



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2045
DATE FILMED 10/29/87 CAMERA NO. 3
CAMERAMAN GRC

87040560673

PUBLIC RECORD INDEX - MUR 2045

NOTE: On September 10, 1985, the Commission voted to merge MURS 1863 and 2045.

1. Memo, 24 Oct 84, John D. Gibson (Reports Analysis Division) to Charles N. Steele (General Counsel), subj: Referral of the Robert Clark Campaign Committee, w/atch (RAD Referral Package).
2. First General Counsel's Report, (MUR 1863) 5 Dec 84.
3. Memo, dtd 5 Dec 84, Office of General Counsel (OGC) to Office of the Commission Secretary (OCS), Subj. General Counsel's Report.
4. Certification of Commission action, 10 Dec 84.
5. Ltr, dtd 11 Dec 84, Lee Ann Elliott to Robert C. Clark Campaign Committee (RCCC) (Katie L. Gordon, Treasurer).
6. Ltr, dtd 11 Dec 84, Lee Ann Elliott to Mississippians United for Progress (MUP).
7. Ltr, dtd 21 Dec 84 James A. Butchart, (EPA for Katie Jordan, Treas, RCCC), to FEC, subj; reg. ext. of time.
8. Ltr, dtd 8 Jan 85, Fred Slabach to FEC subj: Response to Reason to Believe ltr.
9. Ltr, dtd 11 Jan 85, Kenneth A. Gross to K.L. Jordan.
10. G.C.'s Comprehensive Investigative Report #1. 22 Jan 85.
11. Memo, 23 Jan 85, OGC to OCS, subj: Comprehensive Investigative Report #1.
12. Memo, 25 Jan 85, M.W. Emmons to C.N. Steele, Subj: Objections to Comp. Invest. Rpt. #1.
13. Statement of Designation of Counsel, dtd 29 Jan 85 (F.G. Slabach for K. Jordan and RCC.
14. Ltr, 4 Feb 85, Katie L. Jordan to FEC
15. Response ltr, dtd 3 Jan 85 (rec'd at FEC 4 Feb 85), J. Butchart to FEC, subj: Response to RTB ltr (RCCC)
16. General Counsel's Report, 15 Apr 85.
17. Memo, 16 Apr 85, OGC to OCS, subj: General Counsel's Report MUR 1863.

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18. Memo, 19 Apr 85, OCS to OGC, subj: objections to G.C. Rpt.
19. Certification of Commission vote, dtd, 24 Apr 85.
20. Memo, 15 May 85, C.N. Steele to the Commission w/atch (G.C.'s Brief and ltr to RCCC).
21. Memo, 15 May 85, OGC to OCS, subj: MVR 1863-Memo and G.C. Brief
22. Ltr, 22 May 85, J.A. Butchart to FEC, subj: reg. for ext time-RCCC.
23. Ltr, 3 June 85, K.A. Gross to J.A. Butchart.
24. Ltr, 10 June 85, J. Slabach to FEC, w/atch (Reponse from RCCC).
25. Ltr, 30 July 85, F. Slabach to FEC.
26. General Counsel's Report, 29 Aug 85.
27. Memo, dtd 30 Aug 85, OGC to OCS, subj: G.C. Report.
28. Memo, dtd 5 Sept 85, M.W. Emmons to C.N. Steele, subj: Objections to G.C. Rpt.
29. Memo, 5 Sept 85, OGC to OCS, subject: Memo to Commission's errata.
30. Notice re merger of MURs 1863 and 2045.
31. Memo, 15 Mar 85, John D. Gibson (Reports Analysis Division) to Charles N. Steele (General Counsel), subj: Referral of the Robert Clark Campaign Committee (RCCC), w/atch (RAD Referral Package.
32. First General Counsel's Report (MUR 2045, 14 June 85.
33. Memo, 17 June 85, OGC to OCS, subj: First G.C. Rpt.
34. Certification of Commission, vote dtd 20 Jun 85. (MUR 2045)
35. Ltr. 28 June 85, John Warren McGarry to RCCC and K.L. Jordan.
36. Ltr, 28 June 85, J.W. McGarry to Charles J. Williams, Jr. (Treas, Young Political Action Committee).

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37. Ltr, 9 July 85, C.J. Williams to J.W. McGarry, w/atchs (previous correspondence).
38. Ltr, 15 July 85, F. Slabach to FEC.
39. Ltr, 17 July 85, F. Slabach to FEC, w/atch (Statement of Designation of Counsel-Slabach for RCCC and K.L. Jordan).
40. Ltr, 30 July 85, K.A. Gross to F. Slabach.
41. Ltr, 31 July 85, F. Slabach to FEC. (RCC response in MUR 2045).
42. General Counsel's Report, 29 Aug 85.
43. Memo, 30 Aug 85, OGC to OCS, subj: GC Rpt.
44. Memo, 4 Sept. 85, OCS to OGC, subject: Objections to GC Rpt.
45. Memo, 5 Sept 85, OCS to OGC, subj: Objections to G.C. Rpt.
46. Certifications of Commission vote, dtd 10 Sept 85, re: Merger of MURS a) 1863 and b) 2045.
47. Ltr, 8 Nov 85, K.A. Gross to Larry Farmer (MUP) w/encl.
48. General Counsel's Report, 7 Nov 85.
49. Memo, 8 Nov 85, OGC to OCS, subj: G.C. Rpt.
50. Memo, 12 Nov 85, M.W. Emmons to C.N. Steele, subj: Objections to G.C. Rpt.
51. Certification of Commission action, 21 Nov 85
52. Ltr, 20 Nov, (rec'd 25 Nov 85) L.N. Farmer to FEC.
53. [Not used].
54. Ltr, 3 Dec 85, F. Slabach to FEC (MUP's response).
55. Ltrs, 11 Dec 85, K.A. Gross to: a) F. Slabach re: RCCC and Katie Jordan, Treas; and, b) C.J. Williams re: Young PAC.
56. Ltr, 20 Dec 85, F. Slabach (for RCCC & K.L. Jordan) to FEC.
57. Ltr, 23 Dec 85, F. Slabach to FEC.

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- 58. Ltr, 19 Aug 86, C.J. Williams (Young PAC and Charlie Williams as Treas) to FEC.
 - 59. Ltr, 27 Aug 86, F. Slabach (for MVP) to FEC.
 - 60. Ltr, 4 Sep 86, F. Slabach (for RCCC & K.L. Jordan) to FEC.
 - 61. G.C. Report, 5 Sep 86
 - 62. Memo, 5 Sep 86 OGC to OCS, Subj: MUR 2045-G.C. Report.
 - 63. Certification of Cmsn. Vote, dtd 10 Sep 86.
 - 64. Ltr, 15 Sep 86, L.M. Noble to C. Williams, w/encl (Executed Conciliation Agreement with Young PAC and C. Williams, Treas.).
 - 65. Ltr, 29 Sep 86, C. Williams to FEC w/encl (Civil Penalty check).
 - 66. G.C. Report, 20 Nov 86.
 - 67. Memo, 21 Nov 86 OGC to OCS, Subj: MUR 2045-GC Report.
 - 68. Certification of Cmsn Vote, dtd 25 Nov 86.
 - 69. Ltr, 28 Nov 86, L.M. Noble to F. Slabach w/encl (Executed Conciliation Agreement with Robert Clark Campaign Cmte and Katie L. Jordan, Treas.).
 - 70. Ltr, 22 Dec 86, T.B. Butchart to FEC, w/encl (Civil Penalty Check, RCCC and K.L. Jordan).
 - 71. Ltr. 30 Dec 86, F. Slabach (for MVP & L. Farmer) to FEC.
 - 72. G.C. Report, 16 Jan 87.
 - 73. Certification of Cmsn Vote, dtd 22 Jan 87.
 - 74. Ltr, 29 Jan 87, L.M. Noble to F. Slabach, w/encl (Executed Conciliation Agreement with Mississippians United for Progress and Larry Farmer, Treas.).
 - 75. Ltr, 27 Jan 87, F. Slabach to FEC w/encl (Civil Penalty Check - MVP).

-END-

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those documents or portions thereof, which are exempt from disclosure under the Freedom of Information Act.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

24 October 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF THE ROBERT CLARK CAMPAIGN COMMITTEE

This is a referral of the Robert Clark Campaign Committee (the "Committee"). The Committee has received an excessive contribution from an unregistered committee in the form of a loan and has completely repaid the loan.* According to the RAD Review and Referral Procedures for Authorized Committees (Standard 2), this matter requires further examination by your office.

If you have any questions, please contact Stuart N. Herschfeld at 523-4048.

Attachment

*/ A companion referral for the unregistered committee has not been prepared, because the loan was repaid in full, before RAD could send the unregistered committee a Registration Notice.

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 24 October 1984ANALYST: Stuart N. Herschfeld

I. COMMITTEE: Robert Clark Campaign Committee
(C00159574)
Katie L. Jordan, Treasurer
302 South Main Street
Greenville, MS 38701

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

III. BACKGROUND:

The 1984 July Quarterly Report for the Robert Clark Campaign Committee (the "Committee") disclosed the receipt of a loan on June 18, 1984, from Robert G. Clark, the candidate. The \$7,000 loan was reported on Schedule A and Schedule C, but no mention was made of the source of the candidate loan (Attachment 2). A Request for Additional Information ("RFAI") was sent to the Committee on August 8, 1984, asking the Committee to disclose the source of the candidate loan (Attachment 3).

A Second Notice was mailed to the Committee on August 30, 1984 for failure to respond (Attachment 4). On September 6, 1984, the Committee filed an Amended 1984 July Quarterly Report. The Committee reported that the ultimate source of the loan was the Mississippians United For Progress, an unregistered committee. The candidate accepted the loan from the unregistered committee. When the candidate turned the contribution over to his principal campaign committee, it was assumed that the original source of the loan was the candidate. Upon receiving the RFAI, the Committee realized that the loan was from the unregistered committee and was in excess of the contribution limits. The loan was \$6,000 over the contribution limits and was designated for the General Election. The Committee repaid the full amount of the loan, plus interest on August 30, 1984 (Attachment 5).

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**ROBERT CLARK CAMPAIGN COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2**

On September 28, 1984, the Committee was mailed an Informational Notice stating that the Commission is aware of the excessive contribution and notes the repayment of the loan (Attachment 6). On October 6, 1984, the Committee filed a second Amended 1984 July Quarterly Report properly disclosing on a Schedule A and Schedule C that the loan was from the Mississippians United for Progress (Attachment 7).

On October 15, 1984, the Committee filed the 1984 October Quarterly Report disclosing the loan repayment to the Mississippians United For Progress for \$7,196.88, including interest (Attachment 8).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION
1983-1984

DATE 22OCT84

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
CLARK, ROBERT G	HOUSE 02	DEMOCRATIC PARTY			MISSISSIPPI		1984 ELECTION	ID# H2MS02047	
1. STATEMENT OF CANDIDATE 1984 DISAVOWAL NOTICE							7MAR84 18APR84	2 1	84FEC/299/0033 84HSE/258/3748
2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES									
3. PRINCIPAL CAMPAIGN COMMITTEE ROBERT CLARK CAMPAIGN COMMITTEE									
1983 MID-YEAR REPORT				3,761		10,511	1JAN83 -30JUN83	6	83HSE/248/4724
YEAR-END				1,397		3,696	1JUL83 -31DEC83	5	84HSE/254/4936
1984 STATEMENT OF ORGANIZATION - AMENDMENT							4APR84	1	84HSE/256/2567
APRIL QUARTERLY			27,935		27,881		1JAN84 -31MAR84	10	84HSE/259/0310
APRIL QUARTERLY - AMENDMENT			27,935		27,881		1JAN84 -31MAR84	2	84HSE/261/0669
1'ST LETTER INFORMATIONAL NOTICE							1JAN84 -31MAR84	1	84FEC/314/0914
PRE-PRIMARY			27,639		27,848		31MAR84 -16MAY84	10	84HSE/261/0295
JULY QUARTERLY			57,500		56,687		17MAY84 -30JUN84	17	84HSE/264/4169
JULY QUARTERLY - AMENDMENT			-		-		17MAY84 -30JUN84	2	84HSE/268/1758
JULY QUARTERLY - AMENDMENT			57,500		56,687		17MAY84 -30JUN84	18	84HSE/269/1667
REQUEST FOR ADDITIONAL INFORMATION							17MAY84 -30JUN84	1	84FEC/325/1103
REQUEST FOR ADDITIONAL INFORMATION 2ND							17MAY84 -30JUN84	2	84FEC/327/2590
1'ST LETTER INFORMATIONAL NOTICE							17MAY84 -30JUN84	3	84FEC/329/5407
OCTOBER QUARTERLY				98,565		92,345	1JUL84 -30SEP84	23	84HSE/273/1157
TOTAL			113,074	103,723	112,416	106,552		101	TOTAL PAGES
4. AUTHORIZED COMMITTEES									
4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES									

All reports through the July Quarterly 1984 Report have been reviewed.

Cash-on-Hand (9/30/84): \$7,095.38

Debts (9/30/84): 0

Attachment #1

Page 2, FEC FORM 28

Name of Committee (in Full)		Report Covering the Period	
Robert G. Clark Campaign Committee		From 5-17-84	To 6-30-84
		COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees	13,100.55	27,424.99	
(b) Political Party Committees	.00	.00	
(c) Other Political Committees	37,400.00	78,650.00	
(d) The Candidate	.00	.00	
(e) TOTAL CONTRIBUTIONS (other than loans) (Add 11a, 11b, 11c and 11d)	50,500.55	106,074.99	
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES			
	.00	.00	
13. LOANS			
(a) Made or Guaranteed by the Candidate	7,000.00	7,000.00	
(b) All Other Loans	.00	.00	
(c) TOTAL LOANS (Add 13a and 13b)	7,000.00	7,000.00	
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Returns, etc.)			
	.00	.00	
15. OTHER RECEIPTS (Endorsements, Interest, etc.)			
	.00	.00	
16. TOTAL RECEIPTS (Add 11a, 12, 13a, 14 and 15)	57,900.55	113,074.99	
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES	56,687.92	112,417.22	
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES			
	.00	.00	
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate	.00	.00	
(b) Of All Other Loans	.00	.00	
(c) TOTAL LOAN REPAYMENTS (Add 19a and 19b)	.00	.00	
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	.00	.00	
(b) Political Party Committees	.00	.00	
(c) Other Political Committees	.00	.00	
(d) TOTAL CONTRIBUTION REFUNDS (Add 20a, 20b and 20c)	.00	.00	
21. OTHER DISBURSEMENTS			
	.00	.00	
22. TOTAL DISBURSEMENTS (Add 17, 18, 19a, 20d and 21)	56,687.92	112,417.22	
III. CASH SUMMARY			
23. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD		62.79	
24. TOTAL RECEIPTS THIS PERIOD (From Line 16)		57,900.55	
25. SUBTOTAL (Add Line 23 and Line 24)		57,963.34	
26. TOTAL DISBURSEMENTS THIS PERIOD (From Line 22)		56,687.92	
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from Line 25)		875.42	

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SCHEDULE A

Employer's Report

Any information copied from such Records or otherwise may not be sold or used by any person for the purpose of obtaining contributions or for commercial purposes, other than with the written and express consent of the National Archives and Records Administration.

July Quarterly - 1984

1. Full Name, Mailing Address and ZIP Code <i>Robert B. Quinn</i> <i>P.O. Box 179</i> <i>Chilmark, MA 01915</i> Residence Part: ☐ Primary ☐ General ☒ Other (Specify):	Name of Employer <i>East-Edwards</i> Occupation <i>Finance</i> Aggregate Years-Quarters	Date (month, day, year) <i>7/1/84</i>	Amount of Each Payment This Period <i>7,000.00</i>
2. Full Name, Mailing Address and ZIP Code Residence Part: ☐ Primary ☐ General ☐ Other (Specify):	Name of Employer Occupation Aggregate Years-Quarters	Date (month, day, year)	Amount of Each Payment This Period
3. Full Name, Mailing Address and ZIP Code Residence Part: ☐ Primary ☐ General ☐ Other (Specify):	Name of Employer Occupation Aggregate Years-Quarters	Date (month, day, year)	Amount of Each Payment This Period
4. Full Name, Mailing Address and ZIP Code Residence Part: ☐ Primary ☐ General ☐ Other (Specify):	Name of Employer Occupation Aggregate Years-Quarters	Date (month, day, year)	Amount of Each Payment This Period
5. Full Name, Mailing Address and ZIP Code Residence Part: ☐ Primary ☐ General ☐ Other (Specify):	Name of Employer Occupation Aggregate Years-Quarters	Date (month, day, year)	Amount of Each Payment This Period
6. Full Name, Mailing Address and ZIP Code Residence Part: ☐ Primary ☐ General ☐ Other (Specify):	Name of Employer Occupation Aggregate Years-Quarters	Date (month, day, year)	Amount of Each Payment This Period
7. Full Name, Mailing Address and ZIP Code Residence Part: ☐ Primary ☐ General ☐ Other (Specify):	Name of Employer Occupation Aggregate Years-Quarters	Date (month, day, year)	Amount of Each Payment This Period
8. Full Name, Mailing Address and ZIP Code Residence Part: ☐ Primary ☐ General ☐ Other (Specify):	Name of Employer Occupation Aggregate Years-Quarters	Date (month, day, year)	Amount of Each Payment This Period
GRAND TOTAL of Payments This Period (to be filled in by employer)			<i>7,000.00</i>
TOTAL This Period (to be filled in by employer)			<i>7,000.00</i>

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LOANS

Name of Borrower (Full)		July Quarterly 1984	
A. Full Name, Mailing Address and ZIP Code of Loan Source <u>Robert D. Cline</u> <u>P.O. Box 174</u> <u>CARLISLE, PA 17015</u> Position: ☐ Primary ☐ General ☐ Other (specify) _____ Terms: _____ Date Incurred <u>6/15/84</u> Rate This Month _____ Let All Endorsers or Guarantors (if any) to Item A		Original Amount of Loan <u>\$2,000.00</u> Interest Rate <u>12%</u>	Committed Payments To Date <u>0</u> Balance Outstanding at Close of This Period <u>\$2,000.00</u> Secured ☐
B. Full Name, Mailing Address and ZIP Code of Loan Source Position: ☐ Primary ☐ General ☐ Other (specify) _____ Terms: _____ Date Incurred _____ Date Due _____ Interest Rate _____ % Let All Endorsers or Guarantors (if any) to Item B		Original Amount of Loan _____ Interest Rate _____ %	Committed Payments To Date _____ Balance Outstanding at Close of This Period _____ Secured ☐
C. Full Name, Mailing Address and ZIP Code Name of Employer _____ Occupation _____ Amount Guaranteed Outstanding _____			
D. Full Name, Mailing Address and ZIP Code Name of Employer _____ Occupation _____ Amount Guaranteed Outstanding _____			
E. Full Name, Mailing Address and ZIP Code Name of Employer _____ Occupation _____ Amount Guaranteed Outstanding _____			
F. Full Name, Mailing Address and ZIP Code Name of Employer _____ Occupation _____ Amount Guaranteed Outstanding _____			
G. Full Name, Mailing Address and ZIP Code Name of Employer _____ Occupation _____ Amount Guaranteed Outstanding _____			
H. Full Name, Mailing Address and ZIP Code Name of Employer _____ Occupation _____ Amount Guaranteed Outstanding _____			
SUBTOTALS (This Period This Page Includes)		TOTALS This Period (Last page in this line only) <u>\$2,000.00</u>	

Carry outstanding balance only to LINE 2, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20543

AUG 8 1984

HQ-2

Ratie L. Jordan, Treasurer
Robert G. Clark Campaign Committee
302 South Main Street
Greenville, MS 38701

Identification Number: C00159574

Reference: July Quarterly Report (5/17/84-6/30/84)

Dear Ms. Jordan:

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

-When a committee reports receiving a loan from the candidate, it is necessary to clarify whether or not the candidate used his/her personal funds or borrowed the money from a lending institution, or any other source. If the candidate borrowed funds from a lending institution or any other source, please provide the name of the lending institution and the complete terms of the loan. If the loan(s) was from personal funds, please acknowledge that fact in an amendment to this report. Further, it is important to note that "personal funds" is strictly defined by Commission regulations and may be found in 11 CFR 110.10. (11 CFR 100.7(a)(1) and 104.3(d))

-Please note for future reports that you should include the complete names of the political committees that have contributed to your campaign. Reporting only the names of the connected organizations is not adequate.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Stuart N. Herschfeld
Reports Analyst
Reports Analysis Division

9403351103



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

HQ-3

August 30, 1984

Katie L. Jordan, Treasurer
Robert G. Clark Campaign
Committee
302 South Main Street
Greenville, MS 38701

Identification Number: C00159574

Reference: July Quarterly Report (5/17/84-6/30/84)

Dear Ms. Jordan:

This letter is to inform you that as of August 29, 1984, the Commission has not received your response to our request for additional information, dated August 8, 1984. That notice requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Stuart Herschfeld on our toll-free number (800) 424-9530 or our local number (202) 523-4048.

Sincerely,

A handwritten signature in cursive script that reads "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosure

Robert Clark for Congress

2ND Congressional District of Mississippi

302 Main Street
Greenville, Mississippi 38701

(601) 335-5370 • (601) 332-7342 • (601) 332-7348

AUG 31 1984
REGULAR MAIL

August 30, 1984

Stuart N. Herschfeld
Reports Analyst
Reports Analysis Division
Washington, D.C. 20463

Dear Sir:

In response to your inquiry concerning the Robert G. Clark campaign, we proceeded to gather the necessary information to satisfy your letter dated August 8, 1984. The process took an extended period of time to resolve and we regret the delay in responding to you.

In our examination of the transaction in question, we found that the loan reported from the candidate was actually received from a political action committee which does not qualify as a multiple candidate committee. The candidate, Robert Clark, merely acted as an intermediary in the transaction and was unaware that the source of the loan was not a qualified political action committee. We have found the loan to be in contradiction with the existing regulations and have repaid the amount in full upon our determination. Our prior report is amended with the necessary information disclosed as required.

Sincerely,

Melany Neilson
Melany Neilson
Asst. Treasurer

Enclosures

ROBERT CLARK CAMPAIGN COMMITTEE
EXPENSE ACCOUNT
302 MAIN ST.
GREENVILLE, MS 38701

728

8/30 1984

PAY TO THE
ORDER OF

Mississippians United For Progress

\$ 7,146.88

Seven Thousand One Hundred & Forty Six and 88/100 DOLLARS



THE FIRST NATIONAL BANK
OF GREENVILLE
GREENVILLE, MISSISSIPPI

Loan Repayment (\$7,500.00) + Int. (\$146.88)

Melany Wilson

⑆000728⑆ ⑆08420054⑆ 54246647⑆

ROBERT CLARK
CAMPAIGN COMMITTEE

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

DELUXE - FORM OVC-3 V-7

Loan Repayment

Principal \$7,500.00

Interest 146.88



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20541

SEP 28 1984 RQ-5

Katie L. Jordan, Treasurer
Robert G. Clark Campaign
Committee
302 South Main Street
Greenville, MS 38701

Identification Number: C00159574

Reference: July Quarterly Amended Report (5/17/84-6/30/84)

Dear Ms. Jordan:

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

-Your Amended July Quarterly Report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual or a political committee other than a multicandidate committee may not make contributions to a candidate for Federal office in excess of \$1,000 per election. (2 U.S.C. 441a(a) and (f))

The Commission notes your refund of the excessive contribution(s). Although the Commission may take further legal steps concerning the acceptance of an excessive contribution, your action in refunding the excessive amount(s) will be taken into consideration.

Any amendment or clarification should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

A handwritten signature in cursive script, reading "Stuart N. Herschfeld".

Stuart N. Herschfeld
Reports Analyst
Reports Analysis Division

CERTIFIED MAIL

OCT - 6 1984

Attachment #7

Page 1 of 3

Amended July Quarterly
1984

September 25, 1984

103756

RECEIVED
OFFICE OF THE CLERK
HOUSE OF REPRESENTATIVES
OCT - 8 PM 1:11

Gentlemen:

This report is amended to reflect a correction regarding the receipt of a loan of \$7,000 from Mississippians United for Progress. This amount was mistakenly recorded as a loan from Robert Clark.

The Robert Clark Campaign Committee received the \$7,000 from the Mississippians United for Progress which they assumed to be a registered Political Action Committee. After we had deposited the money, we learned that this was not a legitimate Political Action Committee. We corrected our mistake, by repaying the \$7,000 that was loaned to us. This repayment will be reflected in the report to be submitted on October 15, 1984.

Sincerely,

Katie Jordan

Katie Jordan
Treasurer

87040560690

Any information appearing on this Report or Statement 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)

ROBERT G. CLARK CAMPAIGN COMMITTEE

Amended July Quarterly
1984

A. Full Name, Mailing Address and ZIP Code

MISSISSIPPIANS UNITED FOR PROGRESS
P.O. Box 638
GREENVILLE, MS 38701

Name of Employer

Date (month,
day, year)

Amount of Cash
Received This Period

Occupation

6/18/84

\$7000.00

Receipt For: ☐ Primary ☒ General

☐ Other (specify):

Aggregates Year-to-Date—\$

B. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)

Amount of Cash
Received This Period

Occupation

Aggregates 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 Cash
Received This Period

Occupation

Aggregates 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 Cash
Received This Period

Occupation

Aggregates 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 Cash
Received This Period

Occupation

Aggregates 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 Cash
Received This Period

Occupation

Aggregates 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 Cash
Received This Period

Occupation

Aggregates Year-to-Date—\$

Receipt For: ☐ Primary ☐ General

☐ Other (specify):

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (see page 1 for this number only)

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LOANS

Do not write in this space
for each numbered item

Name of Guarantor (in Part) ROBERT G. CLARK - CAMPAIGN COMMITTEE		Amended July Quarterly 1984	
A. Full Name, Mailing Address and ZIP Code of Loan Source MISSISSIPPIANS UNITED FOR PROGRESS P.O. Box 658 GREENVILLE, MS 38701		Original Amount of Loan \$7,000.00	Guarantor's Payment To Date -0-
Section ☐ Primary ☐ General ☐ Other (specify):		Balance Outstanding at Close of This Period \$7,000.00	
Terms: Date Incurred <u>6/1/84</u> Date Due <u>12/15/84</u> Interest Rate <u>12%</u> ☐ Simple ☐ Discount			
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	Guarantor's Payment To Date
Section ☐ Primary ☐ General ☐ Other (specify)		Balance Outstanding at Close of This Period	
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ ☐ Simple ☐ Discount			
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	
0		Amount Guaranteed Outstanding	
SUBTOTALS This Period This Page (optional)		TOTALS This Period (fill in this line only)	

Carry outstanding balance only to LHW 2, Sheet 2 of 3, for this line. If no LHW 2, carry forward to appropriate line of Summary.

SCHEDULE B

ITEMIZED DISBURSEMENTS

Attachment #8
Page 1 of 2

See instructions on the
back of the Summary Page

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

Name of Committee (in Full) **ROBERT G. CLARK CAMPAIGN COMMITTEE** October Quarterly 1984

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
MS. UNITED FOR PROGRESS P.O. Box 638 GREENVILLE, MS 38701	REPAYMENT OF LOAN Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	8/30/84	7,196.88
DALLAS PRINTING 328 E. HAMILTON JACKSON, MS	PRINTING Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9/12/84	2,000.00
DR. WARREN BAKER WAVELAND, MS	CONSULTING FEE Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9/10/84	500.00
MAYOR ANDREW YOUNG 68 MITCHELL ST., S.W. ATLANTA, GA 30335	TRAVEL Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9/7/84	374.00
LINDA DAVIS 342 1/2 11th ST., S.E. WASHINGTON, D.C. 20003	CONSULTING FEE Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9/8/84	1500.00
WLTO - FM LEYINGTON, MS	MEDIA Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9/26/84	1000.00
REV. ALBERT JENKINS 526 CALIFORNIA DR. GREENVILLE, MS 38701	TRAVEL Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9/26/84	600.00
DELTA COPY PRODUCTS P.O. Box 98 GREENVILLE, MS 38701	OFFICE SUPPLIES Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9/27/84	227.71
MAYOR ANDREW YOUNG 68 MITCHELL ST., S.W. ATLANTA, GA 30335	TRAVEL Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9/28/84	394.00
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (Run page this line number only)			

MK

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Name of Committee (in full) ROBERT G. CLARK JAMNIGN COMMITTEE		October Quarterly 1984	
A. Full Name, Mailing Address and ZIP Code of Loan Source MISSISSIPPIANS UNITED WE RISE UP SS P.O. Box 638 GREENVILLE, MISSISSIPPI 38901		Original Amount of Loan 7,000.00	Cumulative Payments To Date 7,196.88
Balance Outstanding at Close of This Period -0-			
Election ☐ Primary ☐ General ☐ Other (specify):			
Terms: Date Incurred 6/1/84 Date Due 12/12/84 Interest Rate 9 1/2 % (april) ☐ 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 Payments To Date
Balance Outstanding at Close of This Period			
Election ☐ Primary ☐ General ☐ Other (specify):			
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ % (april) ☐ 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)		-0-	

Carry outstanding balance only to LINE 2, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

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SENSITIVE

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

**DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 12-5-84 2pm**

**RAD 84L-28
STAFF MEMBER:
GARR**

84 DEC 5 2:00

**RECEIVED
OFFICE OF THE
SECRETARY**

FIRST GENERAL COUNSEL'S REPORT

SOURCE OF REFERRAL: INTERNALLY GENERATED

**RESPONDENTS' NAMES: Robert Clark Campaign Committee
Katie L. Jordan, Treasurer; and
Mississippians United for Progress**

RELEVANT STATUTE: 2 U.S.C. §§ 441a(f) and 441a(a)(1)(A)

INTERNAL REPORTS CHECKED: FEC Disclosure Documents

FEDERAL AGENCIES CHECKED: NONE

Generation of Matter

The Robert Clark Campaign Committee ("Committee") was referred to the Office of General Counsel by the Reports Analysis Division for receiving an excessive contribution from an unregistered committee in the form of a loan.

Summary of Allegations

The 1984 July Quarterly Report for the Committee disclosed the receipt of a loan on June 18, 1984, from Robert G. Clark, the candidate, totalling \$7,000. Although the Committee reported the loan on Schedules A and C, no mention was made of its source.

On August 8, 1984, the Reports Analysis Division sent an RFAI, requesting that the Committee disclose the source of the loan. On August 30, 1984, a Second Notice was sent.

In her response dated August 30, 1984, Melany Neilson, the Committee's Assistant Treasurer, reported that the ultimate

source of the loan was Mississippians United for Progress, an unregistered committee. Ms. Neilson further explained that the candidate merely acted as an intermediary in the transaction and was unaware that the source of the loan was not a qualified committee. Mrs. Neilson stated, "We have found the loan to be in contradiction with the existing regulations and have repaid the amount in full upon our determination." A copy of the Committee's repayment check dated August 8, 1984, and totalling \$7,196.83 (loan plus interest) was attached.

The Committee filed an amended 1984 July Quarterly Report on September 6, 1984, reporting the source of the loan as Mississippians United for Progress.

On September 28, 1984, RAD issued an Informational Notice, notifying the Committee that the Commission was aware of the excessive contribution and of its repayment.

On October 6, 1984, the Committee filed a second amended 1984 July Quarterly Report which properly disclosed the source of the loan. On October 15, 1984, the Committee filed its 1984 October Quarterly Report in which it disclosed the loan repayment.

Factual and Legal Analysis

Pursuant to 2 U.S.C. § 441a(f) no candidate or political committee shall knowingly accept any contribution from an individual or political committee other than a multicandidate committee, in excess of \$1,000 per election. The term "contribution" includes any gift, subscription, advance, deposit

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of money, or loan made by any person for the purpose of influencing an election for Federal office. 2 U.S.C. § 431(8)(A)(i). Thus, because the Committee accepted a loan from Mississippians United for Progress which aggregated in excess of the \$1,000 limitation imposed by 2 U.S.C. § 441a(a)(1)(A), it is recommended that the Commission find reason to believe that the Robert G. Clark Campaign Committee violated 2 U.S.C. § 441a(f).

Further, pursuant to 2 U.S.C. § 441a(a)(1)(A), an unregistered political committee may not make a contribution to a candidate and his authorized political committee with respect to any election for Federal office which, in the aggregate, exceeds \$1,000. Because Mississippians United for Progress made a \$7,000 contribution to the Robert Clark Campaign Committee, \$6,000 over the contribution limitation of 2 U.S.C. § 441a(a)(1)(A), it is recommended that the Commission find reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A).

Recommendations

1. Open a MUR.
2. Find reason to believe that the Robert G. Clark Campaign Committee and Katie L. Jordan, as Treasurer, violated 2 U.S.C. § 441a(f).
3. Find reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A).

4. Approve the attached letters and General Counsel's
Factual and Legal Analysis.

Charles N. Steele
General Counsel

Dec. 5, 1974
Date

By:

Kenneth A. Gross
Associate General Counsel

Attachments

- I. Referral
- II. Proposed letter
- III. General Counsel's Factual and Legal Analysis

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Attachment(s) I, II, III
to 1st GC Report

have been removed from this
position in Public Record File.

See Index Item(s) 1, 5, 6

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *OK*
DATE: December 5, 1984
SUBJECT: RAD 84L-28 1st GC's Rpt

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

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote [x]
Sensitive [x]
Non-Sensitive []

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

Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [x]

Audit Matters []

Litigation []

Closed MUR Letters []

Status Sheets []

Advisory Opinions []

Other (see distribution below) []

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) RAD Referral 84L-28
Robert Clark Campaign Committee)
Katie L. Jordan, Treasurer)
Mississippians United for Progress)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 10, 1984, the Commission decided by a vote of 4-0 to take the following actions in RAD Referral 84L-28:

1. Open a MUR.
2. Find reason to believe that the Robert G. Clark Campaign Committee and Katie L. Jordan, as treasurer, violated 2 U.S.C. § 441a(f).
3. Find reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A).
4. Approve the letters and General Counsel's Factual and Legal Analysis submitted with the First General Counsel's Report signed December 5, 1984.

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

Attest:

12-10-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 12-5-84, 2:00
Circulated on 48 hour tally basis: 12-6-84, 11:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1984

Robert Clark Campaign Committee
Katie L. Jordan, Treasurer
302 South Main Street
Greenville, MS 38701

RE: MUR 1863

Dear Ms. Jordan:

On December 10, 1984, the Federal Election Commission determined that there is reason to believe that the Robert Clark Campaign Committee and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by accepting an excessive contribution in the form of a loan from an unregistered committee. 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. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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.

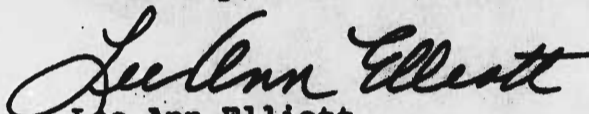
The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

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Letter to Robert Clark Campaign Committee
Page Two

For you 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 Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,


Lee Ann Elliott
Chairman

Enclosures

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO.1863
STAFF MEMBER & TEL. NO.
GARR 523-4143

RESPONDENT'S NAME: Robert Clark Campaign Committee
Katie L. Jordan, Treasurer

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

SUMMARY OF ALLEGATIONS

On December 10, 1984, the Commission found reason to believe that the Robert Clark Campaign Committee ("Committee") and its treasurer, Katie L. Jordan, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution in the form of a loan from an unregistered committee. On that date the Commission also found reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to the Robert Clark Campaign Committee.

On January 14, and February 4, 1985, the Commission received responses from Fred Slaybach and James Butchart, respectively, on behalf of the Committee.^{1/} In their responses, both Mr. Slaybach and Mr. Butchart explained that in his determination to satisfy his debts resulting from his unsuccessful campaign for the U.S. House of Representatives, the candidate personally entered into a loan agreement with Mississippians United for Progress ("MUP"), an organization which he believed was a registered multicandidate committee, for \$7,000 plus interest.^{2/}

^{1/} Fred Slaybach serves as Counsel for the Committee while James Butchart is accountant for the Committee.

^{2/} MUP was an unregistered organization not qualifying as a multicandidate committee.

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On June 18, 1984, the candidate loaned the \$7,000 to his committee, which, in turn, reported the loan on its 1984 July Quarterly Report. At the time of the loan the Committee was unaware of its source. Not until the Committee received an REAI from the Commission requesting additional information pertaining to the MUP loan did the Committee's accountants discover its true source and discover that MUP did not qualify as a multicandidate committee. The Committee recognized its error and immediately repaid the loan, including interest, on August 30, 1984.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 432(b)(3), all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

Because Robert Clark, as agent of the Robert Clark Campaign Committee (See 2 U.S.C. § 432(e)(2)), personally accepted a loan from Mississippians United for Progress and commingled it with personal funds before turning it over to the Committee account, the Office of General counsel recommends that the Commission find reason to believe that the Robert Clark Campaign Committee violated 2 U.S.C. § 432(b)(3).



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1984

Mississippians United for Progress
P.O. Box 638
Greenville, MS 38701

RE: MUR 1863
Mississippians United for Progress

Dear Sirs:

On December 10, 1984, the Federal Election Commission determined that there is reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by making an excessive contribution to the Robert Clark Campaign Committee. 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 the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, 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.

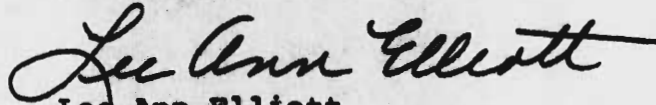
The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

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Letter to Mississippians United for Progress
Page Two

For you 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 Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures

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

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BUTCHART & ASSOCIATES
CERTIFIED PUBLIC ACCOUNTANTS

JAMES A. BUTCHART, CPA
THOMAS B. BUTCHART, CPA

WILLIAM B. ELLZEY, CPA
STEVEN M. MCAFEE, CPA

729 EAST CENTER STREET
P. O. BOX 629
CANTON, MS 39046
601 856-3275

1507 DEPOSIT GUARANTY BLDG.
200 EAST CAPITOL STREET
JACKSON, MS 39201
601 354-1871

RECEIVED AT THE FEC
6-CC#6076
84 DEC 26 9:16

December 21, 1984

Federal Election Commission
Washington, D. C. 20461

Attention: Shelley Garr

RE: MUR 1863

Gentlemen:

Katie Jordan, Treasurer, Robert Clark Campaign Committee, did not receive letter of December 11th until one day late last week. The campaign office in Greenville is closed and the letter was forwarded to her home in another town.

Due to the delays of the Holiday season an extension of ten days is requested in which to reply to said letter. Frederick G. Slabach has asked that we write this request in line with his telephone conversation with your office today.

Very truly yours,

J. A. Butchart

James A. Butchart, CPA

JAB:bcv

GCC#6377

RECEIVED
OFFICE
COMMISSIONER

RECEIVED
GENERAL COUNSEL
STARY

85 JAN 11 11:42 AM: 57

MUR 1863
Lan

January 8, 1985

Fred Slabach
1333 New Hampshire Ave., N.W.
Washington, D.C. 20036

Ms. Lee Ann Elliott
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C.

RE: MUR 1863
Robert Clark Campaign Committee

Dear Ms. Elliott:

We have received notice of the Federal Election Commission's (the Commission) finding reason to believe that the Robert Clark Campaign Committee violated 2 U.S.C. § 441 a(f) of the Federal Election Campaign Act of 1971, as amended, (the Act) by accepting an excessive contribution in the form of a loan from an unregistered political committee. We have reviewed the attached General Counsel's Factual and Legal Analysis, and respectfully recommend that any further action on the alleged § 441 a(f) violation is unwarranted in light of the mitigating circumstances present in this case. In any event, the candidate and his committee intend to cooperate fully and completely with the Commission.

FACTS

Robert G. Clark, Jr. (the candidate) is an elected member of the Mississippi House of Representatives. The Mississippi Legislature meets only a few months each year and, although Mr. Clark devotes substantial time to his legislative duties, his primary vocation is farming. In December of 1983, Mr. Clark announced as a candidate for the United States House of Representatives from the Second District of Mississippi. On June 5, 1984, the candidate defeated three primary election opponents to receive the Democratic Party nomination.

The Robert Clark Campaign Committee (the Committee) emerged from the primary election with a substantial debt. Although the vendor/creditors could have carried this debt in the normal course of business for an additional period of time, the candidate determined to satisfy the outstanding debt to vendors at the earliest possible date. To do so, the candidate embarked on an extensive fundraising effort which, among other things, resulted in contact with an organization known as Mississippians United for Progress (MUP).

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The candidate was familiar with MUP as a source of campaign funds for progressive state and federal office seekers. Because of MUP's activities in earlier elections, Mr. Clark believed in good faith that MUP was a political action committee. It must be noted here that the candidate is not a lawyer and is not intimately familiar with the Act. The only political committees with which the candidate and the committee were familiar were multi-candidate committees. The candidate was aware that such a committee could give a candidate a total of \$5,000 per election and that this \$5,000 could be given after the election if a campaign debt remained. Thus a multi-candidate committee could contribute a total of \$10,000 -- \$5,000 to retire the primary debt and \$5,000 for the general election.

With this in mind, the candidate requested a contribution from MUP. MUP officials responded that rather than a contribution, they would prefer to loan the money to the candidate personally for use in retiring campaign debts. The candidate agreed and MUP entered into a \$7,000 loan at 9 1/2% interest with the candidate. On June 18, the candidate loaned this \$7,000 to the committee. This loan was reported in the July 15, 1984 quarterly report. At that time, the committee was unaware of the source of the funds and the candidate was unaware that MUP was not a multi-candidate committee.

During the second week of August, the committee received a letter from the Commission requesting information on the source of the \$7,000 loan from the candidate. An investigation by the committee and the committee's accountants discovered that the source of funds was MUP, an unregistered organization which does not qualify as a multi-candidate committee. The campaign committee recognized the error and repaid the loan with interest.^{1/}

In its letter of acknowledgement, the Commission took note of the refund and stated that it would be taken into consideration in any further Commission proceedings. On December 11, 1984, the Commission notified the committee through its Treasurer

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that the Commission had determined that there is reason to believe that the committee violated 2 U.S.C. § 441 a(f) of the Act by accepting an excessive loan.

SUMMARY OF ARGUMENT

Our recommendation that the Commission take no further action against the committee is based upon mitigating factors which we believe will be decisive in the Commission's consideration. First, the violation was inadvertant in that the candidate believed on the basis of information at his disposal that MUP was a multi-candidate committee capable of making a legal \$7,000 loan. Second, the committee repaid the loan immediately upon discovering it came from a committee which did not qualify as a multi-candidate committee. Third, the amount in question did not affect to any measurable or significant degree the U.S. Congressional election in the Second District of Mississippi. And fourth, to impose a fine or take further action against the committee would serve no useful purpose.

DISCUSSION

The committee does not contest the allegation that the loan in question was improper under 2 U.S.C. § 441 a(f). It is our contention, however, that the violation was inadvertant and that mitigating factors counsel against any further action by the Commission.

1. The violation was inadvertant.

The candidate, Robert G. Clark, Jr., is a farmer. He is neither a lawyer nor a federal election law expert. The candidate is familiar with general principles of federal election law but not with its intricacies. The candidate was aware that loans from political committees are treated the same as contributions. The candidate believed any political action committee could contribute (or loan) \$5,000 per election to a federal campaign. He was not aware of the distinction between multi-candidate political action committees and other political committees which may contribute only \$1,000 per election. This belief was generated from the candidate's exposure to numerous multi-candidate political committees and his lack of dealing with any other type of committee.

Because of this perception of political committees, the candidate believed that MUP, a self-styled political committee, could contribute (or loan) \$7,000 to his campaign. He believed that up to \$5,000 of this amount could be attributed to the primary election debt and the remainder attributed to the general election campaign. Thus, the candidate never questioned the legality of the loan and any violation which resulted was unintentional. We respectfully urge that Commission to take into consideration the inadvertant and unintentional nature of the violation.

2. The Committee repaid the improper loan.

Immediately upon learning of the violation, the campaign committee refunded the loan. This action took place prior to any determination or even suggestion by the Commission that the loan was improper. It is true that the Commission requested additional information about the loan, but this request contained no determination of impropriety. The prompt repayment was a voluntary effort by the committee to comply with federal election law rather than waiting for FEC action. Such action in the past has been considered by the Commission as a mitigating factor. See e.g. MUR 1526; MUR 375.

In addition, the Act specifically allows campaign committees to deposit contributions which appear to be illegal and make refunds if it cannot be determined within a reasonable time that the contribution is legal. 11 C.F.R. § 103.3(b). Thus, even if the committee had questions about the propriety of the loan, (which it did not), the proceeds could have been placed in the campaign depository and refunded within a "reasonable time" if the Treasurer could not determine the legality of the loan. Presumably no violation of the law would have occurred in such a situation. Id. If no violation occurs when a campaign committee deposits a questionable contribution or loan and then refunds it within a reasonable time, logic dictates that no violation occurs when an apparently legal loan is deposited and refunded when it is discovered that in fact the loan was improper.

In this case, the total time between deposit and refund was less than 10 weeks and the proceeds of the loan were refunded as soon as the impropriety was discovered. Surely this would qualify as a reasonable time under 11 C.F.R. § 103.3(b).

3. The loan did not affect the election.

The improper loan in question did not affect to any measurable extent the outcome of the election. The proceeds of the loan were used to pay vendors with whom the campaign had incurred debts during the primary. These vendors could have carried the debt in the normal course of business for an additional period of time. See 11 C.F.R. § 114.10. Thus, the committee's financial position was unchanged as a result of the loan. The reduction of debt to vendors was directly offset by an increase in debt to MUP.

Any benefit which did inure to the losing campaign was de minimus. The excess amount of the loan was \$5,000 (\$7,000 less than the allowable \$2,000 which MUP could contribute). The full \$7,000 plus interest was refunded in less than 10 weeks. Therefore, the committee benefited from the funds for only a short period of time.

4. Further action by the Commission would serve no useful purpose.

The purpose of Commission enforcement proceedings is to identify and remedy violations of the Act and to punish violators. Since the violation in this case already has been identified and remedied, the only further purpose of these proceedings is to punish. Where violations are unintentional, however, the Commission has used the civil penalties provided in the Act sparingly. We believe this matter under review is particularly appropriate for no further action.

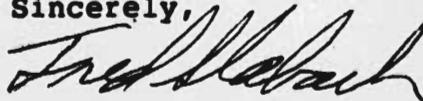
First, as noted above, the improper loan was identified and remedied by the committee prior to Commission action. Thus, the first two purposes of Commission enforcement action already have been fulfilled voluntarily. Second, the individuals involved are unfamiliar with the intricacies of the Act. The candidate is a farmer and the Treasurer is a small town school teacher. The mere fact that their activities are under investigation has served both as punishment and a deterrent to future violations. And third, the committee ended the campaign in debt and would be unable to pay a civil fine imposed by the Commission. In light of these facts, it is difficult to imagine what useful purpose would be served by further Commission activities.

Ms. Lee Ann Elliott
January 8, 1985
Page 6

CONCLUSION

We wish to emphasize that this violation was inadvertant and voluntarily remedied as soon as it was discovered. The loans did not have any affect on the outcome of the election and further Commission action would serve no useful purpose. In sum, the facts of this case suggest that this violation is one in which the Commission should use its discretion and dismiss without further action. In any event, we remain willing and eager to cooperate with the Commission in any way in its investigation of this matter.

Sincerely,



Fred Slabach

97040660714



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 11, 1985

Ms. Katie Jordan, Treasurer
Robert Clark Campaign Committee
Route 1, Box 7
Goodman, MS 39079

RE: MUR 1863
Robert Clark Campaign
Committee

Dear Ms. Jordan:

This is in reference to James A. Butchart's letter dated December 21, 1984, requesting an extension of 10 days to respond to the Commission's notice that it has reason to believe that the Robert Clark Campaign Committee and you, as treasurer, have violated the Act.

Considering the Commission's responsibilities under 2 U.S.C. § 437g(a)(8)(A) to act expeditiously on complaints and the circumstances of this matter, your request for an extension will be granted only until January 14.

If you have any questions, please contact Shelley Garr, the staff member handling this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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

87040560715

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

ED
FEC
COMMISSION SECRETARY

In the Matter of)

Robert Clark Campaign Committee,)
Katie Jordan, Treasurer)

MUR 1063 JAN 23 P 2: 52

COMPREHENSIVE INVESTIGATIVE REPORT #1

On December 10, 1984, the Commission found reason to believe that the Robert Clark Campaign Committee ("Committee") and its treasurer, Katie Jordan, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution in the form of a loan from an unregistered committee. On that date the Commission also found reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to the Robert Clark Campaign Committee. Notifications of the Commission's findings were mailed on December 11, 1984.

On January 14, 1985, the Commission received a response from Fred Slabach, attorney for the Committee. A report will be submitted to the Commission for its review once it has been analyzed.

As of this date, all attempts to notify Mississippians United for Progress regarding the Commission's finding, have been unsuccessful. This office will continue its efforts and will report back to the Commission on its progress.

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

Date

January 22, 1985

97040560716



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel *by*

DATE: January 23, 1985

SUBJECT: MUR 1863 Comprehensive Investigative Report #1

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

Open Session _____

Closed Session _____

CIRCULATIONS

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

DISTRIBUTION

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

87040560717



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO:

CHARLES N. STEELE
GENERAL COUNSEL

FROM:

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

DATE:

JANUARY 25, 1985

SUBJECT:

MUR 1863 - Comprehensive Investigative
Report #1 signed January 22, 1985

The above-captioned matter was circulated to the Commission on a 24 hour no-objection basis at 11:00, January 24, 1985.

There were no objections to the Comprehensive Investigative Report at the time of the deadline.

87040460718

STATEMENT OF DESIGNATION OF COUNSEL

05 FEB 4 09:41

MUR 1863

NAME OF COUNSEL: Frederick G. Slabach

ADDRESS: 1333 New Hampshire Ave., NW
Washington, D.C. 20036

TELEPHONE: 887-4110

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.

1-29-85
Date

Katie L. Jordan
Signature

RESPONDENT'S NAME: Robert Clark Campaign Committee, Katie Jordan,
Treasurer

ADDRESS:

HOME PHONE:

BUSINESS PHONE:

87040560719

ACC #
RECEIVED AT

P.O. Box 341
Goodman, Mo 39079
February 4, 1985

85 FEB 7 AM: 45

15 FEB 7 ALL: 45

MR 1863

Ms Shilley Garr
1325 K Street N.W
Washington, D.C. 20463

Ms Garr

In reference to a call from
you on February 4, 1985, in
reference to the attorney for the
Robert Clark Campaign Committee..
This letter is to inform you that
James Butchart of Canton, Mo
is serving as EPA/attorney
councilor for the Robert Clark
2nd Congressional Campaign
Committee.. Any questions maybe
referred to his office.

Yours Truly,
Katie L. Jordan, Pres.

14

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HCC#6586

Garr

REC
OFFICE
COMMISS

REC
CLERK

85 FEB 28 1985

Ms. Lee Ann Elliott
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C.

RE: MUR 1863
Robert Clark Campaign Committee

Dear Ms. Elliott:

We have received notice of the Federal Election Commission's (the Commission) finding reason to believe that the Robert Clark Campaign Committee violated 2 U.S.C. §441 a(f) of the Federal Election Campaign Act of 1971, as amended, (the Act) by accepting an excessive contribution in the form of a loan from an unregistered political committee. We have reviewed the attached General Counsel's Factual and Legal Analysis, and respectfully recommend that any further action on the alleged § 441 a(f) violation is unwarranted in light of the mitigating circumstances present in this case. In any event, the candidate and his committee intend to cooperate fully and completely with the Commission.

FACTS

Robert G. Clark, Jr. (the candidate) is an elected member of the Mississippi House of Representatives. The Mississippi Legislature meets only a few months each year and, although Mr. Clark devotes substantial time to his legislative duties, his primary vocation is farming. In December of 1983, Mr. Clark announced as a candidate for the United States House of Representatives from the Second Congressional District of Mississippi. On June 5, 1984, the candidate defeated three primary election opponents to receive the Democratic Party nomination.

The Robert Clark Campaign Committee (the Committee) emerged from the primary election with a substantial debt. Although the vendor/creditors could have carried this debt in the normal course of business for an additional period of time, the candidate determined to satisfy the outstanding

87040560721

Ms. Lee Ann Elliott
January 3, 1985
Page Two

debt to vendors at the earliest possible date. To do so, the candidate embarked on an extensive fundraising effort which, among other things, resulted in contact with an organization known as Mississippians United for Progress (MUP).

The candidate was familiar with MUP as a source of campaign funds for progressive state and federal office seekers. Because of MUP's activities in earlier elections, Mr. Clark believed in good faith that MUP was a political action committee. It must be noted here that the candidate is not a lawyer and is not intimately familiar with the Act. The only political committees with which the candidate and the committee were familiar were multi-candidate committees. The candidate was aware that such a committee could give a candidate a total of \$5,000 per election and that this \$5,000 could be given after the election if a campaign debt remained. Thus a multi-candidate committee could contribute a total of \$10,000 -- \$5,000 to retire the primary debt and \$5,000 for the general election.

With this in mind, the candidate requested a contribution from MUP. MUP officials responded that rather than a contribution, they would prefer to loan the money to the candidate personally for use in retiring campaign debts. The candidate agreed and MUP entered into a \$7,000 loan at 9½% interest with the candidate. On June 18, the candidate loaned this \$7,000 to the committee. This loan was reported in the July 15, 1984 quarterly report. At that time, the committee was unaware of the source of the funds and the candidate was unaware that MUP was not a multi-candidate committee.

During the second week of August, the committee received a letter from the Commission requesting information on the source of the \$7,000 loan from the candidate. An investigation by the committee and the committee's accountants discovered that the source of funds was MUP, an unregistered organization which does not qualify as a multi-candidate committee. The campaign committee immediately recognized the error and repaid the loan with interest.^{1/} In its letter of acknowledgement,

^{1/} The loan was repaid with a check date August 30, 1984 rather than August 8, 1984 as stated in the General Counsel's Factual and Legal Analysis.

Ms. Lee Ann Elliott
January 3, 1985
Page Three

the Commission took note of the refund and stated that it would be taken into consideration in any further Commission proceedings. On December 11, 1984, the Commission notified the committee through its Treasurer that the Commission had determined that there is reason to believe that the committee violated 2 U.S.C. §441 a(f) of the Act by accepting an excessive loan.

SUMMARY OF ARGUMENT

Our recommendation that the Commission take no further action against the committee is based upon mitigating factors which we believe will be decisive in the Commission's consideration. First, the violation was inadvertant in that the candidate believed on the basis of information at his disposal that MUP was a multi-candidate committee capable of making a legal \$7,000 loan. Second, the committee repaid the loan immediately upon discovering it came from a committee which did not qualify as a multi-candidate committee. Third, the amount in question did not affect to any measurable or significant degree the U.S. Congressional election in the Second District of Mississippi. And fourth, to impose a fine or take further action against the committee would serve no useful purpose.

DISCUSSION

The committee does not contest the allegation that the loan in question was improper under 2 U.S.C. §441 a(f). It is our contention, however, that the violation was inadvertant and that mitigating factors counsel against any further action by the Commission.

1. The violation was inadvertant.

The candidate, Robert G. Clark, Jr., is a farmer. He is neither a lawyer nor a federal election law expert. The candidate is familiar with general principles of federal election law but not with its intricacies. The candidate was aware that loans from political committees are treated the same as contributions. The candidate believed any political action committee could contribute (or loan) \$5,000 per election to a federal campaign. He was not aware of the distinction between multi-candidate political action committees and other political committees which may contribute only \$1,000

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Ms. Lee Ann Elliott
January 3, 1985
Page Four

per election. This belief was generated from the candidate's exposure to numerous multi-candidate political committees and his lack of dealing with any other type of committee.

Because of this perception of political committees, the candidate believed that MUP, a self-styled political committee, could contribute (or loan) \$7,000 to his campaign. He believed that up to \$5,000 of this amount could be attributed to the primary election debt and the remainder attributed to the general election campaign. Thus, the candidate never questioned the legality of the loan and any violation which resulted was unintentional. We respectfully urge that Commission to take into consideration the inadvertant and unintentional nature of the violation.

2. The Committee repaid the improper loan.

Immediately upon learning of the violation, the campaign committee refunded the loan. This action took place prior to any determination or even suggestion by the Commission that the loan was improper. It is true that the Commission requested additonal information about the loan, but this request contained no determination of impropriety. The prompt repayment was a voluntary effort by the committee to comply with federal election law rather than waiting for FEC action. Such action in the past has been considered by the Commission as a mitigating factor. See e.g. MUR 1526; MUR 375.

In addition, the Act specifically allows campaign committees to deposit contributions which appear to be illegal and make refunds if it cannot be determined within a reasonable time that the contribution is legal. 11 C.F.R. §103.3(b). Thus, even if the committee had questions about the propriety of the loan, (which it did not), the proceeds could have been placed in the campaign depository and refunded within a "reasonable time" if the treasurer could not determine the legality of the loan. Presumably no violation of the law would have occurred in such a situation. If no violation occurs when a campaign committee deposits a questionable contribution or loan and then refunds it within a reasonable time, logic dictates that no violation occurs when an apparently legal loan is deposited and refunded when it is discovered that in fact the loan was improper.

Ms. Lee Ann Elliott
January 3, 1985
Page Five

In this case, the total time between deposit and refund was less than 10 weeks and the proceeds of the loan were refunded as soon as the impropriety was discovered. Surely this would qualify as a reasonable time under 11 C.F.R. 103.3 (b).

3. The loan did not affect the election.

The improper loan in question did not affect to any measurable extent the outcome of the election. The proceeds of the loan were used to pay vendors with whom the campaign had incurred debts during the primary. These vendors could have carried the debt in the normal course of business for an additional period of time. See 11 C.F.R. 114.10. Thus, the committee's financial position was unchanged as a result of the loan. The reduction of debt to vendors was directly offset by an increase in debt to MUP.

Any benefit which did incur to the losing campaign was de minimus. The excess amount of the loan was \$5,000 (\$7,000 less than the allowable \$2,000 which MUP could contribute). The full \$7,000 plus interest was refunded in less than 10 weeks. Therefore, the committee benefited from the use of the funds only for a short period of time.

4. Further action by the Commission would serve no useful purpose.

The purpose of Commission enforcement proceedings is to identify and remedy violations of the Act and to punish violators. Since the violation in this case already has been identified and remedied, the only further purpose of these proceedings is to punish. Where violations are unintentional, however, the Commission has used the civil penalties provided in the Act sparingly. We believe this matter under review is particularly appropriate for no further action.

First, as noted above, the improper loan was identified and remedied by the committee prior to Commission action. Thus, the first two purposes of Commission enforcement action already have been fulfilled. Second, the individuals involved are unfamiliar with the Act and its regulations. The candidate is a farmer and the Treasurer is a small town school teacher. The mere fact that their activities are under investigation has served both as punishment and a deterrent to future

Ms. Lee Ann Elliott
January 3, 1985
Page Six

violations. And third, the committee ended the campaign in debt and would be unable to pay a civil fine imposed by the Commission. In light of these facts, it is difficult to imagine what useful purpose would be served by further Commission activities.

CONCLUSION

We wish to emphasize that this violation was inadvertant and voluntarily remedied as soon as it was discovered. The loans did not have any affect on the outcome of the election and further Commission action would serve no useful purpose. In sum, the facts of this case suggest that this violation is one in which the Commission should use its discretion and dismiss without further action. In any event, we remain willing and eager to cooperate with the Commission in any way in its investigation of this matter.

Sincerely,

J. - Dutton

87040360726

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Robert Clark Campaign)
Committee)

MUR 1863

RECEIVED
FEC
APR 16 12:58

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On December 10, 1984, the Commission found reason to believe that the Robert Clark Campaign Committee ("Committee") and its treasurer, Katie L. Jordan, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution in the form of a loan from an unregistered committee. On that date the Commission also found reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to the Robert Clark Campaign Committee.

On January 14, and February 4, 1985, the Commission received responses from Fred Slaybach and James Butchart, respectively, on behalf of the Committee.^{1/} In their responses, both Mr. Slaybach and Mr. Butchart explained that in his determination to satisfy his debts resulting from his unsuccessful campaign for the U.S. House of Representatives, the candidate personally entered into a loan agreement with Mississippians United for Progress ("MUP"), an organization which he believed was a registered multicandidate committee, for \$7,000 plus interest.^{2/}

^{1/} Fred Slaybach serves as Counsel for the Committee while James Butchart is accountant for the Committee.

^{2/} MUP was an unregistered organization not qualifying as a multicandidate committee.

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On June 18, 1984, the candidate loaned the \$7,000 to his committee, which, in turn, reported the loan on its 1984 July Quarterly Report. At the time of the loan the Committee was unaware of its source. Not until the Committee received an RFAI from the Commission requesting additional information pertaining to the MUP loan did the Committee's accountants discover its true source and discover that MUP did not qualify as a multicandidate committee. The Committee recognized its error and immediately repaid the loan, including interest, on August 30, 1984.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 432(b)(3), all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

Because Robert Clark, as agent of the Robert Clark Campaign Committee (See 2 U.S.C. § 432(e)(2)), personally accepted a loan from Mississippians United for Progress and commingled it with personal funds before turning it over to the Committee account, the Office of General counsel recommends that the Commission find reason to believe that the Robert Clark Campaign Committee violated 2 U.S.C. § 432(b)(3).

RECOMMENDATION

1. Find reason to believe that the Robert Clark Campaign Committee and Katie Jordan, as treasurer, violated 2 U.S.C. § 432(b)(3).

2. Approve the attached letter and analysis.

Charles N. Steele
General Counsel

April 15, 1985
Date

BY:


Kenneth A. Gross
Associate General Counsel

Attachments

1. Respondent's Response
2. Proposed letter and legal and factual analysis.

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Attachment(s) 1 & 2

to 4-15-85 GC Rpt

have been removed from this
position in Public Record File.

See Index Item(s) 8015 (Att. 1)

Attach 2 deleted per 5456552(b)(5).

87040560730



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *JA*
DATE: April 16, 1985
SUBJECT: MUR 1863 - General Counsel's Report

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

Open Session _____

Closed Session _____

CIRCULATIONS

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

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

Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]

Audit Matters []

Litigation []

Closed MUR Letters []

Status Sheets []

Advisory Opinions []

Other (see distribution below) []

87040560731



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*
DATE: APRIL 19, 1985
SUBJECT: OBJECTIONS - MUR 1863 General Counsel's
Report signed April 15, 1985

The above-named document was circulated to the
Commission on Wednesday, April 17, 1985 at 11:00.

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

Commissioner Aikens	_____
Commissioner Elliott	_____ X _____
Commissioner Harris	_____ X _____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Reiche	_____

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

87040560732

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Robert Clark Campaign Committee) MUR 1863

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of April 23, 1985, do hereby certify that the Commission decided by a vote of 5-0 to reject the recommendation contained in the General Counsel's April 15, 1985 report on the above-captioned matter.

Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision. Commissioner McDonald was not present at the time of the vote.

Attest:

4-24-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

05 MAY 15 PM 12: 51

May 15, 1985

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele *CNS*
General Counsel

SUBJECT: MUR #1863
Robert Clark Campaign Committee

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 probable cause to believe was mailed on May 15, 1985. 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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 15, 1985

Katie L. Jordan, Treasurer
Robert Clark Campaign Committee
P.O. Box 629
Canton, Mississippi 39046

RE: MUR 1863
Robert Clark Campaign
Committee
Katie L. Jordan, Treasurer

Dear Ms. Jordan:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you the Federal Election Commission, on December 10, 1984, found reason to believe that the Robert Clark Campaign Committee and you, as treasurer, had violated 2 U.S.C. § 441a(f) by accepting an excessive contribution in the form of a loan from an unregistered committee, and instituted an investigation in this matter.

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 that a violation has occurred.

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 may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

Katie L. Jordan, Treasurer
Page 2

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

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

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

87040560736

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Robert Clark Campaign) MUR 1863
Committee)
Katie L. Jordan, Treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On December 10, 1984, the Commission found reason to believe that the Robert Clark Campaign Committee and Katie Jordan, as treasurer, ("Committee") violated 2 U.S.C. § 441a(f) by accepting an excessive contribution in the form of a loan from an unregistered committee. On that date the Commission also found reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to the Robert Clark Campaign Committee. Notifications of the Commission's findings were mailed on December 11, 1984.

On February 4, 1985, the Commission received a response from Jame Butchart, counsel for the Committee. In his response, Mr. Butchart explained that in this determination to satisfy his debts resulting from his unsuccessful campaign for the U.S. House of Representatives, the candidate personally entered into a loan agreement with Mississippians United for Progress ("MUP"), an organization which he believed was a registered multicandidate committee, for \$7,000 plus interest.

On June 13, 1984, the candidate loaned the \$7,000 to his committee, which reported the loan on its 1984 July Quarterly Report. At the time of the loan the Committee was unaware of its

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source. Not until the Committee received an RFAI from the Commission requesting additional information pertaining to the MUP loan did the Committee's accountants discover its true source and discover that MUP did not qualify as a multicandidate committee. The Committee recognized its error and repaid the loan, including interest, on August 30, 1984.

II. LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441a(f) no candidate or political committee shall knowingly accept any contribution from an individual or political committee other than a multicandidate committee, in excess of \$1,000 per election. The term "contribution" includes any gift, subscription, advance, deposit of money, or loan made by any person for the purpose of influencing an election for Federal office. 2 U.S.C. § 431(8)(A)(i). Thus, because the Committee accepted a loan from Mississippians United for Progress which aggregated in excess of the \$1,000 limitation imposed by 2 U.S.C. § 441a(a)(1)(A), it is recommended that the Commission find probable cause to believe that the Robert Clark Campaign Committee violated 2 U.S.C. § 441a(f).

III. GENERAL COUNSEL'S RECOMMENDATION

The Office of General Counsel recommends that the Commission find probable cause to believe that the Robert Clark Campaign Committee violated 2 U.S.C. § 441a(f).

15 May 1985
Date


Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cet*
DATE: May 15, 1985
SUBJECT: MUR 1863 - Memorandum and GC's Brief

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

Open Session _____

Closed Session _____

CIRCULATIONS

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

Other []

DISTRIBUTION

Compliance	[X]
Audit Matters	[]
Litigation	[]
Closed MUR Letters	[]
Status Sheets	[]
Advisory Opinions	[]

Other (see distribution below) []

8-117582
RECEIVED AT THE FEC

85 MAY 28 09:48

BUTCHART & ASSOCIATES, P. A.
CERTIFIED PUBLIC ACCOUNTANTS
OFFICE OF
GENERAL

JAMES A. BUTCHART, CPA
THOMAS S. BUTCHART, CPA
WILLIAM S. ELLZEY, CPA

729 EAST CENTER STREET
P. O. BOX 629
CANTON, MS 39046
601 889-3275

930 DEPOSIT GUARANTY BLDG.
200 EAST CAPITOL STREET
JACKSON, MS 39201
601 354-1871

25 MAY 28 12:11

May 22, 1985

Ms. Shelley Garr
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

Re: MUR 1863
Robert Clark Campaign
Committee
Katie L. Jordan, Treasurer

Dear Ms. Garr:

In line with our telephone conversation today, we are requesting an extension of 20 days. The reason for this request is that the attorney for the Clark Campaign is out of the country on his honeymoon.

Thanking you in advance for this extension.

Sincerely yours,



James A. Butchart, CPA

JAB:mlr

87040660740



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 3, 1985

James A. Butchart, CPA
Butchart and Associates, P.A.
729 East Center Street
P.O. Box 629
Canton, Mississippi 39046

RE: MUR 1863
Robert Clark Campaign Committee
Katie L. Jordan, Treasurer

Dear Mr. Butchart:

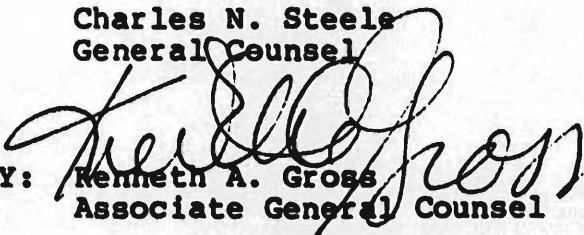
This is in reference to your letter dated May 22, 1985, requesting a 20 day extension of time to respond to the Office of General Counsel's Brief in MUR 1863.

Considering the Commission's responsibilities under 2 U.S.C. § 437g(a)(8)(A) to act expeditiously on complaints and the circumstances of this matter, your request for an extension will be granted until June 25, 1985.

If you have any questions, please contact Shelley Garr, the staff member handling this matter, at (202) 523-4143.

Sincerely,

Charles N. Steels
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

8704060741

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

85 JUN 10 P 3: 58

6-11-77
RECEIVED AT THE...
85 JUN 10 12: 55
Fred Slabach
150 Woodway Dr. #119A
Jackson, Ms 39206

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

RE: MUR 1863
Robert Clark Campaign Committee

Dear Mr. Steele:

87040560742

We have received notice of prepetition of the Federal Election Commission's Office of General Counsel to recommend that the Commission find probable cause to believe that the Robert Clark Campaign violated 2 U.S.C. §441a(f) of the Federal Election Campaign Act of 1971, as amended, by knowingly accepting an excessive contribution in the form of a loan from an unregistered political committee. We have reviewed the General Counsel's Brief stating the position of the General Counsel on the legal and factual issues of the case, and respectfully recommend that any further action on the alleged §441a(f) violation is unwarranted in light of the mitigating circumstances present in this case and in light of the legal provisions of 2 U.S.C. §441a(f) and 11 C.F.R. §103.3(b).

Set forth below is our Response to the General Counsel's Brief. In addition we attach a copy of our January 8, 1985 Response to the notice of the Commission's finding reason to believe that a violation was committed which we incorporate as a part of this Response.

FACTS

In addition to the facts set forth in our January 8, 1985 Response, we would like to point out that the loan from Mississippians United for Progress (MUP) to the candidate was executed after the June 5, 1984 Democratic Primary Victory to satisfy debts from that election and not following the general election in November as indicated in the General Counsel's Brief.

The remainder of the General Counsel's analysis of the facts is correct. At the time the loan was accepted, neither the candidate nor the committee was aware that MUP did not qualify as a multicandidate committee. Immediately upon discovering this fact, the committee repaid the loan with interest.

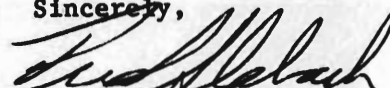
LEGAL ANALYSIS

Our recommendation that the Commission take no further action against the committee is based upon mitigating factors and the legal provisions of 2 U.S.C. §441a(f) and 11 C.F.R. §103.3(b) which we discussed in full in our January 8, 1985 Response. The following is a summary of that Response:

1. 2 U.S.C. §441a(f) prohibits candidates and political committees from knowingly accepting any contribution from an individual or political committee, other than a multicandidate committee, in excess of \$1,000 per election. Because neither the candidate nor the committee had knowledge that MUP was not a multicandidate committee, neither knowingly accepted an excessive contribution.
2. Immediately upon learning of MUP's status, the committee repaid the loan.
3. 11 C.F.R. §103.3(b) specifically allows campaign committees to deposit contributions which appear to be illegal and make refunds if it cannot be determined within a reasonable time that the contribution is legal. If no violation occurs when a campaign committee deposits a questionable contribution or loan and then refunds it within a reasonable time, logic dictates that no violation occurs when an apparently legal loan is deposited and refunded when it is discovered that, in fact, the loan was improper.
4. The amount in question did not affect to any measurable or significant degree the U.S. Congressional election in the Second District of Mississippi.
5. To impose a fine or take further action against a committee which voluntarily brought the impropriety of the loan to the Commission's attention and immediately repaid the loan with interest would serve no useful purpose and could prevent future voluntary disclosure of violations.

In conclusion, we wish to emphasize that this violation was inadvertent and that it was voluntarily remedied as soon as it was discovered. Since neither the candidate nor his committee knowingly accepted an excessive loan as required by 2 U.S.C. §441a(f) and since the loan was repaid within a reasonable time as required by 11 C.F.R. §103.3(b), we respectfully request that the Commission use its discretion and dismiss this MUR without further action. In any event, we remain willing and eager to cooperate with the Commission in any way in its investigation of this matter.

Sincerely,


Fred Slabach

6CC#8179

THE FEC

85 AUG 2 48:00

Fred Slabach
150 Woodway Drive, #119A
Jackson, MS 39206

July 30, 1985

Ms. Shelley Garr
Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Re: MUR 1863
Robert Clark Campaign Committee

85 AUG 2 49:50
RECEIVED
GENERAL COUNCIL

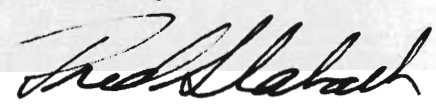
Dear Ms. Garr:

I have been authorized by the candidate and the committee in the above referenced matter under review to request the Commission enter into conciliation with the Robert Clark Campaign Committee.

We maintain that because the violation was brought to the attention of the Commission by the Campaign Committee itself, and because the violation was inadvertent and has been remedied, that no further action should be taken against the Robert Clark Campaign Committee. However, in order to resolve this matter as expeditiously as possible and to spare the candidate and the committee treasurer of any further anxiety, we believe it to be appropriate to request pre-probable cause conciliation.

Thank you for your prompt attention to this matter. Please contact me as soon as possible regarding the next step in the conciliation process.

Sincerely,



Fred Slabach
Attorney at Law
Robert Clark Campaign Committee

8704060744

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

In the Matter of)

Robert Clark Campaign Committee)
Katie L. Jordan, Treasurer)

MUN 251463 30 All : 07

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

On December 10, 1984, the Commission found reason to believe that the Robert Clark Campaign Committee and Katie L. Jordan, as Treasurer, ("Committee") violated 2 U.S.C. § 441a(f) by accepting an excessive contribution in the form of a loan from an unregistered committee. On that date the Commission also found reason to believe that Mississippians United for Progress ("MUP") violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to the Robert Clark Campaign Committee.

A. Robert Clark Campaign Committee

On May 15, 1985, the Commission forwarded to the Committee its Brief recommending probable cause to believe that it violated 2 U.S.C. § 441a(a)(1)(A). Counsel for the Committee responded on June 10, 1985, by reiterating his contention that the Committee's acceptance of an excessive contribution from an unregistered committee was inadvertent and that the error was remedied by repaying the full amount of the loan, plus interest, pursuant to 11 C.F.R. § 103.3(b) 1/ (Attachment I).

By letter dated July 30, 1985, counsel for the Committee requested that this matter be settled prior to a finding of probable cause to believe (Attachment II).

1/ Repayment of the loan was made 84 days after its receipt as reported by the Committee.

87040560745

Attached for the Commission's approval is a conciliation agreement which the Office of General Counsel recommends be sent to the Committee (Attachment III).

B. Mississippians United for Progress

The Commission's reason to believe notification, sent to MUP on December 11, 1984, was returned to this Office as undeliverable. To date, all further attempts to notify MUP of the Commission's finding have been unsuccessful.

On August 7, 1985, the Commission received a letter from counsel for the Committee in which he provided the Commission with the name of a principal and address of MUP.^{2/} With this information, this Office will pursue its efforts to notify MUP of the Commission's action.

II. RECOMMENDATION

The Office of General Counsel recommends that the Commission:

1. Enter into conciliation with the Robert Clark Campaign Committee and Katie L. Jordan, as treasurer, prior to a finding of probable cause to believe; and

^{2/} On June 19, 1985, the Commission again found reason to believe that MUP violated 2 U.S.C. §§ 441a(a)(1)(A), 433, and 434, and that the Committee violated 2 U.S.C. § 441a(f) (MUR 2045). The name of the principal and address of MUP were provided in the Committee's response to the reason to believe notification.

8704060746

2. Approve and authorize the sending of the attached letter and proposed conciliation agreement.

Charles N. Steele
General Counsel

August 8, 1985
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

1. Response
2. Proposed letter and agreement.

SB #1

87040560747

Attachment(s) 1, 2
to General Counsel's Report
have been removed from this
position in Public Record File.

See Index Item(s) 24, 8 (Atch I)
25 (Atch II)

87040560748



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *pd*
DATE: August 30, 1985
SUBJECT: MUR 1863 - General Counsel's Report

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

CIRCULATIONS

48 Hour Tally Vote ☒ [XX]
Sensitive ☒ [XX]
Non-Sensitive ☐ []
24 Hour No Objection ☐ []
Sensitive ☐ []
Non-Sensitive ☐ []
Information ☐ []
Sensitive ☐ []
Non-Sensitive ☐ []
Other ☐ []

DISTRIBUTION

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: *MWE* MARJORIE W. EMMONS, JODY C. RANSOM *JCR*
DATE: SEPTEMBER 5, 1985
SUBJECT: OBJECTIONS- MUR 1863 General Counsel's
Report signed August 29, 1985

The above-named document was circulated to the
Commission on September 3, 1985 at 11:00.

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

Commissioner Aikens	<u>X</u>
Commissioner Elliott	<u></u>
Commissioner Harris	<u></u>
Commissioner Josefiak	<u></u>
Commissioner McDonald	<u>X (comments attached)</u>
Commissioner McGarry	<u></u>

This matter will be placed on the Executive Session
agenda for Tuesday, September 10, 1985.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

85 SEP 6 P3:00

September 5, 1985

SENSITIVE

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

SUBJECT: General Counsel's Report in MUR 1863
circulated on September 3, 1985--Errata

Since submission of this report it has come to the attention of this office that pages 2 of the Report and 3 of the Commission's proposed conciliation agreement (Attachment III, page 13) incorrectly state the wrong amount of the civil penalty. Attached are corrected replacement pages for this report.

87040560751



RECEIVED
OFFICE OF THE FEC
FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

SENSITIVE

85 SEP 5 AIO: 13

Date and Time Transmitted: TUESDAY, 9-3-85, 11:00

COMMISSIONER: MCGARRY, ALKENS, McDONALD, ELLIOTT, JOSEFIK, HARRIS

RETURN TO COMMISSION SECRETARY BY THURSDAY, SEPTEMBER 5, 1985, 11:00

SUBJECT: MUR 1863 - General Counsel's Report
signed August 29, 1985.

- () I approve the recommendation
(✓) I object to the recommendation

COMMENTS: Will withdraw objection if the error in the
proposed conciliation agreement (Attachment II/pg.
13 or pg. 3 of the agreement) is corrected.

Date: 9-5-85

Signature: Danny McDonald

A DEFERRED VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

1985

Documents 1-29 pertained to MUR 1863.

Documents 31-45 pertain to MUR 2045.

MURs 1863 and 2045 were merged on
September 10, 1985. (See Document 46).

The resulting case was designated
MUR 2045.

8704060753



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

15 March 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF THE ROBERT CLARK CAMPAIGN COMMITTEE

This is a referral of the Robert Clark Campaign Committee (the "Committee"). The Committee received apparent excessive contributions from two unregistered committees. According to the RAD Review and Referral Procedures for Authorized Committees (Standard 2), this matter requires further examination by your office.

No companion referrals will be forwarded for the unregistered committees because they do not meet the threshold for referral.

For your information, on October 24, 1984, the Committee was referred to the Office of General Counsel for acceptance of excessive contributions from one of the same organizations referred herein (see MUR 1863).

If you have any questions, please contact Stuart N. Herschfeld at 523-4048.

Attachment

37040660754

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 15 March 1985

ANALYST: Stuart N. Herschfeld

I. COMMITTEE: Robert Clark Campaign Committee
(C00159574)
Katie L. Jordan, Treasurer
P.O. Box 6291/
Canton, MS 39046

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

III. BACKGROUND:

The 1984 12 Day Pre-General Election Report disclosed the receipt of apparent excessive contributions for the general election from the Mississippians United for Progress ("MUP") on October 2, 1984 and the Young Political Action Committee on September 24, 1984. Both are unregistered committees, with MUP contributing \$1,500 in excess of its contribution limitations and Young Political Action Committee ("YPAC") contributing \$4,000 in excess of its contribution limitations (Attachment 2). An RFAI was sent to the Committee on December 18, 1984, requesting that the Committee refund the excessive amount of the contributions (Attachment 3).

A Second Notice was sent to the Committee on January 10, 1985 for failure to respond (Attachment 4). On February 1, 1985, the Committee filed an amendment to the 12 Day Pre-General Election Report. The Committee acknowledged that an excessive contribution was received from MUP, but disclosed that it refunded only \$500 (Attachment 5). The amended report disclosed no information concerning the Young Political Action Committee

The Reports Analyst contacted the Committee treasurer, Ms. Katie Jordan, on March 8, 1985 (Attachment 6). The analyst asked about the status of the remaining excessive contributions received from MUP and YPAC. Ms. Jordan stated that she would contact the Committee's CPA, James Butchart, to obtain this information and would respond shortly. To date, no further response has been received.

1/ On January 30, 1985, the Committee informed the Commission of a change in mailing address.

**ROBERT CLARK CAMPAIGN COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2**

IV. OTHER PENDING MATTERS INITIATED BY RAD:

On March 14, 1985, an Informational Notice referencing the 1984 30 Day Post-General Report was sent to the Committee. This notice identified the receipt of two additional apparent excessive contributions totalling \$900.

37040560750

8 7 0 4 0 6 0 7 5 7

FEDERAL ELECTION COMMISSION
1983-1984

DATE 20FEB85

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E).

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
CLARK, ROBERT G	HOUSE 02 DEMOCRATIC PARTY				MISSISSIPPI		1984 ELECTION	ID# H2MB02047	
1. STATEMENT OF CANDIDATE 1984 DISAVOWAL NOTICE							7MAR84 18APR84	2 1	84FEC/299/0033 84HSE/258/3748
2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES									
3. PRINCIPAL CAMPAIGN COMMITTEE ROBERT CLARK CAMPAIGN COMMITTEE									
1983 MID-YEAR REPORT				3,761					
YEAR-END				1,397					
1984 STATEMENT OF ORGANIZATION - AMENDMENT									
APRIL QUARTERLY			27,935		27,881				
APRIL QUARTERLY - AMENDMENT			27,935		27,881				
1'ST LETTER INFORMATIONAL NOTICE									
PRE-PRIMARY			27,639		27,848				
JULY QUARTERLY			57,500		56,687				
JULY QUARTERLY - AMENDMENT			-		-				
JULY QUARTERLY - AMENDMENT			57,500		56,687				
REQUEST FOR ADDITIONAL INFORMATION									
REQUEST FOR ADDITIONAL INFORMATION 2ND									
1'ST LETTER INFORMATIONAL NOTICE									
OCTOBER QUARTERLY				98,565					
OCTOBER QUARTERLY - AMENDMENT				-					
REQUEST FOR ADDITIONAL INFORMATION									
REQUEST FOR ADDITIONAL INFORMATION 2ND									
PRE-GENERAL				63,977					
PRE-GENERAL - AMENDMENT				-					
REQUEST FOR ADDITIONAL INFORMATION									
REQUEST FOR ADDITIONAL INFORMATION 2ND									
POST-GENERAL				86,950					
POST-GENERAL - AMENDMENT				-					
POST-GENERAL - AMENDMENT				-					
REQUEST FOR ADDITIONAL INFORMATION									
REQUEST FOR ADDITIONAL INFORMATION 2ND									
YEAR-END				4,308					
TOTAL			113,074	258,958	112,416	269,079		190	TOTAL PAGES
4. AUTHORIZED COMMITTEES									
4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES									

All reports listed above have been reviewed

Cash on Hand as of 12/31/84: \$(197)

Outstanding debts and obligations as of 12/31/84: \$16,367

Attachment 1

SCHEDULE A

ITEMIZED RECEIPTS

THIS SCHEDULE IS ATTACHED TO EACH COPY OF THE GENERAL ELECTION PAGE

Any information copied from such Receipts 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 contributors.

Name of Committee (in Full)			
ROBERT G. CLARK CAMPAIGN COMMITTEE			
A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
JOSEPH SEAGRAM 93115 JAX POLITICAL ACTION COMMITTEE 800 THIRD AVENUE NEW YORK, NY 10022		9/28/84	500.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date—\$ 500.00	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
AMERICAN FED. OF TEACHERS COPE NO. 2 555 NEW JERSEY AVE., N.W. WASHINGTON, D.C. 20001		10/5/84	1000.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date—\$ 1,000.00	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
UNITED FURNITURE WORKERS OF AMERICA COPE COMM. 1910 AIR LANE DR. NASHVILLE, TN 37210		10/8/84	100.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date—\$ 100.00	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
PEACE POLITICAL ACTION COMM. 100 MARYLAND AVE., N.E. WASHINGTON, DC 20002		10/5/84	500.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date—\$ 500.00	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
YOUNG POLITICAL ACTION COMM. DETROIT, MICH. 48221		9/24/84	5000.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date—\$ 5000.00	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
FLEETWOOD - PAC 3125 MYERS ST. P.O. Box 7638 RIVERSIDE, CA 92523		9/24/84	250.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date—\$ 250.00	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
SIERRA CLUB COMMITTEE ON POLITICAL EDUCATION 530 BUSH ST. SAN FRANCISCO, CA 94108		9/26/84	2000.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date—\$ 2,000.00	
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			41,558.50

87040560758
31012701951

31

SCHEDULE A

ITEMIZED RECEIPTS

Attachment 2
2 of 2
12 Day Pre-General

Any information copied from such Receipts 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)			
ROBERT G. CLARK CAMPAIGN COMMITTEE			
A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
HOLMES CO. ASSN. OF EDUCATORS Rt 1 Box 212 LEXINGTON, MS 39095		9/27/84	300.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date-\$ 300.00	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
AMALGAMATED TRANSIT UNION COPE ACCOUNT 5025 WISCONSIN AVE., N.W. WASHINGTON, D.C. 20016		9/18/84	1,500.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date-\$ 1,800.00	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
D.N.C. SERVICES CORPORATION 1625 MASSACHUSETTS AVE., N.W. WASHINGTON, D.C. 20036		9/25/84	2,500.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date-\$ 2,500.00	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
MID-AM DAIRYMEN ADEPT Box 1837 S.S.S. SPRINGFIELD, MO 65805		9/18/84	500.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date-\$ 500.00	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
MISSISSIPPIANS FOR RESPONSIVE GOVERNMENT P.O. Box 1631 JACKSON, MS 39236-0331		9/27/84	200.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date-\$ 200.00	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
MISSISSIPPIANS UNITED FOR PROGRESS P.O. Box 1647 GREENVILLE, MS 38701		10/2/84	2,500.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date-\$ 2,500.00	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
AGSHF CIVIC ACTION Comm. 1333 NEW HAMPSHIRE AVE., N.W. WASHINGTON, D.C. 20036		9/18/84	300.00
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation	Aggregate Year-to-Date-\$ 300.00	
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (start page this line number only)			

97040560759
34012751943

3401

31



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Katie Jordan, Treasurer
Robert Clark Campaign Committee
302 South Main Street
Greenville, MS 38701

DEC 18 1984

Identification Number: C00159574

Reference: 12 Day Pre-General Report (10/1/84-10/17/84)

Dear Ms. Jordan:

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

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual or a political committee other than a multicandidate committee may not make contributions to a candidate for Federal office in excess of \$1,000 per election. If you have received a contribution(s) which exceeds the limits, the Commission recommends that you refund to the donor(s) the amount in excess of \$1,000. The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 20 of the Detailed Summary Page of your next report. (2 U.S.C. 441a(a) and (f))

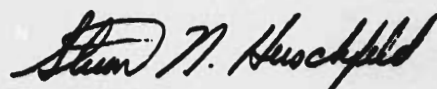
The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.

If the contribution(s) in question was incorrectly reported and/or you have additional information regarding the contributor(s), you may wish to submit documentation for the public record. Please amend your report with the clarifying information.

Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), prompt action by you to refund the excessive amount will be taken into consideration.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,



Stuart N. Herschfeld
Reports Analyst
Reports Analysis Division

87040460761



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-3

January 10, 1985

Katie Jordan, Treasurer
Robert Clark Campaign Committee
302 South Main Street
Greenville, MS 38701

Identification Number: C00159574

Reference: October Quarterly (7/1/84-9/30/84) and [12 Day Pre-General (10/1/84-10/17/84) Reports] ^{as}

Dear Ms. Jordan:

This letter is to inform you that as of January 9, 1985, the Commission has not received your response to our requests for additional information, dated December 18, 1984. Those notices requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). Copies of our original requests are enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Stuart Herschfeld on our toll-free number (800) 424-9530 or our local number (202) 523-4048.

Sincerely,

John D. Gibson
John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosures

Mr. Stuart W. Horschfeld
Reports Analyst
Reports Analysis Division
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

103756

Dear Mr. Horschfeld:

This letter is in response to your requests for information contained in your letters of December 18 and 26, 1984.

1. \$2,295.00 Contribution by the Mississippi Democratic Party Political Action Committee

Your December 18, 1984, letter questions the legality of a contribution by the Mississippi Democratic Party Political Action Committee, Identification Number: C00149641, in excess of \$1,000 per election. We have been informed by Mississippi Democratic Party officials that the Mississippi Democratic Party Political Action Committee is a bona fide multi-candidate committee. The committee satisfies the requirements of 11 C.F.R. §100.5(e)(3) since it has been registered in excess of six months and has received contributions for Federal elections from more than 50 persons. The requirement of contributing to 5 or more Federal candidates is not applicable to state political party organizations. See 11 C.F.R. 100.5(e)(3)(iii). Thus, the Mississippi Democratic Party Political Action Committee is entitled to contribution up to \$5,000 per election to candidates for federal office. The contributions of the Mississippi Democratic Party PAC to the campaign

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are within this limit.

2. Occupation and Name of Employer.

Your December 26, 1984, letter requests the occupation and name of employer of Mr. T.H. Campbell, III of Yazoo City, MS 39194. Please see the attached amended report which supplies the omitted information.

3. Accurate Contribution Totals.

Although we have not ascertained the cause for the discrepancy between our records and those in your possession for Kids PAC, Inc., D.C. Democratic State Committee, and Drive Political Fund, we have written to these committees in a good faith attempt to resolve the problem. See attached letters. We will amend our report to reflect any changes as soon as they come to our attention.

4. Contribution From Corporation.

Finally, your December 26, 1984, letter points out that the Mary Magdalene Missionary Baptist Church was incorporated on December 19, 1966. Thus, the Church's \$250 contribution to the Committee was improper. At the time the committee received this contribution, there was no indication that the church was incorporated. However, the committee has now refunded the contribution in accordance with your letter and 11 C.F.R. §103.3(b)(2). See attached check and amended report.

Shy
5. Contribution from Mississippians United for Progress

Although not mentioned in your letters, the Committee

-3-

has discovered an apparently improper contribution from Mississippians United for Progress (MUP). The Committee has determined from its own investigation that MUP does not qualify as a multicandidate committee because it has not been registered for six months with the Commission. MUP is therefore limited to contributing up to \$1,000 per election. We have refunded the \$500 excessive contribution to MUP and amended our report to reflect the change. See copy of check and amended report.

The Committee wishes to fully cooperate with the Commission on these matters. If we have not correctly analyzed the facts, applicable regulations or your requests, please call and we will be happy to forward any further information necessary for your files.

Sincerely,

Katie L. Jordan

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ROBERT CLARK CAMPAIGN FUNDS
GENERAL ACCOUNT

No. 2

1-28-85 DE-122

PAY TO THE ORDER OF MISSISSIPPIANS UNITED FOR PEACE \$ 500.00
FIVE HUNDRED DOLLARS & 00/100 DOLLARS

JCF Merchants & Farmers Bank
MEMPHIS, TENNESSEE

FOR Katie Jordan
⑆065301265⑆ ⑆7000 1017 3⑆

ROBERT CLARK CAMPAIGN FUNDS
GENERAL ACCOUNT

No. 1

1-28-85 DE-122

PAY TO THE ORDER OF MARY MAGDALENE MISSISSIPPIAN CENTER \$ 250.00
TWO HUNDRED AND FIFTY & 00/100 DOLLARS

JCF Merchants & Farmers Bank
MEMPHIS, TENNESSEE

FOR Katie Jordan
⑆065301265⑆ ⑆7000 1017 3⑆

85012840814

TELECON

ANALYST Herschfeld
initiated call? XXX

TELECON WITH: Katie Jordan
initiated call? _____

Attachment 6

Candidate/Committee: Robert Clark Campaign Committee C00159574 MS

DATE: March 7, 1985

SUBJECT(S): Excessive Contributions

On March 6, 1985, the analyst attempted to contact Ms. Katie Jordan, treasurer of the Robert Clark Campaign Committee. The analyst wanted to discuss with Ms. Jordan certain excessive contributions that the committee had not responded to as of this date.

Ms. Jordan was not at home and a message was left with a relative as to the importance of this message. To date, Ms. Jordan has not returned the analyst's phone call.

(601) 472-2618

On March 7, 1985, Ms. Jordan returned the analyst's call, but after the analyst had left for the day. M. Jordan left a message and phone number where she could be reached the following day. (601) 468-2116

On March 8, the analyst contacted Ms. Jordan. I explained to her that the Commission was not informed of the status of two excessive contributions that the committee had received, Young PAC and Mississippians United for Progress. Ms. Jordan explained that she would have to contact the CPA (James Butchart 601-859-3275) who was handling this committee and get the answers from him. She said that she would respond shortly.

As of March 14, Ms. Jordan has not contacted the analyst with the information that was requested.

RECEIVED
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463
OFFICE OF THE FEC
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

85 JUN 17 P12:24

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 6/17/85

85L-8
STAFF MEMBER
GARR

SENSITIVE

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

RESPONDENTS' NAMES: Robert Clark Campaign Committee
Katie L. Jordan, Treasurer
Mississippians United for Progress
Young Political Action Committee

RELEVANT STATUTE: 2 U.S.C. §§ 441a(f) and 441a(a)(1)(A)

INTERNAL REPORTS
CHECKED: FEC Disclosure Documents

FEDERAL AGENCIES
CHECKED: N/A

GENERATION OF MATTER

The Robert Clark Campaign Committee ("Committee") was referred to the Office of General Counsel by the Reports Analysis Division for receiving apparent excessive contributions for the 1984 General Election.

SUMMARY OF ALLEGATIONS

The 1984 12 Day Pre-General Election Report disclosed the receipt of apparent excessive contributions for the general election from Mississippians United For Progress ("MUP") on October 2, 1984 and the Young Political Action Committee ("YPAC") on September 24, 1984. Both are unregistered committees, with

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MUP contributing \$1,500 in excess of its contribution limitations and YPAC contributing \$4,000 in excess of its contribution limitations.*/ An RFAI was sent to the Committee on December 18, 1984, requesting that the Committee refund the excessive amount of the contributions.

A Second Notice was sent to the Committee on January 10, 1985 for failure to respond. On February 1, 1985, the Committee filed an amendment to the 12 Day Pre-General Election Report. The Committee acknowledged that an excessive contribution was received from MUP, but disclosed that it refunded only \$500. The amended report disclosed no information concerning YPAC.

A Reports Analysis Division analyst contacted the Committee treasurer, Katie Jordan, on March 8, 1985. The analyst asked about the status of the remaining excessive contributions received from MUP and YPAC. Ms. Jordan stated that she would contact the Committee's accountant, James Butchart, to obtain this information and would respond shortly. To date, no further response has been received.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441a(f) no candidate or political committee shall knowingly accept any contribution from an

*/ On December 10, 1984, the Commission found reason to believe that the Robert Clark Campaign Committee violated 2 U.S.C. § 441a(f) and that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A) (see MUR 1863). Although we note that Mississippians United for Progress and the Young Political Action Committee were not referred as respondents in 85L-8, the Office of General Counsel has recommended findings against the two committees in line with the procedure followed in MUR 1863.

individual or political committee other than a multicandidate committee, in excess of \$1,000 per election. The term "contribution" includes any gift, subscription, advance, deposit of money, or loan made by any person for the purpose of influencing an election for Federal office. 2 U.S.C.

§ 431(8)(A)(i). Thus, because the Committee accepted loans from Mississippians United for Progress and the Young Political Action Committee which aggregated in excess of the \$1,000 limitation imposed by 2 U.S.C. § 441a(a)(1)(A), it is recommended that the Commission find reason to believe that the Robert G. Clark Campaign Committee violated 2 U.S.C. § 441a(f).

Further, pursuant to 2 U.S.C. § 441a(a)(1)(A), an unregistered political committee may not make a contribution to a candidate and his authorized political committee with respect to any election for Federal office which, in the aggregate, exceeds \$1,000. Because Mississippians United for Progress made a \$2500 contribution and the Young Political Action Committee made a \$5000 contribution to the Robert Clark Campaign Committee, \$1,500 and \$4,000, respectively, over the contribution limitation of 2 U.S.C. § 441a(a)(1)(A), it is recommended that the Commission find reason to believe that Mississippians United for Progress and the Young Political Action Committee violated 2 U.S.C. § 441a(a)(1)(A).

Pursuant to 2 U.S.C. § 433, all political committees which receive contributions or make expenditures aggregating in excess of \$1000 are required to file a Statement of Organization with the

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Commission. Further, pursuant to 2 U.S.C. § 434, each treasurer of a political committee is required to file periodic reports of receipts and disbursements in accordance with the provisions of the Act. Because Mississippians United for Progress and the Young Political Political Action Committee each made contributions aggregating in excess of \$1000 to the Robert Clark Campaign Committee but failed to register and to comply with the reporting requirements pursuant to 2 U.S.C. §§ 433 and 434, it is the recommendation of the Office of General Counsel that the Commission find reason to believe that Mississippians United for Progress and the Young Political Action Committee violated 2 U.S.C. §§ 433 and 434.

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the Robert Clark Campaign Committee and Katie L. Jordan, as treasurer, violated 2 U.S.C. § 441a(f).
3. Find reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A).
4. Find reason to believe that the Young Political Action Committee violated 2 U.S.C. § 441a(a)(1)(A).
5. Find reason to believe that Mississippians United for Progress violated 2 U.S.C. § 433.
6. Find reason to believe that the Young Political Action Committee violated 2 U.S.C. § 433.

7. Find reason to believe that Mississippians United for Progress violated 2 U.S.C. § 434.
8. Find reason to believe that the Young Political Action Committee violated 2 U.S.C. § 434.
9. Approve the attached letter and legal and factual analysis.

Charles N. Steele
General Counsel

June 14, 1985
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments:

1. Referral
2. Letters and Legal and Factual Analysis

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Attachment(s) 1, 2
to First General Council's Report
have been removed from this
position in Public Record File.
See Index Item(s) 31, 35+36

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Oct*
DATE: June 17, 1985
SUBJECT: RAD 85L-8: First General Counsel's Report

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

CIRCULATIONS

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

DISTRIBUTION

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

87040560774

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Robert Clark Campaign Committee)
Katie L. Jordan, Treasurer)
Mississippians United for Progress)
Young Political Action Committee)

RAD 85L-8

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 19, 1985, the Commission decided by a vote of 5-0 to take the following actions in the above-captioned matter:

1. Open a MUR.
2. Find reason to believe that the Robert Clark Campaign Committee and Katie L. Jordan, as treasurer, violated 2 U.S.C. § 441a(f).
3. Find reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A).
4. Find reason to believe that the Young Political Action Committee violated 2 U.S.C. § 441a(a)(1)(A).
5. Find reason to believe that Mississippians United for Progress violated 2 U.S.C. § 433.
6. Find reason to believe that the Young Political Action Committee violated 2 U.S.C. § 433.
7. Find reason to believe that Mississippians United for Progress violated 2 U.S.C. § 434.

(continued)

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Federal Election Commission
Certification for RAD 85L-8
June 19, 1985

Page 2

8. Find reason to believe that the Young Political Action Committee violated 2 U.S.C. § 434.
9. Approve the letter and legal and factual analysis attached to the General Counsel's report dated June 14, 1984.

Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision; Commissioner McDonald did not cast a vote.

Attest:

6-20-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

8704060776



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 28, 1985

Robert Clark Campaign Committee
Katie L. Jordan, Treasurer
P.O. Box 341
Goodman, Mississippi 39079

RE: MUR 2045
Robert Clark Campaign
Committee

Dear Ms. Jordan:

On June 19, 1985, the Federal Election Commission determined that there is reason to believe that the Robert Clark Campaign Committee and you as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, ("the Act") by receiving two excessive contributions for the 1984 General Election. 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. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, the Commission requests that the Robert Clark Campaign Committee submit a response to the enclosed questions. The Committee's response should be submitted within 10 days of your receipt of this notification.

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.

Robert Clark Campaign Committee
Katie L. Jordan, Treasurer
Page 2

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 Shelley Garr, 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

87040660778

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 2045
STAFF MEMBER & TEL. NO.
GARR 523-4143

RESPONDENT'S NAME: Robert Clark Campaign Committee
Katie L. Jordan, Treasurer

SUMMARY OF ALLEGATIONS

The Committee's 1984 12 Day Pre-General Election Report disclosed the receipt of apparent excessive contributions for the general election from Mississippians United For Progress ("MUP") on October 2, 1984 and the Young Political Action Committee ("YPAC") on September 24, 1984. Both are unregistered committees, with MUP contributing \$1,500 in excess of its contribution limitations and YPAC contributing \$4,000 in excess of its contribution limitations. An RFAI was sent to the Committee on December 18, 1984, requesting that the Committee refund the excessive amount of the contributions.

A Second Notice was sent to the Committee on January 10, 1985 for failure to respond. On February 1, 1985, the Committee filed an amendment to the 12 Day Pre-General Election Report. The Committee acknowledged that an excessive contribution was received from MUP, but disclosed that it refunded only \$500. The amended report disclosed no information concerning YPAC.

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A Reports Analysis Division analyst contacted the Committee treasurer, Katie Jordan, on March 8, 1985. The analyst asked about the status of the remaining excessive contributions received from MUP and YPAC. Ms. Jordan stated that she would contact the Committee's accountant, James Butchart, to obtain this information and would respond shortly. To date, no further response has been received.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441a(f) no candidate or political committee shall knowingly accept any contribution from an individual or political committee other than a multicandidate committee, in excess of \$1,000 per election. The term "contribution" includes any gift, subscription, advance, deposit of money, or loan made by any person for the purpose of influencing an election for Federal office. 2 U.S.C. § 431(8)(A)(i). Thus, because the Committee accepted contributions from Mississippians United for Progress and the Young Political Action Committee which aggregated in excess of the \$1,000 limitation imposed by 2 U.S.C. § 441a(a)(1)(A), it is recommended that the Commission find reason to believe that the Robert G. Clark Campaign Committee violated 2 U.S.C. § 441a(f).

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QUESTIONS FOR THE ROBERT CLARK CAMPAIGN COMMITTEE

1. Do you know the location of the Mississippians United for Progress committee? If so, please provide a mailing address for the Mississippians United for Progress committee.
2. Do you know the principals of the Mississippians United for Progress committee? If so, please provide the names and addresses of the principals of the Mississippians United for Progress committee.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 28, 1985

Charlie J. William, Jr.
Treasurer
Young Political Action Committee
5th Floor
WaterBoard Bldg.
Detroit, Michigan 48226

RE: MUR 2045
Young Political Action
Committee
Charlie J. Williams, Jr.
Treasurer

Dear Mr. Williams:

On June 19, 1985, the Federal Election Commission determined that there is reason to believe that the Young Political Action Committee, and you as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended, ("the Act") by making an excessive contribution to the Robert Clark Campaign Committee and 2 U.S.C. §§ 433 and 434 for failing to register as a political committee and to comply with the reporting requirements of a political committee. 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. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within 10 days of your receipt of this notification.

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).

Charlie J. William, Jr., Treasurer
Page 2

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 Shelley Garr, 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

87040660783

36

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 2045
STAFF MEMBER & TEL. NO.
GARR 523-4143

RESPONDENT'S NAME: Young Political Action Committee

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

SUMMARY OF ALLEGATIONS

87040560794
The Robert Clark Campaign Committee's 1984 12 Day Pre-General Election Report disclosed the receipt of an apparent excessive contribution for the general election from the Young Political Action Committee ("YPAC") on September 24, 1984. YPAC is an unregistered committee, which contributed \$4,000 in excess of its contribution limitations. An RFAI was sent to the Committee on December 18, 1984, requesting that the Committee refund the excessive amount of the contributions.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441a(a)(1)(A), an unregistered political committee may not make a contribution to a candidate and his authorized political committee with respect to any election for Federal office which, in the aggregate, exceeds \$1,000. Because the Young Political Action Committee made a \$5000 contribution to the Robert Clark Campaign Committee, \$4,000

over the contribution limitation of 2 U.S.C. § 441a(1)(A), it is recommended that the Commission find reason to believe that the Young Political Action Committee violated 2 U.S.C.

§ 441a(a)(1)(A).

Pursuant to 2 U.S.C. § 433, all political committees which receive contributions or make expenditures aggregating in excess of \$1000 are required to file a Statement of Organization with the Commission. Further, pursuant to 2 U.S.C. § 434, each treasurer of a political committee is required to file periodic reports of receipts and disbursements in accordance with the provisions of the Act. Because the Young Political Action Committee made a contribution aggregating in excess of \$1000 to the Robert Clark Campaign Committee but failed to register and to comply with the reporting requirements pursuant to 2 U.S.C. §§ 433 and 434, it is the recommendation of the Office of General Counsel that the Commission find reason to believe that the Young Political Action Committee violated 2 U.S.C. §§ 433 and 434.

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SECRET

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

July 9, 1985

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85 JUL 15 P 2: 50

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

Mr. John Warren McGarry, Chairman
Federal Election Commission
Washington, D. C. 20463

Re: MUR 2045
Young Political Action Committee
Charlie J. Williams,
Treasurer

Gentlemen:

I received your letter dated June 28, 1985 in which the Federal Election Commission determined, "there is reason to believe the Young Political Action Committee, violated 2 U.S.C. § 441(a)(1)(a) of the Federal Election Campaign Act... by making an excessive contribution to the Robert G. Clark Campaign Committee..."

Please be advised that Lester Morgan, then treasurer, and now deceased, authorized the disbursement of \$5,000.00 to the Candidate Committee of Robert G. Clark which provided the basis for this investigation. The position of the Young Political Action Committee (YPAC) is as follows:

The YPAC never intended to violate the Act. While I clearly understand that ignorance of the law is no excuse, it must be advanced in defense of the committee's action. The YPAC recorded the contribution as a disbursement; and further, the Candidate Committee of Robert G. Clark recorded its receipt as a contribution. The entire transaction was open, notorious, and in accordance with reporting requirements which provided the basis of your investigation. It would clearly take a less than sane person to know that disclosure of an (illegal) disbursement or contribution will be discovered, and to make the disbursement or contribution, notwithstanding the inevitable discovery.

You should note also, that the YPAC has attempted to retrieve the \$5,000 contribution from the Robert G. Clark Campaign Committee as noted in the attached letter dated January 23, 1985.

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Federal Election Commission
July 9, 1985
Page 2

I am also attaching copies of letters sent to the Federal Election Commission staff when we received official notification of a possible violation.

Based on the extenuating circumstances of the death of the treasurer that authorized the disbursement; the clear intent not to violate the law; and our efforts to secure a reimbursement from the Robert G. Clark Campaign Committee; the YPAC should not be construed as having violated the Federal Election Campaign Act. It is for these reasons, the YPAC would like to recommend pre-probable cause conciliation in an effort to amicably resolve the issue.

Also for your future reference, my mailing address is 4634 Three Mile Drive, Detroit, Michigan , 48224.

Should you require any additional information, do not hesitate to contact me at (313) 224-4701 or (313) 885-7638.

Sincerely,


Charlie J. Williams
Treasurer
4634 Three Mile Drive
Detroit, Michigan 48224

Attachments

cc: Shelley Garr

January 23, 1985

Robert G. Clark Campaign Committee
Post Office Box 179
Lexington, Mississippi 39095

Dear Robert G. Clark Campaign Committee:

The Young Political Action Committee has been advised by the Federal Election Commission that a recent contribution made to your campaign committee in the amount of \$5,000 was made in violation of Federal election laws (see attached letter).

We have no option at this point but to request a full contribution refund from your committee in the amount of \$5,000 back to the Young Political Action Committee.

We are currently taking steps to become a multicandidate committee and will do whatever is necessary to return the \$5,000 to your campaign committee in accordance with the Federal election laws.

As you can see from the letter dated January 10, 1985, from the Federal Election Commission, time is of the essence and we need this reimbursement forthwith.

Sincerely,



Charlie J. Williams
Treasurer
Young Political Action Committee
1321 Orleans, Apt. 1203
Detroit, Michigan 48207

Attachments

January 23, 1985

Mr. Mike Tangney
Reports Analyst
Reports Analyst Division
Federal Election Commission
Washington, D. C. 20463

Dear Mr. Tangney:

We respectfully apologize for the lateness in responding to your letter of December 18, 1984, but, as I discussed with you by phone in early January, 1985, the untimely death of the then Treasurer of the Young Political Action Committee in December, 1984, did not permit a timely response, because your communication went unnoticed for well over three weeks.

You should be advised that the Treasurer's new address is 1321 Orleans, Apt. 1203, Detroit, Michigan 48207, and that Charlie J. Williams is the new Treasurer.

In accordance with your letter of December 18, 1984, we have sent a letter to the Robert G. Clark Campaign Committee requesting a refund of all monies submitted to their campaign committee by the Young Political Action Committee. As you may also note in the letter, we have indicated that time is of the essence, and expect a timely response.

If you should have any further questions related to this matter, I can be reached at 313-224-4701.

Sincerely,



Charlie J. Williams
Treasurer
Young Political Action Committee
1321 Orleans, Apt. 1203
Detroit, Michigan 48207

Attachment

January 23, 1985

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

Dear Mr. Gibson:

Please find attached two communications which I hope explains the Young Political Action Committee's delay in responding to the December 18, 1984, letter.

If you should have any questions related to this matter, please contact me at 313-224-4701.

Sincerely,



Charlie J. Williams
Treasurer
Young Political Action Committee
1321 Orleans, Apt. 1203
Detroit, Michigan 48207

Attachments

8704060700

GC#2024
RECEIVED AT THE FEO

July 15, 1985

85 JUL 17 10:00

Fred Slabach
Attorney At Law
150 Woodway Dr., #119A
Jackson, MS 39206

Honorable Shelley Garr
Federal Election Commission
1325 K St., NW
Washington, D.C. 20463

RE: MUR 2045
Robert Clark Campaign Committee

Dear Ms. Garr:

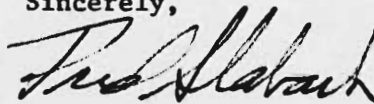
The Robert Clark Campaign Committee is in receipt of the Commission's June 28, 1985 Notice of Reason to Believe that a violation of Federal Election law has occurred.

The notice in the above referenced matter was received by Ms. Katie Jordan on or about July 3, 1985. Thus, our response was due on or about July 13, 1985. However, because of the July 4 holiday, Ms. Jordan did not send the notice to Mr. Clark until the middle of last week. Mr. Clark received the notice today and immediately telephoned me and asked me to handle this matter.

As I indicated to you on the telephone today, I would like an extension of time in which to respond to the Commission's notice and questions. I therefore request an extension of time until August 1, 1985.

Thank you for your prompt attention to this matter.

Sincerely,



Fred Slabach

15 JUL 17 10:00
AID: 32
OFFICE OF THE
FEDERAL ELECTION COMMISSION

87040560791

600#9056
RECEIVED AT THE FEC

85 JUL 19 AM: 38

Fred Slabach
150 Woodway Dr., #119A
Jackson, MS 39206

July 17, 1985

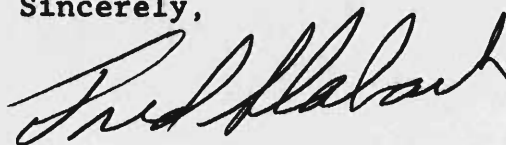
Ms. Shelley Garr
Federal Election Commission
1325 K. St., N. W.
Washington, D. C. 20463

Dear Shelley:

Enclosed is the designation of counsel which I mentioned
to you on the phone on Monday.

If you have any questions, please give me a call.

Sincerely,



Fred Slabach

87040660792

5 JUL 19 AM: 36

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2045

NAME OF COUNSEL: Fred Slabach

ADDRESS: 150 Woodway Dr. #119A
Jackson, MS 39206

TELEPHONE: (0) (601) 969-2913
(h) (601) 362-6444

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.

2/17/85
Date

Robert L. Clark
Signature

RESPONDENT'S NAME: Robert Clark Campaign Committee

ADDRESS: Katie L. Jordan, Treasurer

HOME PHONE: (601) 834-1473

BUSINESS PHONE: (601) 359-3330



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

30 July 1985

Fred Slabach
150 Woodway Drive, #119A
Jackson, Mississippi 39206

RE: MUR 2045
Robert Clark Campaign
Committee

Dear Mr. Slabach:

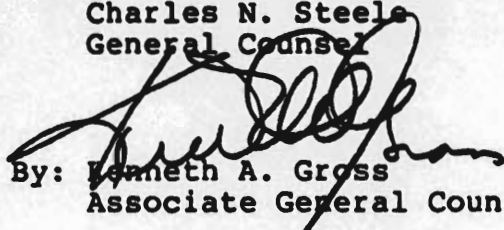
This is in reference to your letter dated July 15, 1985, requesting an extension until August 1, 1985 to respond to the Commission's notice that it has reason to believe that your client has violated the Act.

Considering the Commission's responsibilities under 2 U.S.C. § 437g(a)(8)(A) to act expeditiously on complaints and the circumstances of this matter, we cannot agree to your request.

If you have any questions, please contact Shelly Garr, the staff member handling this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

87040360794

6048228
RECEIVED
OFFICE OF THE REC
COMMISSION SECRETARY

Fred Slabach
150 Woodway Drive, #19A
Jackson, Mississippi 39206

July 31, 1985

Mr. John Warren McGarry
Chairman Federal Election Commission
1325 K St., N. W.
Washington, D. C.

Re: MUR 2045
Robert Clark Campaign Committee

Dear Mr. McGarry:

We have received notice of the Federal Election Commission's (the Commission) finding reason to believe that the Robert Clark Campaign Committee (Clark Committee) violated 2 USC §441 of the Federal Election Campaign Act of 1971, as amended, (the Act) by accepting two excessive contributions for the 1985 General Election. We have reviewed the attached General Counsel's Factual and Legal Analysis, and respectfully recommend that any further action on the alleged § 441 violation be resolved through pre-probable cause conciliation.

The facts recited in the General Counsel's Factual and Legal Analysis/Summary of Allegations is basically correct. On October 2, 1984, the Clark Committee received and deposited a \$2,500.00 contribution from Mississippians United for Progress ("MUP"), and on September 24, 1985, the Clark Committee accepted and deposited a \$5,000.00 check from the Young Political Action Committee ("YPAC").

Two notices were sent from the Federal Election Commission to the Clark Committee regarding these contributions. The first notice was sent December 18, 1984, and the second notice was sent January 10, 1985. These notices informed the Clark Committee of the Commission's contention that the YPAC contribution consisted of a \$4,000.00 excessive contribution. This contention is based on the fact that neither MUP nor YPAC is a registered multi-candidate committee. Thus, the Clark Committee may accept only \$1,000.00 per election (primary or general) from MUP and YPAC.

35 AUG 7 P12:09

RECEIVED
GENERAL COUNSEL

87040560795

Letter to John Warren McGarry
July 30, 1985
Page 2

On February 1, 1985, the Clark Committee filed an amendment to its 12 Day Pre-General Election Report acknowledging the excessive contribution from MUP and disclosing that it had refunded \$500.00 to that entity. This amendment and refund of \$500.00 was based on the belief that \$1,000.00 of the total \$2,500.00 received from MUP could be allocated to pay off the remaining primary election debt and \$1,000.00 could be allocated to the general election.

Attempts are currently being made to raise sufficient funds to refund the \$4,000.00 excessive contribution received from YPAC. It must be stated, however, that at the time the \$5,000.00 was received by the Clark Committee from YPAC, the Clark Committee believed YPAC was a valid multi-candidate committee and that the Clark Committee could properly accept and deposit the entire \$5,000.00 contribution. For this reason, we respectfully request the Commission consider the inadvertent nature of the violation as a mitigating factor in any conciliation procedure.

The Clark Committee intends to cooperate fully and completely with the Commission in resolving this matter. As a part of this good faith cooperation, we attach the name and address of the one individual we have reason to believe is associated in some way with MUP. It is our understanding that no official office or mailing address exists for MUP. However, it is also our understanding that any correspondence addressed to Mississippians United for Progress in care of the principal listed on the attached sheet will come to the attention of the group as a whole.

If we can be of further assistance to the Commission in regard to this matter, please do not hesitate to contact us. Thank you for your prompt attention to this request for pre-probable cause conciliation.

Sincerely,



Fred Slabach
Attorney at Law
Robert Clark Campaign Committee

Enclosures

87040560796

Mississippians United for Progress
Mr. Larry Farmer
586 N. Solomon Street
Greenville, MS 38701

87040660707

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

In the Matter of)

Robert Clark Campaign Committee)
Katie L. Jordan, Treasurer)

Young Political Action Committee)
Charlie J. Williams, Treasurer)

MUR 2045 30 All : 08

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 19, 1985, the Commission determined that there is reason to believe that the Robert Clark Campaign Committee ("the Committee") violated 2 U.S.C. § 441a(f) by accepting \$1,500 and \$4,000 in excessive contributions from Mississippians United for Progress ("MUP") and the Young Political Action Committee ("YPAC"), respectively, both unregistered committees.

On June 19, 1985, the Commission also found reason to believe that both MUP and YPAC violated 2 U.S.C. § 441a(a)(1)(A) for making excessive contributions to the Committee and 2 U.S.C. §§ 433 and 434 for failing to register and report as political committees.

By letter dated July 9, 1985, Charlie J. Williams, YPAC's treasurer, requested that this matter be settled prior to a finding of probable cause to believe (Attachment I). A similar request was received on August 7, 1985, from counsel representing the Committee (Attachment II).^{1/}

^{1/} To date, all attempts to locate MUP and to notify it of the Commission's findings have been unsuccessful. However, in his August 7th letter, counsel for the Committee provided the Commission with the name of a principal and address of MUP. With this information, this Office will continue its efforts to notify MUP of the Commission's action.

87040560799

III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Enter into conciliation with the Robert Clark Campaign Committee and Katie L. Jordan, as treasurer, prior to a finding of probable cause to believe;
2. Enter into conciliation with the Young Political Action Committee and Charlie J. Williams, as treasurer, prior to a finding of probable cause to believe;
3. Approve the attached proposed conciliation agreements and letters.

Charles N. Steele
General Counsel

August 29, 1985
Date

BY:

Kenneth A. Gross
Associate General Counsel

2/ Of the total \$5,500 in excessive contributions from MUP and YPAC, \$500 has been repaid to MUP.

Attachments

1. Letters from the Robert Clark Campaign Committee and the Young Political Action Committee.
2. Proposed agreements and letters.

SG #1

37040560800

Attachment(s) 1
to General Counsel's Report
have been removed from this
position in Public Record File.
See Index Item(s) 37+41

87040560801



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *pd*
DATE: August 30, 1985
SUBJECT: MUR 2045 - General Counsel's Report

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

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒
Sensitive ☒
Non-Sensitive ☐

24 Hour No Objection ☐
Sensitive ☐
Non-Sensitive ☐

Information ☐
Sensitive ☐
Non-Sensitive ☐

Other ☐

DISTRIBUTION

Compliance ☒
Audit Matters ☐

Litigation ☐
Closed MUR Letters ☐

Status Sheets ☐
Advisory Opinions ☐

Other (see distribution
below) ☐

187040:60902



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: *MW* MARJORIE W. EMMONS/ JODY C. RANSOM *JCR*
DATE: SEPTEMBER 4, 1985
SUBJECT: OBJECTION - MUR 2045 General Counsel's
Report signed August 29, 1985

The above-named document was circulated to the
Commission on Tuesday, September 3, 1985 at 11:00.

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

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Harris	<u> X </u>
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	_____

This matter will be placed on the Executive Session
agenda for Tuesday, September 10, 1985.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: *MWE* MARJORIE W. EMMONS/JODY C. RANSOM *JCR*
DATE: SEPTEMBER 5, 1985
SUBJECT: OBJECTIONS - MUR 2045 General Counsel's
Report signed August 29, 1985

The above-named document was circulated to the
Commission on September 3, 1985 at 11:00.

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

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

This matter will be placed on the Executive Session
agenda for Tuesday, September 10, 1985.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Robert Clark Campaign Committee
Katie L. Jordan, Treasurer

)
)
)
)

MUR 1863

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 10, 1985, do hereby certify that the Commission decided by a vote of 5-0 to merge MUR 1863 with MUR 2045.

Commissioners Aikens, Elliott, Josefiak, McDonald, and McGarry voted affirmatively for the decision; Commissioner Harris was not present at the time of the vote.

Attest:

9-10-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Robert Clark Campaign Committee)
Katie L. Jordan, Treasurer)

MUR 2045

Young Political Action Committee)
Charlie J. Williams, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 10, 1985, do hereby certify that the Commission decided by a vote of 5-0 to merge MUR 2045 with MUR 1863.

Commissioners Aikens, Elliott, Josefiak, McDonald, and McGarry voted affirmatively for the decision. Commissioner Harris was not present at the time of the vote.

Attest:

9-10-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

46b



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 8, 1985

Mr. Larry Farmer
Mississippians United for Progress
586 N. Solomon St.
Greenville, ME 38701

RE: MUR 2045
Mississippians United for Progress

Dear Mr. Farmer:

On December 11, 1984, this Office attempted to notify you that on December 10, 1984, the Commission had determined that there was reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by making an excessive contribution to the Robert Clark Campaign Committee (MUR 1863). This notification was returned by the postal service as undeliverable.

On June 19, 1985, the Commission made additional findings with respect to Mississippians United for Progress. The Commission again found reason to believe that Mississippians United for Progress had violated 2 U.S.C. § 441a(a)(1)(A) by making a second excessive contribution to the Robert Clark Campaign Committee and 2 U.S.C. §§ 433 and 434 by failing to register as a political committee and to comply with the reporting requirements of a political committee (MUR 2045). These MURs have been merged as MUR 2045.

The Commission has since secured what we believe to be the Committee's corrected address and is again writing to inform you of these determinations. Attached for your information are copies of the Commission's factual and legal analyses which formed the basis for the Commission's findings.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, 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

Letter to Mississippians United for Progress
Page Two

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 each 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 Shelley Garr, the staff member assigned to this matter, at (202) 423-4143.

Sincerely,

Charles N. Steele
General Counsel

Date

Nov 7, 1985

BY:



Kenneth A. Gross
Associate General Counsel

Enclosures

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

8704060808

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1863
STAFF MEMBER(S) & TELEPHONE NO.
GARR 523-4143

RESPONDENT'S NAME: Mississippians United for Progress

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

SUMMARY OF ALLEGATIONS

The Robert Clark Campaign Committee ("Committee") was referred to the Office of General Counsel by the Reports Analysis Division for receiving an excessive contribution from an unregistered committee in the form of a loan.

The 1984 July Quarterly Report for the Committee disclosed the receipt of a loan on June 18, 1984, from Robert G. Clark, the candidate, totalling \$7,000. Although the Committee reported the loan on Schedules A and C, no mention was made of its source.

On August 8, 1984, the Reports Analysis Division sent an RFAI, requesting that the Committee disclose the source of the loan. On August 30, 1984, a Second Notice was sent.

In her response dated August 30, 1984, Melany Neilson, the Committee's Assistant Treasurer, reported that the ultimate source of the loan was Mississippians United for Progress, an unregistered committee. Ms. Neilson further explained that the candidate merely acted as an intermediary in the transaction and was unaware that the source of the loan was not a qualified committee. Mrs. Neilson stated, "We have found the loan to be in contradiction with the existing regulations and have repaid the

amount in full upon our determination." A copy of the Committee's repayment check dated August 8, 1984, and totalling \$7,196.83 (loan plus interest) was attached.

The Committee filed an amended 1984 July Quarterly Report on September 6, 1984, reporting the source of the loan as Mississippians United for Progress.

On September 28, 1984, RAD issued an Informational Notice, notifying the Committee that the Commission was aware of the excessive contribution and of its repayment.

On October 6, 1984, the Committee filed a second amended 1984 July Quarterly Report which properly disclosed the source of the loan. On October 15, 1984, the Committee filed its 1984 October Quarterly Report in which it disclosed the loan repayment.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441a(f) no candidate or political committee shall knowingly accept any contribution from an individual or political committee other than a multicandidate committee, in excess of \$1,000 per election. The term "contribution" includes any gift, subscription, advance, deposit of money, or loan made by any person for the purpose of influencing an election for Federal office. 2 U.S.C. § 431(8) (A) (i).

Pursuant to 2 U.S.C. § 441a(a)(1)(A), an unregistered political committee may not make a contribution to a candidate and his authorized political committee with respect to any election for Federal office which, in the aggregate, exceeds \$1,000. Because Mississippians United for Progress made a \$7,000 contribution to the Robert Clark Campaign Committee, \$6,000 over the contribution limitation of 2 U.S.C § 441a(a)(1)(A), it is recommended that the Commission find reason to believe that Mississippians United for Progress violated 2 U.S.C. § 441a(a)(1)(A).

87040560811

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
COMMISSION SECRETARY
SENSITIVE
MUR 86 NOV 8 49:21

In the Matter of

Robert Clark Campaign Committee
Katie L. Jordan, Treasurer

Young Political Action Committee
Charlie J. Williams, Treasurer

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On December 10, 1984, the Commission found reason to believe that the Robert Clark Campaign Committee and Katie L. Jordan, as Treasurer, ("Committee") violated 2 U.S.C. § 441a(f) by accepting an excessive contribution in the form of a loan from an unregistered committee. On that date the Commission also found reason to believe that Mississippians United for Progress ("MUP") violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to the Robert Clark Campaign Committee (MUR 1863).

On May 15, 1985, the Commission forwarded to the Committee its Brief recommending probable cause to believe that it violated 2 U.S.C. § 441a(a)(1)(A). Counsel for the Committee responded on June 10, 1985, by reiterating his contention that the Committee's acceptance of an excessive contribution from an unregistered committee was inadvertent and that the error was remedied by repaying the full amount of the loan, plus interest, pursuant to 11 C.F.R. § 103.3(b).^{1/}

^{1/} Repayment of the loan was made 84 days after its receipt as reported by the Committee.

The Commission's reason to believe notification, sent to MUP on December 11, 1984, was returned to this Office as undeliverable. To date, all further attempts to notify MUP of the Commission's finding have been unsuccessful.^{2/}

On June 19, 1985, the Commission again determined that there was reason to believe that the Robert Clark Campaign Committee violated 2 U.S.C. § 441a(f) by accepting \$1,500 and \$4,000 in excessive contributions from Mississippians United for Progress and the Young Political Action Committee ("YPAC"), respectively, both unregistered committees.^{3/}

Additionally, the Commission found reason to believe that both MUP and YPAC violated 2 U.S.C. § 441a(a)(1)(A) for making excessive contributions to the Committee and 2 U.S.C. §§ 433 and 434 for failing to register and report as political committees (MUR 2045).^{4/}

By letter dated July 9, 1985, Charlie J. Williams, YPAC's treasurer, requested that this matter be settled prior to a

^{2/} The Commission has since received what we believe to be the corrected address for MUP. This Office is continuing its efforts to notify MUP of the Commission's action.

^{3/} Of the total \$5,500 in excessive contributions from MUP and YPAC, \$500 has been repaid to MUP.

^{4/} On September 10, 1985, the Commission approved the merger of MURS 1863 and 2045.

87040360813

finding of probable cause to believe (Attachment II). A similar request was received on August 7, 1985, from counsel representing the Committee (Attachment II).

MURs 1863 and 2045 were before the Commission on September 10, 1985. Although no action was taken at that time with respect to the requests for pre-probable cause conciliation, the Commission did approve their merger and did request that a comprehensive report be recirculated.

87040560814

III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Enter into conciliation with the Robert Clark Campaign Committee and Katie L. Jordan, as treasurer, prior to a finding of probable cause to believe;
2. Enter into conciliation with the Young Political Action Committee and Charlie J. Williams, as treasurer, prior to a finding of probable cause to believe;
3. Approve the attached proposed conciliation agreements and letters.

Charles N. Steele
General Counsel

November 7, 1985
Date

BY: Kenneth A. Gross
Associate General Counsel

Attachments

1. Letters from the Robert Clark Campaign Committee and the Young Political Action Committee.
2. Proposed agreements and letters.

SG

87040560815

Attachment(s) _____

to N-7-85 CC Rpt

have been removed from this
position in Public Record File.

See Index Item(s) 37, 41

87040660816



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Rd*
DATE: November 8, 1985
SUBJECT: MUR 2045 - General Counsel's Report

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

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒
Sensitive ☒
Non-Sensitive ☐

24 Hour No Objection ☐
Sensitive ☐
Non-Sensitive ☐

Information ☐
Sensitive ☐
Non-Sensitive ☐

Other ☐

DISTRIBUTION

Compliance ☒
Audit Matters ☐

Litigation ☐

Closed MUR Letters ☐

Status Sheets ☐

Advisory Opinions ☐

Other (see distribution
below) ☐



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/CHERYL A. FLEMING *CAF*
DATE: NOVEMBER 12, 1985
SUBJECT: OBJECTION - MUR 2045 - General Counsel's Report

The above-named document was circulated to the
Commission on Friday, November 8, 1985, 2:00.

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

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Harris	_____ X _____
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	_____

This matter will be placed on the Executive Session
agenda for Tuesday, November 19, 1985.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Robert Clark Campaign Committee)
Katie L. Jordan, Treasurer)

MUR 2045

Young Political Action Committee)
Charlie J. Williams, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of

November 19, 1985, do hereby certify that the Commission
decided by a vote of 6-0 to take the following actions in
MUR 2045:

1. Enter into conciliation with the Robert
Clark Campaign Committee and Katie L.
Jordan, as treasurer, prior to a finding
of probable cause to believe.
2. Enter into conciliation with the Young
Political Action Committee and Charlie J.
Williams, as treasurer, prior to a finding
of probable cause to believe.
3. Approve the proposed conciliation agreements
and letters attached to the General Counsel's
report dated November 7, 1985.

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

Attest:

11-21-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Mississippians United For Progress

586 North Solomon Street

GREENVILLE, MISSISSIPPI 38701

RECEIVED AT THE FEC

CCC# 9042

85 NOV 25 P 2: 17

November 20, 1985

Mr. Charles N. Steele
General Counsel
c/o Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 2045
Mississippians United for Progress

Dear Mr. Steele:

I am writing to acknowledge receipt of your letter dated November 8, 1985 regarding the above referenced matter. Unfortunately, we were not aware of your previous attempts to contact MUP. I suspect that the correspondence mentioned in your letter was forwarded to a Post Office Box formerly used by Mississippians United for Progress (MUP).

Within the very near future we will conduct a thorough review of your letter and the documents attached thereto. Subsequent to which, we will review our records relative to the transactions in question and forward MUP's formal response to the Commission's findings. In doing so, we will also inform the Commission of MUP's position relative to representation by legal counsel. In the interim, we wish for the Commission's investigation to remain confidential.

Should you need to contact me prior to receipt of MUP's formal response, you may do so by writing me at 586 North Solomon Street, Greenville, Mississippi 38701, or calling (601) 335-5647 (after 3:00 p.m. central time).

Sincerely,

Larry N. Farmer
Larry N. Farmer

LNF/rh

cc: Shelley Garr

"For those who would be free, they themselves
must strike the first blow . . ."

Fredrick Douglass

52

8704060800

RECEIVED AT THE FEC
GCC 9175
85 DEC 6 12:40

Frederick G. Slabach
P.O. Box 1583
Jackson, MS 39215

December 3, 1985

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

RE: MUR 2045
Mississippians United For
Progress

Dear Mr. Steele:

I have been retained by Mississippians United For Progress (MUP) to represent it in all proceedings before the Federal Election Commission (Commission) regarding Commission Matter Under Review 2045.

Mr. Larry Farmer, one of the principals of MUP, received notice of the Commission's finding reason to believe that MUP violated 2 U.S.C. Section 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended (the Act), on two separate occasions, and that MUP failed to register as a political committee as required by the Act. This notice was received by Mr. Farmer on Monday, November 18, 1985.

The Board of Directors of MUP retained me as counsel November 27, 1985 (see attached Statement of Designation of Counsel).

We have reviewed the General Counsel's Factual and Legal Analysis in MUR 1863 and his November 8, 1985 letter regarding the merging of MURs 1863 and 2045, and respectfully recommend that no further action on the alleged Section 441a(a)(1)(A) violations is warranted in light of the mitigating circumstances and corrective action present in this case. However, MUP and its principals intend to

cooperate fully and completely with the Commission in the resolution of this matter.

FACTS

Mississippians United For Progress is an unincorporated association of individuals interested in supporting candidates who work on behalf of economically disadvantaged persons in Mississippi by making financial contributions to those candidates. For this purpose, MUP solicits voluntary contributions from its members and disburses funds to candidates for office. Prior to 1984, no contributions in excess of one hundred dollars had ever been made by MUP to candidates for federal office.

On June 5, 1984, Mississippi State Representative Robert Clark was victorious in obtaining the Democratic Party nomination for the United States House of Representatives from the Second District of Mississippi. Following his nomination, Clark contacted MUP officials and requested a contribution to retire his primary election debt. The MUP officials replied that they would prefer to loan money to Clark rather than make a contribution. Clark agreed and MUP entered into a \$7,000 loan at 9.5% interest with Clark. It should be noted here that none of the principals of MUP are lawyers and no one associated with MUP was familiar with even the simplest provisions of the Act.

In early August, 1984, officials of the Clark campaign contacted MUP officials and indicated that the FEC had questioned the loan and that it would be repaid with interest. Soon thereafter, MUP received a check for \$7,196.83 dated August 8, 1984.

On October 2, 1984, MUP made an additional \$2,500 contribution to the Clark campaign. In January of 1985, Clark campaign officials notified MUP that the Commission had questioned MUP's contribution. Soon thereafter a refund of \$500 was received by MUP. On November 18, 1985, Mr. Larry Farmer received the Commission's Notice of Reason to Believe a violation of Federal Election Law had occurred.

SUMMARY OF ARGUMENT

Our recommendation that the Commission take no further action against MUP is based upon mitigating factors which we believe will be decisive in the Commission's consideration. First, each violation was inadvertantly committed without the knowledge of Federal Election Law on the part of any of the principals of MUP. Second, each violation was remedied as soon as practicable upon its revelation to MUP. Third, the amount in question did not affect to any measurable or

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significant degree the U.S. Congressional election in the Second District of Mississippi. And fourth, to take further action against MUP would serve no useful purpose.

DISCUSSION

A. The Loan

MUP does not contest the allegation that the loan in question was improper under Section 441a(a)(1)(A). It is our contention, however, that the violation was inadvertant and that mitigating factors counsel against any further action by the Commission.

1. The violation was inadvertant.

The principals of MUP were completely unaware of the requirements of Federal Election Law. Prior to 1984, no contributions in excess of one hundred dollars had ever been made by MUP to candidates for federal office. The overwhelming majority of MUP's contributions were made to state candidates. Thus, MUP officials were famillier only with Mississippi Election Law.

Mississippi election law places contribution limits only upon corporations and labor unions. Because MUP is neither a corporation nor a labor union, no limits are placed on its contributions to candidates for state office. In addition, Mississippi law does not treat a loan as a contribution. Since MUP dealt exclusively with candidates for state office and since Mississippi law placed no limitations on its contributions or loans to political cnadidates, MUP had no reason to question the propriety of a \$7,000 loan to the Clark campaign. We respectfully urge the Commission consider the inadvertant and unintentional nature of the violation.

2. MUP received repayment of the loan.

The Clark campaign repaid the loan to MUP with interest as soon as it discovered the impropriety. The prompt repayment of the loan was a voluntary effort by the Clark campaign and MUP and should be considered by the Commission as a mitigating factor. See, e.g., MUR 1526; MUR 375.

3. The loan did not affect the election.

The improper loan did not affect to any measurable extent the outcome of the election. The Clark campaign requested a contribution from MUP to retire the substantial debt incurred by the campaign during the primary election contest. The creditors involved could have carried the debt

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in the normal course of business for an additional period of time. See 11 C.F.R. Section 114.10. Thus, MUP's loan failed to change the Clark campaign's financial position vis a vis the general election in November. The reduction of Clark campaign debt to primary election creditors was directly offset by an increase in debt to MUP.

In addition, any benefit which may have inured to the losing campaign was de minimus. The full \$7,000 plus interest was refunded in less than 10 weeks. Therefore, the Clark campaign benefited from the funds for only a short period of time.

4. Further action by the Commission would serve no useful purpose.

The purpose of Commission enforcement proceedings is to identify and remedy violations of the Act and to punish violators. Since the violation concerning the \$7,000 loan already has been identified and remedied, the only further purpose of this proceeding is to punish. Where violations are unintentional, however, the Commission has used the civil penalties provided in the Act sparingly. We believe this matter is particularly appropriate for no further action by virtue of the inadvertent nature of the violations and the remedial steps already taken.

B. The \$2,500 contribution

MUP does not contest the allegation that the October 2, 1984 contribution of \$2,500 was in violation of 2 U.S.C. Section 441a(a)(1)(A). MUP does contest the amount of the contribution which was in excess of federal limitations. In addition, mitigating factors should be considered in resolving this matter.

1. Allowable contribution.

A nonconnected political committee which has not achieved multi-candidate committee status is limited to a \$1,000 contribution to a federal candidate. However, this limitation applies to each election. Therefore, a political committee may contribute \$1,000 in the primary election and \$1,000 in the general election campaign of the same candidate. In addition, contributions to a federal candidate after an election may be attributed to that election to the extent the candidate maintained a debt from that election.

In this case, MUP could have properly contributed \$2,000 to the Clark campaign on October 2, 1984 if the campaign retained a primary debt of at least \$1,000. We understand this in fact was the case.

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That is why MUP received a refund of \$500 from the Clark campaign in January of 1985 when the error was discovered. However, in an effort to resolve this matter, MUP has requested an additional refund of \$1,000 from the Clark campaign. We expect to receive this refund within the next few weeks.

2. The violation was inadvertant.

As noted above, MUP officials were unaccustomed to federal regulations regarding campaign contributions. Since Mississippi law places no limitations on political committee contributions, MUP officials had no reason to suspect that the contribution in question exceeded federal limitations. Thus, the violation was inadvertant. This fact should be considered in the Commission's determination.

3. The excessive portion of the contribution has been or soon will be refunded.

The Clark campaign refunded \$500 of the \$2,500 to MUP as soon as the error was brought to its attention. MUP maintains that the remaining \$2,000 was within federal limits for political committees. However, as indicated above, an additional \$1,000 will be refunded to MUP by the Clark campaign as soon as possible. The initial repayment was prompt and voluntary, and the latter will be made as soon as possible. We urge the Commission to consider this voluntary action in its deliberations.

4. The excessive contribution did not affect the election.

Any benefit which inured to the Clark campaign from the excessive contribution must be considered minimal. As noted earlier, the campaign retained a substantial debt from the primary and, therefore, only \$500 of the \$2,500 was actually in excess of federal limits. That amount was refunded in less than three months. Thus, the Clark campaign benefited from the funds for a minimal period of time.

C. Failure To Comply With Reporting Requirements

MUP does not contest the fact that upon issuing the loan to the Clark campaign in June of 1984, it became, by definition, a political committee and was required to file a statement of organization and begin filing periodic reports with the Commission. However, MUP officials were unaware of this requirement at the time and did not fully understand their obligations under federal law until counsel was retained on November 27, 1985.

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As a sign of its good faith effort to remedy this matter, MUP has filed a statement of organization with the Commission. Since MUP officials were unaware of their legal obligations and since they have taken steps to resolve these deficiencies, we contend no further action is warranted.

CONCLUSION

We wish to emphasize the MUP official's willingness to work with the Commission in resolving this matter. We believe that since the violations took place without knowledge of federal law and without the intent to violate federal law, and since the violations were remedied in a prompt and voluntary manner, the Commission should seriously consider taking no further action in this matter.

Sincerely,


Frederick G. Slabach

87040360826

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2045

NAME OF COUNSEL: Frederick G. Slabach

ADDRESS: P.O. Box 1583

Jackson, MS 39215-1583

TELEPHONE: (601) 969-2913

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.

Nov. 27th, 1985
Date

Larry N. James
Signature

RESPONDENT'S NAME: Mississippians United For Progress

ADDRESS: 586 N. Solomon St

Greenville, MS 38701

HOME PHONE: _____

BUSINESS PHONE: (601) 335-3523

9704060827



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1985

Fred Slaybach
150 Woodway Drive #119A
Jackson, Mississippi 39206

RE: MUR 2045
Robert Clark
Campaign Committee
Katie L. Jordan,
Treasurer

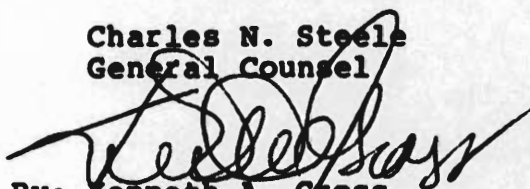
Dear Mr. Slaybach:

On December 10, 1984, and again on June 19, 1984, the Commission found reason to believe that the Robert Clark Campaign Committee violated 2 U.S.C. § 441a(f) by accepting an excessive contribution in the form of a loan from an unregistered committee (MUR 1863) and by accepting excessive contributions from two unregistered committees (MUR 2045). The Commission merged both matters as MUR 2045. At your request, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you 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. 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 Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures
SG #1

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1985

Charlie J. Williams, Treasurer
Young Political Action Committee
4634 Three Mill Drive
Detroit, Michigan 48224

RE: MUR 2045
Young Political
Action Committee

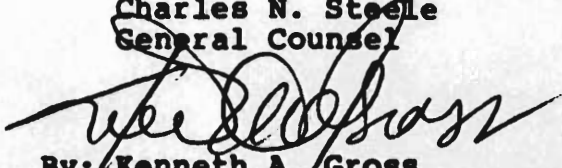
Dear Mr. Williams:

On June 19, 1985, the Commission found reason to believe that the Young Political Action Committee violated 2 U.S.C. §§ 441a(a)(1)(A), 433, and 434. At your request, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you 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. 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 Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

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RECEIVED AT THE FEC
GCC 9271
85 DEC 26 AID: 02

December 20, 1985

Fred Slabach
4940 Ridgewood Rd., #J-10
Jackson, MS 39211

Ms. Shelley Garr
Federal Election Commission
Washington, D.C. 20463

RE: MUR 2045
Robert Clark
Campaign Committee
Katie L. Jordan,
Treasurer

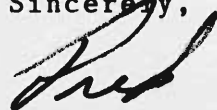
Dear Ms. Garr:

I am in receipt of your December 11, 1985 letter regarding the Federal Election Commission's proposed Conciliation Agreement.

I will contact my client, the Robert Clark Campaign Committee, Katie L. Jordan, Treasurer, immediately to review the proposed agreement. As we discussed on the telephone today I will be in Washington, D.C. on January 24, 1986. I appreciate your willingness to discuss this matter at 10:00 a.m. on that date.

Please make a note of my new address indicated above.

Sincerely,



Fred Slabach

85 DEC 26 PM 2:35
RECEIVED
OFFICE OF THE
GENERAL COUNSEL
56

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85 DEC 30 4 9: 22

December 23, 1985

Fred Slabach
P.O. Box 1583
Jackson, MS 39215-1583

Ms. Shelley Garr
Federal Election Commission
1325 K. St., NW
Washington, D.C. 20463

RE: MUR 2045
Mississippians United
For Progress

Dear Shelley:

This letter will confirm our telephone conversation today in which I requested pre-probable cause conciliation on behalf of Mississippians United For Progress.

We maintain that no further action should be taken in this matter.

Thank you for your prompt attention to this matter.

Sincerely,



Fred Slabach

85 DEC 30 4 12: 23

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

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611-71301
FEB
JUN
3 AUG 22 19:14

August 19, 1986

36 AUG 22 13:57

Mr. Lawrence M. Noble
Deputy General Counsel
Federal Election Commission
Washington, DC 20463

RE: MUR 2045
Young Political Action Committee
Charlie Williams, Treasurer

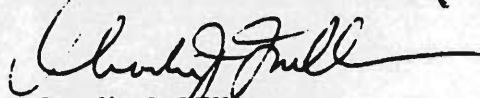
Dear Mr. Noble:

Please find attached a signed original of your proposed conciliation agreement.

Upon acceptance by the Federal Election Commission, please send me a fully executed copy and I will forward payment.

Thanks for your consideration in this matter.

Sincerely,


Charlie J. Williams

Enclosure

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30-1362
Garr
AUG 29 11:03

Fred Slabach
1846 Howard Street
Jackson, MS 39202

August 27, 1986

Ms. Shelley Garr
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

6 AUG 29 2:45

Dear Shelley:

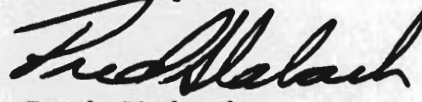
Enclosed is a copy of my December 23, 1985 letter requesting pre-probable cause conciliation on behalf of Mississippians United For Progress.

As we discussed today on the telephone, we remain willing to enter into active negotiations on a conciliation agreement.

We continue to believe that since the violations were inadvertant and that they were remedied as soon as they were discovered, no further action should be taken in this matter.

Thank you for your prompt attention to this matter.

Sincerely,


Fred Slabach

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December 23, 1985

Fred Slabach
P.O. Box 1583
Jackson, MS 39215-1583

Ms. Shelley Garr
Federal Election Commission
1325 K. St., NW
Washington, D.C. 20463

RE: MUR 2045
Mississippians United
For Progress

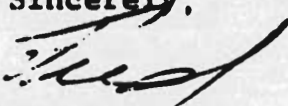
Dear Shelley:

This letter will confirm our telephone conversation today in which I requested pre-probable cause conciliation on behalf of Mississippians United For Progress.

We maintain that no further action should be taken in this matter.

Thank you for your prompt attention to this matter.

Sincerely,


Fred Slabach

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Fred Slabach
1846 Howard Street
Jackson, MS 39202

September 4, 1986

Ms. Shelley Garr
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

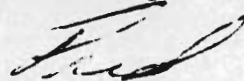
Dear Shelley:

Enclosed please find the proposed conciliation agreement for the Robert Clark Campaign Committee, Katie L. Jordan, Treasurer, which I have been authorized to sign on behalf of the Committee and Ms. Jordan in MUR 2045.

I appreciate your cooperation and efforts in our attempts to resolve this matter fairly and expeditiously.

I look forward to receiving written confirmation that the Commission has accepted this agreement as a final resolution of this matter.

Sincerely,



Fred Slabach

cc: Robert G. Clark, Jr.
Katie L. Jordan

36 SEP 9 AM:46

RECEIVED
GENERAL COUNSEL

87040560835

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

SENSITIVE

In the Matter of
Young Political Action Committee
Charlie Williams, Treasurer

MUR 2045

86 SEP 5 11:56

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Charlie Williams, Treasurer of the Young Political Action Committee (Attachment I).

The attached agreement contains no changes from the agreement originally approved by the Commission.

II. RECOMMENDATION

The Office of General Counsel recommends that the Commission:

- 1.) Accept this agreement in settlement of this matter as it pertains to the Young Political Action Committee and Charlie Williams, as treasurer;
- 2.) Close the file as it pertains to the Young Political Action Committee and Charlie Williams as treasurer; and
- 3.) Approve and send the attached letter.

Charles N. Steele
General Counsel

Date

9/5/86

BY:

Lawrence M. Noble
Deputy General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Red*
DATE: September 5, 1986
SUBJECT: MUR 2045 - General Counsel's Report

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

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒
Sensitive ☒
Non-Sensitive ☐

24 Hour No Objection ☐
Sensitive ☐
Non-Sensitive ☐

Information ☐
Sensitive ☐
Non-Sensitive ☐

Other ☐

DISTRIBUTION

Compliance ☒
Audit Matters ☐

Litigation ☐
Closed MUR Letters ☐

Status Sheets ☐
Advisory Opinions ☐

Other (see distribution
below) ☐

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Young Political Action Committee) MUR 2045
Charlie Williams, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 10, 1986, the Commission decided by a vote of 4-0 to take the following actions in MUR 2045:

1. Accept the agreement in settlement of this matter as it pertains to the Young Political Action Committee and Charlie Williams, as treasurer, as recommended in the General Counsel's Report signed September 5, 1986.
2. Close the file as it pertains to the Young Political Action Committee and Charlie Williams as treasurer.
3. Approve and send the letter, as recommended in the General Counsel's Report signed September 5, 1986.

Commissioners Aikens, Josefiak, McDonald and McGarry voted affirmatively for this decision; Commissioners Elliott and Harris did not vote.

Attest:

9-10-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Fri., 9-5-86, 11:56
Circulated on 48 hour tally basis: Mon., 9-8-86, 11:00
Deadline for vote: Wed., 9-10-86, 11:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 15, 1986

Charlie Williams, Treasurer
Young Political Action Committee
4634 Three Mill Drive
Detroit, Michigan 48224

RE: MUR 2045
Young Political Action
Committee
Charlie Williams,
Treasurer

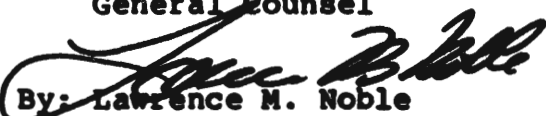
Dear Mr. Williams:

On September 10, 1986, the Commission accepted the conciliation agreement signed by you in settlement of violations of 2 U.S.C. §§ 441a(a)(1)(A), and 433 and 434, provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to the Young Political Action Committee and you, as treasurer, and it will become a part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. We remind you that pursuant to the provisions of the conciliation agreement, you are required to submit the civil penalty within 30 days of the execution of this agreement.

Sincerely,

Charles N. Steele
General Counsel


By: Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Young Political Action Committee) NUR 2045
Charlie J. Williams, Treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Young Political Action Committee and Charlie J. Williams, as treasurer, (hereinafter "the Respondents") violated 2 U.S.C. §§ 441a(a)(1)(A), 433, and 434.

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

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Young Political Action Committee is an unregistered political committee.

2. Charlie J. Williams is treasurer of the Young Political Action Committee.

3. Robert Clark Campaign Committee is an authorized campaign committee registered with the Federal Election Commission.

4. Respondents made a \$5,000 contribution to the Robert Clark Campaign Committee on July 24, 1984.

V. Pursuant to 2 U.S.C. § 441a(a)(1)(A), an unregistered political committee may not make a contribution to a candidate and his authorized political committee with respect to any election for Federal office which, in the aggregate, exceeds \$1,000.

VI. Respondents violated 2 U.S.C. § 441a(a)(1)(A) by making a \$5,000 contribution to the Robert Clark Campaign Committee.

VII. Pursuant to 2 U.S.C. § 433, all political committees which receive contributions or make expenditures aggregating in excess of \$1,000 are required to file a Statement of Organization with the Commission.

VIII. Respondents violated 2 U.S.C. § 433 by failing to file a Statement of Organization with the Commission.

IX. Pursuant to 2 U.S.C. § 434, each treasurer of a political committee is required to file periodic reports of receipts and disbursements in accordance with the provisions of the Act.

X. Respondents violated 2 U.S.C. § 434 by failing to comply with the reporting requirements as prescribed by the Act.

XI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Seven Hundred and Fifty Dollars (\$750), pursuant to 2 U.S.C. § 437g(a)(5)(A).

XII. Respondents agree that they shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

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

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

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

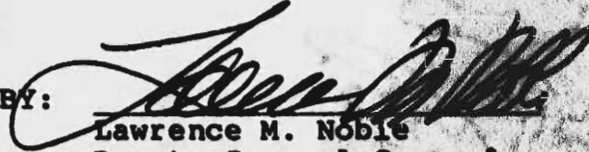
XVI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral,

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made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY:  9/14/86
Lawrence M. Noble Date
Deputy General Counsel

FOR THE RESPONDENTS:

 8/19/86

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RECEIVED AT THE FEC

86 OCT 1 11:10

September 29, 1986

Mr. Lawrence Noble
Deputy General Counsel
Federal Election Commission
Washington, DC 20463

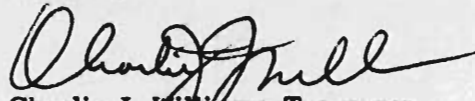
Dear Mr. Noble:

RE: MUR 2045
Young Political Action Committee
Charlie J. Williams, Treasurer

In accordance with the fully executed conciliation agreement, please find enclosed a check in the amount of \$750.00.

Thank you for your attention in this matter.

Sincerely,


Charlie J. Williams, Treasurer
Young Political Action Committee

Enclosure

26 OCT 2 10:16

GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

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37040560844

YOUNG'S POLITICAL ACTION COMMITTEE

4634 3 MILE DR.
DETROIT, MI 48224

EXPLANATION	AMOUNT

1050

9-107/720

AMOUNT Seven hundred fifty and 00/100 DOLLARS

CHECK
AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
5/8/86	Treasurer of the United States for Federal Elections Commission	Penalty payment	7050

\$ 750.00

Washington, D.C.
20463

FIRST INDEPENDENCE NATIONAL BANK
234 STATE STREET, DETROIT, MICHIGAN 48226

Charlie J. Williams
Jane Roselle

⑈001050⑈+⑈072001079⑈ 2102⑈21422⑈2⑈

GCC 1672

MEMORANDUM

TO: Debra A. Reed

TO: Judy Smith

FROM: Judy Smith

FROM: Debra A. Reed

CHECK NO. 1050 (a copy of which is attached) RELATING

TO MUR 2045 (Garr) AND NAME Young Political Action Cmte., Charlie J. Williams
Treas.

WAS RECEIVED ON 10/2/86. PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

/ ☒ / BUDGET CLEARING ACCOUNT (#95F3875.16)

/ / CIVIL PENALTIES ACCOUNT (#95-1099.160)

/ / OTHER _____

SIGNATURE Debra A. Reed

DATE 10/3/86

65

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Robert Clark Campaign Committee
Katie Jordan, Treasurer

Mississippians United for Progress
Larry Farmer, Treasurer

MUR 2045

EXHIBIT

33 MAY 21

10:31

COPIES
100

GENERAL COUNSEL'S REPORT

I. Background

A. Robert Clark Campaign Committee

Attached is a conciliation agreement which has been signed by counsel for the Robert Clark Campaign Committee (Attachment I)

The Office of General Counsel recommends that the Commission accept this agreement in settlement of this matter as it pertains to the Robert Clark Campaign Committee and Katie Jordan, as treasurer.

B. Mississippians United for Progress

Although the Commission found reason to believe that Mississippians United for Progress ("MUP") violated 2 U.S.C. § 441a(a)(1)(A) on December 10, 1984, and again on June 19, 1985, by making a \$7,000 contribution in the form of a loan and a \$2500 contribution, respectively to the Clark Committee, this Office had been unsuccessful in its attempts to locate or contact MUP

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since all correspondence was returned to the Commission by the post office.^{1/} With the approval of the Commission, this Office sent questions to the Clark Committee requesting a current address for MUP. When the Committee responded with an address, this Office resent MUP the Commission's notifications of finding. On December 11, 1985, the Commission received a designation of counsel form naming counsel for the Clark Committee as MUP's counsel as well as a response. Staff was unaware of a subsequent letter sent to the Commission by counsel on December 23, 1985, requesting pre-probable cause conciliation on behalf of MUP.

During a phone conversation with counsel regarding the Clark Committee's conciliation agreement, the question of MUP's request for preprobable cause conciliation arose. This Office advised counsel to resend a copy of MUP's original request and a current letter. (Attachment II).

II. Discussion of Conciliation Provisions and Civil Penalty

Attached for the Commission's approval is a proposed conciliation agreement with Mississippians United for Progress and Larry Farmer, as treasurer (Attachment III).

::

^{1/} At the time of the contributions, MUP was an unregistered committee. MUP filed a Statement of Organization with the Commission on December 6, 1985, and its first report, the 1986 April Quarterly on April 18, 1986.

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RECOMMENDATION

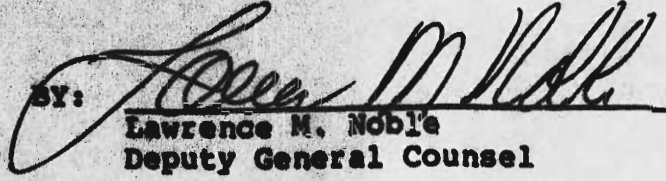
The Office of General Counsel recommends that the
Commission:

1. Accept the conciliation agreement with the Robert Clark Campaign Committee and Katie Jordan, as treasurer;
2. Close the file as it pertains to the Robert Clark Campaign Committee and Katie Jordan, as treasurer;
3. Enter into conciliation with Mississippians United for Progress, and Larry Farmer, as treasurer;
4. Approve and send the attached proposed conciliation agreement with respect to Mississippians United for Progress and Larry Farmer, as treasurer;

5. Approve and send the attached letter.

Charles W. Steele
General Counsel

Date 11/20/86

By: 
Lawrence M. Noble
Deputy General Counsel

Attachments
Conciliation agreements (2)
Proposed letter
Response

87040360849

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Ed*
DATE: November 21, 1986
SUBJECT: MUR 2045 - General Counsel's Report

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

CIRCULATIONS

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

DISTRIBUTION

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

87040560450

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Robert Clark Campaign Committee) MUR 2045
Katie Jordan, Treasurer)
)
Mississippians United for Progress)
Larry Farmer, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 25, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 2045:

1. Accept the conciliation agreement with the Robert Clark Campaign Committee and Katie Jordan, as treasurer, as recommended in the General Counsel's Report signed November 20, 1986.
2. Close the file as it pertains to the Robert Clark Campaign Committee and Katie Jordan, as treasurer.
3. Enter into conciliation with Mississippians United for Progress, and Larry Farmer, as treasurer, as recommended in the General Counsel's Report signed November 20, 1986.
4. Approve and send the proposed conciliation agreement with respect to Mississippians United for Progress and Larry Farmer, as treasurer, as recommended in the General Counsel's Report signed November 20, 1986.
5. Approve and send the letter, as recommended in the General Counsel's Report signed November 20, 1986.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for this decision.

Attest:

11-25-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

68

R 7 0 4 0 ; 6 0 9 5 1



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 28, 1986

Fred Slabach
1846 Howard Street
Jackson, Mississippi 39202

RE: MUR 2045
Robert Clark Campaign Committee
Katie L. Jordan, Treasurer
Mississippians United for
Progress, Larry Farmer,
Treasurer

Dear Mr. Slabach:

On November 25, 1986, the Commission accepted the conciliation agreement signed by you on behalf of your clients Robert Clark Campaign Committee and Katie Jordan, as treasurer, in settlement of violations of 2 U.S.C. § 441a(f) a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to the Robert Clark Campaign Committee and Katie Jordan, as treasurer, and it will become a part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. We remind you that pursuant to the provisions of the conciliation agreement, you are required to submit the civil penalty within 30 days of the execution of this agreement.

At your request, the Commission also determined on November 25, 1986, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe with respect to Mississippians United for Progress.

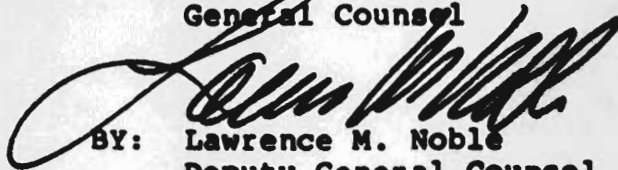
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a

Letter to Fred Slabach
Page 2

finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel


BY: Lawrence M. Noble
Deputy General Counsel

Enclosures
Conciliation Agreements

8704060853

86 SEP 8 1:22

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
 Robert Clark Campaign Committee) MUR 2045
 Katie L. Jordan, Treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Robert Clark Campaign Committee and Katie L. Jordan, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting an excessive contribution in the form of a loan from an unregistered committee and by accepting excessive contributions totalling \$5,500 from two unregistered committees.

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

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

87040560854

1. Respondent Robert Clark Campaign Committee is a political committee registered with the Federal Election Commission.

2. Katie L. Jordan is treasurer of the Robert Clark Campaign Committee.

3. On June 18, 1984, Respondents accepted a \$7,000.00 contribution in the form of a loan from Mississippians United for Progress ("MUP"). The Respondents contend they believed MUP was a qualified multicandidate committee. The Respondents also contend the purpose of this loan was to pay campaign debts incurred pursuant to the June 5, 1984 Democratic Party Primary election.

4. Mississippians United for Progress was an unregistered political committee at the time the contribution was made. MUP registered with the Commission in January of 1986.

5. Respondents reported the loan on its 1984 July Quarterly Report of Receipts and Disbursements.

6. Following a question from the Commission concerning the source of the loan, Respondents repaid the loan, including interest, on August 30, 1984, and voluntarily notified the Commission of what Respondents contend was an inadvertant violation of Commission regulations.

7. On October 3, 1984, Respondents accepted a \$2,500.00 contribution from Mississippians United for Progress; and on October 17, 1984, Respondents accepted a \$5,000.00

contribution from the Young Political Action Committee which Respondents contend they believed was a qualified multicandidate committee.

8. Young Political Action Committee is an unregistered political committee, but is registered as a State Committee in the State of Michigan.

9. Respondents reported the contributions on its 1984 12 Day Pre-General Report of Receipts and Disbursements.

10. Respondents repaid Mississippians United for Progress \$500 on January 28, 1985, and \$1,000 on February 5, 1986.

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V. Pursuant to 2 U.S.C. § 441a(f) no candidate or political committee shall knowingly accept any contribution from an individual or political committee other than a multicandidate committee, in excess of \$1,000 per election (See 2 U.S.C. § 441a(a)(1)(A)). A candidate or political committee may accept a contribution from a qualified multicandidate committee not in excess of \$5,000 per election (See 2 U.S.C. § 441a(a)(2)(A)). The term "contribution" includes any gift, subscription, advance, deposit or money, or loan made by any person for the purpose of influencing an election for Federal office. 2 U.S.C. § 431(8)(A)(i).

VI. Respondents violated 2 U.S.C. § 441a(f) by accepting a contribution in the form of a loan from an unregistered committee which aggregated in excess of the \$1,000.00 limitation imposed by 2 U.S.C. § 441a(a)(1)(A). The Respondents contend that such violation was not knowing and willful.

VII. Respondents violated 2 U.S.C. § 441a(f) by accepting contributions from two unregistered committees which each aggregated in excess of the \$1000.00 limitation imposed by 2 U.S.C. § 441a(a)(1)(A). Respondents contend that such violation was not knowing and willful.

VIII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Twelve Hundred and Fifty Dollars (\$1250), pursuant to 2 U.S.C. § 437g(a)(5)(A).

IX. Respondents agree not to undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

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

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

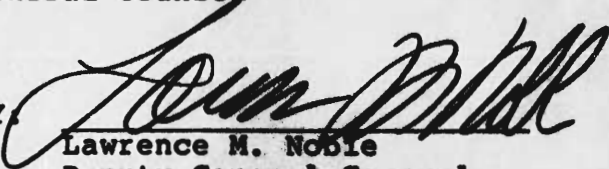
XII. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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

FOR THE COMMISSION:

Charles N. Steele
General Counsel

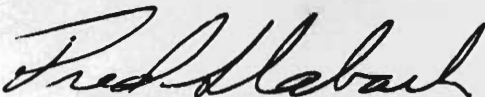
BY


Lawrence M. Noble
Deputy General Counsel

Date

11/26/86

FOR THE RESPONDENTS:



Fred Slabach
Counsel for Respondents
Robert Clark Campaign Committee
and Katie L. Jordan, Treasurer

9-4-86

Date

87040560958

BUTCHART & ASSOCIATES, P. A.
CERTIFIED PUBLIC ACCOUNTANTS

JAMES A. BUTCHART, CPA (1917-1985)
THOMAS B. BUTCHART, CPA
WILLIAM S. ELLZEY, CPA

729 EAST CENTER STREET
P. O. BOX 629
CANTON, MS 39046
601 859-2278

QCC#2374
RECEIVED AT THE FEC
HAND DELIVERED
86 DEC 23 P 2:38

409 ORCHARD PARK
P. O. BOX 598
RIDGELAND, MS 39157
JACKSON, MS 601 354-1971

December 22, 1986

Mr. Lawrence M. Noble
Deputy General - Account Federal Election Commission
Office of the General Counsel
Federal Election Commission
999 E. Street N. W.
Washington, D. C. 20463

Re: MJR 2045
Robert Clark Campaign Committee
Katie L. Jordan, Treasurer
Mississippians United for Progress,
Larry Farmer, Treasurer

Dear Mr. Noble:

Enclosed is check No. 45 in the amount of \$1,250 made payable to the Treasurer of the United States. This check is in payment of the conciliation agreement between the Campaign Committee and the Federal Election Commission in accordance with paragraph VIII, page 4 of the agreement signed on November 25, 1986.

If there is anything further which must be done, please contact Mr. Slabach, Miss Jordan, or myself.

Sincerely yours,

Thomas B. Butchart

Thomas B. Butchart, CPA

TBB:mlr

Enc.

RECEIVED
GENERAL COUNSEL
86 DEC 30 A10:46

04060860

MEMORANDUM

TO: Debra A. Reed

TO: Judy Smith

FROM: Judy Smith

FROM: Debra A. Reed

CHECK NO. 045 (a copy of which is attached) RELATING
 TO MUR 2045 (Garr) AND NAME Robert Clark Campaign Committee, Katie L. Jordan, Treasurer
 WAS RECEIVED ON 12/30/86. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

☒ BUDGET CLEARING ACCOUNT (#95F3875.16)
☐ CIVIL PENALTIES ACCOUNT (#95-1099.160)
☐ OTHER _____

SIGNATURE

Debra A. Lumsden

DATE

12/31/86

70

ROBERT CLARK CAMPAIGN FUNDS GENERAL ACCOUNT		No. <u>045</u>
		<u>12-19</u> 19 <u>86</u> <u>85-126</u> 853
PAY TO THE ORDER OF	<u>Treasurer of the United States</u>	\$ <u>1250.00</u>
<u>One thousand two hundred fifty and NO/100</u>		DOLLARS
 Merchants & Farmers Bank 100 SOUTH LIBERTY ST. CANTON, MISS. 39008 Branch Offices at Natchez and & Country Club Village		
FOR	<u>Katie Jordan</u>	
⑈065301265⑈ ⑈7000 1017 3⑈		
HARLAND 408		

CC #2374

01
NF
46

Fred Slabach
1846 Howard Street
Jackson, MS 39202

RECEIVED AT THE FEC
GC# 2388
GENERAL 87 JAN 2 10:58
87 JAN 2 10:58

December 30, 1986

Mr. Lawrence M. Noble
Deputy General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 2045
Mississippians United for
Progress, Larry Farmer,
Treasurer

Dear Mr. Noble:

On behalf of Mississippians United for Progress and
Larry Farmer, Treasurer, I hereby accept the conciliation
agreement which the Commission approved in settlement of
this matter on November 25, 1986.

Pursuant to your November 28, 1986 letter, I enclose
a signed copy of the conciliation agreement for the Commission's
formal acceptance. A check for the civil penalty of \$750
will be forwarded under separate cover from the Treasurer
of Mississippians United for Progress.

I am happy that a mutually satisfactory conciliation
agreement could be reached in this matter. Thank you for
your help in resolving this matter.

Sincerely,



Fred Slabach

cc: Larry Farmer

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)

Mississippians United for Progress)
Larry Farmer, Treasurer)

MUR 2045

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by counsel for Mississippians United for Progress (Attachment I).

II. RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

- 1) accept this agreement in settlement of this matter; and
- 2) close the file.

Charles N. Steele
General Counsel

Date

1/16/57

BY:

Lawrence M. Noble
Deputy General Counsel

Attachments

1. Conciliation Agreement
2. Proposed letter

87040560862

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mississippians United for Progress) MUR 2045
Larry Farmer, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 21, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2045.

1. Accept the conciliation agreement in settlement of this matter, as recommended in the General Counsel's Report signed January 16, 1987.
2. Close the file.

Commissioners Aikens, Elliott, Josefiak, McDonald McGarry and Thomas voted affirmatively for this decision.

Attest:

1-22-87
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Fri., 1-16-87, 11:19
Circulated on 48 hour tally basis: Fri., 1-16-87, 2:00
Deadline for vote: Wed., 1-21-87, 4:00

87040560953



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 29, 1987

Fred Slaybach
1846 Howard Street
Jackson, MS 39202

RE: MUR 2045
Mississippians United for
Progress, Larry Farmer,
Treasurer

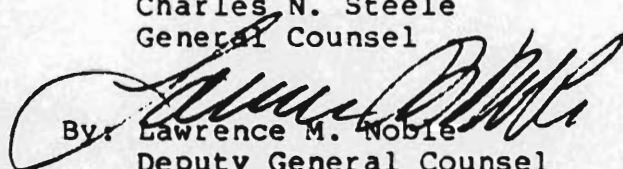
Dear Mr. Slaybach:

On January 21, 1987, the Commission accepted the conciliation agreement signed by you on behalf of Mississippians United for Progress and Larry Farmer, as Treasurer, in settlement of a violation of 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. We remind you that pursuant to the provisions of the conciliation agreement, you are required to submit the civil penalty within 30 days of the execution of this agreement.

Sincerely,

Charles N. Steele
General Counsel

By: 
Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Mississippians United for Progress)
Larry Farmer, Treasurer)

17 JAN 2 11:00
MUR 2045

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Mississippians United for Progress and Larry Farmer, as treasurer (hereinafter "the Respondents") violated 2 U.S.C.

§ 441a(a)(1)(A).

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

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mississippians United for Progress is a political committee which registered with the Commission on December 3, 1985.

2. Larry Farmer is the treasurer of Mississippians United for Progress.

3. Respondents made a \$7000 contribution to the Robert Clark Campaign Committee ("Clark Committee") in the form of a loan on June 18, 1984. This action was taken prior to Respondents registering as a federal political committee.

4. The Clark Committee reported the loan on its 1984 July Quarterly Report.

5. The Clark Committee repaid the entire amount of the loan, including interest at a rate of 9.5%, on August 30, 1984.

6. Respondents made a \$2,500 contribution to the Clark Committee on October 3, 1984, and it was reported on the Clark Committee's 1984 12 Day Pre General Report.

7. The Clark Committee repaid Respondents \$500 on January 28, 1985, and \$1000 on February 5, 1986.

V. Pursuant to 2 U.S.C. § 441a(a)(1)(A), no person shall 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. The term "contribution" includes any gift, subscription, advance, deposit of money or loan made by any person for the purpose of influencing an election for federal office 2 U.S.C. § 431(8)(A)(i).

VI. Respondents violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of \$1000 to the Robert Clark Campaign Committee for both the 1984 primary and general elections.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Seven Hundred and Fifty Dollars (\$750) pursuant to 2 U.S.C. § 434(g)(a)(5)(A).

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

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

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

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

XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral,

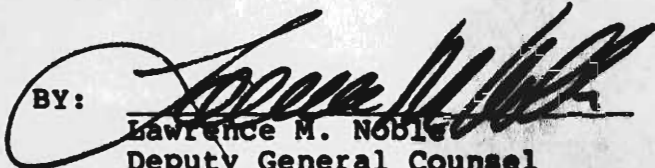
87040660867

made by either party or agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

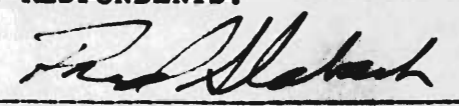
BY:


Lawrence M. Noble
Deputy General Counsel

Date

1/29/87

FOR THE RESPONDENTS:


Counsel for Respondents

Date

12-30-86

87040360858

87 JAN 31 4:08 PM
87 JAN 31 4:08 PM

Fred Slabach
1846 Howard Street
Jackson, MS 39202

January 27, 1987

Mr. Lawrence M. Noble
Deputy General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 2045
Mississippians United for
Progress, Larry Farmer,
Treasurer

Dear Mr. Noble:

Enclosed please find a check for Seven Hundred Fifty and no/100 dollars (\$750.00) which represents full payment of the civil penalty owed by Mississippians United for Progress in this matter. You should have received the signed conciliation agreement between the Commission and Mississippians United for Progress under separate cover dated December 30, 1986.

We await receipt of a copy of the conciliation agreement signed by a representative of the Commission which will mark formal acceptance of the agreement by both parties.

Thank you for your help in resolving this matter in a mutually satisfactory manner.

Sincerely,

Fred Slabach
Fred Slabach

RECEIVED
GENERAL COUNSEL

FEB 2 4:22

370406090002

MUP FEDERAL ACCOUNT

506 SOLOMON STREET
GREENVILLE, MS 38701

109

85-54
842

Jan. 20, 1987

PAY
TO THE
ORDER OF

Federal Election Commission

\$ 750.00

Seven Hundred Fifty and 00/100

DOLLARS



The First Greenville Bank
Branch of Grenada Bank
Greenville, MS 38701
Member F.D.I.C.

Ruby Buck

David N. Lerner

FOR

#000109# +0842005410 0439766

MEMORANDUM

GC# 2608

TO: Debra A. Reed

TO: Judy Smith

FROM: Judy Smith

FROM: Debra A. Reed

CHECK NO. 109

(a copy of which is attached) RELATING

TO MUR 2045 (Garr) AND NAME

Mississippians United for Progress, Larry Farmer, Treasurer

WAS RECEIVED ON 2/2/87

PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

/ / BUDGET CLEARING ACCOUNT (#95F3875.16)

/✓/ CIVIL PENALTIES ACCOUNT (#95-1099.160)

/ / OTHER

SIGNATURE *Debra A. Lerner*

DATE 2/4/87

75



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2045

DATE FILMED 10/29/87 CAMERA NO.

CAMERAMAN GRC

87040360871