR. DAVIDSON: Plead the Fifth.

A I'll take the Fifth.

Q Do you know who filled out the reports that were filed by your husband's campaign with the Federal Election Commission?

A Yes, I do.

Q Who was that?

A The accountant, Mr. Richard Le Condre.

Q Do you know a person by the name of Marietta Turner?

A Tanner.

Q Tanner.

A Yes.

Q Did Marietta Tanner have any place in the campaign? Did she work for the campaign?

A Yes, she did.

Q What was her position?

A She did public relations. She helped get out literature. She went door to door. She did photography. She took pictures. She did a lot -- many things. She helped raise funds.

2 Q Do you know a person by the name of Roosevelt
3 Day?

4 A Yes.

5 Q Did Mr. Day have any involvement in the cam-
6 paign?

7 A I need to answer that in two ways. Officially,
8 yes. Unofficially, no. I mean, officially, yes.

9 Q What was his involvement that you know of?

10 A He assisted Mr. Alveranga, also.

11 Q Did you ask Dr. Alveranga for an \$8,000 loan in
12 1984?

13 MR. DAVIDSON: Plead the Fifth.

14 (Pause)

15 MS. LERNER: Would you like to go outside?

16 MR. DAVIDSON: Yes.

17 MS. LERNER: We'll go off the record for a
18 moment.

19 (Discussion off the record)

20 MS. LERNER: Go back on the record.

21 Q Did you ask Dr. Arlene Alveranga for an \$8,000
22 personal loan in 1984?

23 MR. DAVIDSON: You want to answer, or you want
24 to take the Fifth. You make up your mind.

25 A The way it's worded, I don't see how I can

9 J J 4 0 3 2 5 9 2

1 mms Evelyn Batts

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2 answer it. I plead the Fifth.

3 Q Did you ask Dr. Alveranga for an \$8,000 loan to
4 be used in the campaign during 1984?

5 A No, I did not.

6 Q Did Dr. Alveranga make an \$8,000 loan to your
7 husband's campaign in 1984?

8 A No, she did not.

9 Q Has Dr. Alveranga, prior to 1984, ever made any
10 loans to you?

11 A Yes.

12 Q Do you recall how many occasions?

13 A I would say twice large amounts, but then small
14 amounts. It's hard to say.

15 Q With regard to the two larger amounts, what
16 were the reasons that you borrowed the money from
17 Dr. Alveranga?

18 A The same reason I borrowed it this time, to
19 pay taxes, real estate taxes.

20 Q Do you recall in what form you received the
21 loan money from Dr. Alveranga? Was it cash or a check?

22 A Checks.

23 Q Do you recall what the terms of the loan between
24 you and Dr. Alveranga were?

25 A Well, I don't know how you can say "terms."

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mms Evelyn Batts 18
I was to pay her back, to return the money, in about thirty days, you know.

Q Was there any written contract on the loan?

A No, no.

Q At the time that you asked Dr. Alveranga for a loan in 1984, do you know whether she knew that your husband was going to run for office?

MR. DAVIDSON: Plead the Fifth.

A I can plead the Fifth.

Q Did you ever talk to Dr. Alveranga about the fact that your husband was thinking of running for office?

MR. DAVIDSON: Fifth Amendment.

A Fifth on that one.

Q If you had any conversations with Dr. Alveranga concerning your husband's running for office, when would they have occurred?

MR. DAVIDSON: Fifth Amendment.

A Plead the Fifth.

Q Did you ever loan the campaign any money from yourself?

A Yes.

Q Do you know how much that was?

MR. DAVIDSON: If you remember.

Q Approximately.

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1 mms Evelyn Batts 19
2 A I'm trying to think approximately. I don't
3 remember, because I remember \$1,000 one time, another 1,000
4 I gave him, 500 another time. I don't know. I would say,
5 off the bat, maybe four, five thousand dollars. I'm not
6 sure.

7 Q Aside from these loans, did you make any
8 direct contributions to the campaign?

9 MR. DAVIDSON: Plead the Fifth.

10 A I plead the Fifth.

11 Q With regard to the loans that you made to the
12 campaign, did they come out of your family checking account?

13 MR. DAVIDSON: The Fifth.

14 A I plead the Fifth.

15 (Pause)

16 MS. LERNER: I believe that takes care of the
17 questions that we have for you. I am going to give you a
18 check for your witness fee for appearing today.

19 Let the record reflect that I am handing
20 Mrs. Batts her check.

21 And we have to determine whether you want to
22 review and sign, or do you want to waive your signature on
23 the deposition?

24 MR. DAVIDSON: We would rather review it. You
25 send it to us for review.

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Evelyn Batts

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C E R T I F I C A T E

I, Mary M. Staten, a Certified Shorthand
Reporter and Notary Public within and for the
State of New York, do hereby certify:

That EVELYN D. BATTS, the witness whose
examination is hereinbefore set forth, was duly
sworn by me and that such examination is a
true record of the testimony given by such
witness.

I further certify that I am not related
to any of the parties to this action by blood
or marriage, and that I am in no way interested
in the outcome of the matter.

In witness whereof, I have hereunto set
my hand this 13th day of December, 1985.

Mary M. Staten

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Evelyn Batts

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MS. LERNER: Yes.

MR. DAVIDSON: Okay.

MS. LERNER: That concludes Mrs. Batts' deposition.

Evelyn D. Batts

Sworn to before me

this _____ day of _____, 193

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THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA
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IN THE MATTER OF: :
MUR 2002 :
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Deposition of DR. ARLENE ALVERANGA,
a witness, taken by the Commission pursuant
to notice, at the offices of the United States
Attorney, 101 East Post Road, White Plains,
New York, on Friday, November 7, 1985, at
1:05 o'clock p.m.

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A P P E A R A N C E S:

ROBERT RAICH
LOIS G. LERNER
Attorneys for the Commission

oOo

D R. A R L E N E A L V E R A N G A, residing at
18 Nimitz Road, Yonkers, New York, having been
first duly sworn, testified as follows:

EXAMINATION

BY MR. RAICH:

Q State your name and address for the record,
please.

A Dr. Arlene Alveranga, 18 Nimitz Road, Yonkers,
New York.

Q Have you ever had your deposition taken before?

A No.

Q I'll be asking you a number of questions. If
at any time you don't understand a question, just let me
know, and I will try to rephrase it in a way that you will
understand the question. If you fail to tell me that you
do not understand the question, I will assume that you do
understand. Is that clear?

A Yes.

Q She'll take down every word we say, and she can

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only record words, not gestures. So I ask you to answer the questions with words and clearly. Is that clear?

A Yes.

Q What is your occupation?

A Physician.

Q And who are your employers?

A NENA Health Center in Manhattan.

Q Any other employer?

A No.

Q Have you had any conversations with anybody concerning this deposition or your answers to the questions I'm asking you?

A Conversations with anyone?

Q Yes.

A Like who?

Q Anyone at all, concerning this deposition or your answers to these questions.

A I talked with my brother.

Q And that would be Glanvin Alveranga?

A Yes.

Q Anybody else?

A No.

Q And what was the substance of your conversation with Glanvin?

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A Glanvin came to me because he had gotten a letter. And we discussed what was in his letter. I had not yet received a letter at that time. There was considerable discussion about -- Well, he didn't know anything about my contribution, and most of the discussion revolved around that and my questioning him -- my not understanding why there was some problem with a loan.

Q The letter you're referring to is the letter you got from the Federal Election Commission?

A That he got. I had not yet gotten a letter. He got a letter first.

Q I see.

And was that the extent of the conversation?

A Extent?

Q Yes. Did you talk about anything else, other than the loan, with Glanvin?

A Well, I just said about the difficulties that you were mentioning in the letter, the illegality or whatever. I tried to get some understanding from him of what that involved.

Q About when was this conversation, approximately?

A Sometime in June.

Q 1985?

A Yes.

2 Q Do you know Bennie Batts?

3 A Yes.

4 Q Do you know Evelyn Batts?

5 A Yes.

6 Q Did you make an \$8,000 loan to Evelyn or Bennie
7 Batts?

8 A Yes.

9 Q In 1984?

10 A Yes.

11 Q To whom was the loan made?

12 A Evelyn Batts.

13 Q And about when was that loan made?

14 A It was in two parts, actually, early in the
15 year. You have the copies of the checks. It was early in
16 '85.

17 MR. RAICH: I have before me a one-page docu-
18 ment. It is copies of two receipts for checks and an
19 acknowledgment of a campaign contribution.

20 I am handing this to the court reporter to mark
21 as Exhibit Number 1.

22 (Document containing two checks receipts and
23 contribution acknowledgement was marked Commission's
24 Exhibit 1, for identification, this date)

25 Q I'm handing you what has been marked as Exhibit

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Number 1. Is that the copy of the two checks that constituted the loan you made to Evelyn Batts?

A Oh, it's '84. I'm mixed up. '84. Yes.

Q Why was the loan made in two installments?

A At first, she asked me for \$1,000. Then some time later, she said that she was going to sell some property in the south and she needed more money and asked me if I could lend her an additional amount until that property sale went through.

Q About when did she ask you the first time to lend her money?

A Must have been just before I gave it to her, February 23rd.

Q Same day?

A Oh, not the same day, no.

Q Approximately how long before February 23rd did she ask you?

A Within that week, I would suppose.

Q And when was the second time she approached you and asked you to lend her money?

A I suppose shortly before the second check, within a week.

Q Within a week before March 22nd, 1984?

A Yes.

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Alveranga

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2 Q Did you speak only to Mrs. Batts about this
3 loan?

4 A Oh, yes.

5 Q Did you talk to Mr. Batts at all regarding this
6 loan?

7 A Absolutely not.

8 Q How many times total did you talk to Mrs. Batts
9 concerning this loan?

10 A Well, I don't talk to her regularly. I would
11 suppose it would have been once before each loan. Well,
12 maybe twice. I don't know.

13 Q When was the very first time you spoke to her
14 about the loan at all?

15 A It would have been -- you just asked me that
16 -- within the week. I would suppose, within the week before
17 the loan was made.

18 Q Would it have been within the week before
19 February 23rd, 1984?

20 A Yes.

21 Q And what is your best guess about the number of
22 other times you spoke to her concerning this loan?

23 A You mean before the loan or after?

24 Q Both.

25 A Well, I don't know how many times I spoke to her

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mms Alveranga 8

after the loan. It would have been several times after.

Q What did she say the loan would be used for?

A She never told me what it would be used for.

The only conversation we had about the loan was the security part of it.

Q What did she say the security part of it would be?

A About the property that she was selling.

Q Was this the property down south somewhere you referred to before?

A Yes.

Q Do you know where this property was located?

A Yes. Here is the information from the property that she gave me (handing).

(Pause)

MR. RAICH: Dr. Alveranga has passed me a package of documents concerning security for the loan she gave to Mrs. Batts.

Q Are you giving these to us permanently, or would you like us to make copies of them?

A Maybe I should have something. But the loan has already been repaid.

MS. LERNER: We can take a look at these, and if we determine that we would like copies, we will make

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copies before you leave, and we'll give you back the originals.

Q Did the loan bear any interest?

A Well, yes. I expected her to pay me interest, whatever I was getting in this account from which it came.

Q Which account is that?

A My bank account, a money market account.

(Pause)

Q Was the loan evidenced by any writing between you and Mrs. Batts?

A No.

Q Why not?

A I trusted her. I've loaned her money before, -- not amounts like this -- and it's been returned with interest.

Q Was there any date by which you and she expected the loan would be repaid?

A Originally, she had said sometime in, I think, May, was the original thought. And so when it did not -- when the sale did not materialize at that point, she wanted me to know what the delay was, and that's why she gave me these papers.

Q And these papers are in the packet which you've just given us.

2 A Yes.

3 Q The time she gave you the papers, did you and
4 she have a new agreement concerning when the loan would be
5 repaid?

6 A No. It depended upon this municipality buying
7 the property. She had tried to sell the property separately,
8 but then the municipality was interested in it, as I
9 understand it, and that caused the delay.

10 Q Did you get repaid?

11 A Yes.

12 Q When did you get repaid?

13 A The original check from these people was
14 deposited in my account in December of '84.

15 Q Do you mean the original check from the
16 municipality down south?

17 A Yes.

18 Q Do you recall what the amount of that check was?

19 A Yes, \$7,750.85.

20 Q Do you have a date when it was deposited?

21 A Oh, yes. November 26th.

22 Q Was there further repayment?

23 A Yes, there were additional repayments.

24 Q When were they?

25 A I mean, they were not all at one time. They

2 were small payments here and there.

3 Q What was the form which these repayments took?

4 A They were by cash.

5 Q Each of them?

6 A Yes.

7 Q Do you know what the total amount of those cash
8 repayments amounted to?

9 A No, but it amounted to about -- the difference
10 here, plus somewhere between three and four hundred
11 dollars. So that would make it six, seven hundred dollars.

12 Q Do you know how this loan was used by Mrs. Batts?

13 A No. I mean I have to make some assumptions now,
14 from all this investigation, as to how it was used. But I
15 don't know if that's what you're asking me. I did not
16 discuss with her how she used it.

17 Q Have you ever loaned money to Mrs. Batts in the
18 past?

19 A Yes.

20 Q When have you loaned money to Mrs. Batts in the
21 past?

22 A Twice, on two other occasions. I don't remember
23 what years. Probably three years ago and maybe another two
24 years before that. I don't remember exactly.

25 Q So would it be accurate to say that the first

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time you loaned Mrs. Batts money would have been approximately five years prior to early 1984?

A Maybe so. Yes. I know it's two occasions. When, I don't remember.

Q Do you think the first loan would have been in approximately 1979?

A Maybe. Somewhere like that.

Q Do you recall what the amount of that loan was?

A A thousand dollars.

Q Did you require collateral for that loan?

A No.

Q Were there any loan agreements of any kind between you and Mrs. Batts then?

A Loan agreements, you mean, something in writing?

Q Oral or written.

A Well, just that she would return the money, probably by a certain time.

Q Was that an oral agreement?

A Yes.

Q What was that loan used for?

A Oh, I don't know.

Q Now, the second loan that you made her, would that have been approximately 1981?

A Maybe, or '82, something like that.

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Q Did you require collateral for that loan?

A No.

Q Were there any agreements, oral or written,
between you and Mrs. Batts concerning that loan?

A To return the money.

Q Was that the extent of the agreement?

A Yeah.

Q Was it an oral agreement?

A Yes.

Q What was that loan used for?

A I don't know.

Q Do you recall what Mrs. Batts said she would
use that loan for?

A No.

Q Did you make any loans to Bennie Batts' campaign?

A No.

Q Did you make any contributions to his campaign?

A Yes.

Q When did you make that contribution?

A Sometime that year, last year. There is no
date on this receipt.

Q The receipt you're referring to is Exhibit Num-
ber 1; is that correct?

A Yes, the last thing on here.

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Q Do you recall approximately when in 1984 the contribution was made?

A No, but it was early in '84.

Q How much was the contribution for?

A \$150.

Q How was that contribution made?

A A check.

Q How long have you known Mr. Batts?

A I've known both of them eleven years.

Q Both Mr. and Mrs. Batts.

A Yes.

Q Concerning the contribution you made to Mr. Batts' campaign, did anybody ask you for the contribution before you made it?

A Asked me.

(Pause)

A I don't know if you could say they asked me. I knew he was going to run. I don't recall anybody asking me.

Q When did you learn that Bennie Batts would run for Congress?

A Early in '84.

Q Do you know about what month?

A No. I really have no recollection of that.

1 Q Do you know if that was before or after the
2 February 23rd loan you made to Evelyn Batts?

3 A I don't know. I suspect it was after, but I
4 don't know.

5 Q What makes you think it was after that loan?

6 A I don't know. I just suspect it was after. I
7 really have no way of knowing.

8 Q At the time you discussed the loan, was it
9 mentioned that Bennie Batts would run for Congress?

10 A No.

11 Q Do you suppose you first learned that he would
12 run for Congress before you made the March 22nd, 1984,
13 loan?

14 A Gee, I don't know.

15 Q When did you first learn that Mr. Batts was
16 thinking of running for Congress?

17 A I mean, that's the same question. In '84,
18 sometime early in '84.

19 Q Would that be sometime approximately in
20 February or March of '84?

21 A I don't know. I really don't know.

22 Q Do you suppose it would be accurate to say it
23 was sometime before April of 1984?

24 A You know, I really don't remember that. You're
25 trying to relate the two things, and I don't know and it

2 really makes me hesitant to answer, because I don't know.
3 And you're trying to establish a relationship. I don't
4 know.

5 MS. LERNER: Let me just say something.

6 First of all, I understand why you think that
7 the questions are trying to establish a relationship. We're
8 not trying to establish there was a relationship. We do
9 need to ask questions as to whether there was a relation-
10 ship which may just as easily establish that there was not.

11 So please understand that we have to ask these
12 questions. We don't have a decision on that issue at
13 this point.

14 BY MR. RAICH: (Continuing)

15 Q Did you have any idea that the loan might be
16 used for campaign purposes?

17 A No.

18 Q Is Glanvin Alveranga your brother?

19 A Yes.

20 Q Did you know that Glanvin Alveranga was
21 acquainted with Mr. Bennie Batts?

22 A Yes.

23 Q How long have you known that?

24 A He's probably known them -- well, less time
25 than I -- maybe six or seven years.

1 Q Do you know how Glanvin became acquainted with
2 Mr. Batts?

3 A Through me and through one other person.

4 Q Did you know that Glanvin Alveranga was
5 Mr. Batts' campaing treasurer?

6 A Yes.

7 Q When did you first learn of Glanvin's involve-
8 ment in Bennie Batts' campaign?

9 A I don't remember when he went into. I suppose
10 it was in the spring of '84 that he became treasurer.

11 Q Do you know --

12 A It was not through me. I had nothing to do
13 with it. Someone -- this other person who he knew who knew
14 the Battses had something to do with it, asking him, as I
15 heard later.

16 Q Who is that other person?

17 A Her name is Marietta Tanner.

18 Q Had Glanvin Alveranga considered becoming
19 involved with the campaign before he became a campaign
20 treasurer?

21 A I never discussed it with him, to my recollec-
22 tion.

23 Q You previously mentioned that you first learned
24 of Glanvin's involvement in the campaign in approximately
25 the spring of 1984. Is that right?

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Alveranga

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A As far as I know.

Q Do you know if that was before or after you made either of the loans to Mrs. Batts?

A Oh, that was definitely long after the loans.

Q What do you mean by "long after the loans"?

A Long after? I don't know, but it was after the loans. That, I know. I know he was not treasurer -- There was no campaign that I knew of. But I know it was long after, because he didn't know anything about the loans.

Q Do you suppose this was a matter of months after the loans, or a matter of weeks after the loans?

A Well, it was probably a couple of months.

Q Approximately two months?

A Yeah, maybe. I know he was not treasurer when I made the loans. That, I know. At least I think I know that.

(Pause)

MR. RAICH: That's all the questions I have.

You can, if you wish, sign the transcript of this deposition when it's typed. Or would you like to waive signature?

MS. LERNER: You have an opportunity to review the transcript of the deposition and sign it, or if you don't want to do that, you can waive your right to sign.

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Alveranga

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It's up to you.

THE WITNESS: I'm going to read it and sign it,
or -- Now or later?

MS. LERNER: No, it would be later. It has to
be transcribed.

THE WITNESS: Oh, I suppose I could sign it.
I don't know.

MS. LERNER: Well, it's your choice.

THE WITNESS: What's the difference? Tell me
the difference.

MS. LERNER: I can't be your lawyer, but I will
tell you that in an instance where you think there may be
some problem with an understanding of what you said, you
may want to look at it and say you think that the trans-
cript doesn't correctly reflect what you said.

On the other hand, if you feel that you've made
the information clear that you want to give us, then there
is not really any sense for you to look it over.

It's really a choice of your own. Whatever
makes you feel more comfortable.

THE WITNESS: I don't know why I shouldn't
sign it.

MS. LERNER: Let me explain that the signing
doesn't have any effect, as far as we're concerned, as to

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Alveranga

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whether we think you told the truth, or anything like that.
It's just really a matter of what makes you feel more
comfortable. If you want to review it, fine. If you think
that you've made yourself clear, then there is no need.

THE WITNESS: I probably haven't made myself
clear, but --

MS. LERNER: It's up to you. If you would
feel more comfortable looking at it, that's fine.

THE WITNESS: I suppose I should look at it.

MS. LERNER: Okay.

MR. RAICH: I have a check for you for your
witness fee, and I'm giving it to you right now (handing).

THE WITNESS: Okay.

MR. RAICH: This concludes the deposition.

Arlene Alveranga

Sworn to before me

this _____ day of _____, 198

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Alveranga

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C E R T I F I C A T E

I, Mary M. Staten, a Certified Shorthand
Reporter and Notary Public within and for the
State of New York, do hereby certify:

That ARLENE ALVERANGA, the witness whose
examination is hereinbefore set forth, was duly
sworn by me and that such examination is a
true record of the testimony given by such
witness.

I further certify that I am not related
to any of the parties to this action by blood
or marriage, and that I am in no way interested
in the outcome of the matter.

In witness whereof, I have hereunto set
my hand this 13th day of December, 1985.

Mary M. Staten



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 16, 1986

Mr. Frazier Davidson
358 North Avenue
New Rochelle, New York 10801

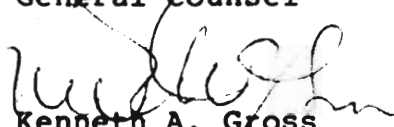
Re: MUR 2002

Dear Mr. Davidson:

Enclosed are copies of the deposition transcripts and the original signature pages for Evelyn D. Batts and Bennie O. Batts. Kindly have your clients sign the signature pages and return them to this Office along with the transcripts. If your clients wish to make any changes, they should indicate such changes on a separate sheet, which must be signed and sworn to before a notary public.

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

Enclosures
Original signature pages
Copies of deposition transcripts



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 13, 1986

Mr. Frazier Davidson
358 North Avenue
New Rochelle, New York 10801

Re: MUR 2002
Evelyn Batts

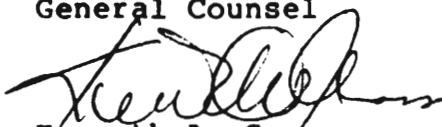
Dear Mr. Davidson:

This confirms the substance of your conversation today with Robert Raich of this Office.

In the event the Commission finds reason to believe the Act was violated by the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, the request for pre-probable cause conciliation previously made by Evelyn Batts personally will extend to the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer.

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 16, 1986

Dr. Arlene Alveranga
18 Nimitz Road
Yonkers, New York 10710

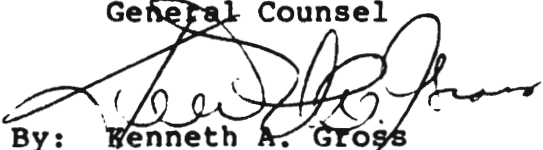
Re: MUR 2002

Dear Dr. Alveranga:

Enclosed is a copy of your deposition transcript and the original signature page. Kindly sign the signature page and return it to this Office along with the transcript. If you wish to make any changes, indicate such changes on a separate sheet, which should be signed and sworn to before a notary public.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

Original signature page
Copy of deposition transcript

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BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of
Arlene Alveranga

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MUR 2002

DEC 01 1955 PM 4:40

GENERAL COUNSEL'S REPORT

The Office of General Counsel is prepared to close the investigation in this matter as to Dr. Arlene Alveranga, based on the assessment of the information presently available.

5 March 1986
Date



Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CONFIDENTIAL SENSITIVE

00 MAR 26 P 3:10

March 26, 1986

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel *CN Steele*

SUBJECT: MUR 2002

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of no probable cause to believe was mailed on March 26, 1986. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to respondent

20040502623



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 26, 1986

Dr. Arlene Alveranga
18 Nimitz Road
Yonkers, N.Y. 10710

RE: MUR 2002
Arlene Alveranga

Dear Dr. Alveranga:

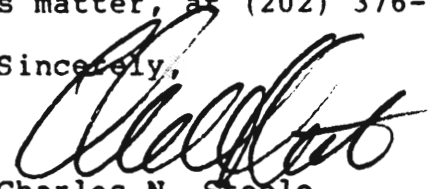
Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on May 14, 1985, found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find no probable cause to believe that you violated the Act. The Commission may or may not approve the General Counsel's recommendation.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of General Counsel, if possible. The General Counsel's brief and any brief which you submit will be considered by the Commission before proceeding to a vote on whether there is probable cause to believe a violation has occurred.

Should you have any questions, please contact Robert Raich, the attorney assigned to handle this matter, at (202) 376-8200.

Sincerely,


Charles N. Steele
General Counsel

Enclosure
Brief

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Arlene Alveranga)

MUR 2002

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

The Reports Analysis Division ("RAD") referred this matter to the General Counsel's Office pursuant to the Review and Referral Procedures for Authorized Committees. Based on information obtained by RAD, it appeared that Dr. Arlene Alveranga made an \$8,000 loan to Bennie O. Batts and that the proceeds of that loan were used to make expenditures in connection with Batts' congressional campaign. The Commission therefore found reason to believe Dr. Arlene Alveranga violated 2 U.S.C. § 441a(a)(1)(A).

The Office of the General Counsel conducted an investigation. Based upon written answers submitted by Dr. Arlene Alveranga and Bennie O. Batts, and upon information obtained during sworn depositions of Dr. Arlene Alveranga, Evelyn Batts, Bennie O. Batts, and Glanvin Alveranga, it is the opinion of this Office that Dr. Alveranga had no idea that the loan proceeds would be used for campaign purposes. Rather, Evelyn Batts, Bennie O. Batts' wife, obtained the loan by stating that it would be used for paying property taxes and by presenting Dr. Alveranga with documents supporting that contention. Evelyn Batts then used the money to pay campaign obligations without Dr. Alveranga's knowledge or consent.

II. Legal Analysis

No person may make contributions to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A). The term "contribution" includes any "loan" or "anything of value made by any person for the purpose of influencing any election for Federal Office." 2 U.S.C. § 431(8)(A)(i).

Because Dr. Alveranga made the loan for a purpose other than influencing an election, it is the opinion of this Office that she did not make a "contribution" prohibited by 2 U.S.C. § 441a(a)(1)(A).

III. General Counsel's Recommendation

Find no probable cause to believe that Dr. Arlene Alveranga violated 2 U.S.C. § 441a(a)(1)(A).

26 March 1986
Date



Charles N. Steele
General Counsel

93040802626

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Elect Bennie O. Batts)
and Glanvin Alveranga, as)
treasurer)
Evelyn Batts)
Arlene Alveranga)
Committee to Elect Bennie O. Batts)
and Evelyn Batts, acting as)
treasurer)

MUR 2002

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Reports Analysis Division ("RAD") referred this matter to the General Counsel's Office. The Commission found reason to believe that Dr. Arlene Alveranga violated 2 U.S.C.

§ 441a(a)(1)(A), that Evelyn Batts violated 2 U.S.C.

§ 441a(a)(1)(A), and that the Committee to Elect Bennie O. Batts ("the Committee") and Glanvin Alveranga, as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(2), and 432(h)(1).

The Commission conducted an investigation. This Office submitted questions to, and received answers from, the Committee and Glanvin Alveranga, as treasurer, Bennie O. Batts, Evelyn Batts, and Dr. Arlene Alveranga. This Office also took depositions of Glanvin Alveranga, William Stallings (the Committee's Assistant Treasurer), Dr. Arlene Alveranga, Bennie O. Batts, and Evelyn Batts.

Based upon information obtained during its investigation, the General Counsel's Office believes the following scenerio accurately characterizes events which transpired during Bennie O. Batts' election campaign:

1. On or about April 1, 1984, Glanvin Alveranga became the Committee's treasurer. He opened a bank account on May 3, 1984, which he maintained until closing it on November 19, 1984. About \$4,850 of receipts and disbursements went through that account. In the Committee's Pre-Primary Report it reported receipts of \$14,014 and disbursements of \$13,430. The Committee failed to file any other reports. (Such reports might have disclosed other receipts or disbursements.) Because the Committee's Report indicated significant activity about which he had no knowledge, Glanvin Alveranga refused to sign the report. The Committee got a campaign volunteer, William Stallings, to sign the Report as "Assistant Treasurer." Stallings knew nothing about the contents of the Report.

2. Glanvin Alveranga told Evelyn Batts that he was not acting as treasurer. However, Glanvin Alveranga did not actually resign because Evelyn Batts stated that it would be disastrous for the campaign if he were to do so at that time--it was very near the primary date. Glanvin Alveranga had no other involvement with the campaign. It was for a New York House seat. Glanvin Alveranga now lives in Florida. He has neither seen nor talked to anyone involved with the campaign for several months.

3. Evelyn Batts, the candidate's wife, handled finances for the campaign. The candidate himself described Evelyn as the "overall office manager," and the "campaign manager," stating that "she was watching everything . . . everyday," and that "she was managing the whole affair." The Committee's Pre-Primary

Report was compiled by Richard LeCondre, a CPA. He prepared the Report only on the basis of information supplied by Evelyn Batts.

4. The Batts family maintained one checking account. The account was in Evelyn Batts' name, and she was the only person authorized to write checks on the account. The account has been open for many years. Bennie Batts gave all money he earned to Evelyn for her to deposit into the checking account. Some of their children also occasionally gave Evelyn money, which she held in the account. Evelyn disbursed monies from her checking account to pay bills for the family.

5. With the exception of transactions handled through the checking account maintained by Glanvin Alveranga, campaign receipts and disbursements were handled by Evelyn Batts through her checking account.

6. During her deposition, Evelyn Batts refused to answer most questions. On the advice of her counsel, she asserted her fifth amendment privilege against self-incrimination. However, she did admit loaning the campaign four or five thousand dollars. The Committee's Report reveals that Evelyn Batts loaned the campaign \$4,845 and made a direct contribution of \$6,489, for a total of \$11,334. All of that money came from her checking account.

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7. Evelyn Batts obtained an \$8,000 loan from Dr. Arlene Alveranga on the pretext that the loan would be used to pay property taxes. In fact, Mrs. Batts used the loan to pay campaign obligations.^{1/}

8. The Committee has never filed an amended Statement of Organization listing a new treasurer, despite the fact that Glanvin Alveranga (the treasurer of record) has not actively held the position of treasurer since November 1984 at the latest--if he ever acted as treasurer at all.

II. LEGAL ANALYSIS

Although Glanvin Alveranga is listed as treasurer on the Committee's Statement of Organization, it is clear from the evidence that he has not actively held the position of treasurer for some time. Instead, Evelyn Batts has handled all the Committee's financial affairs, including the gathering of information for the FEC reports. This Office, therefore, recommends that the Commission take no further action and close the file with respect to Glanvin Alveranga, as treasurer.

Evelyn Batts handled financial affairs for the campaign. She is the person in possession of nearly all campaign finance

^{1/} Because this Office has prepared a brief with regard to Dr. Alveranga, this Report will not further discuss issues involving Dr. Alveranga

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records, to the extent such records exist at all. Unlike the treasurer of record, Evelyn Batts is in contact with people who were active in the campaign. Most importantly, Evelyn Batts was responsible for the activities which caused the violations of the Act discussed in this Report. Consequently, this Office recommends that the Commission find reason to believe the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, violated the provisions of the Act discussed, infra. The Commission has previously made such findings in similar circumstances. See, e.g., MUR 1927 (Connor) (Commission found reason to believe against candidate, acting as treasurer, when treasurer could not file reports because candidate was in possession of records.) and MUR 1735 (Northeast Conservative Political Action Committee) (Commission found reason to believe against executive director after treasurer of record resigned.).

Each authorized campaign committee must file a statement of organization. 2 U.S.C. § 433(a). That statement must include, inter alia: the name, address, and position of the custodian of books and accounts of the committee; the name and address of the treasurer of the committee; and all banks, safety deposit boxes, or other depositories used by the committee. 2 U.S.C. § 433(b). Any change in information previously submitted in a statement of organization must be reported within ten days after the date of the change. 2 U.S.C. § 433(c). The Committee's statement of organization failed to reveal that Evelyn Batts was the custodian

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of the Committee's accounts, that Evelyn Batts was the Committee's treasurer, and that Mrs. Batts' checking account was being used as a campaign depository. The Committee filed no amended statement of organization. Accordingly, this Office recommends that the Commission find reason to believe the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, violated 2 U.S.C. § 433(c).

Each campaign committee must designate at least one checking account at a financial institution as a campaign depository. All receipts received by a committee must be deposited in a campaign depository. All disbursements (except petty cash disbursements) must be drawn on a campaign depository. 2 U.S.C. § 432(h)(1). Most of the Committee's receipts and disbursements were made through Evelyn Batts' checking account, not the designated campaign depository. Accordingly, this Office recommends that the Commission find reason to believe Evelyn Batts, acting as treasurer, violated 2 U.S.C. § 432(h)(1). (The Commission has already made this finding with regard to the Committee)

All funds of a political committee must be segregated from, and may not be commingled with, the personal funds of any individual. 2 U.S.C. § 432(b)(3). The Committee's funds were commingled with personal funds in Evelyn Batts' checking account. Accordingly, this Office recommends the Commission find reason to believe the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, violated 2 U.S.C. § 432(b)(3).

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No person may contribute more than \$1,000 to any candidate and his authorized political committees. 2 U.S.C.

§ 441a(a)(1)(A). The term "contribution" includes loans and "anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C.

§ 431(8)(A)(i). Candidates for federal office may make unlimited expenditures from their personal funds. 11 C.F.R. § 110.10(a).

"Personal funds" mean assets which, under applicable state law, the candidate had legal right of access to or control over, and with respect to which the candidate had either: (i) legal and rightful title, or (ii) an equitable interest. 11 C.F.R.

§ 110.10(b)(1). A candidate may use a portion of assets jointly owned with his or her spouse as personal funds. 11 C.F.R.

§ 110.10(b)(3).

Because Evelyn Batts' checking account was in her name only, and because she was the only person authorized to write checks on the account, legal access to and control over the account was vested in Evelyn Batts. When Bennie Batts gave Evelyn his money and she deposited it in her account, legal access to and control over that money passed to Evelyn. Bennie Batts may have had an equitable interest in some of the money in Evelyn's checking account, but because he had no legal access to or control over it, no money in Evelyn's checking account can be considered Bennie's "personal funds" within the meaning of 11 C.F.R.

§ 110.10(b)(1). Evelyn's checking account cannot be considered a "jointly owned asset" of a candidate and his spouse under

11 C.F.R. § 110.10(b)(3) because the account was not a joint checking account, rather, it was in Evelyn Batts' name only.

No person may make contributions to any federal candidate and his authorized committees which, in the aggregate, exceed \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A). By direct contributions and loans, Evelyn Batts contributed \$11,334 to the committee from her checking account. Consequently, Evelyn Batts made an excessive contribution of \$10,334. The Commission has previously found reason to believe that Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A).

No political committee may knowingly accept any prohibited contribution. 2 U.S.C. § 441a(f). Because the Committee accepted Evelyn Batts' contribution, this Office recommends that the Commission find reason to believe Evelyn Batts, acting as treasurer, violated 2 U.S.C. § 441a(f). (The Commission previously made this finding with regard to the Committee).

Because it originally appeared that the candidate himself accepted an excessive contribution, the Commission found reason to believe that the Committee and Glanvin Alveranga, as treasurer, violated 2 U.S.C. § 432(e)(2). Because that section of the Act is more definitional than prohibitive, this Office recommends that the Commission take no further action concerning the 2 U.S.C. § 432(e)(2) finding.

Respondents have requested to enter into conciliation prior to a finding of probable cause.

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III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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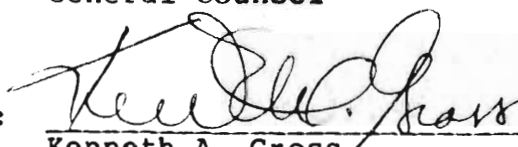
IV. RECOMMENDATIONS

1. Find reason to believe that the Committee to Elect **Bennie O. Batts** and Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 433(c), and 432(b)(3).
2. Find reason to believe that Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 441a(f) and 432(h)(1).
3. Take no further action and close the file concerning Glanvin Alveranga, as treasurer, with respect to 2 U.S.C. §§ 441a(f) and 432(h)(1).

4. Take no further action against the Committee to Elect Bennie O. Batts and Glanvin Alveranga, as treasurer, with respect to 2 U.S.C. § 432(e)(2).
5. Enter into conciliation with the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, and Evelyn Batts prior to a finding of probable cause to believe they violated the Act.
6. Approve the attached proposed conciliation agreement.
7. Approve the attached Factual and Legal Analysis.
8. Approve and send the attached letter to Frazier Davidson, Esq.
9. Approve and send the attached letter to Glanvin Alveranga.

Charles N. Steele
General Counsel

4-29-86
Date

By: 
Kenneth A. Gross
Associate General Counsel

Attachments

1. Proposed conciliation agreement
2. Letter dated January 13, 1986 to Frazier Davidson
3. Factual and Legal Analysis
4. Proposed letter to Frazier Davidson
5. Proposed letter to Glanvin Alveranga

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Elect Bennie O. Batts)
and Glanvin Alveranga, as) MUR 2002
treasurer)
Evelyn Batts)
Arlene Alveranga)
Committee to Elect Bennie O. Batts)
and Evelyn Batts, acting as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on May 1,
1986, the Commission decided by a vote of 4-0 to take
the following actions in MUR 2002:

1. Find reason to believe that the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 433(c), and 432(b)(3).
2. Find reason to believe that Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 441a(f) and 432(h)(1).
3. Take no further action and close the file concerning Glanvin Alveranga, as treasurer, with respect to 2 U.S.C. §§ 441a(f) and 432(h)(1).
4. Take no further action against the Committee to Elect Bennie O. Batts and Glanvin Alveranga, as treasurer, with respect to 2 U.S.C. § 432(e)(2).
5. Enter into conciliation with the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, and Evelyn Batts prior to a finding of probable cause to believe they violated the Act.

(continued)

6. Approve the proposed conciliation agreement, as recommended in the General Counsel's Report signed April 29, 1986.
7. Approve the Factual and Legal Analysis, as recommended in the General Counsel's Report signed April 29, 1986.
8. Approve and send the letter to Frazier Davidson, Esq., as recommended in the General Counsel's Report signed April 29, 1986.
9. Approve and send the letter to Glanvin Alveranga, as recommended in the General Counsel's Report signed April 29, 1986.

Commissioners Elliott, Harris, Josefiak and McGarry voted affirmatively for this decision; Commissioners Aikens and McDonald did not vote.

Attest:

5-2-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	Tues., 4-29-86,	10:58
Circulated on 48 hour tally basis:	Tues., 4-29-86,	4:00
Deadline for vote:	Thurs., 5-1-86,	4:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 8, 1986

Mr. Glanvin Alveranga
512 Cliff Drive
Temple Terrace, Florida 33617

RE: MUR 2002
Committee to Elect
Bennie O. Batts and
Glanvin Alveranga, as
treasurer

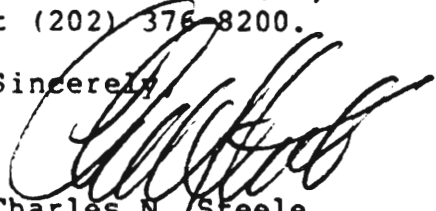
Dear Mr. Alveranga:

On May 14, 1985, the Commission found reason to believe that the Committee to Elect Bennie O. Batts and you, as treasurer, violated provisions of the Federal Election Campaign Act of 1971, as amended. This letter is to advise you that after conducting an investigation, the Commission voted on May 1, 1986 to take no further action with respect to you.

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

If you have any questions, contact Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 9, 1986

Frazier Davidson, Esquire
358 North Avenue
New Rochelle, New York 10801

RE: MUR 2002
Evelyn Batts
Committee to Elect
Bennie O. Batts and
Evelyn Batts, acting as
treasurer

Dear Mr. Davidson:

On May 1, 1986, the Federal Election Commission determined that there is reason to believe the Committee to Elect Bennie O. Batts ("the Committee") and Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 433(c) and 432(b)(3), and that Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 432(h)(1) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information. On May 14, 1985, the Commission determined that there was reason to believe Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A).

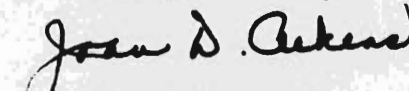
Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and Evelyn Batts, acting as treasurer. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. However, at your request, the Commission determined on May 1, 1986, to enter into negotiations directed toward reaching a pre-probable cause conciliation agreement in settlement of this matter with respect to both Evelyn Batts and the Committee and Evelyn Batts, acting as treasurer.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree 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.

Letter to Mr. Frazier Davidson
Page 2

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 Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Joan D. Aikens
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Conciliation Agreement

20040302642

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Committee to Elect Bennie)
O. Batts and Evelyn Batts, acting)
as treasurer)
Evelyn Batts)
Arlene Alveranga)

MUR 2002

1986 JUL 27 01:33
SENSITIVE
EXECUTIVE SESSION

JUL 09 1986

GENERAL COUNSEL'S REPORT

Background

9002643
The Reports Analysis Division referred this matter to the General Counsel's Office. The Commission has found reason to believe that the Committee to Elect Bennie O. Batts (the "Committee") and Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(h)(1), 433(c), and 432(b)(3), that Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A), and that Dr. Arlene Alveranga violated 2 U.S.C. § 441a(a)(1)(A).

On May 9, 1986 the Commission, at the respondents' request, mailed a conciliation agreement to the Committee and Evelyn Batts, acting as treasurer, and Evelyn Batts as an individual. Although this Office has contacted counsel for the respondents by telephone concerning the proposed conciliation agreement, the respondents have not responded with a or signed agreement. Because the period for conciliation prior to a finding of probable cause has expired and there has been no response from the respondents, this Office will proceed to the next stage of the enforcement process.

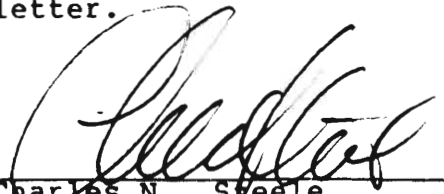
On March 26, 1986 this Office mailed Dr. Arlene Alveranga a General Counsel's Brief containing the recommendation that the Commission find no probable cause to believe with respect to her. She has not responded to the Brief. Accordingly, based on the analysis set forth in the General Counsel's Brief, this Office recommends that the Commission find no probable cause to believe Arlene Alveranga violated 2 U.S.C. § 441a(a)(1)(A).

Recommendations

1. Find no probable cause to believe that Arlene Alveranga violated 2 U.S.C. § 441a(a)(1)(A) and close the file as to this respondent.
2. Approve and send the attached letter.

20040302644
Date

25/ June 1986
Attachment
Letter


Charles N. Steele
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Elect Bennie O.)
Batts and Evelyn Batts,) MUR 2002
acting as treasurer)
Evelyn Batts)
Arlene Alveranga)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of July 9, 1986,
do hereby certify that the Commission decided by a vote of
4-1 to take the following actions in MUR 2002:

1. Find no probable cause to believe that Arlene Alveranga violated 2 U.S.C. § 441a(a)(1)(A) and close the file as to this respondent.
2. Approve and send the letter attached to the General Counsel's report dated June 25, 1986.

Commissioners Aikens, Elliott, Josefiak, and McGarry
voted affirmatively for the decision; Commissioner McDonald
dissented. Commissioner Harris abstained in the vote.

Attest:

7-9-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

20040802645



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

permanent 1-

July 14, 1986

Dr. Arlene Alveranga
18 Nimitz Road
Yonkers, New York 10710

Re: MUR 2002
Arlene Alveranga

Dear Dr. Alveranga:

This is to advise you that after an investigation was conducted, the Commission concluded on July 9, 1986, that there is no probable cause to believe you violated 2 U.S.C. § 441a(a)(1)(A). Accordingly, the file in this matter has been closed as it pertains to you.

This matter will become part of the public record within 30 days after it has been closed with respect to all other respondents involved. If you wish to submit any factual or legal materials to appear in the public record, please do so within ten days. The Commission reminds you, however, that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed.

If you have any questions, contact Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)

Committee to Elect Bennie O. Batts)

and Evelyn Batts, acting as)
treasurer)

Evelyn Batts)

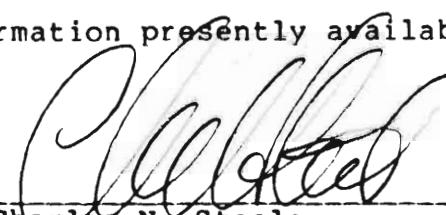
MUR 2002

GENERAL COUNSEL'S REPORT

The Office of General Counsel is prepared to close the investigation in this matter as to the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, and Evelyn Batts, based on the assessment of the information presently available.

Date

24 July 1986


Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CC AUG 5 P12:19

August 5, 1986

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel *CNS*

SUBJECT: MUR #2002

SENSITIVE

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on August 5, 1986. Following receipt of the Respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondents

90040302648

BEFORE THE FEDERAL ELECTION COMMISSION

July 17, 1986

In the Matter of)
)
Committee to Elect Bennie O. Batts)
and Evelyn Batts, acting as)
treasurer) MUR 2002
Evelyn Batts)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

The Commission has found reason to believe that Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A) and that the Committee to Elect Bennie O. Batts (the "Committee") and Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 433(c), 432(h)(1), 432(b)(3), and 441a(f).

Based upon information obtained during its investigation, the General Counsel's Office believes the following scenerio accurately characterizes events which transpired during Bennie O. Batts' 1984 congressional campaign.

A. On or about April 1, 1984, Glanvin Alveranga became the Committee's treasurer. He opened a bank account on May 3, 1984, which he maintained until closing it on November 19, 1984. About \$4,850 of receipts and disbursements went through that account. The Committee's Pre-Primary Report disclosed receipts of \$14,014 and disbursements of \$13,430. The Committee failed to file any other reports. (Such reports might have disclosed additional receipts or disbursements.) Because the Committee's Report indicated significant activity about which he had no knowledge, Glanvin Alveranga refused to sign the Report. The Committee got

Att. 1, p. 1

a campaign volunteer, William Stallings, to sign the Report as "Assistant Treasurer." Stallings knew nothing about the contents of the Report.

B. Evelyn Batts, the candidate's wife, handled finances for the campaign. The candidate himself described Evelyn as the "overall office manager," and the "campaign manager," stating that "she was watching everything . . . everyday," and that "she was managing the whole affair." The Committee's Pre-Primary Report was compiled by a CPA, but he prepared the Report only on the basis of information supplied by Evelyn Batts.

C. The Batts family maintained one checking account. The account was in Evelyn Batts' name, and she was the only person authorized to write checks on the account. The account has been open for many years. Bennie Batts gave all money he earned to Evelyn for her to deposit into the checking account. Some of their children also occasionally gave Evelyn money, which she held in the account. Evelyn routinely disbursed monies from her checking account to pay bills for the family.

D. With the exception of transactions handled through the checking account maintained by Glanvin Alveranga, campaign receipts and disbursements were handled by Evelyn Batts through her checking account.

E. The Committee's Report reveals that Evelyn Batts loaned the Committee \$4,845 and made a direct contribution of \$6,489, for a total of \$11,334. All of that money came from Evelyn Batts' checking account.

At.1, p. 2

93040802650

F. The Committee has never filed an amended Statement of Organization listing a new treasurer, despite the fact that Glanvin Alveranga (the treasurer of record) has not actively held the position of treasurer since November 1984 at the latest--if he ever acted as treasurer at all.

II. LEGAL ANALYSIS

A. Each authorized campaign committee must file a statement of organization. 2 U.S.C. § 433(a). That statement must include, inter alia: the name, address, and position of the custodian of books and accounts of the committee; the name and address of the treasurer of the committee; and all banks, safety deposit boxes, or other depositories used by the committee. 2 U.S.C. § 433(b). Any change in information previously submitted in a statement of organization must be reported within ten days after the date of the change. 2 U.S.C. § 433(c). The Committee's statement of organization failed to reveal that Evelyn Batts was the actual custodian of the Committee's accounts, that Evelyn Batts was acting as the Committee's treasurer, and that Mrs. Batts' checking account was being used as a campaign depository. The Committee filed no amended statement of organization. Accordingly, the General Counsel's Office recommends that the Commission find probable cause to believe the Committee and Evelyn Batts, acting as treasurer, violated 2 U.S.C. § 433(c).

B. Each campaign committee must designate at least one checking account at a financial institution as a campaign

Att. 1, p. 3

depository. All receipts received by a committee must be deposited in a campaign depository. All disbursements (except petty cash disbursements) must be drawn on a campaign depository. 2 U.S.C. § 432(h)(1). Most of the Committee's receipts and disbursements were made through Evelyn Batts' checking account, not the designated campaign depository. Accordingly, the General Counsel's Office recommends that the Commission find probable cause to believe the Committee and Evelyn Batts, acting as treasurer, violated 2 U.S.C. § 432(h)(1).

C. All funds of a political committee must be segregated from, and may not be commingled with, the personal funds of any individual. 2 U.S.C. § 432(b)(3). The Committee's funds were commingled with personal funds in Evelyn Batts' checking account. Accordingly, the General Counsel's Office recommends that the Commission find probable cause to believe the Committee and Evelyn Batts, acting as treasurer, violated 2 U.S.C. § 432(b)(3).

D. Candidates for federal office may make unlimited expenditures from their personal funds. 11 C.F.R. § 110.10(a). "Personal funds" mean assets which, under applicable state law, the candidate had legal right of access to or control over, and with respect to which the candidate had either: (i) legal and rightful title, or (ii) an equitable interest. 11 C.F.R. § 110.10(b)(1). A candidate may use a portion of assets jointly owned with his or her spouse as personal funds. 11 C.F.R. § 110.10(b)(3).

At. 1, p. 4

Because Evelyn Batts' checking account was in her name only, and because she was the only person authorized to write checks on the account, legal access to and control over the account was vested in Evelyn Batts. When Bennie Batts gave Evelyn his money and she deposited it in her account, legal access to and control over that money passed to Evelyn. Bennie Batts may have had an equitable interest in some of the money in Evelyn's checking account, but because he had no legal access to or control over it, no money in Evelyn's checking account can be considered Bennie's "personal funds" within the meaning of 11 C.F.R. § 110.10(b)(1). Evelyn's checking account cannot be considered a "jointly owned asset" of a candidate and his spouse under 11 C.F.R. § 110.10(b)(3) because the account was not a joint checking account, rather, it was in Evelyn Batts' name only.

No person may contribute more than \$1,000 per election to any federal candidate and his authorized political committees. 2 U.S.C. § 441a(a)(1)(A). The term "contribution" includes loans and "anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(8)(A)(i). By direct contributions and loans, Evelyn Batts contributed \$11,334 to the Committee from her checking account. Consequently, Evelyn Batts made an excessive contribution of \$10,334. The General Counsel's Office recommends that the Commission find probable cause to believe Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A).

Att. 1, p. 5

E. No political committee may knowingly accept any prohibited contribution. 2 U.S.C. § 441a(f). Because the Committee knowingly accepted Evelyn Batts' contribution, the General Counsel's Office recommends that the Commisison find probable cause to believe the Committee and Evelyn Batts, acting as treasurer, violated 2 U.S.C. § 441a(f).

III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 433(c), 432(h)(1), 432(b)(3), and 441a(f).
2. Find probable cause to believe Evelyn Batts violated 441a(a)(1)(A).

Date _____

Charles N. Steele
General Counsel

At.1, p. 6



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 5, 1986

Mr. Frazier Davidson, Esquire
358 North Avenue
New Rochelle, New York 10801

RE: MUR 2002
Committee to Elect Bennie
O. Batts and Evelyn
Batts, acting as
treasurer
Evelyn Batts

Dear Mr. Davidson:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission found reason to believe your clients violated 2 U.S.C. §§ 441a(a)(1)(A), 433(c), 432(h)(1), 432(b)(3), and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended (the "Act").

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe your clients violated the Act. The Commission may or may not approve the General Counsel's recommendations.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your clients' position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible. The General Counsel's brief and any brief which you submit will be considered by the Commission before proceeding to a vote on whether there is probable cause to believe a violation occurred.

- 2 -

Should you have any questions, please contact Robert Raich,
the attorney assigned to this matter, at (202) 276-8200.

Sincerely,

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

Charles N. Steele
General Counsel

Enclosure
Brief

2 4 0 8 0 2 6 5 5

FRAZIER DAVIDSON
ATTORNEY AND COUNSELLOR AT LAW
358 NORTH AVENUE
NEW ROCHELLE, NEW YORK 10801
(914) NE. 2-4558 4659

600 #1300
RECEIVED
36 AUG 22 49:20

RECEIVED
GENERAL COUNCIL
36 AUG 22 P 3:58

August 19, 1986

Federal Election Commission
Washington, D.C. 20463
Attention: Robert Raich

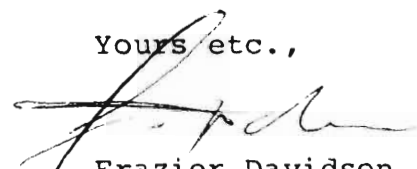
Re: MUR 2002
Committee to Elect Bennie O. Batts
and Evelyn Batts acting as treasurer,
Evelyn Batts

Dear Sir:

Please be advised that due to a failure of cooperation,
lack of communication and compensation, I will no longer be
representing the above-mentioned parties.

This notice is effectively immediately.

Yours etc.,



Frazier Davidson

FD:md
cc: Bennie O. Batts
Evelyn Batts

93040802657

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

In the Matter of)
)
Committee to Elect Bennie O.)
Batts and Evelyn Batts,)
acting as treasurer)
Evelyn Batts)

MUR 2002

22 OCT 14 A10:18

EXECUTIVE SESSION

GENERAL COUNSEL'S REPORT

OCT 21 1986

A. Background

On August 5, 1986 the Commission mailed the respondents' attorney a General Counsel's Brief recommending findings of: 1) probable cause to believe the Committee to Elect Bennie O. Batts (the "Committee") and Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 433(c), 432(h)(1), 432(b)(3), and 441a(f); and 2) probable cause to believe Evelyn Batts violated 441a(a)(1)(A).

On August 22, 1986 the Commission received a letter from the respondents' attorney, stating that he was withdrawing from the case. (Attachment 1) The General Counsel's Office immediately contacted Bennie Batts. Batts stated that he would contact the Commission on August 25, 1986 to let us know whether he received a copy of the General Counsel's Brief from his former attorney. Batts failed to make such a call. On August 27, 1986 this Office again contacted Batts. He stated that he had received the Brief, and that he would send a response by September 1, 1986. Batts failed to send such a response. On September 10, 1986 this Office once more contacted Batts. He stated he would send a response that night. The Commission has received no response.

Based on the analysis set forth in the General Counsel's Brief, this Office recommends that the Commission: 1) find

80040802658

probable cause to believe the Committee and Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 433(c), 432(h)(1), 432(b)(3), and 441a(f); and 2) find probable cause to believe Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A).

B. Discussion of Conciliation Provisions and Civil Penalty

C. Recommendations

1. Find probable cause to believe the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 433(c), 432(h)(1), 432(b)(3), and 441a(f).
2. Find probable cause to believe Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A).
3. Approve the attached conciliation agreement.
4. Approve and send the attached letter.

10 October 1986
Date


Charles N. Steele
General Counsel

Attachments

1. Letter from respondents' former attorney
2. Draft conciliation agreement
3. Letter

90040802659

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Elect Bennie O. Batts,) MUR 2002
and Evelyn Batts, acting as)
treasurer)
Evelyn Batts)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of October 21,
1986, do hereby certify that the Commission decided by a vote
of 6-0 to take the following actions in MUR 2002:

1. Find probable cause to believe the Committee
to Elect Bennie O. Batts and Evelyn Batts,
acting as treasurer, violated 2 U.S.C.
§§ 433(c), 432(h)(1), 432(b)(3), and 441a(f).
2. Find probable cause to believe Evelyn Batts
violated 2 U.S.C. § 441a(a)(1)(A).
3. Approve the conciliation agreement attached
to the General Counsel's report dated October
10, 1986, subject to amendment to
4. Approve and send the letter attached to the
General Counsel's report dated October 10, 1986.

Commissioners Aikens, Elliott, Josefiak, McDonald,
McGarry, and Thomas voted affirmatively for the decision.

Attest:

10-22-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 24, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Evelyn Batts
Committee to Elect Bennie O. Batts
216 Falmuth Road
Scarsdale, New York

RE: MUR 2002
Committee to Elect Bennie
O. Batts and Evelyn
Batts, acting as
treasurer
Evelyn Batts

Dear Ms. Batts:

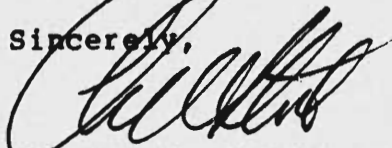
On October 21, 1986, the Commission determined that there is probable cause to believe you and Committee to Elect Bennie O. Batts and you, acting as treasurer, committed violations of 2 U.S.C. §§ 441a(a)(1)(A), 433(c), 432(h)(1), 432(b)(3), and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion. If we are unable to reach an agreement during this period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

930408022662

CCC# 2543

MR R 2002

216 Falmouth Rd.
Scarsdale P.O., N.Y. 10583

January 12, 1987

Mr. Scott Thomas
Commissioner
Federal Elections Committee
999 E. Street, N.W.
Washington, D.C. 20463

07 JAN 21 P 4:29

Dear Commissioner Thomas:

Recently, my husband's campaign for Congress in 1984 has been the focus of an investigation by the Federal Elections Commission. This investigation has stemmed from the fact that I made an \$11,000 contribution to his campaign. At that time we were acting on the advise of a counsel that we trusted. I now realize that the contribution was wrong, but neither my husband nor I realized it at the time.

I respectfully request that the penalties that are being considered by the Federal Elections Commission be waived or reduced. My husband and I have been, and will continue to be, active members of the community. Most of our efforts in the past have been geared towards helping the less fortunate to help themselves; that was the reason for my husband's unsuccessful campaign for Congress. Had we realized the law was different than the interpretation given us, we would have followed it to the letter. Our mistake was truly an innocent one.

Since his loss in the Democratic primary in 1984, he has continued his involvement in the community, including working with the incumbent Congressman of the other party. We have done our best in our public life to work within the system and to ensure that all our dealings have been in accordance with the law. I hope that this unfortunate oversight will not be the cause of a substantial penalty which will be a large burden on our family.

I thank you for your attention to this matter, and for your consideration of my request.

Sincerely,

Evelyn Batts

Evelyn Batts

90040802663

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Elect Bennie O.)
Batts and Evelyn Batts,)
acting as treasurer)
Evelyn Batts)

MUR 2002

SENSITIVE
EXECUTIVE SESSION
FEB 18 1987

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 21, 1986, the Commission found probable cause to believe that Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A) and that the Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, violated 2 U.S.C. §§ 433(c), 432(h)(1), 432(b)(3), and 441a(f). On that date the Commission also approved a proposed conciliation agreement. On October 23, 1986, the Commission mailed the respondents a letter informing them of the Commission's findings and forwarding the conciliation agreement. The respondents received that letter on November 3, 1986.

II. DISCUSSION OF CONCILIATION NEGOTIATIONS

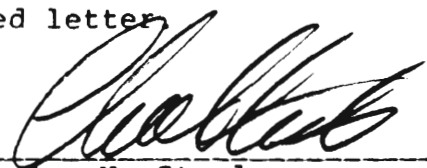
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III. RECOMMENDATIONS

1. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, and Evelyn Batts if they do not submit an acceptable agreement within ten days of their receipt of the attached letter.
2. Approve and send the attached letter.

90040802665
Date

5 Feb 1987


Charles N. Steele
General Counsel

Attachments

1. Letter from Evelyn Batts
2. Proposed Letter

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Elect Bennie O.)
Batts and Evelyn Batts,) MUR 2002
acting as treasurer)
Evelyn Batts)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of February 18, 1987, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2002:

1. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against Committee to Elect Bennie O. Batts and Evelyn Batts, acting as treasurer, and Evelyn Batts if they do not submit an acceptable agreement within ten days of their receipt of the letter attached to the General Counsel's report dated February 5, 1987.
2. Approve and send the letter attached to the General Counsel's report dated February 5, 1987.

Commissioners Aikens, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Elliott was not present at the time of the vote.

Attest:

2-19-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 3, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Evelyn Batts
Committee to Elect Bennie O. Batts
216 Falmuth Road
Scarsdale, New York

RE: MUR 2002
Committee to Elect
Bennie O. Batts and
Evelyn Batts, acting
as treasurer
Evelyn Batts

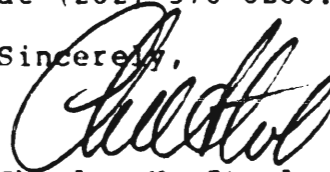
Dear Mrs. Batts:

You were previously notified that on October 21, 1986, the Federal Election Commission found probable cause to believe that you and your committee violated 2 U.S.C. §§ 441a(a)(1)(A), 433(c), 432(h)(1), 432(b)(3), and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the captioned matter.

Although we have been unable to settle this matter through conciliation, the Commission has decided to give you one last opportunity to conciliate. Please note, however, that the Commission has also authorized the institution of a civil action for relief in United States District Court, if you do not submit an acceptable conciliation agreement within ten days of your receipt of this letter.

Should you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,


Charles N. Steele
General Counsel

23240302667



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

97 AUG 4 4:06

August 4, 1987

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble 
Acting General Counsel

SUBJECT: Failure to File Suit in MUR 2002 Within
90 Days of Authorization

On February 18, 1987, the Commission authorized suit against the Committee to Elect Bennie O. Batts and its acting treasurer. The suit authorization contained a ten-day grace period within which the Committee could, if it wished, submit an acceptable agreement to the Commission in settlement of the matter. The notification letter advising the Committee of the Commission's decision was received by the Committee on March 12, 1987. The Committee's response, if it chose to avail itself of the grace period for signing a conciliation agreement, was due on March 26, 1987. The Commission did not receive a signed conciliation agreement by the latter date; accordingly, the authorization to file suit became effective on that date. The Office of the General Counsel did not file suit within 90 days of March 26, 1987.

Although this office's suspense system for monitoring suit authorization has worked effectively, in this case the authorization was not promptly transmitted to district court litigation for filing, as it should have. This was due in part because the authorization was not transmitted at the expiration of the ten days by forwarding a copy of the authorization certificate to litigation, and the enforcement staff did not inform Docket or litigation that a conciliation agreement from this respondent had not been received. As a consequence, it was not until July 28, 1987, that the MUR 2002 authorization was activated. It is expected that this lawsuit will be filed (mailed to the district court) not later than August 7, 1987.

Memorandum To The Commission
Failure to File Suit in MUR 2002 Within
90 Days of Authorization
Page 2

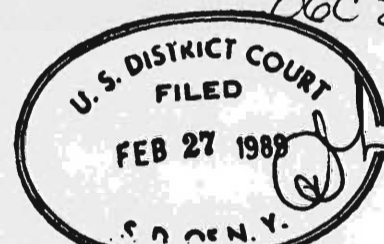
In order to attempt to prevent future occurrences of this nature, the following steps have been taken: (1) Docket has been instructed to transmit to litigation all suit authorizations on receipt from the Commission; (2) enforcement personnel will be required to inform Docket and litigation of respondents' failure to avail themselves of a grace period granted to them by the Commission for signing an acceptable conciliation agreement; and (3) district court litigation will maintain a suspense file of cases recommended for litigation.

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RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 MAR 10 AM 9:06

ENDORSEMENT



Re: Federal Election Comm'n v. Committee to Elect ~~Bonnie O.~~
Batts
87 Civ. 5789 (GLG)

For the reasons stated on the record in open court,
plaintiff's motion for summary judgment is granted.

SO ORDERED.

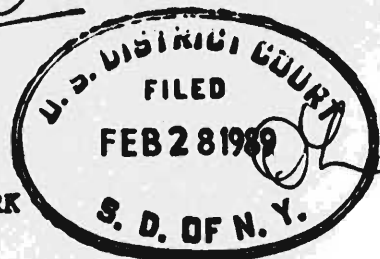
Dated: White Plains, N.Y.
February 27, 1989


GERARD L. GOETTEL
U.S.D.J.

89 MAR 10 PM 3:57

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25
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



FEDERAL ELECTION COMMISSION,

Plaintiff,

v.

COMMITTEE TO ELECT BENNIE O. BATTS,
et al.,

Defendants.

#89, 0037 WP
No. 87 Civ. 5789 (GLG)

JUDGMENT

JUDGMENT

90040802671
This matter having come before the court on the plaintiff Federal Election Commission's (the "Commission") motion for summary judgment against defendants Committee to Elect Bennie O. Batts and Evelyn Batts, as acting treasurer and personally, and the court having reviewed the parties' pleadings and heard oral argument by the parties' counsel, it is hereby

ORDERED that plaintiff's motion for summary judgment is granted. In addition, it is hereby further

ORDERED, ADJUDGED AND DECREED that:

(1) Defendants Committee to Elect Bennie O. Batts and Evelyn Batts, as acting treasurer, violated 2 U.S.C. § 433(c) by failing to amend the Batts Committee's Statement of Organization to reflect that Evelyn Batts was the Committee's treasurer and a custodian of records, and by failing to disclose all campaign depositories;

(2) Defendants Committee to Elect Bennie O. Batts and Evelyn Batts, as acting treasurer, violated 2 U.S.C. § 432(b)(3) by commingling funds of the Batts Committee with personal funds of Evelyn Batts in Mrs. Batts' checking account;

(3) Defendants Committee to Elect Bennie O. Batts and Evelyn Batts, as acting treasurer, violated 2 U.S.C. § 432(h)(1) by depositing receipts into and making disbursements from an account other than the Batts Committee's designated Campaign depository;

(4) Defendant Evelyn Batts violated 2 U.S.C. § 441a(a)(1)(A) by making contributions to the Committee to Elect Bennie O. Batts in connection with the primary election, that aggregated in excess of \$1,000;

(5) Defendants Committee to Elect Bennie O. Batts and Evelyn Batts, as acting treasurer, violated 2 U.S.C. § 441a(f) by knowingly accepting contributions made by Evelyn Batts in connection with the primary election, that aggregated in excess of \$1,000;

(6) Defendants Committee to Elect Bennie O. Batts and Evelyn Batts, as acting treasurer, shall pay a civil penalty of \$100.00, pursuant to 2 U.S.C. § 437g(a)(6)(B), for which defendants shall be jointly and severally liable;

(7) Defendant Evelyn Batts, personally, shall pay a civil penalty of \$1.00, pursuant to 2 U.S.C. § 437g(a)(6)(B);

(8) ~~Defendants Committee to Elect Bennie O. Batts and Evelyn Batts, as acting treasurer and personally, shall pay the Commission its costs and reasonable attorney's fees in this action; and~~ *ms*

(9) Defendants Committee to Elect Bennie O. Batts and Evelyn Batts, as acting treasurer and personally, are permanently enjoined from similar future violations of the Federal Election Campaign Act of 1971, as amended.

Dated: White Plains, New York, February 24, 1989.


Gerard L. Goettel
United States District Judge

Copies to:

Michael A. Dymersky
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
(Counsel for plaintiff)

and

Michael T. Heffernan, Esquire
E. Lisa Forte, Esquire
MIRKIN & GORDON, P.C.
98 Cutter Mill Road
Great Neck, NY 11021
(Counsel for Defendants).



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2002

DATE FILMED 10/17/90 CAMERA NO. 2

CAMERAMAN AS

90040802674