



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2083

DATE FILMED 2/14/82 CAMERA NO. 2

CAMERAMAN A.S.

89040754263



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

28 June 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 BOB RICHARDS FOR PRESIDENT
COMMITTEE

This is a referral of Bob Richards for President, Waco, Texas ("Texas Committee") and Bob Richards for President, Washington, D.C. ("D.C. Committee").

The Texas Committee has failed to provide supporting Schedules A-P for contributions from other political committees, for loans received from the candidate and for transfers from the D.C. Committee. The Texas Committee also failed to provide an explanation of a list of "credits" submitted with their October Quarterly Report and did not provide Schedules C-P and D-P as required to support outstanding debts and obligations.

The D.C. Committee has accepted and repaid an apparent excessive loan of in-kind services from a political party committee. There is a discrepancy in the date the loan was made among that reported by the D.C. Committee's attorney, by the contributing committee and in subsequent amendments to the D.C. Committee's reports.

The following information may be useful to you in your analysis of the attached referral. A letter from Fleming Lee, the attorney for Bob Richards for President, Washington, D.C., was received by the Commission on October 30, 1984. This letter (indexed on the attached "E Index" as a miscellaneous document and included as Attachment 18) detailed events which apparently

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led to the development of a second Bob Richards for President Committee in Waco, Texas. It appears that the D.C. Committee was formed first, by members of the Populist Party, and with the consent of Mr. Richards, began fundraising procedures. As outlined in Mr. Lee's letter, at some point, Mr. Richards decided to disassociate himself from the D.C. Committee and at that point formed the Bob Richards for President Committee in Texas. Mr. Richards then sent two letters to the Commission advising that he did not assume responsibility for the operation of the D.C. Committee and that he had his own separate committee in Waco, Texas. These letters are indexed as a Statement of Organization and as a miscellaneous document on the "E Index."

There is also a Bob Richards for President Committee in Milwaukee, Wisconsin which affiliates itself with the Texas Committee.

If you have any questions, please contact Benita Marcus Adler at 523-4048.

Attachment

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 28 June 1985

ANALYST: Benita Marcus Adler

I. COMMITTEE:

Bob Richards for President
(C00186908)
Paul D. Richards, Treasurer
1616 Estates Drive
Waco, TX 76710

Bob Richards for President
(C00191643)
Tom Valentine, Treasurer
130 Third Street, SE
Washington, DC 20003

II. RELEVANT STATUTE:

2 U.S.C. §434(b)(3)(A)
2 U.S.C. §434(b)(3)(B)
2 U.S.C. §434(b)(3)(C)
2 U.S.C. §434(b)(3)(E)
2 U.S.C. §434(b)(8)
2 U.S.C. §441a(f)

III. BACKGROUND:

1. Bob Richards for President, Waco, Texas

Failure to provide schedules -

2 U.S.C. §434(b)(3)(A)
2 U.S.C. §434(b)(3)(B)
2 U.S.C. §434(b)(3)(C)
2 U.S.C. §434(b)(3)(E)
2 U.S.C. §434(b)(8)

The Detailed Summary Page of the 1984 October Quarterly Report for Bob Richards for President, Waco, Texas ("Texas Committee") disclosed \$3,914.40 on Line 17(c) for contributions from other political committees and \$8,500.00 on Line 19(a) as loans received from the candidate (Attachment 2). Supporting itemization was not provided on Schedules A-P, as required. The Texas

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Committee's report also did not disclose the receipt of \$7,000.00 that was reported as transferred to the Texas Committee by the Bob Richards for President, Washington, D.C. Committee ("D.C. Committee") during this period (Attachment 3). The D.C. Committee supplied cancelled checks confirming these transfers in an amendment received by the Commission on May 7, 1985 (Attachment 4).

Attached to the Texas Committee's report were three typewritten pages noted as "Expenditures and Credits." On these lists were "Total Credits" of \$59,908.35 listed under "Ed Shaw" (Attachment 5). There was no clarification of these "credits", although this total matches the figure disclosed on Line 7 of the Summary Page as Total Receipts (Attachment 6).

The report did not include Schedule D-P to support \$16,500.00 in debts noted on the typewritten list and Line 12 of the Summary Page (Attachments 5 and 6). The Committee also did not include a Schedule C-P to support the \$8,500.00 noted as loans from the candidate on Line 19(a) of the Detailed Summary Page (Attachment 2).

A Request for Additional Information ("RFAI") was sent to the Texas Committee on December 13, 1984 (Attachment 7). The RFAI requested that the Committee supply the necessary Schedules A-P, C-P and D-P, and provide an explanation of the "credits" from Ed Shaw. A Second Notice was mailed on January 3, 1985, as no response was received (Attachment 8). Attempts to contact the treasurer and the candidate have been unsuccessful (Attachment 9). To date, there have been no responses.

2. Bob Richards for President, Washington, D.C.

Receipt of an Excessive Contribution - 2 U.S.C. §441a(f)

Schedule B of the 1984 October Monthly Report of Bob Richards for President, Washington, D.C. disclosed a loan repayment of \$60,427.40 made on July 26, 1984 to the Populist Party, a non-qualified political party committee (Attachment 10).^{1/}

^{1/} The Committee filed its reports on FEC Form 3X.

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BOB RICHARDS FOR PRESIDENT
REPORTS ANALYSIS OGC REFERRAL
PAGE 3

A letter to the Commission received October 29, 1984 from Fleming Lee, the attorney for the Populist Party and the Bob Richards for President D.C. Committee, stated that the D.C. Committee made payment of \$60,427.40 to the Populist Party on July 25, 1984 [sic] for postage on a fundraising mailing of June 28, 1984. Mr. Lee also indicated that the postage bill of \$60,000 was paid by the Populist Party at the time of the mailing.^{2/} The additional \$427.40 was interest paid to the Populist Party (Attachment 11).

An RFAI was sent to the D.C. Committee on December 13, 1984 (Attachment 12). The RFAI advised the Committee that the loan appeared to be an excessive contribution. The notice also requested that the Committee amend its reports to provide Schedules A and C supporting this transaction. A Second Notice was mailed on January 3, 1985, as no response had been received (Attachment 13).

The Reports Analyst called the D.C. Committee on February 6, 1985. Mr. Bernard DeRemer, an assistant to the treasurer, indicated that he would be in contact with the committee's attorney and would send in a response as soon as possible (Attachment 14). On February 20, 1985 an amended report was received by the Commission which provided the missing schedules (Attachment 15). The Schedule A included in the amendment itemized the receipt of the loan on July 12, 1984. The D.C. Committee disclosed the same receipt date on an amended report filed on May 3, 1985 (Attachment 16).

This receipt date differs from the date originally noted in Mr. Lee's letter and from that reported by the Populist Party. The 1984 July Quarterly Report of the Populist Party disclosed that the loan to the D.C. Committee was made on June 22, 1984 (Attachment 17). The repayment of the loan on July 25, 1984 was reported on the 1984 October Quarterly Report of the Populist Party (Attachment 18).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

^{2/} The Commission has not yet determined the Populist Party to be a national party committee.

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FEDERAL ELECTION COMMISSION
8 9 0 4 0 7 5 4 2 6 9
 CANDIDATE INDEX OF SUPPORTING DOCUMENTS (E)

DATE 17JUN85

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			

RICHARDS, BOB PRESIDENT INDEPENDENT

1984 ELECTION ID# F40001828

- STATEMENT OF CANDIDATE
 1984 STATEMENT OF CANDIDATE
 DISAVOWAL RESPONSE

16JUL84 2 84FEC/301/2170
 15OCT84 2 84FEC/330/2589

- CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES
- PRINCIPAL CAMPAIGN COMMITTEE

BOB RICHARDS FOR PRESIDENT COMMITTEE (TEXAS COMMITTEE)

ID# C00186908 PRESIDENTIAL

- 1984 STATEMENT OF ORGANIZATION
- STATEMENT OF ORGANIZATION - AMENDMENT
- OCTOBER QUARTERLY
- REQUEST FOR ADDITIONAL INFORMATION
- REQUEST FOR ADDITIONAL INFORMATION 2ND
- NOTICE OF FAILURE TO FILE
- NOTICE OF FAILURE TO FILE
- NOTICE OF FAILURE TO FILE

59,908

45,530

5JUL84 2 84FEC/301/1292
 13SEP84 3 84FEC/302/4793
 15AUG84 -15OCT84 17 84FEC/330/2593
 15AUG84 -15OCT84 4 84FEC/331/311
 15AUG84 -15OCT84 5 85FEC/332/0026
 1OCT84 -17OCT84 1 84FEC/330/5288
 18OCT84 -26NOV84 1 85FEC/332/2473
 1DEC84 -31DEC84 1 85FEC/332/3034

TOTAL

0 59,908

0 45,530

34 TOTAL PAGES

- AUTHORIZED COMMITTEES

BOB RICHARDS FOR PRESIDENT

1984 STATEMENT OF ORGANIZATION

- PRE-GENERAL
- POST-GENERAL
- YEAR-END - TERMINATED
- YEAR-END - AMENDMENT

1,597

1,197

93

93

ID# C00190850 PRESIDENTIAL
 1OCT84 4 84FEC/330/1886
 1,496 27SEP84 -24OCT84 11 84FEC/330/5194
 1,200 25OCT84 - 3DEC84 12 84FEC/331/2304
 182 31DEC84 7 85FEC/332/1120
 182 31DEC84 3 85FEC/332/3884

37 TOTAL PAGES

TERMINATED

BOB RICHARDS FOR PRESIDENT (D.C. COMMITTEE)

1984 STATEMENT OF ORGANIZATION

- MISCELLANEOUS REPORT
- REQUEST FOR ADDITIONAL INFORMATION 2ND
- OCTOBER MONTHLY - AMENDMENT
- OCTOBER MONTHLY
- OCTOBER MONTHLY - AMENDMENT
- REQUEST FOR ADDITIONAL INFORMATION
- PRE-GENERAL
- POST-GENERAL
- YEAR-END

180,208

1,649

654

1,005

ID# C00191643 PRESIDENTIAL
 26OCT84 2 84FEC/330/5189
 29OCT84 TO FEC 7 84FEC/349/2049
 27JUN84 -30SEP84 7 85FEC/332/0032
 27JUN84 -30SEP84 17 85FEC/333/171
 183,285 27JUN84 -30SEP84 35 84FEC/330/211
 - 27JUN84 -30SEP84 5 85FEC/332/3085
 27JUN84 -30SEP84 6 84FEC/331/3174
 139 1OCT84 -17OCT84 3 84FEC/330/5191
 18OCT84 -26NOV84 3 84FEC/353/1221
 16 26NOV84 -31DEC84 4 85FEC/332/1143

89 TOTAL PAGES

126 AUTH TOT PAGES

4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES

CLOSING CASH ON HAND

OUTSTANDING DEBTS

TEXAS COMMITTEE: \$ 14,378 (10/15/84)

D.C. COMMITTEE: 55 (12/31/84)

\$ 16,500

32,000

ATTACHMENT 1
 (page 1 of 2)
 1983 - 1984
 E INDEX

8 9 0 4 0 7 5 4 2 7 0

FEDERAL ELECTION COMMISSION
1985-1986

DATE 27JUN85

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			

RICHARDS, BOB PRESIDENT INDEPENDENT

1984 ELECTION ID# P40001828

1. STATEMENT OF CANDIDATE
2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES
3. PRINCIPAL CAMPAIGN COMMITTEE
BOB RICHARDS FOR PRESIDENT COMMITTEE (TEXAS COMMITTEE)
1985 NOTICE OF FAILURE TO FILE
4. AUTHORIZED COMMITTEES
BOB RICHARDS FOR PRESIDENT
1985 MISCELLANEOUS REPORT

ID# C00186908 PRESIDENTIAL
1JAN85 -31MAR85 1 85FEC/373/0043ID# C00190850 PRESIDENTIAL
3APR85 FROM FEC 1 85FEC/332/39

1 TOTAL PAGES

TERMINATED
BOB RICHARDS FOR PRESIDENT (D.C. COMMITTEE)
1985 APRIL QUARTERLY

ID# C00191643 PRESIDENTIAL
1JAN85 -31MAR85 3 85FEC/333/0959

3 TOTAL PAGES

4 AUTH TOT PAGES

4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES

CLOSING CASH ON HANDOUTSTANDING DEBTS

TEXAS COMMITTEE: Committee has not filed any reports for 1985

D.C. COMMITTEE: \$ 55 (3/31/85)

\$ 32,000

ATTACHMENT 1 (page 2 of 2)
1985-1986
E Index

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

ATTACHMENT 3 (page 1 of 2)
15 OCTOBER MONTHLY
DETAILED SUMMARY PAGE (D.C. CMTE)

Name of Committee (or Fund)

BOB RICHARDS FOR PRES.

L. RECEIPTS

11. CONTRIBUTIONS (other than loans) FROM:
- (a) Ind. values/Persons Other Than Political Committees 194,760.85
- (b) Political Party Committees
- (c) Other Political Committees
- 11d. TOTAL CONTRIBUTIONS (other than loans) (Add 11(a), 11(b) and 11(c))
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES
13. ALL LOANS RECEIVED
14. LOAN REPAYMENTS RECEIVED
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Retains, etc.)
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES
17. OTHER RECEIPTS (Dividends, Interest, etc.)
18. TOTAL RECEIPTS (Add Lines 11(d), 12, 13, 14, 15, 16 and 17)

M. DISBURSEMENTS

19. OPERATING EXPENDITURES
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES
22. INDEPENDENT EXPENDITURES (see Schedule E)
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES
 (2 U.S.C. 8441 and 11 U.S.C. Schedule F)
24. LOAN REPAYMENTS MADE
25. LOANS MADE
26. REFUNDS OF CONTRIBUTIONS TO:
- (a) Ind. values/Persons Other Than Political Committees
- (b) Political Party Committees
- (c) Other Political Committees
- 26d. TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))
27. OTHER DISBURSEMENTS
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)

NI. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES

29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)
32. TOTAL OPERATING EXPENDITURES from Line 19
33. OFFSETS TO OPERATING EXPENDITURES from Line 15
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)

From	6/27	To	5/30/84	
COLUMN A	Total This Period	COLUMN B	Calendar Year To Date	
	\$180,208.85	180,208.85		11(d)
	180,208.85	180,208.85		11(b)
				11(c)
				11(d)
				12
				13
				14
				15
				16
				17
	180,208.85	180,208.85		18
	105,857.95	105,857.95		19
	7,000.00	7,000.00		20
				21
				22
				23
	70,427.40	70,427.40		24
				25
				26(a)
				26(b)
				26(c)
				26(d)
				27
	180,208.85	180,208.85		28
	180,208.85	180,208.85		29
	180,208.85	180,208.85		30
	105,857.95	105,857.95		31
	105,857.95	105,857.95		32
	105,857.95	105,857.95		33
				34

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 1
LINE NUMBER 26
USE SUB-SCHEDULE B

ATTACHMENT 3 (page 2 of 2)
1984 OCTOBER MONTHLY
SCHEDULE B (D.C. CMTE)

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)

BOB RICHARDS FOR PRES. (DC)

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Bob Richards for Pres. Comm. (Waco) 1616 Estates Dr. Waco, Tex 76710	travel	7/17/84	\$5,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
"	"	8/1	2,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL (if disbursements This Period include any)			\$7,000.00

89040754273

8 9 0 4 0 7 5 4 2 7 4

7-27 PAY ANY BANK P.E.G.
07-23-64 004 18 0740 207445

JUL 23 1964

FOR DEPOSIT
Post Federal Savings & Loan Bank
WASHINGTON, D.C.

Bob Richards for
Committee

546.8000

JUL 17 1964		207445295	\$5,000.00
PAY TO THE ORDER OF		BOB RICHARDS FOR PRESIDENT COMMITTEE	
••Five thousand only••		JUL 23 1964	DOLLARS
The National Capital Bank		Washington, D.C.	
OR CAPITAL WILL		WASHINGTON D.C. 20000	
From Transfer		Federal Reserve	
⑆054000056⑆		1004952201⑆	
		⑆000050000⑆	

ATTESTMENT 4 (page 1 of 2)
CANCELLED CHECKS FROM F.C.C. CMTE. TO
TEXAS CMTE.

ATTACHMENT 4 (page 2 of 2)
CANCELLED CHECKS FROM E.C. CMTE TO
TX CMTE

89040754275

BOS RICHARDS FOR PRESIDENT COMMITTEE		P.O. Box 75602		WASHINGTON, D.C. 20013		AUG 1 - 1984		ST.	
Pay TO THE ORDER OF		BOS RICHARDS FOR PRESIDENT		555555		\$ 2,000.00		DOLLARS	
SIXTY TWO THOUSAND AND NO/100000		The President's Official Book		ON CAPITOL HILL		WASHINGTON, D.C. 20540		Valentine	
For Transfer.		••056000056•		10049522010		/0000200000/			

FOR DEPOSIT
First Federal Savings & Loan Assoc.
WOODWAY BRANCH

5000 65548

As a condition of deposit, the depositor agrees to maintain the account in good standing.

11/1/84

11/1/84

BOB RICHARDS FOR PRESIDENT COMMITTEE

P.O. Box 20067
 Waco, Texas 76710

PAGE 1.

BOB RICHARDS FOR PRESIDENT EXPENDITURES & CREDITS

LABOR

Brandon Richards-	\$1648.07	
Ed Shaw	- \$1000.00	
Gary Forester	- \$9591.79	
Donna Atkinson	- \$1540.45	
Sherry Keen	- \$ 788.75	
Bob Richards Jr.-	\$1000.00	
Paul Richards	- \$ 750.00	
Manpower	- \$ 317.15	
Truman McCoy	- \$ 905.00	
	<u>\$17,595.21</u>	TOTAL

TELEPHONE

- \$ 736.20	
- \$ 41.96	
- \$ 960.00	
- \$1393.63	
- \$ 892.00	
- \$1244.00	
<u>\$6,967.79</u>	TOTAL

POST OFFICE & SHIPPING EXPENSES

Post Office	- \$ 500.00	
Pitney Bowes	- \$ 114.98	
	- \$ 6.81	
Bob Richards		
(out of pocket)	- \$ 300.00	
Post Office	- \$ 500.00	
	- \$ 6.43	
	- \$ 500.00	
	- \$ 500.00	
	<u>\$2,428.25</u>	TOTAL

EXTERMINATOR

- \$ 75.00	TOTAL
------------	-------

TAPES

DOUGHERTY STUDIO ONE

	- \$ 113.00
	- \$ 117.00
Bruce Austin	- \$1000.00
Dougherty	- \$ 262.00
	- \$3400.00

TAV -

See & Hear

- \$1025.61
- \$1079.00
- \$3306.43
- \$1522.00
- \$2026.50
- \$ 269.65
- \$1088.00
<u>\$15,766.09</u>

89040754276

BOB RICHARDS FOR PRESIDENT COMMITTEE

P.O. Box 20067
Waco, Texas 76710

ATTACHMENT 5 (page 2 of 3)
1984 OCTOBER QUARTERLY
TX CMTE

PAGE 2.

BOB RICHARDS FOR PRESIDENT EXPENDITURES & CREDITS CONTINUED

TRAVEL

Jack Lane- Latham	- \$2500.00	
	- \$2500.00	
V.P. Perry		
Gary Forester- Sacramento	- \$ 400.00	
Nashville	- \$ 600.00	
Las Vegas	- \$ 250.00	
Stockton	- \$ 758.00	
Bob Richards- Wilmer, MN.	- \$ 800.00	
- Sacramento	- \$ 268.00	
Leonard	- \$ 300.00	
Key	- \$ 300.00	
Fred Maisel - Nashville	- \$ 718.80	
- Sacramento	- \$ 338.00	
Wayne Beaird Jr.		
- Sacramento	- \$ 242.00	
Bob Richards- Tapes & Travel	- \$5000.00	
	<u>\$14,975.80</u>	TOTAL

SIGNS

Bob Richards for President	- \$ 75.60	TOTAL
----------------------------	------------	-------

OFFICE SUPPLIES

- \$ 578.31	
- \$ 578.90	
- \$ 245.00	
- \$ 104.00	
- \$ 23.00	
- \$ 23.00	
<u>- \$1,452.21</u>	TOTAL

PRINTING

- \$ 89.73	
- \$ 9.00	
- \$ 261.00	
- \$ 194.23	
- \$ 389.00	
- \$ 25.09	
- \$ 460.00	
- \$ 21.87	
- \$ 105.80	
- \$ 130.23	
<u>\$1,685.95</u>	TOTAL

89040754277

BOB RICHARDS FOR PRESIDENT COMMITTEE 84 OCT 19 09:16

P.O. Box 20067
Waco, Texas 76710

ATTACHMENT 5 (page 3 of 3)
1984 OCTOBER QUARTERLY
TX CMTE

PAGE 3.

BOB RICHARDS FOR PRESIDENT EXPENDITURES & CREDITS CONTINUED

LICENSE FEES

- \$ 39.00 TOTAL

TOTAL CREDITS

Ed Shaw

+\$47,593.60
+\$ 3,899.75
+\$ 5,075.00
+\$ 585.00
+\$ 1,060.00
+\$ 995.00
+\$ 700.00

+\$59,908.35 TOTAL CREDITS

OWING

Telephone
Bob Richards
(American Express)

-\$ 1,700.00
-\$ 2,500.00
-\$

Bill Chatham
Leland Garber
Merlin Garber
Steve Wennerlind
John Armor (legal)
Rent
Carpet Office

-\$ 2,500.00
-\$ 1,250.00
-\$ 1,250.00
-\$ 2,500.00
-\$ 3,500.00
-\$ 3,000.00
-\$ 800.00

-\$16,500.00 TOTAL OWING

+\$ 59,908.35 Total Credits
-\$ 77,560.90 Total Expenditures (+\$16,500.00 Still owing Total)
-\$ 17,652.55 Sub Total
+\$ 14,378.00 Cash Balance Remaining in Account
-\$ 3,274.55

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RTH

RTH

ATTACHMENT 6
1984 OCTOBER QUARTERLY
SUMMARY PAGE (TX CMTE)

FEC Form 3P, Page 1
Federal Election Commission
1225 K Street, N.W.
Washington, D.C. 20543

REPORT OF RECEIPTS AND DISBURSEMENTS
BY AN AUTHORIZED COMMITTEE OF A
CANDIDATE FOR THE OFFICE OF PRESIDENT

84 OCT 13 09:16

NOTE: This report is to be used by an authorized committee of a candidate seeking nomination or election to the Office of President or Vice President of the United States whether or not public funds are used.

1. NAME OF COMMITTEE IN FULL

BOB RICHARDS FOR PRESIDENT

2. IDENTIFICATION NUMBER

CD186908

3. IS THIS REPORT OF RECEIPTS AND DISBURSEMENTS FOR

APRIL 15, JULY 15, AND OCTOBER 15, 20067

CITY WACO

STATE TX

ZIP CODE 76710

☐ Check if name or address is changed

☒ Primary ☒ General

4. TYPE OF REPORT
(Check appropriate box and complete, if applicable)

☐ Amendment for Report

☐ Monthly Report (month)

☐ Twelfth Day Before Election

☐ April 15 Quarterly Report

☐ January 31 Year-end Report

☐ Thirtieth Day After Election

☐ July 15 Quarterly Report

☐ Termination Report

☒ October 15 Quarterly Report

TYPE OF ELECTION
PRESIDENTIAL

STATE WASH. ELECTION DATE NOV 6 1984

COMMITTEE SUMMARY OF RECEIPTS AND DISBURSEMENTS

5. COVERING PERIOD

FROM AUG. 15, 1984

THROUGH OCT 15, 1984

SUMMARY

6. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD

1,175

7. TOTAL RECEIPTS THIS PERIOD
(From Line 22 Column A)

59,908³⁵

8. SUBTOTAL
(Add Line 6 and 7)

61,083

9. TOTAL DISBURSEMENTS THIS PERIOD
(From Line 30 Column A)

45,530

10. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD
(Subtract Line 9 from 8)

14,378

11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE
(Itemize A-1 on Schedule C or Schedule D)

1,500

12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE
(Itemize A-1 on Schedule C or Schedule D)

16,500

13. EXPENDITURES SUBJECT TO LIMITATION
(From FEC Form 3P, Page 4)

NET YEAR-TO-DATE CONTRIBUTIONS AND EXPENDITURES

14. A. CONTRIBUTIONS (Other than Loans)
(By Test Line 28d Column 1 from 17c Column B)

15. NET OPERATING EXPENDITURES
(Subtract Line 28a Column B from 23 Column B)

3274⁵⁵

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

TYPE OR PRINT NAME OF TREASURER

PAUL D. RICHARDS

SIGNATURE OF TREASURER

Paul D. Richards

DATE

Oct 15, 1984

NOTE: Submission of false information or incomplete information may subject the person signing this Report to the penalties of 2 USC 437g.

All previous versions of FEC Form 3P are obsolete and should no longer be used.

For further information contact

Federal Election Commission
Toll Free 800-424-9540
Local 523-4088

FEC Form 3P-2 84



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Paul D. Richards, Treasurer
Bob Richards for President
P.O. Box 20067
Waco, TX 76710

Identification Number: C00186908

Reference: October Quarterly Report (8/15/84-10/15/84)

Dear Mr. Richards:

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 report discloses an apparent contribution(s) from a corporation(s) (pertinent portion attached). You are advised that a contribution from a corporation is prohibited by the Act, unless made from a separate segregated fund established by the corporation. If you have received a corporate contribution(s), the Commission recommends that you refund the full amount to the donor(s). The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 28 of the Detailed Summary Page of your next report. (2 U.S.C. 441b(a))

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 a prohibited contribution, prompt action by you to refund the full amount will be taken into consideration.

-Please provide a Schedule A-P to support the total amount reported on Line 17(c) of the Detailed Summary Page. All committees which make contributions to your committee should be itemized on Schedule A-P, regardless of the amount contributed. (11 CFR 104.3(a)(4)(ii))

BOB RICHARDS FOR PRESIDENT
PAGE 2

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-Please provide Schedules A-P and C-P to support the amount reported on Line 19(a) of the Detailed Summary Page. Each person who makes a loan to your committee or to the candidate acting as an agent of the committee, must be reported on Schedule A-P and Schedule C-P. The itemization on Schedule A-P must include the person's full name, mailing address, and zip code, along with the name of his employer, the date of the loan and the aggregate year-to-date amount of contributions made by the person. Schedule C-P must include any endorser or guarantor of the loan, the date the loan was made and all other terms of the loan. If the loan is from the candidate, please indicate if it is from his personal funds. (11 CFR 104.3(a)(4)(iv))

-You must provide the occupation and name of employer for each contributor required to be itemized on Schedule A-P. Please amend your report by supplying the omitted information.

With respect to the occupation and name of employer of the contributor, your committee may demonstrate "best efforts" to obtain the required information. This demonstration should describe your committee's procedures for requesting the information. You may also supply a copy of the solicitation and a statement that all solicitations request the required information. See 11 CFR 104.3(a)(4)(i) and 11 CFR 104.7.

-Your report includes typed lists of "Expenditures and Credits". Please note that you must provide the date, amount, purpose, name and address of each vendor to whom you have paid more than \$200 in this calendar year. Please provide complete disbursement schedules (Schedule B-P) for your report.

-Please provide Schedule D-P to support the \$16,500 noted on Line 12 of the Summary Page and listed on your typed sheets of "Expenditures and Credits".

-Please clarify the "credits" listed as being owed by Ed Shaw to your committee totalling \$59,908.35.

-The Bob Richards for President Committee in Washington, DC has reported the following transfers to your committee:

7/17/84	\$5,000
8/01/84	\$2,000

BOB RICHARDS FOR PRESIDENT
PAGE 3

Your report does not include these transfers. Please
amend your report to include this activity.

An amendment to your original report(s) correcting the above
problem(s) should be filed with the Federal Election Commission
within fifteen (15) days of the date of this letter. Failure to
provide an adequate response may result in legal action taken by
the Commission. If you need assistance, please feel free to
contact me on our toll-free number, (800) 424-9530. My local
number is (202) 523-4048.

Sincerely,

Benita Marcus Adler
Senior Reports Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-3

January 3, 1985

Paul D. Richards, Treasurer
Bob Richards for President
1616 Estates Drive
Waco, TX 76710

Identification Number: C00186908

Reference: October Quarterly Report (8/15/84-10/15/84)

Dear Mr. Richards:

This letter is to inform you that as of January 2, 1985, the Commission has not received your response to our request for additional information, dated December 13, 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 Benita Marcus Adler 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

Enclosure

89040754283

MEMORANDUM FOR FILES

TELECON FROM: Benita Adler

 TO: Bob Richards/Gary Forrester

 DATE: 2/6/85

Attempts to reach Mr. Richards and Mr. Forrester have been unsuccessful.
The telephone number provided by Mr. Richards (800-922-2114) has been
disconnected and there is no new number available.

89040754284

ITEMIZED DISBURSEMENTS

Name of Committee (in Full)			
BOB RICHARDS FOR PRES. (DC)			
A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month day year)	Amount of Cash Disbursement This Period
Liberty Lobby 300 Independence Ave., S.E. Wash., DC 20003	return of contribution	7/12/84	\$10,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month day year)	Amount of Cash Disbursement This Period
Populist Party 130 Third St., SE Wash., DC 20003	repayment of loan	7/26	60,427.40
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month day year)	Amount of Cash Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month day year)	Amount of Cash Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month day year)	Amount of Cash Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month day year)	Amount of Cash Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month day year)	Amount of Cash Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month day year)	Amount of Cash Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month day year)	Amount of Cash Disbursement This Period

TOTAL This record lists **ONLY** this line number only.

501-22-2

84 OCT 23 AB:27

FLEMING LEE

1100 INDEPENDENCE AVENUE, N.W.
WASHINGTON, D.C. 20004

October 26, 1984

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

Dear Ms. Adler:

As attorney to the Populist Party and to the Bob Richards for President Committee of Washington, D.C. (BRC, DC), I am writing this letter as an accompaniment to the October 1984 report of the BRC, DC. I do not represent Bob Richards nor any campaign committees he may have created elsewhere.

The purpose of this letter is to explain, at least to some extent, the circumstances which have given rise to considerable confusion in the campaign organization of Bob Richards, presidential candidate of the Populist Party, and in particular to a dilemma on the part of the BRC, DC.

The Populist Party was formed, with headquarters in Washington, D.C., in February, 1984. It has since set up state Populist Party (hereinafter referred to as "the Party") organizations in forty-nine states. The Populist Party National Committee is responsible for the day to day operations of the Party on a National level. The Party or its affiliates (the American Independent Party, for example, merged into the Populist Party) will be on the ballot in fourteen states in the November, 1984 federal elections.

The Party held a national convention in Nashville, Tennessee in August 1984, at which Bob Richards of Texas was selected as the Party's candidate for president of the United States and Maureen Salaman of California was chosen as vice-presidential candidate. About seven hundred delegates attended the convention.

Although Bob Richards was not involved in creating the Populist Party, it had become evident some weeks prior to the Party's national convention that he was the most likely prospect for the presidential candidacy. People connected with the Populist National Committee, after discussions with Richards, therefore began with his consent to turn their energies toward helping him publicize his candidacy for the nomination and seek contributions. Few Populist Party personnel had any experience with political campaigns or election laws, and it does not appear that they were receiving any professional advice regarding federal election laws during that period.

A large mailing soliciting contributions for the Bob Richards campaign went out toward the end of June, 1984 (about June 28). Richards went over the mailing

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package in advance, made some changes, approved it, and signed his name for use on the solicitation letter.

Richards, in discussions with Party officials, agreed that his principal campaign committee should be set up in Washington, D.C. The June 28, 1984 Bob Richards mailing was on letterhead reading: "Bob Richards for President Committee, P.O. Box 75602, Washington, D.C. 20013, Tom Valentine, Treasurer." Populist Party personnel communicated with Richards (who lives in Waco, Texas) regarding the mechanics of dealing with the response (financial and otherwise) to the mailing.

Believing that Richards (who had orally authorized and recognized the BRC, DC as his principal campaign committee) was taking the necessary steps to inform the Federal Election Commission (FEC) of his candidacy by filing a Statement of Candidacy, the people responsible for the BRC, DC filed a Statement of Organization with the FEC on July 5, 1984. Tom Valentine was designated Treasurer, Blayne Hutzler Assistant Treasurer. The National Capitol Bank of Washington, D.C. was named as the depository. The BRC, DC was designated "a principal campaign committee."

Proceeds of the June 28 mailing were accordingly deposited in the BRC, DC account at the National Capitol Bank in Washington, and disbursements were made from that account in support of Richards' candidacy, including several direct transfers of funds to Richards in Waco. Apparently Richards opened a bank account in Texas for the "Bob Richards for President Committee," and checks transferring funds to Richards were made payable by the BRC, DC to the "Bob Richards for President Committee" and were deposited by Richards in the Texas account.

Richards was repeatedly told by Party officials that if he wanted any of his Committee officers to resign so that Richards could replace them, they would do so.

On July 14, 1984 a meeting was held in El Segundo, California, attended by Bob Richards, Tom Valentine (Treasurer of the BRC, DC), and at least eight other people active in the Populist Party, some of them on the highest levels of the Party organization. Richards is reported to have made some complaints (I do not know the exact nature of his complaints, but they had to do with his feelings of remoteness from his campaign committee), and in response the Treasurer of the BRC, DC offered to resign so that Richards could name a replacement, but Richards did not accept Tom Valentine's offer. At the same meeting Richards was offered a complete review of BRC, DC receipts and disbursements, but it seems that he did not follow up that suggestion either. It therefore appeared to the Populist Party National Committee and to the officers of the BRC, DC that Richards accepted the status quo.

Entirely unknown to the Populist Party National Committee and to the Treasurer and Assistant Treasurer of the BRC, DC, Richards filed a Statement of Candidacy with the FEC on July 16, 1984—the first Statement he had filed. In his July 16 filing, Richards purported to designate a "Principal Campaign Committee for the 1984 election" even though the BRC, DC had already (with Richards' collaboration) been so designated in its Statement of Organization filed on July 5, 1984, and even though Richards had worked with the BRC, DC on a fundraising mailing on his behalf.

Richards' Statement of Candidacy of July 16 was completed incorrectly, so that his newly designated Principal Campaign Committee was given no name or address. He

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named Gary Forrester (Waco, Texas) Chairman and Paul David Richards (Waco, Texas) Treasurer.

As already mentioned, neither Richards nor anyone else informed the Treasurer or Assistant Treasurer or anyone else in Washington who was connected with the BRC, DC or the Populist Party that he had created what purported to be a second Principal Campaign Committee (hereinafter "BRC, TEXAS"). To make matters more confusing, no Statement of Organization was filed by the BRC, TEXAS until about two months later, on September 17, 1984. It was about the second week in September when the BRC, DC and the Populist Party National Committee first learned that Richards had created another committee. In the meantime, the BRC, DC had functioned believing that it was Richards' duly authorized Principal Campaign Committee.

The BRC, DC, for example, on Richards' request, made disbursement to Richards (checks to "Bob Richards for President Committee" sent to Richards in Waco, Texas) for \$5000 on July 17, 1984 and \$2000 on August 1. Additionally, the BRC, DC made various disbursements to other entities for the payment of expenses incurred by the Richards campaign. The major disbursement of that kind was the payment by the BRC, DC of \$60,427.40 to the Populist Party on July 25, 1984 for the postage on the Bob Richards fundraising mailing of June 28. (The Populist Party had paid the \$60,000 postage bill at the time of the mailing; the BRC, DC returned the money with \$427.40 interest.)

On August 17 through 19, the Populist Party held its national convention. Bob Richards was selected by the delegates as the Party's presidential candidate, although his nomination did not officially occur until a few days later upon ratification by the California American Independent Party/Populist Party.

On August 26, Bob Richards and others, including members of the Populist Party National Committee, met in Sacramento, California. Those not directly involved with Richards in Waco were still unaware that Richards had created a committee in addition to the BRC, DC, but they did know that some contributions to the Richards campaign were being sent directly to Waco, Texas by contributors, rather than to the BRC, DC. The Sacramento meeting resulted in an agreement that all the Waco financial records would be sent to the BRC, DC so that proper reporting could be carried out and so that contribution records could be consolidated for the purpose of application for federal matching funds. A few days later Bob Richards said that the agreement would not be honored and that all BRC, DC records should be sent to Richards in Waco.

By early September, 1984, what had been a simmering dispute boiled over. On one side, Richards claimed that he did not have sufficient control over the BRC, DC, and he wanted all the funds in the BRC, DC account sent to him in Waco. On the other side, the BRC, DC owed more money than it possessed; the BRC, DC, its creditors, and members of the Populist Party National Committee were primarily concerned that the existing debts be paid and that Richards should pledge the campaign resources which were under his personal control to the payment of those debts.

Demands by the BRC, DC and Party officials that Richards make available his records of contribution receipts (i.e. contributions to Richards which had not come to the BRC, DC) were refused and met with demands that the BRC, DC send Richards the money from the National Capitol Bank account. On September 5, 1984, Richards sent out a letter to at least two Party leaders requesting: (1) That "all current 'Washington' appointees of the Bob Richards Campaign Committee resign and all records that they have sent (sic) to National Headquarters in Waco, Texas." (2) That "all

funds...be transferred to me immediately; and all records pertaining to donations and campaign expenditures be sent to the Waco office."

Richards also wrote:

According to Federal Election Committee Records, the authorized members of the "Bob Richards Campaign Committee" are:

National Campaign Manager: Gary Forrester
Treasurer: Paul D. Richards

No other individuals were legally certified to act on behalf of this committee. (FEC Form 20 (10/12/76) stipulating Tom Valentine as Treasurer is invalid because it was not accompanied by a properly executed FEC Form 2.)

Unless expenditures made from this fund are ratified by these officers, they may be illegal. As conditions exist, I must disavow any responsibility for these expenditures.

That was the first notice which reached Populist headquarters or the BRC, DC that Richards had created another committee with different officers. (It must be noted that the "new" Richards committee, the BRC, TEXAS, had not yet filed a Statement of Organization.)

On September 6, Richards wrote to the National Capitol Bank in Washington telling the bank that "the current signatures on the Bob Richards Campaign Committee are not legally authorized to sign checks on behalf of this Committee. The only legally registered signers with the Federal Election Commission are: Gary Forrester, Paul D. Richards. You are hereby instructed to refuse payment unless the checks are signed by both Gary Forrester and Paul D. Richards."

The bank, using its standard procedure, informed Richards that it would freeze the account for nine days to give him time either to procure a court order or a bond. When Richards did neither, the bank allowed the BRC, DC account to resume normal functioning.

In a September 13 letter to the Treasurer and Assistant Treasurer of the BRC, DC, Richards demanded that "all records, all receipts, all funds, and all other documentation whatsoever with respect to this Committee be turned over to me, or to the official Committee on my behalf, for which the Treasurer is Paul Richards." (Richards' letters during this period were written on stationery bearing the letterhead, "Bob Richards for President Committee, P.O. Box 20067, Waco, Texas 76710" but mailed in envelopes imprinted with the return address of the BRC, DC in Washington.)

Although the BRC, DC had filed its Statement of Organization on July 5, the alleged entity which Richards referred to as "the official Committee on my behalf" had still not filed a Statement of Organization. On September 17, 1984 such a Statement of Organization was filed, accompanied by a letter from Richards. It will be recalled that Richards had on July 16, 1984, in his Statement of Candidacy, designated Texas officers of a Principal Campaign Committee but had not supplied any name or address of the Committee—and, of course, no Statement of Organization had ensued within the required time. Meanwhile, Richards had treated the BRC, DC as his Principal Campaign Committee. Now, on September 17, Bob Richards caused to be filed a Statement of Organization which gave a Waco, Texas address for the "Bob Richards for President Committee," named Paul Richards as Treasurer and Joan Richards as Custodian of Records, and designated First Federal Savings and Loan, Woodway Branch, Waco, Texas as the Committee depository.

For awhile it had appeared that there was only one Richards Principal Campaign Committee (BRC, DC). Then it was discovered that the original Committee's Statement of Organization, while properly filed, had not been preceded by a Richards Statement of Candidacy, even though de facto it had been functioning as Richards' Principal Campaign Committee. Richards then appeared, in his belated Statement of Candidacy, to be designating another Principal Campaign Committee in Texas, with different officers, but the original Committee was not informed of that until almost two months later—and in the meantime the "new" Committee was not given legitimacy by the filing of a Statement of Organization.

By September 17, the news had spread that there were two Bob Richards "Principal Campaign Committees," an original in the District of Columbia and a second in Texas, although the BRC, DC still did not know of the filing of a second Statement of Organization on that date.

On the morning of September 17, I began meeting with John Amor, an attorney representing Richards. I represented the BRC, DC and the Populist Party, a member of whose Executive Committee was also present at the meetings. The discussions went on for most of three days, the object being to work out some means of cooperation, of resolution of the obviously tangled situation as regarded the federal election laws.

Through his attorney, John Amor, Richards demanded an immediate payment of \$60,000 cash plus all of the funds then in the BRC, DC account, amounting to approximately \$10,000 additional. As the BRC, DC had incurred well over \$100,000 in debts on behalf of Richards' candidacy, this was impossible.

Because my clients were concerned primarily with the cooperation of Mr. Richards, they offered a budget of \$73,450 to last through November 6 to be paid in a timely fashion to BRC, TEXAS and Mr. Amor communicated this to Mr. Richards.

Mr. Amor believed that the combined contributions to the Richards campaign would qualify him to receive matching federal funds, from which the campaign debts (notably those incurred for Richards by the BRC, DC) could then be paid. The negotiators believed they had reached an agreement under which Richards' budget would be paid during the presidential campaign period, and the campaign debts would be paid (hopefully) with federal matching funds. Richards, however, on September 20, abruptly refused to go along with the deal and informed his attorney by telephone that the negotiations were ended and would not be resumed. John Amor said that Richards would make no agreement of any kind and did not want any further discussion of the matter.

Since that time there has been, to my knowledge, no communication between Richards and the BRC, DC or Populist Party headquarters.

Having talked with FEC staff on numerous occasions over a period of several weeks about the quandary of the BRC, DC, I decided that the closest approach to a solution would be made if Bob Richards would authorize the Committee in a filing with the FEC. As things stood, he had led the BRC, DC to believe that it was authorized as his Principal Campaign Committee and had for some time treated it as such, but it was nevertheless an orphan because of Richards' failure to file a Statement of Candidacy before the Committee had filed its Statement of Organization, and his later attempt to create a different Principal Campaign Committee.

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I spoke with Richards' attorney about the matter and on September 26, 1984 sent the question in the form of a letter to Mr. Armor: Would Richards agree to authorize the BRC, DC in a filing with the FEC? Some days later I was told that he would not.

Richards had never been willing to allow the BRC, DC or Populist headquarters to see the BRC, TEXAS records of contributions and disbursements. Learning that those records were apparently in Mr. Armor's hands, Mr. Armor was asked if Richards would permit the records to be used, along with the BRC, DC records, in an application for matching funds. Again, the answer was negative.

The BRC, DC personnel erroneously believed that the Committee was required to report to the FEC on a quarterly basis. Upon learning that monthly reports should have been filed, the BRC, DC, sent the FEC a report on October 19, 1984, covering the period July through September. Its reports cannot, of course, include the finances of the BRC, TEXAS, because it does not have access to those records of contributions and disbursements.

The BRC, DC has received relatively few contributions for the Bob Richards candidacy in recent weeks. Considerable Richards campaign debt is unpaid and overdue. That is the financial situation in brief.

Having done their utmost to ameliorate a chaotic state of affairs, and also to comply with FEC reporting requirements as best they can under uncertain conditions, the BRC, DC awaits guidance by the Federal Election Commission.

Part of what I have written here is based on my own personal participation and observation. The remainder comes from sources who were themselves first-hand participants and observers, and whom I believe to be reliable sources.

Sincerely,

Fleming Lee
Fleming Lee

cc: Dan Blessington, Esquire

39040754291



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Tom Valentine, Treasurer
Bob Richards for President
130 Third Street, S.E.
Washington, DC 20003

Identification Number: C00191643

Reference: October Monthly Report (6/27/84-9/30/84)

Dear Mr. Valentine:

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 committee should be filing your reports on FEC Form 3P since at the time of your activity you were acting as an authorized agent of the candidate.

-This report shows a negative ending cash-on-hand figure. If this figure reflects an overdraft on your account, please indicate this on future reports. You are reminded that outstanding debts of over \$500.00 should be itemized on supporting Schedule D. Also, debts of less than \$500.00, that have been outstanding for more than sixty (60) days are required to be reported on Schedule D. Please provide an explanation of the negative cash figure.

-Your report discloses an apparent contribution(s) from a corporation(s) (pertinent portion attached). You are advised that a contribution from a corporation is prohibited by the Act, unless made from a separate segregated fund established by the corporation. If you have received a corporate contribution(s), the Commission recommends that you refund the full amount to the donor(s). The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 28 of the Detailed Summary Page of your next report. (2 U.S.C. 441b(a))

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.

89040-4292

Although the Commission may take further legal steps concerning the acceptance of a prohibited contribution, prompt action by you to refund the full amount will be taken into consideration.

-Several disbursements on your report require further clarification. You have itemized a \$10,000.00 disbursement to The Spotlight and a \$10,000.00 disbursement to the Liberty Lobby. The purpose of these expenditures is noted as "party fee". You have also disclosed payments to fifteen individuals totalling \$28,372.13 for party fees. Please explain these expenditures and provide further clarification of the purpose of these party fees.

-You have reported \$7,000.00 in transfers to the Bob Richards for President Committee in Texas. This committee does not report the receipt of these transfers. Please clarify the circumstances of these transactions.

-On Schedule B-P of your report, you have not itemized all of the necessary disclosure information. You must provide the complete mailing address for each disbursement requiring itemization.

-Schedule B-P of your report itemizes the return of a \$10,000.00 contribution to the Liberty Lobby, a corporation in the District of Columbia (pertinent portion attached). This contribution was never itemized as a receipt by your committee and must be reported as such on the Detailed Summary Page and a supporting Schedule A-P. You are advised that a contribution from a corporation is prohibited by the Act, unless it is made from a separate segregated fund established by the corporation. (2 U.S.C. 441b(a))

Your report also discloses the repayment of a \$60,427.40 loan from the Populist Party. This must also be reported as a receipt on the Detailed Summary Page and Schedule A-P. The complete terms and conditions of the loan must also be provided on a Schedule C-P. You are also advised that this loan 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 \$1,000.00 per election. (2 U.S.C. 441a(a) and (f))

The Commission notes your return and repayment of the contributions as explained above. Although the Commission may take further legal steps concerning the

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acceptance of prohibited and excessive contributions,
your action in refunding the prohibited and excessive
amounts will be taken into consideration.

An amendment to your original report(s) correcting the above
problem(s) should be filed with the Federal Election Commission
within fifteen (15) days of the date of this letter. Failure to
provide an adequate response may result in legal action taken by
the Commission. If you need assistance, please feel free to
contact me on our toll-free number, (800) 424-9530. My local
number is (202) 523-4048.

Sincerely,

Benita Marcus Adler

Benita Marcus Adler
Senior Reports Analyst
Reports Analysis Division

89040754294



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-3

January 3, 1985

Tom Valentine, Treasurer
Bob Richards for President
130 Third Street, S.E.
Washington, DC 20003

Identification Number: C00191643

Reference: October Monthly Report (6/27/84-9/30/84)

Dear Mr. Valentine:

This letter is to inform you that as of January 2, 1985, the Commission has not received your response to our request for additional information, dated December 13, 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 Benita Marcus Adler on our toll-free number (800) 424-9530 or our local number (202) 523-4048.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosure

89040754295

D.C. CNTE

MEMORANDUM FOR FILES

TELECÓN FROM: Benita Adler
TO: Bernard DeRemer
DATE: 2/6/85

I called Mr. DeRemer of the Bob Richards for President (D.C.) Committee to see if he was working on responses to the Request for Additional Information. He indicated that Mr. Fleming Lee (their attorney) was handling most of the matters and would be out of town for at least another week and a half.

Mr. DeRemer said that he would try to piece together as much information as possible and return my call to let me know the status of their response. I informed him of need for a reply as soon as possible because the matter would be referred to the General Counsel.

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SCHEDULE A

ITEMIZED RECEIPTS

(Use separate schedule for each category of the Detailed Summary Page)

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

ATTACHMENT 15 (Page 1 of 2)
1984 OCTOBER MONTHLY AMENDED REPORT
SCHEDULE A (D.C. CMTE)

Name of Committee (in Full)

BOB RICHARDS FOR PRES.

A. Full Name, Mailing Address and ZIP Code Liberty Lobby 300 Independence Ave., S.E. Washington, D.C. 20003 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer LOAN Occupation Aggregate Year-to-Date—\$	Date (month, day, year) 6/29/84	Amount of Each Receipt This Period \$10,000.00
B. Full Name, Mailing Address and ZIP Code Populist Party Box 76737 Washington, D.C. 20013 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer LOAN Occupation Aggregate Year-to-Date—\$	Date (month, day, year) 7/12/84	Amount of Each Receipt This Period 60,000.00
C. Full Name, Mailing Address and ZIP Code SEE SCHEDULE C ENCLOSED Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—\$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—\$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—\$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—\$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—\$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			\$70,000.00

89040754297

SCHEDULE C
(Revised 3/83)

REVISED 2-19-85
LOANS

Page 1 of 1
LINE NUMBER 24

ATTACHMENT 15 (Page 2 of 2)
1984 OCTOBER MONTHLY AMENDED REPORT
SCHEDULE C (D.C. CMTE)

Name of Committee (in full) BOB RICHARDS FOR PRES. COMM.			
A. Full Name, Mailing Address and ZIP Code of Loan Source Liberty Lobby 300 Independence Ave., S.E. Washington, D.C. 20003		Original Amount of Loan \$10,000.00	Balance Outstanding at Close of This Period -
Election: ☐ Primary ☐ General ☐ Other (specify):		Cumulative Payments To Date \$10,000.00	
Terms: Date Incurred 6/19/84 Date Due 7/12/84 Interest Rate - (Specify) ☐ 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 Populist Party Box 76737 Washington, D.C. 20013		Original Amount of Loan \$60,000.00	Balance Outstanding at Close of This Period -
Election: ☐ Primary ☐ General ☐ Other (specify):		Cumulative Payments To Date \$60,427.40	
Terms: Date Incurred 7/12/84 Date Due ON DEMAND Interest Rate 20 (Specify) ☐ 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 The Period This Page (column 1)			\$70,427.40
TOTALS The Period Run page in this line only!			\$70,427.40
* Carry outstanding balance only to LINE 2, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

RECEIVED AT THE FES

BOB RICHARDS FOR PRESIDENT COMMITTEE

P.O. Box 75602
Washington, D.C. 20013

5 MAY 7 1985

ATTACHMENT 16 (Page 1 of 3)

May 3, 1985

CERTIFIED P 584 185 554 RECEIPT REQUESTED

Ms. Benita Adler
Federal Election Commission
1325 K St., NW
Washington, D.C. 20463

Dear Ms. Adler:

Re: C00191643

We regret very much the delay in replying to yours of December 13.

Fleming Lee, our attorney, has previously explained some of the many difficulties and anomalies that developed during the 1984 campaign between our committee and the Waco Richards Committee, which made it nearly impossible for us to function normally. So we appreciate your consideration in the extension of time for us to respond.

We are now filing all reports on Form JP and regret this oversight in our earlier reporting.

The negative ending cash on hand figure was in fact an overdraft on our account. We have carried this forward on all future reports, the latest of which shows a very slight balance on hand, but of course a very sizable amount of debts.

We are exploring legal steps with counsel in Waco in an effort to force Mr. Richards to assume his rightful obligations and discharge them properly.

We are sorry that because of a clerical error, we added "Inc" after the name of B. A. Wiplinger. He is an individual, who as indicated works for Wipaire, Inc. It was a personal contribution and I enclose a corrected Schedule A to cover this item.

The contribution from S. D. Ellis was improperly accepted. With our balance of \$95 it is now impossible for us to return it. The candidate is of course responsible for this and we suggest you contact him.

SCHEDULE C-P

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

LOANS

Use separate
schedule(s) for
each category
of the detailed
summary page

PAGE 1

OF (total) pages: 1

LINE NUMBER

24

NAME OF COMMITTEE (in Full) **BOB RICHARDS FOR PRES.**

ATTACHMENT 16 (Page 2 of 3)
1984 OCTOBER MONTHLY AMENDED REPORT
SCHEDULE C (D.C. CMTE)

NAME OF LOAN SOURCE (OR RECIPIENT) Populist Party		ORIGINAL AMOUNT OF LOAN \$60,000.00	CUMULATIVE PAYMENT TO DATE \$60,427.40	BALANCE OUTSTANDING -
ADDRESS (Number and Street) 130 Third St., S.E.				
CITY, STATE, ZIP CODE Wash., DC 20003				
TERMS	DATE INCURRED 7-12-84	DATE DUE 7-25-84	INTEREST RATE (% APR) 20	SECURED ☐ Yes ☒ No

LIST ALL ENDORSERS OR GUARANTORS (if any)

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE
NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING
NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE
NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING
NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE
NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

NAME OF LOAN SOURCE (OR RECIPIENT)		ORIGINAL AMOUNT OF LOAN	CUMULATIVE PAYMENT TO DATE	BALANCE OUTSTANDING
ADDRESS (Number and Street)				
CITY, STATE, ZIP CODE				
TERMS	DATE INCURRED	DATE DUE	INTEREST RATE (% APR)	SECURED ☐ Yes ☐ No

LIST ALL ENDORSERS OR GUARANTORS (if any)

NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE
NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING
NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE
NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING
NAME	ADDRESS (Number and Street)	CITY, STATE, ZIP CODE
NAME OF EMPLOYER	OCCUPATION	AMT. OUTSTANDING

Carry outstanding balance only to Line 3, Schedule D-P, for this line. If no Schedule D-P, carry forward to appropriate line of Summary.	ORIGINAL AMOUNT OF LOAN	CUMULATIVE PAYMENT TO DATE	BALANCE OUTSTANDING
SUBTOTALS THIS PERIOD THIS PAGE (optional)			
TOTALS THIS PERIOD (last page in this line only)			

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Any information copied from such Reports and Statements may not be sold or used by an commercial purposes, other than using the name and address of any political committee to

ATTACHMENT 16 (Page 3 of 3)
1984 OCTOBER MONTHLY AMENDED REPORT
SCHEDULE A (D.C. CMTE)

Name of Committee (in Full)

BOB RICHARDS FOR PRES. (DC)

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☒ General ☐ Other (specify):		
Liberty Lobby inc. 2/1/62 300 Independence Ave., S.E. Wash., DC 20003	return of contribution	7/12/84	\$10,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☒ General ☐ Other (specify):		
Populist Party 30 Third St., SE Wash., DC 20003	repayment of loan	7/26	60,427.40
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

\$70,427.40

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

Name of Committee (see Part I)		Period Covered by Report		
POPULIST PARTY		From 3/15	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		196,843.50	196,843.50	11(a)
Illinois Entry Unaffiliated \$ 191,893.50				
(b) Political Party Committees				11(b)
(c) Other Political Committees				11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))		196,843.50	196,843.50	11(d)
12 TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES				12
13 ALL LOANS RECEIVED		7,500.00	7,500.00	13
14 LOAN REPAYMENTS RECEIVED				14
15 OFFSETS TO OPERATING EXPENDITURES (Refunds, Retains, etc.)				15
16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES				16
17 OTHER RECEIPTS (Dividends, Interest, etc.)				17
18 TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)		204,343.50	204,343.50	18
II. DISBURSEMENTS				
19 OPERATING EXPENDITURES		116,259.10	116,259.10	19
20 TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES				20
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES				21
22 INDEPENDENT EXPENDITURES (see Schedule E)				22
23 COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES				23
(2 U.S.C. § 641 (d)(1) (Use Schedule F))				
24 LOAN REPAYMENTS MADE		7,631.51	7,631.51	24
25 LOANS MADE		60,000.00	60,000.00	25
26 REFUNDS OF CONTRIBUTIONS TO:				
(a) Individuals/Persons Other Than Political Committees				26(a)
(b) Political Party Committees				26(b)
(c) Other Political Committees				26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))				26(d)
27 OTHER DISBURSEMENTS				27
28 TOTAL DISBURSEMENTS (Add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)		183,890.61	183,890.61	28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES				
29 TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)		196,843.50	196,843.50	29
30 TOTAL CONTRIBUTION REFUNDS from Line 26(d)				30
31 NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)		196,843.50	196,843.50	31
32 TOTAL OPERATING EXPENDITURES from Line 19		116,259.10	116,259.10	32
33 OFFSETS TO OPERATING EXPENDITURES from Line 15				33
34 NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)		116,259.10	116,259.10	34

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Page 1 of 1
 LINE NUMBER 15
 Also prepare schedule(s) for each category of the Detailed Summary Page(s)

SCHEDULE B

ITEMIZED DISBURSEMENTS

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 contributors.

Name of Committee (in Full)

POPULIST PARTY

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Postmaster, Baltimore, MD.	Loan - postage - Bob Richards for Pres. Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	6/22/84	\$40,000.00
1. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
2. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
3. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
4. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
5. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
6. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
7. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
8. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
9. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
10. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
11. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (list page (line number only)			

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SCHEDULE C
(Revised 3/80)

LOANS

Page 1 of 1
LINE NUMBER 25
Use separate schedules
for each numbered loan.

Name of Guarantor (if full)			
POPULIST PARTY			
A. Full Name, Mailing Address and ZIP Code of Loan Source POPULIST PARTY - loan to Bob Richards for President Comm. 1616 Estates Dr. Vega, Tex. 76710		Original Amount of Loan \$60,000.00	Balance Outstanding at Close of This Period \$0,000.00
Election ☒ Primary ☐ General ☐ Other (specify)			
Terms Date Incurred <u>6/22/84</u> Date Due <u>upon demand</u> Interest Rate <u>20</u> %		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	Balance Outstanding at Close of This Period
Election ☐ Primary ☐ General ☐ Other (specify)			
Terms Date Incurred _____ Date Due _____ Interest Rate _____ %		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 (first page in this line only)			
Carry outstanding balances only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

89040754304

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

ATTACHMENT 18 (page 1 of 3)
1984 OCTOBER QUARTERLY AMENDED
DETAILED SUMMARY PAGE - POPULIST PARTY

POPULIST PARTY		From 7/1/84	To 9/30/84
	COLUMN A Total This Period	COLUMN B Calendar Year To Date	
I. RECEIPTS			
11 CONTRIBUTIONS (other than loans) FROM:			
11(a) Individuals/Persons Other Than Political Committees	3208,445.47	11,457.50	11a
(Memo Entry Uniformed: \$ 195,385.47)			
11(b) Political Party Committees	208,445.47	11,457.50	11b
11(c) Other Political Committees			11c
11(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))			11d
12 TRANSFERS FROM AFFILIATED OTHER PARTY COMMITTEES			12
13 ALL LOANS RECEIVED		1,500.00	13
14 LOAN REPAYMENTS RECEIVED	60,000.00	60,000.00	14
15 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			15
16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17 OTHER RECEIPTS (Dividends, Interest, etc.)	327.41	327.41	17
18 TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)	268,872.87	511,381.90	18
II. DISBURSEMENTS			
19 OPERATING EXPENDITURES	307,557.81	307,557.81	19
20 TRANSFERS TO AFFILIATED OTHER PARTY COMMITTEES	9,500.00	9,500.00	20
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			21
22 INDEPENDENT EXPENDITURES (See Schedule E)			22
23 UNRECORDED EXPENDITURES MADE BY PARTY COMMITTEES			23
24 UNRECORDED EXPENDITURES MADE BY PARTY COMMITTEES (See Schedule F)			24
25 CONTRIBUTIONS MADE		631.51	25
26 CONTRIBUTIONS MADE		110.00	26
27 CONTRIBUTIONS MADE			27
28 CONTRIBUTIONS MADE			28
29 CONTRIBUTIONS MADE			29
30 CONTRIBUTIONS MADE			30
31 CONTRIBUTIONS MADE			31
32 CONTRIBUTIONS MADE			32
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95 CONTRIBUTIONS MADE			95
96 CONTRIBUTIONS MADE			96
97 CONTRIBUTIONS MADE			97
98 CONTRIBUTIONS MADE			98
99 CONTRIBUTIONS MADE			99
100 CONTRIBUTIONS MADE			100

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ATTACHMENT 18 (page 2 of 3)
1984 OCTOBER QUARTERLY AMENDED
SCHEDULE A - POPULIST PARTY

REVISED 12/14/84

Page 1 of 1
LINE NUMBER 14
(Use separate schedule for each contributor)

SCHEDULE A

ITEMIZED RECEIPTS

441147 AID: 2

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Without Committee (in Full)

POPULIST PARTY

A. Full Name, Mailing Address and ZIP Code Bob Richards for Pres. Comm. 130 Third St., SE Wash., DC 20003 Receipt For: ☐ Primary ☐ General Other (specify):	Name of Employer loan repayment Occupation Aggregate Year to Date - \$	Date (month, day, year) 7/25/84	Amount of Each Receipt This Period \$60,427.40
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General Other (specify):	Name of Employer Occupation Aggregate Year to Date - \$	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General Other (specify):	Name of Employer Occupation Aggregate Year to Date - \$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General Other (specify):	Name of Employer Occupation Aggregate Year to Date - \$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General Other (specify):	Name of Employer Occupation Aggregate Year to Date - \$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General Other (specify):	Name of Employer Occupation Aggregate Year to Date - \$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General Other (specify):	Name of Employer Occupation Aggregate Year to Date - \$	Date (month, day, year)	Amount of Each Receipt This Period

SUBTOTAL of Receipts This Page (optional)

TOTAL for this and first page of this number only

89040754306

SCHEDULE C
 (Revised 3/80)

LOANS

Page 1 of 1 to
 LINE NUMBER 16 - 17
 Use separate schedules
 for each numbered line.

Name of Committee (in Full)		POPULIST PARTY	
A. Full Name, Mailing Address and ZIP Code of Loan Source Rob Richards for Pres. Comm. 130 Third St., SE Wash., DC 20003 Election: ☐ Primary ☒ General ☐ Other (specify): Terms: Date Incurred <u>6-22-84</u> Date Due <u>7-25-84</u> Interest Rate <u>20</u> % ☐ Secured ☒ Unsecured		Original Amount of Loan \$60,000.00	Cumulative Payments To Date \$60,427.40
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 Election: ☐ Primary ☒ General ☐ Other (specify): Terms: Date Incurred _____ Date Due _____ Interest Rate _____ % ☐ Secured ☐ Unsecured		Original Amount of Loan	Cumulative Payments To Date
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 \$		

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SENSITIVE

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

FIRST GENERAL COUNSEL'S OFFICE

RECEIVED
JUL 28 1985
P2::500

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION: _____

RAD REFERRAL 85-L-27
STAFF: Matt Gerson

COMPLAINANT'S NAME: INTERNALLY GENERATED

RESPONDENTS' NAMES: Bob Richards for President Committee,
Washington, D.C., and Tom Valentine,
as treasurer
Bob Richards for President Committee,
Waco, Texas, and Paul D. Richards,
as treasurer
Ed Shaw

RELEVANT STATUTES: 2 U.S.C. § 434(b)(3)(A)
434(b)(3)(B)
434(b)(3)(E)
434(b)(8)
441a(f)
441a(a)(1)(A)

INTERNAL REPORTS CHECKED: Public Records

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred this matter to the General Counsel's Office on June 28, 1985 pursuant to its Review and Referral Procedures for Authorized Committees. See Attachment 1. The referral alleges that the Bob Richards for President Committee, Waco, Texas, and Paul D. Richards, as treasurer ("Texas Committee"), violated 2 U.S.C. §§ 434(b)(3)(A), (B), (C) and (E) and § 434(b)(8). The referral also alleges that the Bob Richards for President Committee, Washington, D.C., and Tom Valentine, as treasurer, ("D.C. Committee") violated 2 U.S.C. § 441a(f).

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SUMMARY OF ALLEGATIONS

RAD referred the Texas Committee for: (a) inadequately reporting contributions from "other political committees" or "other campaign committees", i.e. the D.C. Committee; (b) inadequately reporting loans from the candidate; (c) inadequately reporting the source of certain credits; and (d) inadequately reporting certain debts and obligations. As a result of (a) above, the General Counsel's Office believes that the Texas Committee also may have received excessive contributions from the D.C. Committee.

RAD referred the D.C. Committee because it accepted an excessive contribution from the Populist Party National Committee. The General Counsel's Office has recognized that the D.C. Committee also made excessive contributions to the Texas Committee.

Lastly, the General Counsel's Office has recognized that an individual identified as "Ed Shaw" may have made an excessive contribution to the Texas Committee.

FACTUAL AND LEGAL ANALYSIS

According to counsel for the D.C. Committee, the Populist Party was formed in Washington, D.C. in February 1984. Bob Richards was selected as the Party's presidential candidate at the national convention held August 17 through 19, 1984. See Attachment 1, pages 23 and 25. During Mr. Richards' campaign, two different committees became known as the Bob Richards for President Committee. The first committee was organized by a group of D.C. supporters several weeks before the

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national convention ("D.C. Committee"). The D.C. Committee asserts that it was established with Bob Richards' consent. They also assert that when they filed a Statement of Organization with the FEC on July 5, 1984, they believed Mr. Richards was simultaneously filing a Statement of Candidacy naming them as his principal campaign committee. See Attachment 2. In fact, Mr. Richards did not do so.

According to counsel for the D.C. Committee, the D.C. Committee sent campaign funds to Mr. Richards at his Texas residence so that he could finance his personal campaign effort. It appears that a conflict between Mr. Richards and the D.C. Committee caused Mr. Richards to establish a Bob Richards for President Committee in Waco, Texas ("Texas Committee"). On July 16, 1984, Mr. Richards filed a Statement of Candidacy apparently intending to designate the Texas Committee as his principal campaign committee. The statement was incorrectly completed. See Attachment 3. On September 17, 1984, the Commission received a letter from Mr. Richards asserting that the Texas Committee was his principal campaign committee. That letter included what Mr. Richards suggested was a second Statement of Organization designating the Texas Committee as his principal campaign committee. That statement was also incorrectly completed. See Attachment 4. Please note that on October 16, 1985, the Commission received a letter from Mr. Richards that stated that he "never authorized (the D.C. Committee)". See Attachment 5.

RAD's review of the information filed by the Texas and D.C. Committees revealed the following apparent violations:

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Texas Committee

a. Inadequately reporting loans from "other political committees" and accepting excessive contributions

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The Texas Committee was required to utilize FEC Form 3P because it was an authorized committee of a presidential candidate ("Form 3P"). Line 17(c) of the Texas Committee's October Quarterly Report, a part of Form 3P, disclosed \$3,914.40 in contributions from "other political committees." See Attachment 1, p. 8. The instructions to Form 3P indicate that the Texas Committee should have provided certain information about the contributions from the "other political committees" through Schedule A-P. The Texas Committee did not do so. 2 U.S.C. § 434(b) (3) (B) specifically requires the information requested in Schedule A-P. The section states that each report must identify each political committee which makes a contribution to the reporting committee, together with the date and amount of the contribution. Based on the D.C. Committee's reports, it appears that the D.C. Committee is actually the "other political committee", that gave over \$1000 to the Texas Committee. Although the D.C. Committee may have been affiliated with the Texas Committee and, therefore, could have transferred unlimited funds to them, based on the evidence available, this Office recommends that the Commission find reason to believe that the Texas Committee violated 2 U.S.C. § 434(b) (3) (B).^{1/} The General

^{1/} Although information presented by the D.C. Committee's attorney states that Mr. Richards may have consented to the establishment of the D.C. Committee, the information available to this Office at this time is insufficient to establish that the two committees are affiliated. There appears to be great animosity between the two Committees and, accordingly, the two committees do not appear to be maintained or controlled by the same group of persons. See 11 C.F.R. § 100.5.

Counsel's investigation into this matter will attempt to discern whether the two committees were affiliated.

It is noteworthy that the D.C. Committee's October Monthly Report indicates that it gave \$7,000 to the Texas Committee during July and August, 1984. (See Attachment 1, p. 9 and Attachment 1, p. 25.) Thus, even though the Texas Committee may have reported a portion (\$3,914.40) of that money, its report may not have been accurate and, at any rate, did not include an adequately completed Schedule A-P. Importantly, it is also apparent that the D.C. Committee made, and the Texas Committee received, excessive contributions prohibited by 2 U.S.C.

§ 441a(a)(1)(A) and § 441a(f).^{2/} Section 441a(a)(1)(A) states that no person, including a political committee that is not a multicandidate committee, may make contributions in excess of \$1,000. Section 441a(f) says no candidate or political committee shall knowingly accept any excessive contribution. Because the D.C. Committee appears to have made contributions in excess of \$1000 to the Texas Committee, this Office recommends that the Commission find reason to believe that the Texas Committee violated 2 U.S.C. § 441a(f) and that the D.C. Committee violated 2 U.S.C. § 441a(a)(1)(A).

^{2/} The D.C. Committee's counsel states that the D.C. Committee actually spent well over \$100,000 on behalf of Mr. Richards' candidacy. See Attachment 1, p. 27. If any part of that money actually constituted contributions to the Texas Committee, there may have been an additional excessive contribution. This Office's investigation will attempt to extract a complete explanation of the \$100,000 expended by the D.C. Committee on behalf of Mr. Richards.

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b. Inadequately Reporting Loans from the Candidate.

Line 19(a) of the Texas Committee's October Quarterly Report disclosed \$8,500 in loans from the candidate. See Attachment 1, p. 8. The instructions to Form 3P indicate that the Texas Committee should have provided certain information about the loans on Schedules A-P and C-P. 2 U.S.C. § 434(b)(3)(E) specifically requires the information requested in those schedules. That section states that each report must identify each person who makes a loan to the reporting committee, together with the date, amount and any endorser or guarantors. Because the Texas Committee did not provide the necessary information, the General Counsel recommends that the Commission find reason to believe that the Texas Committee violated 2 U.S.C. § 434(b)(3)(E).

c. Inadequately reporting the source of certain credits

The Texas Committee submitted a list of Expenditures and Credits ("the List") with their October Quarterly Report. See Attachment 1, pages 13-15. The list notes that the Texas Committee received \$59,908.35 in "total credits" and suggests that Ed Shaw extended all or part of those credits. Line 7 of the October Quarterly Report's summary page states that the Committee's "total receipts" were \$59,908.35 (see Attachment 1, p. 16). The List states that the "total credits" also were \$59,908.35, and were attributable to Ed Shaw. No further information concerning Mr. Shaw is given. Because 2 U.S.C. § 434(b)(3)(A) requires the identification of persons who make contributions to the reporting committee, together with the date,

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amount and any endorsers or guarantors, the General Counsel's Office recommends that the Commission find reason to believe that the Texas Committee violated 2 U.S.C. § 434(b)(3)(A).

In addition, because the List suggests that Ed Shaw extended all of the \$59,908.35, the General Counsel's Office recommends that the Commission find reason to believe that Mr. Shaw made an excessive contribution in violation of 2 U.S.C. § 441a(a)(1)(A) and the Texas Committee accepted an excessive contribution in violation of 2 U.S.C. § 441a(f). This Office notes that Mr. Shaw's address is not available at this time. Thus, communications to Mr. Shaw will be sent to him in care of the Texas Committee until his address is ascertained.

d. Inadequately Reporting Certain Debts and Obligations

The List also notes that the Texas Committee owed \$16,500 to nine entities.^{3/} Although line 12 of the report's summary page states that the Committee owed \$16,500 in debts and obligations, the Texas Committee did not explain adequately the debts and obligations through Schedule D-P as required by Form 3P.

2 U.S.C. § 434(b)(8) specifically requires the information requested in Schedule D-P. The section states that each report shall disclose the amount and nature of outstanding debts and obligations owed by a political committee. Thus, the General Counsel recommends that the Commission find reason to believe that the Texas Committee violated 2 U.S.C. § 434(b)(8).

^{3/} Note that the amounts listed as owed by the Texas Committee to the nine entities actually total \$19,000.

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D.C. Committee

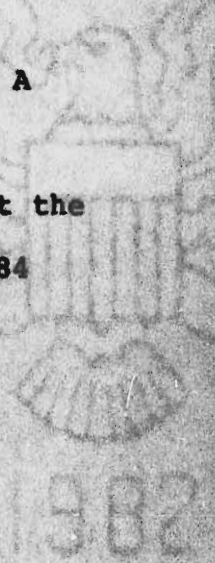
According to a letter from the D.C. Committee's counsel, the Populist Party National Committee loaned the D.C. Committee \$60,000 that the D.C. Committee used for a fundraising mailing undertaken in June 1984. (See Attachment 1, pages 23-28). While there is some dispute as to the length of the period that the loan was outstanding, the D.C. Committee has repaid the loan with \$427.40 in interest and has amended the requisite reports. The facts at issue are: the date the fundraiser was mailed; the date the loan was extended; the date the loan was repaid.

The D.C. Committee's October Monthly Report indicates that \$60,427.00 was repaid on July 26, 1984 (see Attachment 1, page 22).

The D.C. Committee's counsel indicated that the fundraising letter was mailed on June 28, 1984. (See Attachment 1, p. 24.) He also indicated that the Populist Party National Committee paid the \$60,000 postage bill at the time of the mailing, presumably June 28, 1985. Finally, he indicated that the \$60,427.40 was repaid on July 25, 1984. (See Attachment 1, p. 25.)

The D.C. Committee did not file the requisite Schedules A and C supporting the loan from the Populist Party. When the Committee filed its amended report, the Schedule A noted that the contribution was tendered on July 12, 1984. The July 12, 1984 date was noted on another amended report submitted on May 3, 1985. (See Attachment 1, p. 37.)

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The Populist Party's July Quarterly Report noted that the loan was extended on June 22, 1984 and repaid on July 25, 1984. (See Attachment 1, pages 39-41 and pages 42-44.)

Based on the above discussion, the General Counsel's Office recommends that the Commission find reason to believe that the D.C. Committee and its treasurer accepted an excessive contribution and, thus, violated 2 U.S.C. § 441a(f). This Office does not include any recommendation involving the Populist Party National Committee at this time because the Commission authorized an audit of that committee on June 11, 1985.

Orders to Submit Written Answers and Subpoenae To Produce Documents and Materials

In order to clarify the facts concerning the apparently unlawful contributions, and ascertain whether the Texas and D.C. Committees are affiliated, the General Counsel's Office recommends that the Commission issue the attached Orders to Submit Written Answers and Subpoenae to Produce Documents and Materials to Bob Richards, Paul Richards as treasurer of the Texas Committee, and Tom Valentine as the treasurer of the D.C. Committee.

RECOMMENDATIONS:

1. Open a MUR
2. Find reason to believe that the Bob Richards for President Committee, Washington, D.C., and Tom Valentine, as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f).
3. Find reason to believe that the Bob Richards for President Committee, Waco, Texas, and Paul D. Richards, as treasurer, violated 2 U.S.C. §§ 434(b)(3)(A), 434(b)(3)(B), 434(b)(3)(E), 434(b)(B) and 441a(f).

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4. Find reason to believe that Ed Shaw violated 2 U.S.C. § 441a(a)(1)(A).
5. Approve and send the attached legal and factual analyses.
6. Approve and send the attached Orders to Submit Written Answers and Subpoenae to Produce Documents and Materials to Bob Richards, Paul Richards and Tom Valentine.
7. Approve and send the attached letters.

Charles N. Steele
General Counsel

Date

August 29, 1985

By:

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments

1. June 28, 1985 referral from RAD to the General Counsel's Office
2. Statement of Organization filed by Blayne Hutzel with the Commission on July 5, 1984
3. Statement of Candidacy filed by Bob Richards with the Commission on July 16, 1984
4. Letter dated September 13, 1984 from Bob Richards to the Commission and Statement of Organization filed on September 17, 1984 attached thereto
5. Letter dated October 15, 1984 from Bob Richards to the Commission
6. Legal and Factual Analyses
7. Orders to Submit Written Answers and Subpoenae to Produce Documents and Materials
8. Letters

89040754317

STATEMENT OF ORGANIZATION

RECEIVED JUL 5 1984

(See reverse side for instructions)

1. (a) Name of Committee (in Full) BOB RICHARDS FOR PRESIDENT COMMITTEE	2. Date 6-27-84
(b) Address (Number and Street) 1616 Estates Dr.	3. FEC Identification Number
(c) City, State and ZIP Code Waco, Tex. 76710	4. Is this an amended Statement? ☐ YES ☒ NO

5. TYPE OF COMMITTEE (check one):

- ☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | | | | |
|---------------------|-----------------------------|------------------|----------------|
| BOB RICHARDS | POPULIST | President | U.S. |
| Name of Candidate | Candidate Party Affiliation | Office Sought | State/District |
- ☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
- ☐ (d) This committee is a _____ committee of the _____ Party.
- ☐ (e) This committee is a separate segregated fund.
- ☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
NONE		

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

- ☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number - optional) and position, the person in possession of committee books and records.

Full Name	Mailing Address and ZIP Code	Title or Position
Blayne Hutzel	11215 Oak Leaf Dr., Silver Spring, Md. 20901	Asst. Treas.

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position
Tom Valentine	Box 639, Delmar, Calif. 92014	Treasurer
Blayne Hutzel	11215 Oak Leaf Dr., Silver Spring, Md. 20901	Asst. Treas.

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
National Capital Bank	316 Pennsylvania Ave., S.E., Washington, D.C. 20003

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

Tom Valentine

Type or Print Name of Treasurer

Blayne Hutzel, Asst. Treas.

SIGNATURE OF TREASURER

7-3-84

Date

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

For further information contact:

Federal Election Commission, Toll Free 800-424-6630. Local 202-533-4008

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FEC FORM 1 (3/80)

Attachment 2

STATEMENT OF CANDIDACY

(See reverse side for instructions)

14 JUL 84 AB: 22

1. Full Name of Candidate (in Full) BOB RICHARDS	2. Identification No. 350-12-8215
3. Address (Street and Street) 1616 ESTATES DR.	4. Party Affiliation PARILIST-INDEPENDENT
5. City, State and ZIP Code WACO, TEXAS 76710	6. Office Being Sought RESIDENT OF THE USA
7. Name & State of Residence TEXAS	

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

8. I hereby designate the following named political committee as my Principal Campaign Committee for the 1984 election.

NOTE: This designation must be filed with the appropriate office listed below.

9. Full Name of Committee (in Full) CHAIRMAN HARV. FORRESTER
10. Address (Street and Street) PO BOX 20067
11. City, State and ZIP Code WACO TEXAS 76710

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

12. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidate.

NOTE: This designation should be filed with the principal campaign committee.

13. Full Name of Committee (in Full) PAUL DAVID RICHARD S, TREASURER
14. Address (Street and Street) 1616 ESTATES WACO, TX P.O. BOX 20067
15. City, State and ZIP Code WACO, TEXAS 76710

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

Bob Richards
(Signature of Candidate)

July 4, 1984
(Date)

NOTE: Submission of false, overstated, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. § 552.

CANDIDATES FOR --

President and Vice

U.S. Senate and Vice

U.S. House of Representatives

Federal Election Commission
1200 K Street, N.E.
Washington, D.C. 20002

Secretary of the Senate
119 S Street, N.E.
Washington, D.C. 20510

(Mail to)
Clerk of the House
1000 Longworth Office Bldg.
Washington, D.C. 20515

For further
information
contact

Federal Election Commission
Tel (Free 800-435-6889)
Local 202-435-6889

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FEC FORM 2 (7/83)

Attachment 3

RECEIVED AT THE FBI

BOB RICHARDS FOR PRESIDENT COMMITTEE

P.O. Box 28867
Waco, Texas 76710

34 SEP 1984

11:00

September 13, 1984

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

Ladies and Gentlemen,

It has come to my attention that reports concerning fund-raising for my campaign for President of the United States have not been filed on a timely basis as required. The funds have been raised by Bob Richards for President Committee, which filed a Statement of Organization on July 5, 1984.

This letter has three purposes. The first is to let you know that I have had difficulty getting from that Committee the necessary information to file the financial reports with your Commission. I sincerely hope that those problems will be resolved by this weekend. I will then see to it that proper, monthly reports are filed for July and every following month, as quickly as humanly possible.

The second purpose is to make clear that all reports to the Commission will be made by Joan Richards, on which my son, Paul Richards, is shown as treasurer. Since as of the morning of 5 September, that Committee was not shown as registered according to your computer printouts, I enclose an additional Statement of Organization for that. Please make certain that this is officially filed.

The third reason for writing this letter is to inform you that my campaign raised in its primary stages (prior to my nomination, and prior to the trigger date of the nomination of the Republican candidate this year), in excess of \$100,000 from 20 states. I expect to be applying for Presidential Primary Matching Funds. The reports for those purposes will be developed from the information on the monthly reports.

If there are any questions about this letter, please feel free to contact me directly, or my Campaign Manager, Gary Forrester, at this number: 800-922-2114.

Thank you for your attention to these matters.

Sincerely,

Bob Richards

Bob Richards
Populist Party candidate for President of the United States

Attachment 4

STATEMENT OF ORGANIZATION

RECEIVED BY MAIL

(See instructions on the back of this form)

1. Full Name of Committee in Full: **BOB RICHARDS FOR PRESIDENT COMMITTEE**

2. Full Name of Candidate: **BOB RICHARDS**

3. Full Name of Treasurer: **PAUL D. RICHARDS**

4. Is this an authorized committee? **YES**

5. Is this an authorized committee? **YES**

6. Is this an authorized committee? **YES**

7. TYPE OF COMMITTEE (check one):

☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

☐ (c) This committee supports/approves only one candidate.

☐ (d) This committee is a **NATIONAL** committee of the **ABOVE** (National, State or International)

☐ (e) This committee is a separate segregated fund.

☐ (f) This committee supports/approves more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

Name of Any Candidate or Authorized Committee	Residing Address and ZIP Code	Signature
BOB RICHARDS FOR PRESIDENT COMMITTEE	1616 ESTATES P.O. Box 20067 WACO, TX 76710	BOB RICHARDS

8. If the registering political committee has identified a "sponsoring organization" above, please indicate type of organization:

☐ Corporation ☐ Corporation only (not a bank) ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Other

9. Candidate of Record: Identify by name, address (phone number - optional) and position, the person in position of candidate for election and record.

Full Name: **JOHN RICHARDS** Residing Address and ZIP Code: **P.O. Box 20067 WACO TX 76710** Title or Position: **GOV. TX**

10. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designees (e.g., assistant treasurer).

Full Name: **PAUL D. RICHARDS** Residing Address and ZIP Code: **RR 1 SANDO TX** Title or Position: **TREASURER**

11. Banks or Other Organizations: List all banks or other organizations in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.: **FIRST FEDERAL SAVING & LOAN** Residing Address and ZIP Code: **WOODWAY BRANCH 924 ESTATES WACO TX 76710**

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

Signature of Treasurer: **PAUL D. RICHARDS** Date: **8/12/1984**

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

For further information contact: Federal Election Commission, Toll Free 800-424-9630, Local 202-523-4930

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FEC FORM 1 (3/80)

Att 4, p.2

October 24, 1976

Mr. Richard M. Nixon
Washington, D.C. 20503

Dear Mr. President:

This is to certify that I am Bob Richards, and I am running for President of the United States on several parties throughout the United States.

In June of 1974, there was a Committee formed called the Bob Richards for President Committee with an address of 120 Third St. Washington, D.C. 20003.

I have never authorized this Committee and all members that I have had to co-operate with me in releasing funds raised in my name, have been to no avail.

I hereby declare that this Committee does not represent me, and that I assume no responsibility for any procedures they have taken, legally or otherwise, in raising or spending the funds they have received.

I also declare, that I am not responsible for any debts they may have incurred.

It is my surmise that the funds have been spent for Regalistic Party matters- Ballots, etc. For which I did not give my approval. I also believe, that debts were placed against the Bob Richards for President Committee which were not bona fide debts. I also surmise, that checks were signed by the Chairman and the Treasurer, to the effect that someone behind the scenes filled in the amounts and the Treasurer did not know for what the checks were being spent for.

I understand approximately \$170,000 was raised for Bob Richards for President, but it could have been more.

Sincerely,

Bob Richards

Bob Richards

BOB RICHARDS FOR PRESIDENT CAMPAIGN-WACO, TEXAS
P.O. BOX 20047-WACO, TX. 76702
1016 HESTATES DRIVE
WACO, TEXAS 76710

BR/jr

Attachment 5



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*
DATE: SEPTEMBER 3, 1985
SUBJECT: OBJECTION - RAD Referral 85L-27
First General Counsel's Report
signed August 29, 1985

The above-named document was circulated to the
Commission on Friday, August 30, 1985 at 2:00.

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

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

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

89040754323



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: *MWE* MARJORIE W. EMMONS/JODY C. RANSOM *JCR*
DATE: SEPTEMBER 4, 1985
SUBJECT: OBJECTIONS - RAD Referral 85L-27
First General Counsel's Report
signed August 29, 1985

The above-named document was circulated to the
Commission on Friday, August 30, 1985 at 2:00.

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

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

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

89040754324

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Richards for President Committee,)
Washington, D.C., and Tom Valentine,)
as treasurer)

Bob Richards for President Committee,)
Waco, Texas, and Paul D. Richards,)
as treasurer)

Ed Shaw

RAD REFERRAL 85L-27

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 6-0 to take the following actions in the above-captioned
matter:

1. Open a Matter Under Review.
2. Find reason to believe that the Bob Richards
for President Committee, Washington, D.C., and
Tom Valentine, as treasurer, violated 2 U.S.C.
§§ 441a(a)(1)(A) and 441a(f).
3. Find reason to believe that the Bob Richards
for President Committee, Waco, Texas, and Paul
D. Richards, as treasurer, violated 2 U.S.C.
§§ 434(b)(3)(A), 434(b)(3)(B), 434(b)(3)(E),
434(b)(8), and 441a(f).

(continued)

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4. Find reason to believe that Ed Shaw violated 2 U.S.C. § 441a(a) (1) (A).
5. Approve and send the legal and factual analysis attached to the General Counsel's report dated August 29, 1985.
6. Approve and send the Order to Submit Written Answers and Subpoenae to Produce Documents and Materials to Bob Richards, Paul Richards, and Tom Valentine as recommended in the General Counsel's report dated August 29, 1985.
7. Approve and send the letters attached to the General Counsel's report dated August 29, 1985.

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

Attest:

9-10-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 27, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tom Valentine
Box 639
Delmar, California 92014

RE: MUR 2083
Bob Richards for President
Committee (D.C.), and
Tom Valentine, as treasurer

Dear Mr. Valentine:

On September 10, 1985, the Federal Election Commission determined that there is reason to believe that the Bob Richards for President Committee (D.C.) and you, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441a(a)(1)(A), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

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

In the absence of any additional information which demonstrates that no further action should be taken against the committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so

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Tom Valentine
Page 2

that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 Matthew Gerson, the attorney assigned to this matter, at (202) 523-4143 or (800) 424-9530.

Sincerely,


John Warren McGarry
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement
Order to Submit Written Answers and Subpoena to Produce
Documents and Materials

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO.

STAFF: Matt Gerson
(202) 523-4143
(800) 424-9530

RESPONDENTS' NAMES: Bob Richards for President Committee,
Washington, D.C., and Tom Valentine,
as treasurer

SUMMARY OF ALLEGATIONS

The Reports Analysis Division ("RAD") referred this matter to the General Counsel's Office because it appeared that the D.C. Committee accepted an excessive contribution from the Populist Party National Committee. The General Counsel's Office has recognized that the D.C. Committee also made excessive contributions to the Texas Committee.

FACTUAL AND LEGAL ANALYSIS

According to counsel for the D.C. Committee, the Populist Party was formed in Washington, D.C. in February 1984. Bob Richards was selected as the Party's presidential candidate at the national convention held August 17 through 19, 1984. During Mr. Richards' campaign, two different committees became known as the Bob Richards for President Committee. The first committee was organized by a group of D.C. supporters several weeks before the national convention ("D.C. Committee"). The D.C. Committee asserts that it was established with Bob Richards' consent. They also assert that when they filed a Statement of Organization with the FEC on July 5, 1984, they believed Mr. Richards was simultaneously filing a Statement of Candidacy naming them as his

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principal campaign committee. In fact, Mr. Richards did not do so.

According to counsel for the D.C. Committee, the D.C. Committee sent campaign funds to Mr. Richards at his Texas residence so that he could finance his personal campaign effort. It appears that a conflict between Mr. Richards and the D.C. Committee caused Mr. Richards to establish a Bob Richards for President Committee in Waco, Texas ("Texas Committee"). On July 16, 1984, Mr. Richards filed a Statement of Candidacy apparently intending to designate the Texas Committee as his principal campaign committee. The statement was incorrectly completed. On September 17, 1984, the Commission received a letter from Mr. Richards asserting that the Texas Committee was his principal campaign committee. That letter included what Mr. Richards suggested was a second Statement of Organization designating the Texas Committee as his principal campaign committee. That statement was also incorrectly completed. Please note that on October 16, 1985, the Commission received a letter from Mr. Richards that stated that he "never authorized (the D.C. Committee)".

RAD's review of the information filed by the D.C. and Texas Committees revealed the following apparent violations:

D.C. Committee

a. Making Excessive Contributions

The D.C. Committee's October Monthly Report indicates that it gave \$7,000 to the Texas Committee during July and August, 1984. Thus, it is apparent that the D.C. Committee made

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excessive contributions prohibited by 2 U.S.C. § 441a(a) (1) (A). Section 441a(a) (1) (A) states that no person, including a political committee that is not a multicandidate committee, may make contributions in excess of \$1,000.^{1/} Because the D.C. Committee is not a multicandidate committee and appears to have made contributions in excess of \$1000 to the Texas Committee, this Office recommends that the Commission find reason to believe that the D.C. Committee violated 2 U.S.C. § 441a(a) (1) (A).^{2/}

b. Loan From the Populist National Committee

According to a letter from the D.C. Committee's counsel, the Populist Party National Committee loaned the D.C. Committee \$60,000 that the D.C. Committee used for a fundraising mailing undertaken in June 1984. While there is some dispute as to the length of the period that the loan was outstanding, the D.C. Committee has repaid the loan with \$427.40 in interest and has amended the requisite reports. The facts at issue are: the date the fundraiser was mailed; the date the loan was extended; the date the loan was repaid.

The D.C. Committee's October Monthly Report indicates that \$60,427.00 was repaid on July 26, 1984.

^{1/} The D.C. Committee's counsel states that the D.C. Committee actually spent well over \$100,000 on behalf of Mr. Richards' candidacy. If any part of that money actually constituted contributions to the Texas Committee, there may have been an additional excessive contribution.

^{2/} Although information presented by the D.C. Committee's attorney states that Mr. Richards may have consented to the establishment of the D.C. Committee, the information available to this Office at this time is insufficient to establish that the two committees are affiliated. There appears to be great animosity between the two committees and, accordingly, the two committees do not appear to be maintained or controlled by the same group of persons. See 11 C.F.R. § 100.5.

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The D.C. Committee's counsel indicated that the fundraising letter was mailed on June 28, 1984. He also indicated that the Populist Party National Committee paid the \$60,000 postage bill at the time of the mailing, presumably June 28, 1985. Finally, he indicated that the \$60,427.40 was repaid on July 25, 1984.

The D.C. Committee did not file the requisite Schedules A and C supporting the loan from the Populist Party. When the Committee filed its amended report, the Schedule A noted that the contribution was tendered on July 12, 1984. The July 12, 1984 date was noted on another amended report submitted on May 3, 1985.

The Populist Party's July Quarterly Report noted that the loan was extended on June 22, 1984 and repaid on July 25, 1984.

Based on the above discussion, the General Counsel's Office recommends that the Commission find reason to believe that the D.C. Committee and its treasurer accepted an excessive contribution and, thus, violated 2 U.S.C. § 441a(f).

c. Order to Submit Written Answers and Subpoena To Produce Documents and Materials

In order to clarify the facts concerning the apparently unlawful contributions, and ascertain whether the Texas and D.C. Committees were affiliated, the General Counsel recommends that the Commission issue the attached Order to Submit Written Answers and Subpoena to Produce Documents and Materials to Tom Valentine as the treasurer of the D.C. Committee.

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RECOMMENDATIONS

1. Open a MUR
2. Find reason to believe that the Bob Richards for President Committee, Washington, D.C., and Tom Valentine, as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f).
3. Approve and send the attached Order to Submit Written Answers and Subpoena to Produce Documents and Materials to Tom Valentine.

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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

ORDER TO SUBMIT WRITTEN ANSWERS
SUBPOENA TO PRODUCE DOCUMENTS AND MATERIALS

In the Matter of)
)
Bob Richards for President) MUR 2083
Committee, Washington, D.C. and)
Tom Valentine, as treasurer)

TO: Tom Valentine
Box 639
Delmar, California 92014

At the instance of the Federal Election Commission, and in furtherance of its investigation in the above captioned matter, pursuant to 2 U.S.C. § 437d(a)(1) and (3), Tom Valentine is hereby ordered to submit to the Federal Election Commission responses in writing and under oath to the questions propounded in the attachment to this ORDER TO SUBMIT WRITTEN ANSWERS. In addition, Tom Valentine is hereby ordered to submit to the Federal Election Commission the documents and materials requested in the attachment to this SUBPOENA TO PRODUCE DOCUMENTS AND MATERIALS, that are in the possession or control of Tom Valentine or the Bob Richards for President Committee, Washington, D.C. The documents, materials and responses must be submitted within fifteen (15) days of receipt of this Subpoena and Order.

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WHEREFORE, the Chairman of the Federal Election Commission
has hereunto set his hand in Washington, D.C. on this *2nd* day of
Sept. 1985.

John Warren McGarry
John Warren McGarry
Chairman

ATTEST:

Marjorie W. Emmons
Marjorie Emmons
Secretary to the Commission

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ORDER TO SUBMIT WRITTEN ANSWERS TO
TO TOM VALENTINE

As used in these questions, the terms listed below are defined as follows:

"Identify" with respect to individuals shall mean to give the full name, last known residence address of such individual, and the last known place of business where such individual is or was employed.

The term "concerning" with reference to subject or object shall mean mentioning, discussing or directly or indirectly regarding, referring or relative in any way to the subject or object.

The terms "and" and "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of this request any information which may be otherwise construed to be out of its scope.

1. The Statement of Organization filed with the Federal Election Commission by Blayne Hutzel on October 29, 1984 indicates that you are the treasurer of the Bob Richards for President Committee located in Washington D.C. (hereinafter referred to as the "D.C. Committee"). Please provide the current home and business mailing address and telephone numbers for both you and Blayne Hutzel.

2. 2 U.S.C. § 432(3) addressed a candidate's designation of a principal campaign committee and other authorized campaign committees (Please see Attachment 1). To paraphrase, it states that a federal candidate may have several authorized campaign committees, but only one principal campaign committee. All authorized committees must be designated in writing as such by the federal candidate and all authorized committees must be in possession of a written instrument designating them as an authorized campaign committee.

A. State whether Bob Richards provided the D.C. Committee with a written instrument designating the D.C. Committee as an authorized campaign committee. State the date Mr. Richards did so.

B. State whether Bob Richards provided the D.C. Committee with a written instrument designating the D.C. Committee as his principal campaign committee. State the date Mr. Richards did so.

C. State whether the D.C. Committee was working on Mr. Richards' behalf before Mr. Richards designated in writing that it was an authorized campaign committee.

3. Mr. Richards has indicated to the Federal Election Commission that a Committee organized in Waco, Texas is his principal campaign committee (hereinafter referred to as the "Texas Committee").

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A. State whether the D.C. Committee ever gave money to the Texas Committee. If so, specify the dates, amounts and terms of all such transactions from the D.C. Committee to the Texas Committee.

B. If the D.C. Committee did transfer money to the Texas Committee, please indicate whether the Texas Committee ever repaid those funds to the D.C. Committee, including dates and amounts of repayments.

4. Please explain fully the terms of the \$60,000 loan from the Populist Party National Committee to the D.C. Committee. Your explanation should include the date the loan was extended by the Populist Party and the date the loan was repaid.

5. On Page 5 on the letter dated October 26, 1984 from Fleming Lee, the D.C. Committee's lawyer, to Benita Adler, a Commission staff member, Mr. Lee states that the D.C. Committee, "incurred well over \$100,000 in debts on behalf of Richards' candidacy" Please explain fully the manner in which the D.C. Committee incurred the \$100,000 in debt. Your explanation should include, but not be limited to, (i) the date the debts were incurred; (ii) the items or products for which the D.C. Committee incurred the debts; (iii) the value of the items or products; and (iv) whether the Texas Committee or Mr. Richards paid those debts for the D.C. Committee.

In addition to answering those questions, please provide the following documents:

1. Please provide a photocopy of the written instrument that Bob Richards provided to the D.C. Committee to designate the D.C. Committee as an authorized campaign committee, if any.
2. Please provide a photocopy of the written instrument that Bob Richards provided to the D.C. Committee to designate the D.C. Committee as his principal campaign committee, if any.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 30, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Paul D. Richards
c/o Mr. Bob Richards
1616 Estates Drive
Waco, Texas 76710

RE: MUR 2083
Bob Richards for President
Committee (Texas) and
Paul D. Richards, as treasurer

Dear Mr. Richards:

On September 10, 1985, the Federal Election Commission determined that there is reason to believe that the Bob Richards for President Committee (Texas) and you, as treasurer, violated 2 U.S.C. §§ 434(b)(3)(A), 434(b)(3)(B), 434(b)(3)(E), 434(b)(8) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

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

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either

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Paul D. Richards
Page 2

proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

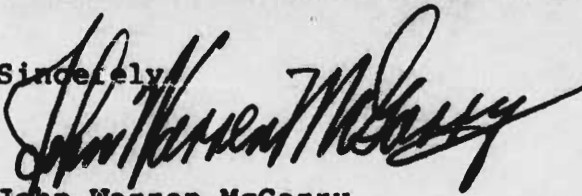
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 Matthew Gerson, the attorney assigned to this matter, at (202) 523-4143 or (800) 424-9530.

Sincerely,


John Warren McGarry
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement
Order to Submit Written Answers and Subpoena to Produce
Documents and Materials

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO.

STAFF: Matt Gerson
(202) 523-4143
(800) 424-9530

RESPONDENTS:

Bob Richards for President Committee,
Waco, Texas, and Paul D. Richards,
as treasurer

SUMMARY OF ALLEGATIONS

The Reports Analysis Division ("RAD") referred this matter to the General Counsel's Office because it appeared that the Texas Committee: (a) inadequately reported contributions from "other political committees"; (b) inadequately reported loans from the candidate; (c) inadequately reported the source of certain credits; and (d) inadequately reported certain debts and obligations. As a result of (a) and (c) above, the General Counsel's Office believes that the Texas Committee may have received excessive contributions from "other campaign committees" and an excessive contribution from an individual.

FACTUAL AND LEGAL ANALYSIS

According to counsel for the D.C. Committee, the Populist Party was formed in Washington, D.C. in February 1984. Bob Richards was selected as the Party's presidential candidate at the national convention held August 17 through 19, 1984. During Mr. Richards' campaign, two different committees became known as the Bob Richards for President Committee. The first committee was organized by a group of D.C. supporters several weeks before

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the national convention ("D.C. Committee"). The D.C. Committee asserts that it was established with Bob Richards' consent. They also assert that when they filed a Statement of Organization with the FEC on July 5, 1984, they believed Mr. Richards was simultaneously filing a Statement of Candidacy naming them as the principal campaign committee. In fact, Mr. Richards did not do so.

According to counsel for the D.C. Committee, the D.C. Committee sent campaign funds to Mr. Richards at his Texas residence so that he could finance his personal campaign effort. It appears that a conflict between Mr. Richards and the D.C. Committee caused Mr. Richards to establish a Bob Richards for President Committee in Waco, Texas ("Texas Committee"). On July 16, 1984, Mr. Richards filed a Statement of Candidacy apparently intending to designate the Texas Committee as his principal campaign committee. The statement was incorrectly completed. On September 17, 1984, the Commission received a letter from Mr. Richards asserting that the Texas Committee was his principal campaign committee. That letter included what Mr. Richards suggested was a second Statement of Organization designating the Texas Committee as his principal campaign committee. That statement was also incorrectly completed. Please note that on October 16, 1985, the Commission received a letter from Mr. Richards that stated that he "never authorized (the D.C. Committee)".

RAD's review of the information filed by the Texas and D.C. Committees revealed the following apparent violations:

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Texas Committee

a. Inadequately reporting loans from "other political committees" and accepting excessive contributions

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The Texas Committee was required to utilize FEC Form 3P because it was an authorized committee of a presidential candidate ("Form 3P"). Line 17(c) of the Texas Committee's October Quarterly Report, a part of Form 3P, disclosed \$3,914.40 in contributions from "other political committees." The instructions to Form 3P indicate that the Texas Committee should have provided certain information about the contributions from the "other political committees" through Schedule A-P. The Texas Committee did not do so. 2 U.S.C. § 434(b)(3)(B) specifically requires the information requested in Schedule A-P. The section states that each report must identify each political committee which makes a contribution to the reporting committee, together with the date and amount of the contribution. Based on the D.C. Committee's reports, it appears that the D.C. Committee is actually the "other political committee" that gave over \$1000 to the Texas Committee. Although the D.C. Committee may have been affiliated with the Texas Committee and, therefore, could have transferred unlimited funds to them, based on the evidence available, this Office recommends that the Commission find reason to believe that the Texas Committee violated 2 U.S.C. § 434(b)(3)(B) and (C).^{1/}

^{1/} Although information presented by the D.C. Committee's attorney states that Mr. Richards may have consented to the establishment of the D.C. Committee, the information available to this Office at this time is insufficient to establish that the two committees are affiliated. There appears to be great animosity between the two committees and, accordingly, the two committees do not appear to be maintained or controlled by the same group of persons. See 11 C.F.R. § 100.5.

It is noteworthy that the D.C. Committee's October Monthly Report indicates that it gave \$7,000 to the Texas Committee during July and August, 1984. Thus, even though the Texas Committee may have reported a portion (\$3,914.40) of that money, its report may not have been accurate and, at any rate, did not include an adequately completed Schedule A-P. Importantly, it is also apparent that the Texas Committee received excessive contributions prohibited by 2 U.S.C. § 441a(f).^{2/} Section 441a(a) (1) (A) states that no person, including a political committee that is not a multicandidate committee, may make contributions in excess of \$1,000. Section 441a(f) says no candidate or political committee shall knowingly accept any excessive contribution. Because the D.C. Committee appears to have made contributions in excess of \$1000 to the Texas Committee, this Office recommends that the Commission find reason to believe that the Texas Committee violated 2 U.S.C. § 441a(f).

b. Inadequately Reporting Loans from the Candidate.

Line 19(a) of the Texas Committee's October Quarterly Report disclosed \$8,500 in loans from the candidate. The instructions to Form 3P indicate that the Texas Committee should have provided

^{2/} The D.C. Committee's counsel states that the D.C. Committee actually spent well over \$100,000 on behalf of Mr. Richards' candidacy. If any part of that money actually constituted contributions to the Texas Committee, there may have been an additional excessive contribution.

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certain information about the loans on Schedules A-P and C-P. 2 U.S.C. § 434(b)(3)(E) specifically requires the information requested in those schedules. That section states that each report must identify each person who makes a loan to the reporting committee, together with the date, amount and any endorser or guarantors. Because the Texas Committee did not provide the necessary information, the General Counsel recommends that the Commission find reason to believe that the Texas Committee violated 2 U.S.C. § 434(b)(3)(E).

c. Inadequately reporting the source of certain credits

The Texas Committee submitted a list of Expenditures and Credits (the "List") with their October Quarterly Report. The list notes that the Texas Committee received \$59,908.35 in "total credits" and suggests that Ed Shaw extended all or part of those credits. Line 7 of the October Quarterly Report's summary page states that the Committee's "total receipts" were \$59,908.35 (see Attachment 1, p. 16). The List states that the "total credits" also were \$59,908.35 and were attributable to Ed Shaw. No further information concerning Mr. Shaw is given. Because 2 U.S.C. § 434(b)(3)(A) requires the identification of persons who make contributions to the reporting Committee, as well as the date, amount, and any endorsers, the General Counsel's Office recommends that the Commission find reason to believe that the Texas Committee violated 2 U.S.C. § 434(b)(3)(E).

In addition, because the List suggests that Ed Shaw extended all of the \$59,908.35, and an individual may not

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contribute in excess of \$1000 to a federal election, the General Counsel's Office recommends that the Commission find reason to believe that the Texas Committee accepted an excessive contribution in violation of 2 U.S.C. § 441a(f).

d. Inadequately Reporting Certain Debts and Obligations

The List also notes that the Texas Committee owed \$16,500 to nine entities.^{3/} Although line 12 of the report's summary page states that the Committee owed \$16,500 in debts and obligations, the Texas Committee did not explain adequately the debts and obligations through Schedule D-P as required by Form 3P.

2 U.S.C. § 434(b)(8) specifically requires the information requested in Schedule D-P. The section states that each report shall disclose the amount and nature of outstanding debts and obligations owed by a political committee. Thus, the General Counsel recommends that the Commission find reason to believe that the Texas Committee violated 2 U.S.C. § 434(b)(8).

Because four of the entities to whom the Texas Committee owes money appear to be individuals, the General Counsel's investigation will attempt to discern whether those individuals made, and the Committee received, contributions that are prohibited by 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f).

e. Orders to Submit Written Answers and Subpoenae To Produce Documents and Materials

In order to clarify the facts concerning the apparently unlawful contributions, and ascertain whether the Texas and D.C.

^{3/} Note that the amounts listed as owed by the Texas Committee to the nine entities actually total \$19,000.

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Committees are affiliated, the General Counsel's Office recommends that the Commission issue the attached Orders to Submit Written Answers and Subpoenae to Produce Documents and Materials to Bob Richards and to Paul Richards as treasurer of the Texas Committee.

RECOMMENDATIONS

1. Open a MUR
2. Find reason to believe that the Bob Richards for President Committee, Waco, Texas, and Paul D. Richards, as treasurer, violated 2 U.S.C. §§ 434(b)(3)(A), 434(b)(3)(B), 434(b)(3)(E), 434(b)(8) and 441a(f).
3. Approve and send the attached Orders to Submit Written Answers and Subpoenae to Produce Documents and Materials to Bob Richards and Paul Richards as treasurer of the Texas Committee.

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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

ORDER TO SUBMIT WRITTEN ANSWERS
SUBPOENA TO PRODUCE DOCUMENTS AND MATERIALS

In the Matter of

MUR 2083

TO: Paul D. Richards, Treasurer
c/o Bob Richards
for President Committee
1616 Estates Drive
Waco, Texas 76710

At the instance of the Federal Election Commission, and in furtherance of its investigation in the above captioned matter, pursuant to 2 U.S.C. § 437d(a)(1) and (3), Paul D. Richards is hereby ordered to submit to the Federal Election Commission responses in writing and under oath to the questions propounded in the attachment to this ORDER TO SUBMIT WRITTEN ANSWERS. In addition, Paul D. Richards is hereby ordered to submit to the Federal Election Commission the documents and materials requested in the attachment to this SUBPOENA TO PRODUCE DOCUMENTS AND MATERIALS, that are in the possession or control of Paul D. Richards or the Committee to Elect Bob Richards, Waco, Texas. The documents, materials and responses must be submitted within fifteen (15) days of receipt of this Subpoena and Order.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this *24th* day of *Sept.* 1985.

John Warren McGarry
John Warren McGarry
Chairman

ATTEST:

Marjorie W. Emmons
Marjorie Emmons
Secretary to the Commission

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QUESTIONS TO
PAUL D. RICHARDS

As used in the following questions, the terms listed below are defined as follows:

"Identify" with respect to individuals shall mean to give the full name, last known residence address of such individual, and the last known place of business where such individual is or was employed.

The term "concerning" with reference to subject or object shall mean mentioning, discussing or directly or indirectly regarding, referring or relative in any way to the subject or object.

The terms "and" and "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of this request any information which may be otherwise construed to be out of its scope.

1. Please provide your current home and business mailing addresses and telephone numbers.
2. The Statement of Candidacy filed with the Federal Election Commission by Bob Richards on July 16, 1984 indicates that you are the treasurer of the Bob Richards for President Committee located in Waco, Texas (hereinafter referred to as the "Texas Committee"). That Statement of Candidacy also states that Gary Forrester is the Chairman of the Texas Committee. Please provide Mr. Forrester's current home and business mailing addresses and telephone numbers.
3. 2 U.S.C. § 432(e) addresses a candidate's designation of a principal campaign committee and other authorized campaign committees (Please see attachment 1). To paraphrase, it states that a federal candidate may have only one principal campaign committee, and may have several authorized campaign committees, but all authorized committees must be designated in writing as such by the federal candidate and all authorized committees must be in possession of a written instrument designating them as an authorized campaign committee.
 - A. State whether Bob Richards provided the Texas Committee with a written instrument designating the Texas Committee as an authorized campaign committee. State the date Mr. Richards did so.
 - B. State whether Bob Richards provided the Texas Committee with a written instrument designating the Texas Committee as his principal campaign committee. State the date Mr. Richards did so.

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C. State whether the Texas Committee was working on Mr. Richards' behalf before Mr. Richards designated in writing that it was an authorized campaign committee.

D. State whether the Texas Committee was designated by Mr. Richards as an authorized campaign committee before Mr. Richards designated it as his principal campaign committee.

E. State whether another campaign committee was functioning as Mr. Richards' principal campaign committee before the Texas Committee was designated as Mr. Richards' principal campaign committee. If so, explain.

F. State whether another campaign committee was designated by Mr. Richards as his principal campaign committee before the Texas Committee was designated as Mr. Richards' principal campaign committee. If so, explain.

4. A committee organized in Washington, D.C. is known as the Bob Richards for President Committee. That political committee indicated to the Federal Election Commission that it was Mr. Richards' principal campaign committee, that Blayne Hutzel was the Committee's assistant treasurer, and that Tom Valentine was the Committee's treasurer. (This political committee is hereinafter referred to as the "D.C. Committee").

A. State whether you were aware of the existence of the D.C. Committee.

B. State the date you became aware of the existence of the D.C. Committee.

C. State how you became aware of the existence of the D.C. Committee.

D. Please explain the nature of the relationship between the D.C. and Texas Committees.

E. State whether the Texas Committee ever received money from the D.C. Committee. If so, state how much money the Texas Committee received from the D.C. Committee and state when it was received.

i) State whether the Texas Committee received a \$5,000 check from the D.C. Committee on or about July 17, 1984.

ii) State whether the Texas Committee received a \$2,000 check from the D.C. Committee on or about August 1, 1984.

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F. State whether you are aware if the D.C. Committee was ever designated by Bob Richards as one of his authorized campaign committees. If so, state whether Mr. Richards ever withdrew that authorization.

G. State whether you are aware of the D.C. Committee was ever designated by Mr. Richards as his principal campaign committee. If so, state whether Mr. Richards ever withdrew that authorization.

5. State whether the Texas Committee in any way worked with the D.C. Committee to organize any activities on behalf of Mr. Richards' candidacy for the presidency. If so, describe the committees' participation.

A. State whether representatives of the Texas Committee engaged in any conversations with representatives of the D.C. Committee concerning strategies or objectives for Bob Richards' presidential campaign. If so, describe each such conversation and state when it occurred.

6. The Texas Committee submitted a list of "Expenditures and Credits" with their October Quarterly Report. The list notes that the Texas Committee received \$59,908.35 in "total credits" and suggests that Ed Shaw extended all or part of those credits.

A. Please provide the last known home and business mailing addresses and telephone numbers for the individual identified as Ed Shaw.

B. Please explain fully the total credits Ed Shaw extended to the Texas Committee. Your explanation should include, but not be limited to, i) the date of the credit; ii) the item(s) credited; iii) the value of the item(s) credited; iv) whether Ed Shaw was repaid for that (those) credit(s); v) the date Ed Shaw was repaid for that (those) credit(s) and vi) the purpose of the credit(s).

C. If Ed Shaw did not extend all of the \$59,908.35 in total credits, please identify every individual or entity that extended any portion of the \$59,908.35 in total credits. Please identify such individual or entity by name and current home and business mailing addresses and telephone numbers.

7. The list of "Expenditures and Credits" also notes that the Texas Committee Owed ("Owing") money to nine entities totaling \$16,500. ("Total Owing"). That list of creditors includes the following four individuals: Bill Chatham; Leland Garber; Merlin Garber; and Steve Wennerlind.

A. Please provide the last known home and business mailing addresses and telephone numbers for each of those four individuals.

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B. Please explain fully the credits by those individuals to the Texas Committee. Your explanations should include, but not be limited to; i) the date of each credit; ii) the purpose of the credit; iii) the form of the credit (i.e., cash, goods, etc.); iv) whether those individuals were repaid for the item credited; and v) the date those individuals were repaid for the item credited.

In addition to answering those questions, please provide the following documents:

1. Please provide a photocopy of the written instrument that Bob Richards provided to the Texas Committee to designate the Texas Committee as an authorized campaign committee, if any.
2. Please provide a photocopy of the written instrument that Bob Richards provided to the Texas Committee to designate it as his principal campaign committee.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 30, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Bob Richards
1616 Estates Drive
Waco, Texas 76710

Re: MUR 2083
Bob Richards for President
Committee (Texas) and
Paul D. Richards, as treasurer

Dear Mr. Richards:

This is to advise you that on September 10, 1985, the Federal Election Commission found reason to believe that the Bob Richards for President Committee (Texas) and Paul D. Richards, as treasurer, violated 2 U.S.C. §§ 434(b)(3)(A), 434(b)(3)(B), 434(b)(3)(E), 434(b)(8) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended. Enclosed you will find a photocopy of the General Counsel's Factual and Legal Analysis which formed a basis for the Commission's finding.

In connection with the Commission's investigation into this matter, enclosed you will find an Order to Submit Written Answers and Subpoena to Produce Documents and Materials which requires you to provide certain information. Please be advised that the Commission does not consider you a respondent in this matter, but rather a witness only.

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

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the Order and Subpoena. However, it is required that you submit the information under oath and that you do so within fifteen days of your receipt of this letter.

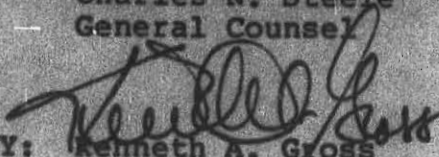
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Mr. Bob Richards
Page 2

If you have any questions, please direct them to
Matthew Gerson, the attorney handling this matter, at (202) 523-
4143 or (800) 424-9530.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosures

Order to Submit Written Answers and Subpoena to Produce
Documents and Materials
General Counsel's Factual and Legal Analysis

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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

ORDER TO SUBMIT WRITTEN ANSWERS
SUBPOENA TO PRODUCE DOCUMENTS AND MATERIALS

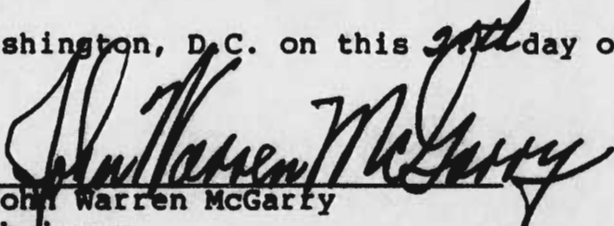
In the Matter of

)
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) MUR 2083
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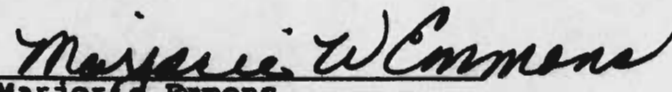
TO: Bob Richards
1616 Estates Drive
Waco, Texas 76710

At the instance of the Federal Election Commission, and in furtherance of its investigation in the above captioned matter, pursuant to 2 U.S.C. § 437d(a)(1) and (3), Bob Richards is hereby ordered to submit to the Federal Election Commission responses in writing and under oath to the questions propounded in the attachment to this ORDER TO SUBMIT WRITTEN ANSWERS. In addition, Bob Richards is hereby ordered to submit to the Federal Election Commission the documents and materials requested in the attachment to this SUBPOENA TO PRODUCE DOCUMENTS AND MATERIALS, that are in the possession or control of Bob Richards. The documents, materials and responses must be submitted within fifteen (15) days of receipt of this Subpoena and Order.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this *20th* day of *Sept.* 1985.


John Warren McGarvey
Chairman

ATTEST:


Marjorie Emmons
Secretary to the Commission

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QUESTIONS TO BOB RICHARDS

As used in these questions, the terms listed below are defined as follows:

"Identify" with respect to individuals shall mean to give the full name, last known residence address of such individual, and the last known place of business where such individual is or was employed.

The term "concerning" with reference to subject or object shall mean mentioning, discussing or directly or indirectly regarding, referring or relative in any way to the subject or object.

The terms "and" and "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of this request any information which may be otherwise construed to be out of its scope.

1. Please provide your current home and business mailing addresses and telephone numbers.

2. Please provide the current home and business mailing addresses and telephone numbers for: a) Gary Forrester, the individual you listed on the Statement of Candidacy that you filed with the Federal Election Commission on July 16, 1985 as the Chairman of the Bob Richards for President Committee located in Waco, Texas (hereinafter referred to as the "Texas Committee"); and b) Paul D. Richards, the individual you listed on the Statement of Candidacy that you filed with the Federal Election Commission on July 16, 1985 as the Treasurer of the Texas Committee.

3. 2 U.S.C. § 432(e) addresses a candidate's designation of authorized campaign committees (Please See Attachment). In part, that section requires a candidate for federal office to designate in writing a political committee to serve as his principal campaign committee.

A. State whether you designated such a principal campaign committee.

B. If so, please identify that committee by providing the name of that entity, its principal location and the identity of the treasurer.

C. Please state the date that you designated that principal campaign committee that you referred to in your answers to 3(A) & 3(B) above.

D. State whether you at any time changed principal campaign committees. If so, please explain fully.

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4. 2 U.S.C. § 432(e) states that a candidate for federal office will file with his principal campaign committee a document indicating that that political committee is his principal campaign committee.

A. State whether you filed such a document with your principal campaign committee.

B. State the date you filed that document with your principal campaign committee.

C. State whether you filed such a document with more than one political committee. Please explain.

5. A political committee organized in Washington, D.C. is known as the Bob Richards for President Committee. That political committee has indicated to the Federal Election Commission that it was your principal campaign committee, that Blayne Hutzel was the Committee's assistant treasurer, and that Tom Valentine was the Committee's treasurer (this political committee is hereinafter referred to as the "D.C. Committee").

A. State whether you were aware of the existence of the D.C. Committee.

B. State when and how you became aware of the D.C. Committee.

C. Describe your role in the establishment of the D.C. Committee.

D. Please describe any involvement you had, at any time, with the operation of the D.C. Committee.

E. State whether you consented to the establishment of the D.C. Committee.

F. State whether you and members of the D.C. Committee ever engaged in conversations concerning your presidential campaign's objectives or strategies. If so, please explain fully.

G. State whether you filed with the D.C. Committee a document indicating that it was your principal campaign committee.

H. State whether you filed with the D.C. Committee any document indicating that it was an authorized campaign committee.

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6.A. State whether you requested any money from the D.C. Committee.

B. State whether you received any money from the D.C. Committee. If so, please explain fully.

C. State whether the Texas Committee received any money from the D.C. Committee. If so, list the dates and amounts of such receipts.

D. State whether you or the Texas Committee received a \$5,000 check from the D.C. Committee on or about July 17, 1984. If so, please explain.

E. State whether you or the Texas Committee received a \$2,000 check from the D.C. Committee on or about August 1, 1984.

7. State whether you in any way worked or conferred with the D.C. Committee to organize any activities on behalf of your candidacy for the presidency.

A. State whether you drafted, read, authorized, approved, signed or otherwise cooperated in the preparation and distribution of a fundraising solicitation mailed out in your behalf by the D.C. Committee in June, 1984. If so, please explain.

B. State whether you were aware that the D.C. Committee spent at least \$60,000 on a fundraising solicitation on your behalf mailed out in June, 1984. If so, please explain.

In addition to answering those questions, please provide the following documents:

1. A photocopy of any written instruments that you provided to any political committees to designate those committees as your authorized campaign committees.
2. A photocopy of the written instrument that described the entity that would serve as your principal campaign committee.
3. A photocopy of the written instrument that you provided to your principal campaign committee to designate that committee as your principal campaign committee.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 27, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ed Shaw
c/o Bob Richards for President
Committee and Paul D. Richards,
as treasurer
1616 Estates Drive
Waco, Texas 76710

RE: MUR 2083

Dear Mr. Shaw:

On , 1985, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Because the Commission does not have your current address, communications to you will be forwarded through the Richards 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. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so

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that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 Matthew Gerson, the attorney assigned to this matter, at (202) 523-4143 or (800) 424-9530.

Sincerely,

John Warren McGarry
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. 2083
STAFF: Matt Gerson
(202) 523-4143
(800) 424-9530

RESPONDENT'S NAME: Ed Shaw

SUMMARY OF ALLEGATIONS

The Reports Analysis Division ("RAD") referred this matter to the General Counsel's Office because the Bob Richards for President Committee, Waco, Texas, inadequately reported the source of certain credits. As a result, the General Counsel's Office has recognized that an individual identified as "Ed Shaw" extended all or part of \$59,908.35 in credits.

FACTUAL AND LEGAL ANALYSIS

The Texas Committee submitted a list of "Expenditures and Credits" with their October Quarterly Report. The list notes that the Texas Committee received \$59,908.35 in "total credits" and suggests that Ed Shaw extended all of those credits.

Because it appears that Ed Shaw is an individual and not a commercial entity, and 2 U.S.C. § 441a(a)(1)(A) prohibits individuals from contributing more than \$1,000 to any federal candidate or committee, the General Counsel's Office recommends that the Commission find reason to believe that Mr. Shaw made an excessive contribution in violation of 2 U.S.C. § 441a(a)(1)(A).

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This Office notes that Mr. Shaw's address is not available to the Commission at this time. Thus, communications to Mr. Shaw will be sent to him in care of the Texas Committee until his address is ascertained.

RECOMMENDATIONS

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

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**POPULIST PARTY
NATIONAL COMMITTEE**

P.O. BOX 76737

WASHINGTON, D.C. 20013
(202) 546-5530

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October 25, 1985

Mr. Robert Raich
Federal Election Commission
1325 K St. N.W.
Washington, DC 20463

Ref: MUR 2083
Bob Richards for President Committee
Letter dated September 27, 1985

Dear Mr. Raich:

The above mentioned letter was originally sent to Delmar, California which in turn was forwarded to the D.C. Committee's lawyer who has since resigned from his duties.

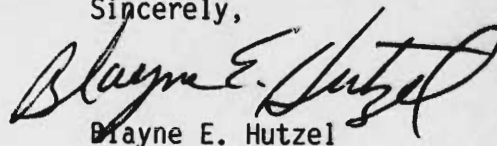
On October 21, 1985, it was delivered to my attention to take appropriate action.

I immediately called your office and explained the situation and asked for additional time to respond.

You kindly granted an extension of response time to November 5, 1985.

Your cooperation and understanding is most appreciated.

Sincerely,


Blayne E. Hutzel

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FEDERAL ELECTION COMMISSION
GENERAL COUNSEL
OCT 28 11:57

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ANSWERS TO MUR 2083
BOB RICHARDS FOR PRESIDENT COMMITTEE (D.C.)

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Item-1

Tom Valentine

Business: Box 639
Delmar, California 92014
(619) 755-2072

Home: 121 Guanajuato Court
Solana Beach, California 92075
(619) 755-2072

Blayne E. Hutzell

Business: 300 Independence Ave., S.E.
Washington, D.C. 20003
(202) 546-5611

Home: 11215 Oak Leak Dr.
Silver Springs, Md. 20901
(301) 593-0941

Item-2

(A)-(B)-(C)--See enclosed copy of Bob Richards
for President Committee letter
dated June 28, 1984

Item-3

(A)-	<u>Date</u>	<u>Amount</u>	<u>Purpose</u>
	July 17, 1984	\$5,000.00	Travel
	Aug. 1, 1984	2,000.00	Travel

TOTAL \$7,000.00

(B)- Texas Committee never repaid these funds.

Item-4

On July 12, 1984 the D.C. Committee borrowed \$60,000.00
from the Populist Party National Committee to cover the
cost of postage for a first class mailing. This loan
was repaid on July 25, 1984.

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Item-5 Debts paid by the D.C. Committee

DATE PAID 1984	PAYEE	AMOUNT	PURPOSE
6-29	JACK LANE	\$1,239.34	TRAVEL
6-29	CHARLES PERRY	1,000.00	TRAVEL
6-29	JACK LATHAM	1,000.00	TRAVEL
7-17	BOB RICHARDS FOR PRESIDENT COMMITTEE	5,000.00	TRAVEL
7-25	POPULIST PARTY	60,427.40	NOTE AND INTEREST
8-1	BOB RICHARDS FOR PRESIDENT COMMITTEE	2,000.00	TRAVEL
8-3	CAPITOL HILL ASSOCIATES	5,024.04	TRAVEL
8-6	EAGLE SIGNS	1,205.00	CONVENTION SIGNS
8-6	ED SHAW PROMOTIONS	6,226.09	CONSULTANT FEE, TRAVEL. TELEPHONE
8-7	MAX ANDREWS, JR.	2,061.95	PETITIONING
8-8	WENDY FAIRFIELD	3,000.00	PETITIONING
8-8	SNELLING & SNELLING	300.00	PETITIONING
8-14	DAVE HUDSON	1,000.00	CONSULTANT FEE
8-16	EAGLE SIGNS	450.00	CONVENTION SIGNS
8-16	SEE-HEAR	740.00	CONVENTION MUSIC
8-17	GARY ODOM	251.34	TRAVEL
8-17	SOUL CITY	800.00	CONVENTION MUSIC
8-18	PARTY & RENTAL SERVICE	2,300.00	CONVENTION-ROOM RENTAL
8-19	JOHN HALLER	300.00	PETITIONING
8-19	RANDY FELT	300.00	PETITIONING
8-19	KEN COLLIER	500.00	TRAVEL
8-19	LOIS PETERSEN	4,419.72	TRAVEL
8-22	JOHN LONG	2,000.00	LEGAL
8-22	FRED SEIPOLD	2,000.00	LEGAL
8-22	JO CHAPMAN	1,000.00	LEGAL
8-22	ROBERT MITTEL	2,000.00	LEGAL
8-22	WALTER CHANDLER	2,000.00	LEGAL
8-22	MICHAEL DANOFF	2,000.00	LEGAL
8-25	SOUND CITY PROD.	1,500.00	CONVENTION/VIDEO FILMING
8-28	VOTES UNLIMITED	394.32	CAMPAIGN BUTTONS
8-28	A. JAMES MANEHIN	2,000.00	LEGAL
8-29	FRED SEIPOLD	2,000.00	LEGAL
8-29	HARRY BELTRAM	200.00	LEGAL
8-29	LOIS PETERSEN	795.39	TRAVEL
8-29	CARL FORD	400.00	LEGAL
8-29	JAMES V. TAMBURRO	1,000.00	LEGAL
8-29	SECRETARY OF THE STATE OF LOUISIANA	500.00	LEGAL
8-29	CONFIDENTIAL INNS	3,887.66	TRAVEL
8-30	ED SHAW PROMOTIONS	6,190.91	CONSULTANT FEE, TRAVEL PRESS, TELEPHONE
9-1	VICTOR MARCHETTI	88.68	TRAVEL
9-1	JOHN ARMOR	1,586.90	LEGAL
9-4	WILLIAM J. PEISCHE	500.00	PETITIONING

Continuation of Item - Debts paid by the D.C. Committee

DATE PAID	PAYEE	AMOUNT	PURPOSE
1984			
9-6	LIBERTY LOBBY	\$10,000.00	PERSONNEL & RENT
9-6	THE SPOTLIGHT	10,000.00	PERSONNEL & RENT
9-6	JERRY POPE	3,000.00	PETITIONING
9-6	ROBERT GRAVELY	2,000.00	PETITIONING
9-6	INN OF INDIANAPOLIS	1,093.18	TRAVEL
9-6	DAN PILLA	601.68	BUMPER STICKERS
9-7	MAX ANDREWS, JR.	1,000.00	PETITIONING
9-10	CAPITOL HILL ASSOC.	3,442.15	TRAVEL
9-11	THE SPOTLIGHT	7,257.85	ADVERTISING
9-19	CAPITOL HILL ASSOC.	1,711.00	TRAVEL
9-24	CAPITOL HILL ASSOC.	414.00	TRAVEL
10-5	VOTES UNLIMITED	139.92	BUTTONS
12-31	HAY RUBBER CO.	16.54	OFFICE EXPENSE
	TOTAL	<u>\$172,265.06</u>	

None of the above was paid by the Texas Committee or Mr. Richards.

(1) & (2)- Refer to same letter as mentioned in Item 2.

Respectfully Submitted,

Blayne E. Hutzel

Blayne E. Hutzel
November 4, 1985

BOB RICHARDS FOR PRESIDENT COMMITTEE

P.O. Box 75602
Washington, D.C. 20013
Tom Valentine, Treasurer

June 28, 1984

Dear Friend:

The National Committee of the Populist Party is meeting in Nashville, August 17-19. They will select a Presidential nominee.

I want that nomination. Will you support me?

You are an alert American, well aware of what's wrong with our once-great society. If we are to save our national sovereignty, preserve our Constitution and our liberties and bring back prosperity, we must get to work right now.

WE CAN WASTE NO MORE TIME.
WE MUST GET STARTED. NOW.

Over the past 12 months I have spoken to 120,000 Americans in 100 cities, coast to coast. I've discovered something very important.

The American people are "fed up." They may not be entirely familiar with the "whys" but they are sick and tired of being lied to by government policy. They correctly sense that both parties are controlled by the same people and no politician is willing to discuss real issues.

They do NOT want higher taxes. They do NOT want high interest rates. They do NOT want to continue exporting American jobs and industry overseas. They do NOT want to risk nuclear devastation by continuing to meddle in other people's wars.

All these things make it clear that a political explosion of revolutionary proportions is coming. But it will not happen under either of the two old, controlled parties.

WE CAN RE-ASSERT CONTROL OF OUR DESTINY ANY TIME WE WANT TO!

WE HAVE THE NUMBERS ON OUR SIDE.

THE PEOPLE AGREE WITH US. NOT THE TWO OLD PARTIES!

Now, if you object, "Bob, we can't win this year because we got started too late," I will agree. It would take a divine miracle to win in 1984, and we don't expect that.

But by 1986 we will be on the ballot of every state. We will win some congressional seats and perhaps even a Senate seat or two.

By 1988 we will have mounted a full-scale campaign for the Presidency. And we will win!

Imagine a populist in the White House, once again! Imagine power back in the hands of the people once again, where it belongs!

Believe me, I do not look forward to a gruelling campaign--a campaign to last five years. I'd like nothing better than to retire and I'd do so in a second if things weren't in such a mess--if I wasn't terribly concerned about the direction of my country. I've been fairly successful and have made enough money so that I

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could easily spend the rest of my days wallowing in luxury.

But someone has to do this job and if I can inspire you by my example I am willing to take the risks.

By nature I'm a competitor. I'm in very good health. If I am nominated to carry the historic standard of the Populist Party I will proudly do so. I promise you that I will be true to the great Platform of our party and constant to your faith in me. I promise you that I will work hard.

THIS WILL TAKE A TEAM EFFORT. I CAN'T DO THE JOB ALONE.
YOU AND I MUST WORK TOGETHER.

Please let me know if I can count on your support. Fill out the enclosed form and mail it back as soon as possible.

We need your strong support. Not only your financial support but your physical and moral support as well. We need volunteers for state, county and city jobs and positions. We need door-knockers, circular-passers, radio station callers and do-ers who won't have to be asked twice--or even once--when there is a job to be done.

Please contribute what you can afford. If your contribution is at least \$250 you or anyone you select will be my guest in Nashville at the Populist Party National Rally there, to take place the same dates as the meeting of the National Committee, August 17-19. This includes first class hotel expenses and a complimentary ticket--so long as they last--to the Grand Ole Opry performance Friday night, August 17.

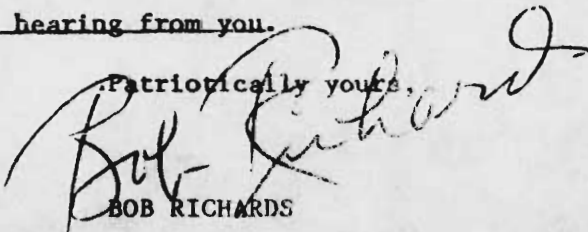
If you can raise more than \$250, by all means please do so. And if you have friends who would like to contribute to my campaign, please urge them to join you in supporting this cause. As you are probably aware, the U.S. will provide \$100,000 in matching funds to my campaign if I am able to raise \$100,000 in 20 states in amounts of \$5,000 per state. With your help I feel sure we can raise that much--and more--and be able to tap into the federal funds which Establishment parties exploit so freely in their own campaigns.

We need to buy contracts now for television, radio and newspaper advertising. We need funds for travel, telephone, rent and a thousand and one other expenses of a political campaign and we need them now.

WE'VE ALREADY WAITED TOO LONG TO GET STARTED. LET'S WAIT NO LONGER.

Fellow American, I look forward to hearing from you.

Patriotically yours,


BOB RICHARDS

P.S. We are very fortunate to have The SPOTLIGHT to keep us informed and up-to-date on Populist Party activities. The SPOTLIGHT is providing objective and unbiased coverage of Populist Party candidates at all levels and is must reading for anyone interested in our political process. If you are not a reader, I highly recommend that you take this opportunity to subscribe because, frankly, there is no other way you can keep alert to what is happening in our movement. The regular subscription price is \$22 per year but as a Populist Party supporter you can subscribe for only \$18, and the publishers contribute \$10 of this to the Populist Party! Note the special subscription form enclosed.

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Reprinted From June 25, 1984

THE SPOTLIGHT
THE PAPER YOU CAN TRUST

Richards Is Tackling Tough Issues

EXCLUSIVE TO THE SPOTLIGHT

Bob Richards, an all-American patriot and winner of two Olympic gold medals (in 1952 and 1956), has vaulted into the thick of the Populist Party drive to remake America in its classic image (SPOTLIGHT, June 18).

The renowned "Breakfast of Champions" spokesman from the 1950s and 1960s announced his candidacy for the Populist Party presidential nomination in Los Angeles last weekend. At a press conference held at the Los Angeles Coliseum—site of the 1984 Summer Olympics—Richards outlined his program to return good government to the United States.

Talking to representatives of the Los Angeles "Times," local television and CBS radio, Richards said: "I'm delighted to announce today the beginning of the populist movement in 1984. We are all aware that perhaps we won't make a great big dent in the elections coming up in November, but we're in for the long fight. Five years from now, we believe, the Populist Party will be one of the most viable, strong, tenacious parties in

the United States."

Richards, one of the most sought-after speakers in America today, is the author of "The Heart of a Champion" (Fleming H. Revell Co., 1957), used as an inspirational and motivational tool by both sports and non-sports leaders throughout the country. He asked, rhetorically, why the populist movement is building from the grass roots of America's productive middle classes at this late stage in an election year.

And, answering his own question, the gold medalist quoted from Boris Pasternak's "Dr. Zhivago": "Nothing is so powerful as the cudgel of unarmed truth."

He added: "The Bible says, 'You shall know the truth and the truth shall make you free.' What we want to do is go around the country getting Americans to realize what is happening to them; why our money is being debauched and why interest rates are so high. Americans want to know why our taxes seem to go on and on and on in ever-increasing leaps, and why there are wars all over the world.

"We want to make the American people aware that there are certain people profiting from this; that we must do cer-

tain things—Constitutionally—to correct it.

UNFINISHED REVOLUTION

"You might say the populist movement is the unfinished revolution in America. Our forefathers came here to this great land, willing to fight for it—to die for it. Now we must be willing to take up the torch—we must be responsible to the great dream of America."

Richards captured the imagination of Americans with his outstanding performances at the 1952 and 1956 Olympics, taking gold medals in pole vaulting both times. Following his retirement from amateur competition, he became well known as a spokesman for Wheaties, maintaining the product's image as the "All American" breakfast food. He was often compared to "Jack Armstrong, the All American Boy," from a radio serial of the 1940s.

The Olympic champion pounded home the point that this country must return to the concepts contained in the Constitution as envisioned by our Founding Fathers. He focused on the Populist Party plank regarding the Federal Reserve System and the need to eliminate that private banking cartel and return the making of money to the government—which is responsible to the people.

Under both major parties, the economic system of the United States has been subverted to the point that it will "bankrupt everyone except the top elite," he said.

CUT TAXES

On taxes, Richards said: "We don't believe you should tax the work of people. You should not tax the productivity of people. Tax consumer goods, but not the people who are willing to work.

"We must repeal the income tax," he said. "The funds collected by the government from the income tax are needed to pay off the ever-increasing interest on the national debt—which was created, virtually out of thin air, by the private banking cartel."

He pointed out that the Populist Party seeks to limit the federal government, thereby cutting down considerably on the need for "a trillion-dollar budget."



Bob Richards is interviewed outside the Los Angeles Coliseum. His wife is standing behind him. The reporter is unidentified.

This, in turn, will curb the alleged need for increased income taxes.

"We believe in limited federal government. That's what the Constitution called for in the very beginning," he said.

And, plunging in where both major parties fear to tread, Richards called for the protection of American workers from foreign imports. "We think that our current policy of letting all those foreign goods flood in and destroy our steel and our heavy equipment, our auto and our truck, our oil and gas industries is absurd.

"We believe that we should protect American industry and the jobs of Americans. We should impose tariffs and make sure that our American industry is protected."

Richards blasted the giveaway policies engineered by internationalists high in American policymaking positions for failing to "take care of our own people." He then quoted Charles Lindbergh:

"Don't concern yourself with Europe. Make sure Americans have jobs. Make sure that young husbands and wives can have homes and families in America."

"What good does it do," Richards asked, "to go around the world trying to save all these other nations if we, ourselves, are sinking? Can you imagine that the federal government is borrowing \$346,000 a minute?"

"We're bankrupt. All our state governments are bankrupt. It's time we

started taking this money thing into our own hands and make America strong again."

Richards cited the Populist Party's strong support of American farmers and for genuine peace in the world. "Defend America," he said. "Make it the strongest military defense in the world so if anyone tries to take us—well, as Abraham Lincoln said, 'Nobody can take us.'"

"If we're ever taken, it will be because we have beaten ourselves. Let's get rid of the enemies in America—the ones who profit from war; the ones who would profit from our recession and our bankruptcy. Let's get rid of them."

While the major political parties claim that they are poles apart, they really converge on all the major issues, Richards explained. They both support internationalism; they both support so-called "free trade"; they both support a private banking system, which favors the top elite. Eventually, it will lead to their defeat, he said.

WIN PREDICTED

"The main thing," said Richards, "is that the Populist Party will win because of the issues.

"Just read our platform," he says. "The issues that are presented there are the real ones in this country today and the other parties are not going to discuss them. If we can inspire national debate on the real issues facing us, we will win."

But the Establishment media is not likely to deal with the real issues. Richards realizes that, as a candidate of

the Populist Party, he will be targeted for severe economic and other forms of punishment. He is aware that not only the Establishment media will target him for smears rather than dealing with the issues the Populist Party presents, but also internationalist groups will object to airing important issues facing the American public.

Richards ended the press conference by asking: "What good does it do to live if we don't leave something for our children? I have six children. I have a lot of grandchildren. I want to leave something for them."

Richards noted that Lincoln called America "the last great hope of man." Then he reminded the media that another populist, Howard Jarvis, had indeed brought about major changes in government with his property tax-curbing California initiative, proving that the people can rise up and correct the deficiencies of government.

"That's what we need—a great populist movement like the Jarvis initiative, in which people protest and reform," he said, "like the Whiskey Rebellion and the grass-roots movement which brought Andrew Jackson to the White House."

And he recalled the famed "Cross of Gold" speech by William Jennings Bryan. "Today we're crucifying our nation on a cross of privately controlled money," he said.

"It's time a political party represented the hard working, middle-class, productive Americans. And that's what the Populist Party will do."

Noteworthy Accomplishments

- Member of three Olympic teams. Winner of two gold medals (1952 and 1956) and a bronze (1948) in the Olympics. Only pole vaulter in Olympic history to win the gold medal twice. As a result of this, voted by a tribunal of sportswriters to the All-Time Olympic Team.

- Won 26 national indoor and outdoor championships. Three in decathlon, 1951, 1954 and 1955. Won indoor pole vault championships 13 times, outdoor 11 times. Won all-championship in 1951 with new world's record.

- Six hall of fame awards.

Helms Hall of Fame. All-Time Track Team. Illinois Hall of Fame. Named youngest member of original hall of fame along with notables Boudreau, Zupke, Halas, Huff, Grange *et al.*

Madison Square Garden Hall of Fame. Along with Joe Louis, Babe Ruth *et al.*

National Track and Field Hall of Fame. Along with Jim Thorpe *et al.*

United States Track and Field Hall of Fame. Along with Rafer Johnson, B. Toomey, Wilma Rudolph, Harrison Dillard *et al.*

United States Olympic Hall of Fame. One of 20 charter members chosen by the National Sports-

writers and Sportscasters Association, October, 1983.

- Awarded the Helms World Trophy. Voted the outstanding athlete in America by the Helms Athletic Foundation in 1951.

- Received the Sullivan Award. Also in 1951, voted the Sullivan Award as outstanding amateur athlete in America by tribunal of more than 1,200 sportswriters. "Sports" magazine also named Richards top track and field athlete in America that year, as did the Los Angeles "Times."

- Made all-American in track and field for 11 years. 1947 through 1957.

- Originated and conceived basic ideas for Junior Champ, a program in cooperation with the U.S. Junior Chamber of Commerce, which now has a participation of more than 4 million youngsters, many of whom have gone on to star in national championships.

- Led the Bob Richards Fitness Crusade to stimulate national interest in physical fitness activities and bicycled more than 3,300 miles from Los Angeles to New York, 1969.

- Received gold medal in pole vaulting, September, 1983. Fifth World Masters track and field competition in San Juan, Puerto Rico.

- Broke the world record in the weight pentathlon by more than 500 points in December, 1983. He is the world champion in his age group in the World Masters track and field.

Civic and national recognition:

- Voted one of the 10 outstanding young men in America in 1957. Later emceed the program for the Jaycees for five consecutive years.

- Voted one of the five outstanding young men in California in 1956.

- Named as a goodwill ambassador to Asia by the U.S. State Department in 1954. Toured India, Burma, Thailand, Hong Kong and Korea, giving speeches on sports and patriotism.

- Appointed member of President's Council for Youth Fitness by Dwight Eisenhower and continues as a member of the Advisory Conference.

- Represented President Richard Nixon at 1972 Summer Olympics in Munich, West Germany as a member of the Advisory Conference on Physical Fitness and Sports.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 6, 1985

Mr. Blayne E. Hutzel
Bob Richards for President Committee
300 Independence Avenue, S.E.
Washington, D.C. 20003

Re: MUR 2083
Bob Richards for President
Committee, Washington,
D.C., and Tom
Valentine, as
treasurer

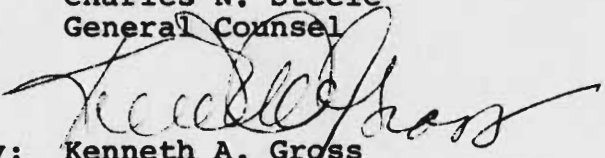
Dear Mr. Hutzel:

This is in reference to your letter dated October 25, 1985, requesting an extension until November 5, 1985 to respond to the Commission's Order and Subpoena. After considering the circumstances you presented, the Commission has determined to grant you your requested extension. Accordingly, your response will be due on November 5, 1985.

If you have any questions, please contact Robert Raich, the staff member assigned to this matter, at 202/523-4000.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

89040754370



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 15, 1985

Ms. Julie Quinton
Confidential Communication
1524 South IH 35, #130
Austin, Texas 78704

Re: MUR 2083

Dear Ms. Quinton:

Enclosed are two envelopes, both of which should be served at the same address in Waco. You may make service by leaving these letters with any person of suitable age and discretion at the residence. Upon effecting service, please send us an affidavit stating the time and manner of same.

This confirms that you will charge \$65 for service and \$.35 per mile.

If you have any questions, please contact Robert Raich at 202/523-4000 or 800/424-9530.

Sincerely,

Lois Lerner
Assistant General Counsel

enclosures
two sealed envelopes

89040754371

file



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 15, 1985

BY HAND DELIVERY

Mr. Paul D. Richards
c/o Mr. Bob Richards
1616 Estates Drive
Waco, Texas 76710

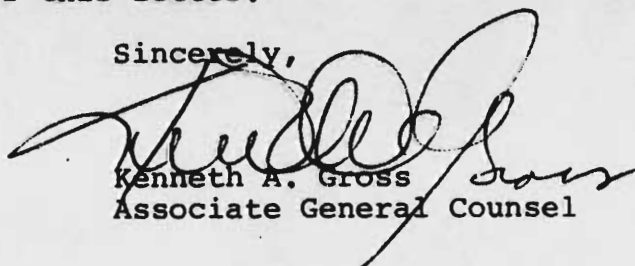
RE: MUR 2083
Bob Richards for President
Committee (Texas) and Paul
D. Richards, as treasurer

Dear Mr. Richards:

On September 30, 1985, the Commission mailed you, via certified mail--return receipt requested, the enclosed letter with attached Order and Subpoena. Because we have not received the return receipt, the undelivered letter, or your response, we are now sending you the enclosed copies by hand delivery.

Note that you must respond to the Order and Subpoena within 15 days of your receipt of this letter.

Sincerely,



Kenneth A. Gross
Associate General Counsel

Enclosure

Letter of September 30, 1985 to Paul D. Richards, with enclosures

89040754372



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1985

Postmaster
Waco, Texas 76710

Re: MUR 2083

Dear Postmaster:

Pursuant to 39 C.F.R. § 265.6(d)(1), we request that you provide us with the present addresses of Bob Richards and Paul D. Richards. According to our records, their address as of October 14, 1984 was 1616 Estates Drive, Waco, Texas 76710.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection, I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call Robert Raich, the attorney assigned to this matter, at (202) 376-8200. (The FTS telephone number is identical).

Thank you very much for your assistance.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure

FIRST ENDORSEMENT - DECEMBER 27, 1985

Forwarding order for Bob Richards directs mail to:
Crossbar Ranch
Route 1, Box 55
Gordon, TX 76753

No order on file for Paul D. Richards from that address.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 3, 1986

VIA
FIRST CLASS MAIL
AND
✓ CERTIFIED MAIL—
RETURN RECEIPT REQUESTED

Mr. Ed Shaw
P.O. Box 709
Woodland Hills, California 91365

Dear Mr. Shaw:

Enclosed is a duplicate of a letter with enclosures originally sent to you in care of Bob Richards on September 30, 1985, and resent to you at the above address on November 8, 1985. The Postal Service has lost the November 8 letter.

Note that you must respond within 15 days of your receipt of this letter. If you have questions, contact Robert Raich, the attorney assigned to this matter, at 202/376-8200.

Sincerely,

Lois Lerner
Assistant General Counsel

Enclosure

Duplicate of September 30, 1985 letter, with enclosures

89040754374



RECEIVED AT THE FEC
CCC# 9614
86 FEB 7 A8:30

February 3, 1986

86 FEB 7 P3:33

GENERAL COUNSEL

Dear Mr. Raich,

It was nice talking with you. Per our conversation, I never contributed to the B&B Campaign, not a penny to him or his campaign in any fashion. I have no material proof because none was necessary, because of the lack of exchange.

I appreciate your concern but you can close my file with total satisfaction that no law was violated in any manner.

Sincerely yours,

Edward Shaw
Edward Shaw

89040754375



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 6, 1986

VIA FIRST CLASS MAIL

Mr. Paul D. Richards
c/o Mr. Bob Richards
Crossbar Ranch
Route 1, Box 58
Gordon, TX 76453

RE: MUR 2083
Bob Richards for President
Committee (Texas) and
Paul D. Richards, as
treasurer

Dear Mr. Richards:

On September 30, 1985, the Commission mailed you, via certified mail--return receipt requested, the enclosed letter. It was sent to the address in Waco, Texas listed on your Statement or Organization on record with the Commission. Because we have not received the return receipt, the undelivered letter, or your response, we are now sending you the enclosed copy.

Note that you must respond to the enclosed Order and Subpoena within 15 days.

Sincerely,

Charles N. Steele
General Counsel

Kenneth A. Gross (2/7)

By: Kenneth A. Gross
Associate General Counsel

Enclosure

Letter dated September 30, 1985, with enclosures

89040754376



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 30, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ed Shaw
c/o Bob Richards for President
Committee and Paul D. Richards,
as treasurer
1616 Estates Drive
Waco, Texas 76710

RE: MUR 2083

Dear Mr. Shaw:

On September 10, 1985, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Because the Commission does not have your current address, communications to you will be forwarded through the Richards 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. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so

89040754377

Ed Shaw
Page 2

that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

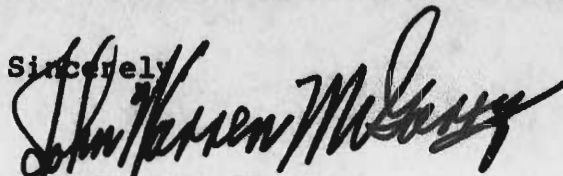
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 Matthew Gerson, the attorney assigned to this matter, at (202) 523-4143 or (800) 424-9530.

Sincerely,



John Warren McGarry
Chairman

Enclosures

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

89040754378

ANSWERS TO QUESTIONS

mm
2083

1. BOB RICHARDS
RRH1
GORDON, TEXAS 76453
(817) 769 3555

36 MAR 11 P 3:29

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

2. GARY FORRESTER
135 TEXLA RD.
VIDOR, TX
77662
(409) 786 3352

PAUL RICHARDS
FRONT ST.
SANTO, TX
76472

3. (A.) YES - ONLY THE TEXAS COMMITTEE
(B.) GARY FORRESTER, CHAIRMAN
BOB RICHARDS FOR PRESIDENT COMMITTEE
PAUL RICHARDS, TREASURER
1616 ESTATES DR. WACO TX, 76710
(C.) JULY 16, 1984
(D.) NO - NEVER CHANGED COMMITTEES

89040754379

4. A. (C) (B) JULY 16, 1964

(Q) NO - ONLY ONE - I NEVER
RECOGNIZED ANY OTHER COMMITTEE

(S) (A) WHEN I BECAME AWARE OF THE
ULTERIOR MOTIVES OF THE DC
COMMITTEE I IMMEDIATELY BROKE
WITH IT. THIS HAPPENED VERY QUICKLY
IN THE BEGINNING OF THE CAMPAIGN.

(B) WILLIS CARTO

(C) NONE

(D) NONE

(E) YES - IN THE BEGINNING - WHEN
I SAW FRAUD, I BROKE WITH THEM.

(F) YES THEY WERE SUPPOSED TO RAISE
MONEY FOR HU CAMPAIGN.
INSTEAD THEY GAVE THE MONEY TO
SPITLIGHT AND WILLIS CARTO.

(G) ABSOLUTELY NOT.

(H) NO.

89040754380

(6) (A) YES EXPENSES INCURRED IN THE BEGINNING FOR THE CAMPAIGN.

(B) YES — 5000⁰⁰ AND 2000⁰⁰

(C) A TRICK

(D) YES — APPROX. AUG. 1, 1984

(E) YES — BUT IT IN NO WAY REPRESENTS AN ENDORSEMENT OF THEM AS A COMMITTEE.

8904075438
(7) IN THE BEGINNING YES — BECAUSE I THOUGHT THEY WERE LEGITIMATE — WHEN I FOUND OUT THEIR MOTIVES AND THE MISAPPROPRIATION OF FUNDS — I BROKE WITH THEM. THEY TRIED TO NEGOTIATE A SETTLEMENT THROUGH MY ATTORNEY & JOHN AMOR — BUT EVEN WHEN THEY OFFERED ME MONEY — I REFUSED IT BECAUSE I DID NOT WANT TO BE IDENTIFIED WITH THEM OR THEIR DEBTS

(A) I DID NOT DRAFT. I DID READ I INITIALED THE COPY FOR A MAINT. I DID NOT KNOW AT THE TIME THE FUNDS WOULD BE MISUSED.

B. THIS HAS ALREADY BEEN COVERED

THE ONLY PHOTO COPIES ARE THE
ONES THE FEDERAL ELECTION COMMITTEE
HAS

Bob Richard

Santa, TX

March 1, 1986

89040754382

QUESTIONS TO
PAUL RICHARDS

PAUL RICHARDS IS MY SON. HE HAD
NOTHING TO DO WITH ANYTHING IN THE
BOB RICHARDS FOR PRESIDENT CAMPAIGN.
I ONLY USED HIS NAME TO TAKE CONTROL
OF THE FINANCES BECAUSE I DID NOT
WANT ANY THEFT OR ABUSE OR DEBT.
I AM THEREFORE PAUL RICHARDS

Bob Richards
Santo TX
March 1, 1986

1. PAUL RICHARDS
FRONT ST.
SANTO TX 76472
(817) 769 4578

2. GARY FORRESTER
135 TEXLA RD
VIDOR, TX
77162

3. (A) JULY 16, 1984

(B) YES - SAME AS ABOVE JULY 16, 1984

86 MAR 11 P 3:30

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

89040754383

(C) YES

(D) NO

(E) YES - THE D.C. COMMITTEE - BUT SUSPICIONS OF MISUSE OF FUNDS AND BOGUS BILLS FORCED US TO HAVE NOTHING TO DO WITH THE D.C. COMMITTEE.

(F) NO. MR. RICHARDS NEVER AUTHORIZED THE D.C. COMMITTEE

(A.) YES - IN THE BEGINNING - BUT WE QUICKLY BROKE WITH THEM WHEN BOGUS BILLS WERE PRESENTED AND WHEN IT WAS DISCOVERED THE DC COMMITTEE WAS SIMPLY A FRONT FOR SPOTLIGHT MAGAZINE AND WILLIS CARTO, THE OWNER AND PUBLISHER OF SPOTLIGHT. BLOOMER HUBBELL WAS THE ATTORNEY FOR SPOTLIGHT - TOM VAUGHN THE WRITER FOR SPOTLIGHT.

(B.) VAUGHN IN THE BEGINNING OF THE CAMPAIGN

(C) CARTO MENTIONED IT.

(D.) NO HE, AFTER DISCREPANCIES WERE DISCOVERED

(E) YES - 7000⁰⁰ - BUT IT WAS A

TRICK. WE ACTUALLY SPENT MORE
PROCESSING THEIR WORK THAN WE TOOK
IN - THE MONEY THEY SENT DID NOT
EVEN PAY THE LABOR OR THE POSTAGE
ON THE BOOKS SENT OUT. THEY OWED
ME MONEY FOR EXPENSES INCURRED IN
GOING TO LOS ANGELES, WASHINGTON AND
NASHVILLE FOR THE CONVENTION. IN ADDITION
I WAS FORCED TO PAY JACK LANE
\$500.00 EXPENSES THAT CARO REFUSED
TO GIVE HIM - (EXPENSES INCURRED FOR
THE WASHINGTON GROUP) AFTER ALL THIS
CARO SENT ME A ROGUS BILL FOR
75,000.00 - FOR NOTHING.

CARO PUT SEVERAL ROGUS BILLS
TO THE WASHINGTON COMMITTEE FOR
SPOTLIGHT MAGAZINE.

(F) MR RICHARDS NEVER AUTHORIZED
THE D.C. COMMITTEE

(G) THE D.C. COMMITTEE WAS NEVER
AUTHORIZED BY BOB RICHARDS IN
WRITING.

(S) THE D.C. COMMITTEE NEVER WORKED
FOR BOB RICHARDS. THAT

89040754385

COMMITTEE WAS SET UP BY WILLIS
CARO TO PROMOTE SPOTLIGHT MAGAZINE
AND ITS CIRCULATION. THEY ONLY
HINDERED BOB RICHARDS.

(3)(A) MANY CONVERSATIONS WERE HAD
WITH WASHINGTON - MOSTLY HEATED
ARGUMENTS IN WHICH WE ACCUSED THEM
OF STEALING OUR MONEY AND MISREPRE-
SENTING THE NAME OF BOB RICHARDS

I HIRED AN ATTORNEY, JOHN AMOUR,
TO FIGHT THE BOGUS BILLS BEING PRESENTED.
ALSO, I HAD HIM FORCE CARO NOT TO USE
THE NAME OF BOB RICHARDS IN SPOTLIGHT
MAGAZINE.

YOU SHOULD QUESTION JOHN AMOUR
A LAWYER IN WASHINGTON, D.C. ABOUT
ALL THESE MATTERS.

(6) ED SHAW WAS A PUBLIC RELATIONS
MAN OUT OF WOODLAND HILLS,
CALIFORNIA - HIRED BY WILLIS
CARO FOR THE CAMPAIGN.

CARTO USED HIM AS A DORUS -
TREASURER AND HAD HIM SIGN OVER
SEVERAL CHECKS TO WILLYS CARTO SO
CARTO COULD SPEND THE MONEY AS HE
SAW FIT. CARTO PUT ALL OF THE
MONEY IN SPOTLIGHT MAGAZINE -
THIS IS WHY WE SET UP OUR OWN
COMMITTEE IN TEXAS

ED SHAW TRICKED US BY COMING TO
WACO AND SETTING UP AN ACCOUNT -
FIRST FIVE THOUSAND, THEN TWO THOUSAND.
BUT WE HAD TO PROCESS A LOT OF SPOTLIGHTS
BOOKS, ETC. IT COST US THIRTY THOUSAND
TO DO THIS, THEY DIDN'T GIVE US
ANYTHING - IT COST US.

GARY FORRESTER AND I GOT ON THE
PHONE TO RAISE THE \$59000⁰⁰ ED
SHAW HAD NOTHING TO DO WITH ANY
MONEY BEYOND THE 7000⁰⁰ THAT HE
BROUGHT FROM THE WASHINGTON GROUP.
HE LATER ASKED ME FOR 1000⁰⁰ IN EXPENSES
AND I GAVE IT TO HIM.

89040754387

(7) A. MERLIN F. GARBER
SALEM HOTEL
MAIN ST.

SALEM, VA.
(703) 389-2389

LELAND GARBER (SON)
SAME AS ABOVE

B. BILL CHATHAM, HUSBAND OF MY
SECRETARY SONSA
WAZATA, MINNESOTA

(612) 339-8123

(C.) STEVE WENNELUND, MY NEPHEW
TROUT DALE, OREGON

ALL OF THESE PEOPLE HAVE BEEN
REPAID THE LOANS THEY MADE US —
WE DO NOT OWE ANY OF THEM —
THEY WERE PAID BACK OUT OF THE
FUNDS RAISED BY TELEPHONE IN WASH.

89040754388

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Richards for President)
Committee, Washington, D.C.,)
and Tom Valentine, as)
treasurer)

Bob Richards for President)
Committee, Waco, Texas,)
and Paul D. Richards,)
as treasurer)

Ed Shaw)

Bob Richards for President)
Committee, Waco, Texas,)
and Bob Richards,)
acting as treasurer)

MUR 2083

SENSITIVE

GENERAL COUNSEL'S REPORT

BACKGROUND

On September 10, 1985, the Commission found reason to believe that the following entities violated the sections of the Act listed.

Bob Richards for President Committee, Washington, D.C., (the "D.C. Committee") and Tom Valentine, as treasurer--2 U.S.C. § 441a(f) by accepting a \$60,000 loan from the Populist Party National Committee, and 2 U.S.C. § 441a(a)(1)(A) by contributing \$7,000 to the Bob Richards for President Committee, Waco, Texas (the "Texas Committee").

The Texas Committee and Paul D. Richards, as treasurer--2 U.S.C. § 434(b)(3)(B) by failing to report information about contributions received from other political committees, 2 U.S.C. § 441a(f) by accepting excessive contributions, 2 U.S.C. § 434(b)(3)(E) by failing to report information about an \$8,500 loan from the candidate, 2 U.S.C. § 434(b)(3)(A) by failing to report information about \$59,908.35 of receipts, and 2 U.S.C. § 434(b)(8) by failing to report information about outstanding debts and obligations.

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OFFICE OF THE FED.
COMMISSION SECRETARY

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Ed Shaw--2 U.S.C. § 441a(a)(1)(a)
by making what appeared to be a \$58,908
excessive contribution.

The Commission also approved Orders to Submit Written Answers to the D.C. Committee, the Texas Committee, and Bob Richards. (Attachments 1, 3, and 5) This Office encountered great difficulty in locating, and serving, the Texas Committee, Bob Richards, and Ed Shaw. After significant delays, this Office managed to effect service, and each of the parties has now responded.

FACTUAL AND LEGAL ANALYSIS

The D.C. Committee

The response from the D.C. Committee indicates that it is not Bob Richards' principal campaign committee nor is it an authorized committee. A candidate must designate in writing his principal campaign committee and authorized committees. 2 U.S.C § 432(e)(1). In response to the Commission's request for a copy of such authorization, the D.C. Committee produced a letter signed by Bob Richards. (Attachment 2, p. 4-5) The letter is an appeal soliciting money and support for Richards, printed on D.C. Committee letterhead. It does not state who authorized or paid for it. Although the letter makes clear that the D.C. Committee was working on Mr. Richards' behalf with his consent, nowhere does the letter purport to designate the D.C. Committee as an authorized committee or as the principal campaign committee. In addition, Bob Richards has stated to the Commission that he never designated the D.C. Committee as an authorized or principal

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campaign committee. According to Richards, the Texas Committee is his principal campaign committee and his only authorized campaign committee.

A political committee which is not an authorized committee may not include the name of any candidate in its name. 2 U.S.C. § 432(e)(4). Because the D.C. Committee was not authorized in writing, and because it included Bob Richards' name in its name, this Office recommends that the Commission find reason to believe the D.C. Committee and Tom Valentine, as treasurer, violated 2 U.S.C. § 432(e)(4).

Whenever any person makes an expenditure for the purpose of financing a communication expressly advocating the election of a clearly identified candidate, or solicits any contribution through any direct mailing, such communication must clearly state information concerning who paid for and authorized it. 2 U.S.C. § 441d(a). The solicitation letter from the D.C. Committee did not contain the required disclaimer. Accordingly, this Office recommends that the Commission find reason to believe the D.C. Committee and Tom Valentine, as treasurer, violated 2 U.S.C. § 441d(a).

The D.C. Committee admits giving the Texas Committee \$7,000, which the Texas Committee has not refunded. From the responses submitted by the respondents, it is apparent that the D.C. Committee had raised money on Bob Richards' behalf, with his knowledge, consent, and assistance, and that Richards established the Texas Committee himself. Since that time there has been a

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falling out between Richards and the D.C. Committee. This Office believes, however, that despite the animosity presently existing between the two committees, they are affiliated with the meaning of 11 C.F.R. § 100.5(g)(2). The two committees could therefore make unlimited transfers of funds between each other.^{1/} 11 C.F.R. § 102.6(a)(1).

The D.C. Committee also admits that on July 12, 1984, it accepted a \$60,000 loan from the Populist Party National Committee. The D.C. Committee indicates it repaid the loan with \$427.40 interest on July 25, 1984.

The Texas Committee

The responses from the Texas Committee (Attachment 4) and Bob Richards (Attachment 6) indicate that the Texas Committee is Richards' principal campaign committee and that it is Richards' only authorized committee. That information concurs with Richards' Statements of Candidacy and Organization filed with the Commission. (Attachment 7)

In the Texas Committee's response, Bob Richards states that Paul Richards, the treasurer of record, "had nothing to do with anything in the Bob Richards for President Campaign. I only used his name to take control of the finances." (See Attachment 4, p. 1.) It appears that, although Paul Richards is named on the Texas Committee's Statement of Organization as treasurer, Bob Richards is actually taking the role of treasurer. Accordingly,

^{1/} This Office notes that the D.C. Committee indicates it spent over \$172,000 on behalf of Mr. Richards' candidacy, however, it appears that only \$7,000 of that money actually constituted transfers to the Texas Committee.

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although not listed on the Statement of Organization, it appears that Bob Richards is acting as treasurer of the Texas Committee.

Each authorized campaign committee must file a Statement of Organization within ten days of being designated as an authorized committee. 2 U.S.C. § 433(a). The Statement of Organization must include the name and address of the committee's treasurer.

2 U.S.C. § 433(b). Any change in information submitted in a Statement of Organization must be reported no later than ten days after the date of the change. 2 U.S.C. § 433(c). The Texas Committee's Statement of Organization lists Paul Richards as the treasurer. Because the Texas Committee failed to file an amended Statement of Organization listing Bob Richards as treasurer, this Office recommends that the Commission find reason to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 433(c). See, e.g., MUR 1735 (Northeast Conservative PAC), MUR 1927 (Connor), and MUR 2002 (Batts).

Reason to believe findings are necessary against Bob Richards, acting as treasurer, with respect to violations of the Act for which the Commission has already found reason to believe against the Texas Committee and Paul Richards, as treasurer. The Commission previously found reason to believe the Texas Committee and its treasurer violated 2 U.S.C. § 434(b)(3)(B) by failing to report information about contributions received from other political committees. The Texas Committee disclosed \$3,914.40 in contributions from other political committees, but it did not provide other information required about those contributions. In

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its response to the Commission, the Texas Committee did not explain why it failed to provide the required information. Accordingly, this Office recommends that the Commission find reason to believe Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(3)(B).

The Commission previously found reason to believe the Texas Committee and its treasurer violated 2 U.S.C. § 441a(f) by accepting the \$7,000 contribution from the D.C. Committee. The responses submitted by the respondents make it apparent that the D.C. Committee and the Texas Committee are "affiliated committees" within the meaning of 11 C.F.R. § 100.5(g)(2). They could, therefore, make unlimited transfers of funds between themselves. 11 C.F.R. § 102.6(a)(1). The Commission also previously found reason to believe the Texas Committee and its treasurer violated 2 U.S.C. § 441a(f) by accepting excessive contributions from individuals. Specifically, it appears that the Texas Committee may have knowingly accepted contributions in excess of \$1,000 from Ed Shaw, Bill Chatham, Leland Garber, Merlin Garber, and Steve Wennerlind. Accordingly, this Office recommends that the Commission find reason to believe Bob Richards, acting as treasurer, violated 2 U.S.C. § 441a(f).

The Commission previously found reason to believe the Texas Committee and its treasurer violated 2 U.S.C. § 434(b)(3)(E) by failing to report information about an \$8,500 loan from the candidate. In its response, the Texas Committee did not explain why it failed to provide the required information, and it has not

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provided that information. Accordingly, this Office recommends that the Commission find reason to believe Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(3)(E).

The Commission previously found reason to believe the Texas Committee and its treasurer violated 2 U.S.C. § 434(b)(3)(A) by failing to report information about \$59,908.35 in receipts. In its response, the Texas Committee did not explain why it failed to provide the required information, and it has not provided that information.^{2/} Accordingly, this Office recommends that the Commission find reason to believe Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(3)(A).

The Commission previously found reason to believe the Texas Committee and its treasurer violated 2 U.S.C. § 434(b)(8) by failing to report information about outstanding debts and obligations. The Texas Committee reported (at Attachment 8) owing a total of \$16,500. (The amounts listed by the Texas Committee actually total \$19,000.) In its response, the Texas Committee did not explain why it failed to provide the required information, and it has not provided that information. Accordingly, this Office recommends that the Commission find reason to believe Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(8).

^{2/} It originally appeared from the Texas Committee's report that Ed Shaw might have provided all or part of the \$59,908.35. (See Attachment 8.) The Texas Committee's response appears to state that Ed Shaw had nothing to do with that money. The Texas Committee offered no explanation for why Ed Shaw's name appears under "Total Credits" on its report.

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The D.C. Committee transferred \$7,000 to the Texas Committee. The Texas Committee failed to report that transfer from an affiliated committee. Pursuant to 2 U.S.C. § 434(b)(3)(D), each report filed with the Commission must disclose the identification of each affiliated committee which makes a transfer of funds to the reporting committee during the reporting period, together with the date and amount of the transfer. Accordingly, this Office recommends that the Commission find reason to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(3)(D).

The Commission previously sent the Texas Committee an Order to Submit Written Answers. Many of the Committee's responses to the Commission's questions were incomplete. In addition, new questions have arisen based on the Committee's answers. This Office, therefore, has prepared additional questions to be sent to Bob Richards along with the reason to believe notice. Accordingly, this Office recommends that the Commission approve the attached Order to Submit Written Answers.

Ed Shaw

The Commission found reason to believe that Ed Shaw violated 2 U.S.C § 441a(a)(1)(a) because it appeared he made all or part of a \$59,908.35 contribution to the Texas Committee. The Texas Committee's response appears to state that Ed Shaw had nothing to do with that money. Ed Shaw submitted a response (Attachment 9) in which he states he never contributed to the "B&B Campaign."

In a telephone conversation with a Commission attorney, Shaw stated the letter had been sent by mistake. Shaw said he would submit a new letter mentioning the Bob Richards campaign, and that the new letter would be sworn to. Shaw has failed to send a new letter.

Because the Texas Committee's answers to the new questions will provide the Commission with further information about Ed Shaw's involvement with the Texas Committee, this office is making no recommendations concerning Ed Shaw at this time.

RECOMMENDATIONS

1. Find reason to believe that Bob Richards for President Committee, Washington, D.C., and Tom Valentine, as treasurer, violated 2 U.S.C. §§ 432(e)(4) and 441d(a).
2. Find reason to believe that Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 433(c) and 434(b)(3)(D).
3. Find reason to believe that Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 434(b)(3)(B), 441a(f), 434(b)(3)(E), 434(b)(3)(A), and 434(b)(8).
4. Approve the attached Order to Submit Written Answers.

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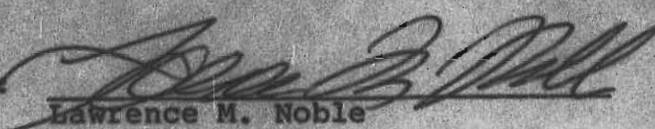
5. Approve the attached General Counsel's Factual and Legal Analyses.
6. Approve and send the attached letters.

Charles N. Steele
General Counsel

Date

7/7/86

By


Lawrence M. Noble
Deputy General Counsel

Attachments

1. Questions to the D.C. Committee
2. Response from the D.C. Committee
3. Questions to the Texas Committee
4. Response from the Texas Committee
5. Questions to Bob Richards
6. Response from Bob Richards
7. Statements of Candidacy and Organization
8. Page from Texas Committee's Report
9. Letter from Ed Shaw
10. Order to Submit Written Answers
11. General Counsel's Factual and Legal Analyses
12. Letters

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Richards for President Committee,)
Washington, D.C., and Tom Valentine,)
as treasurer)

Bob Richards for President Committee,)
Waco, Texas, and Paul D. Richards,)
as treasurer)

Ed Shaw)

Bob Richards for President Committee,)
Waco, Texas, and Bob Richards)
acting as treasurer)

MUR 2083

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 10, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 2083:

1. Find reason to believe that Bob Richards for President Committee, Washington, D.C., and Tom Valentine, as treasurer, violated 2 U.S.C. §§ 432(e)(4) and 441d(a).
2. Find reason to believe that Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 433(c) and 434(b)(3)(D).
3. Find reason to believe that Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 434(b)(3)(B), 441a(f), 434(b)(3)(E), 434(b)(3)(A), and 434(b)(8).
4. Approve the Order to Submit Written Answers attached to the General Counsel's report dated July 7, 1986.

(continued)

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Federal Election Commission
Certification for MUR 2083
July 10, 1986

Page 2

5. Approve the General Counsel's Factual and Legal Analysis attached to the General Counsel's report dated July 7, 1986.
6. Approve and send the letters attached to the General Counsel's report dated July 7, 1986.

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

Attest:



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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 16, 1986

VIA
FIRST CLASS MAIL

Mr. Bob Richards
Bob Richards for President
Committee
RR #1
Gordon, Texas 76453

RE: MUR 2083
Bob Richards for
President Committee,
Waco Texas, and Bob
Richards, acting as
treasurer.

Dear Mr. Richards:

On July 10, 1986, the Federal Election Commission determined that there is reason to believe the Bob Richards for President Committee, Waco, Texas, and you, acting as treasurer, violated 2 U.S.C. §§ 433(c) and 434(b)(3)(D) provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). On that date the Commission also found reason to believe that you, acting as treasurer, violated 2 U.S.C. §§ 434(b)(3)(B), 441a(f), 434(b)(3)(E), 434(b)(3)(A), and 434(b)(8). 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 your committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit such materials along with your response to the enclosed Order to Submit Written Answers.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this Order. If you intend to be represented by counsel, please advise the Commission by completing the enclosed form stating the name, address, and

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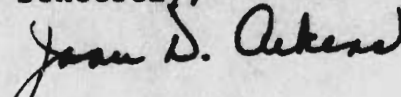
telephone number of such counsel and authorizing such counsel to receive any notifications or other communications from the Commission. It is required that you submit the information under oath and that you do so within fifteen days of your receipt of this Order.

If pre-probable cause conciliation is requested, the Commission may decide not to propose a conciliation agreement until it has completed its review and analysis of the submitted materials. In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, acting as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. You should be advised, however, that the Commission is not required to enter into any negotiations directed towards reaching a conciliation agreement unless and until it makes a finding of probable cause to believe. See 11 C.F.R. § 111.18(d).

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 Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Joan D. Aikens
Chairman

Enclosures

Order to Submit Written Answers
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Form

89040754402

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

ORDER TO SUBMIT WRITTEN ANSWERS

In the Matter of

)
) MUR 2083

TO: Bob Richards
Bob Richards for President
Committee
RR #1
Gordon, Texas 76453

At the instance of the Federal Election Commission, and in furtherance of its investigation in the above captioned matter, pursuant to 2 U.S.C. § 437d(a)(1), Bob Richards is hereby ordered to submit to the Federal Election Commission responses in writing and under oath to the questions propounded in the attachment to this ORDER TO SUBMIT WRITTEN ANSWERS. The responses must be submitted within fifteen (15) days of your receipt of this Order.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her hand in Washington, D.C. on this *15th* day of *July*, 1986.

Joan D. Aikens
Joan D. Aikens
Chairman

ATTEST:

Marjorie W Emmons
Marjorie Emmons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 16, 1986

Tom Valentine, Treasurer
Bob Richards for President Committee
P.O. Box 76737
Washington, D.C. 20013

RE: MUR 2083
Bob Richards for
President Committee,
Washington, D.C., and
Tom Valentine, as
treasurer

Dear Mr. Valentine:

On September 10, 1985, the Federal Election Commission found reason to believe the Bob Richards for President Committee, Washington, D.C., and you, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441a(a)(1)(A), provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). In addition, on July 10, 1986, the Commission found reason to believe the Committee and you, as treasurer, violated 2 U.S.C. §§ 432(e)(4) and 441d(a). The General Counsel's Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission

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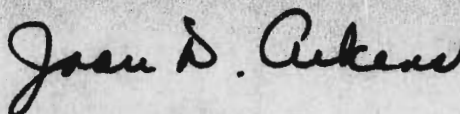
either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel is not authorized to give extensions beyond 20 days.

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.

If you have any questions, please contact Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Joan D. Aikens
Chairman

Enclosure

General Counsel's Factual and Legal Analysis

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REC-125
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A.

BILL CHATHAM (MISTAKE)
BILL OVERMYER - (SECRETARY'S HUSBAND)
P.O. Box 41158
MINNEAPOLIS MINN
55447
612-3398123

LELAND GARBUR (FRIEND)
SALEM HOTEL
MAIN ST.
SALEM, VIRGINIA
703-839-3282

AUG 18 12:58

GENERAL

MERLIN E. GARBUR (FRIEND)
SALEM HOTEL
MAIN ST.
SALEM, VIRGINIA
703-839-2839

89040754406



STEVE WINNERLIND (NSAIDW)
LEWIS CT.

TROUTDALE, OREGON

TEL LISTED IN PORTLAND DIRECTORY

B. All of these people I borrowed money from
but I paid back everyone
they loaned me cash
I paid them back with cash.

The purpose was to set up committees in
every state.

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QUESTIONS TO

BOB RICHARDS

1. The Bob Richards for President Committee, Waco, Texas, submitted a list of "Expenditures and Credits" with its October 1984 Quarterly Report. The list notes that the Texas Committee Owed ("Owing") money to nine entities totaling \$16,500 ("Total Owing"). The amounts listed actually total \$19,000. That list of creditors includes the following four individuals: Bill Chatham, Leland Garber, Merlin Garber, and Steve Wennerlind.

- A. Provide the full home and business mailing addresses and telephone numbers for each of those four individuals.
- B. Explain fully the credits by those individuals to the Texas Committee. Your explanations should include, but not limited to: i) the date of each credit; ii) the purpose of the credit; iii) the form of the credit (i.e., cash, goods, etc.); iv) whether those individuals were repaid for the item credited; v) the date those individuals were repaid for the item credited; and vi) the amount of each credit and repayment.

2. In its October 1984 Quarterly Report, the Bob Richards for President Committee, Waco, Texas, submitted a list of "Total Credits" totaling \$59,908.35 (See attached copy.). Explain why

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the name "Ed Shaw" appears under the heading entitled "Total Credits."

ED SHAW'S NAME SHOULD NOT HAVE APPEARED

HE WAS SECY-TREASURER FOR THE ORIGINAL BR for Pres. Committee

3. On line 17(c) of its October 1984 Quarterly Report (See attached copy), the Bob Richards for President Committee, Waco, Texas, disclosed contributions in the amount of \$3,914.40 from other political committees.

- A. Identify all other political committees that contributed to the Bob Richards for President Committee, Waco, Texas, and the dates and amounts of all such contributions.

THE BOB RICHARDS FOR PRESIDENT COMMITTEE OF WASHINGTON

- B. Explain why the October 1984 Quarterly Report does not disclose the \$7,000 transferred from the Bob Richards for President Committee, Washington, D.C., discussed in the answers you previously submitted to the Commission in connection with this MUR.

IT DOES

\$5075.00

+

another 2000 - IT IS IN THE REPORT

THIS MONEY DID NOT COVER THE ACTUAL EXPENSES OF WORK DONE FOR THE WASHINGTON COMMITTEE - SENDING BOOKS, ETC.

89040754409

BOB RICHARDS FOR PRESIDENT C
P.O. Box 20067
Waco, Texas 76710

ATTACHED OCT 19 89: 16
ATTACHMENT 5 (page 3 of 3)
1984 OCTOBER QUARTERLY
TX CMTE

PAGE 3.

BOB RICHARDS FOR PRESIDENT EXPENDITURES & CREDITS CONTINUED

LICENSE FEES

-\$ 59.00 TOTAL

TOTAL CREDITS

Ed Shaw *Shaw appears*
+\$47,593.60
+\$ 3,899.75
+\$ 5,075.00
+\$ 585.00
+\$ 1,060.00
+\$ 995.00
+\$ 700.00

+\$59,908.35 TOTAL CREDITS

OWING

Telephone -\$ 1,700.00
Bob Richards -\$ 2,500.00
(American Express) -
Bill Chatham -\$ 2,500.00
Leland Garber -\$ 1,250.00
Merlin Garber -\$ 1,250.00
Steve Wennerlind -\$ 2,500.00
John Armor (legal) -\$ 3,500.00
Rent -\$ 3,000.00
Carpet Office -\$ 800.00

-\$16,500.00 TOTAL OWING

+\$ 59,908.35 Total Credits
-\$ 77,560.90 Total Expenditures (+\$16,500.00 Still owing Total)
-\$ 17,652.55 Sub Total
+\$ 14,378.00 Cash Balance Remaining in Account
-\$ 3,274.55

DETAILED SUMMARY OF RECEIPTS AND DISBURSEMENTS
(Page 2, FPC FORM 27)

NAME OF COMMITTEE & Filer

C-2041-25-MH07-037-001-210-0000000000

REPORT COVERING THE PERIOD

From Through

COLUMN A RECEIPTS
COLUMN B DISBURSEMENTS

16. FEDERAL FUNDS (Report on Schedule A-F)

17. CONTRIBUTIONS (Other than loans FROM)

- (a) Individuals/Persons Other Than Political Committees
- (b) Political Party Committees
- (c) Other Political Committees
- (d) Non-Partisan
- (e) TOTAL CONTRIBUTIONS (Other than loans FROM 17(a), 17(b), 17(c) and 17(d))

18. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES

19. LOANS RECEIVED:

- (a) Loans Received From or Guaranteed by Candidates
- (b) Other Loans
- (c) TOTAL LOANS (Add 19(a) and 19(b))

20. OFFSETS TO EXPENDITURES (Refunds, Rebates, etc.):

- (a) Operating
- (b) Fundraising
- (c) Legal and Accounting
- (d) TOTAL OFFSETS TO EXPENDITURES (Add 20(a), 20(b) and 20(c))

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

22. TOTAL RECEIPTS (Add 16, 17(e), 18, 19(c), 20(d) and 21)

II. DISBURSEMENTS

23. OPERATING EXPENDITURES

24. TRANSFERS TO OTHER AUTHORIZED COMMITTEES

25. FUNDRAISING DISBURSEMENTS

26. EXEMPT LEGAL AND ACCOUNTING DISBURSEMENTS

27. LOAN REPAYMENTS MADE:

- (a) Repayments of Loans Made or Guaranteed by Candidates
- (b) Other Repayments
- (c) TOTAL LOAN REPAYMENTS MADE (Add 27(a) and 27(b))

28. REFUNDS OF CONTRIBUTIONS TO

- (a) Individuals/Persons Other Than Political Committees
- (b) Political Party Committees
- (c) Other Political Committees

59,908

61,060

GCC 1887
RECEIVED AT THE FED

BOB RICHARDS FOR PRESIDENT COMMITTEE
P.O. Box 20067
Waco, Texas 76710

86 SEP 2 12:55

Aug 27, 1986
Santo TX
76453

Bob Rich
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Rich,

I would like to request the Federal
Election Commission for a Pre-Probable
cause for Conciliation in regard to all
of the activities of the Bob Richards for
President Campaign and Committee.

I can be contacted at my Ranch
phone in Santo, TX which is (817) 769 3555
or RR! Gordon TX 76453 by mail.

Most Sincerely Yours
Bob Richards

36 AUG 2 4:01

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GENERAL COUNSEL

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 10, 1986

Mr. Bob Richards
Bob Richards for President Committee
RR #1, Box 60
Gordon, Texas 76453

Re: MUR 2083
Bob Richards for President
Committee, Waco, Texas, and
Bob Richards, acting as
treasurer

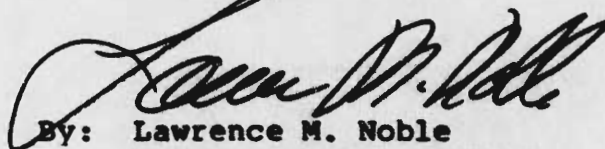
Dear Mr. Richards:

This confirms the substance of your August 26, 1986
conversation with Robert Raich of this Office.

In the event the Commission finds reason to believe that you
violated additional sections of the Act, your August 27, 1986
request for pre-probable cause conciliation will extend to the
additional findings.

Sincerely,

Charles N. Steele
General Counsel


By: Lawrence M. Noble
Deputy General Counsel

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AFFIDAVIT

Sworn Statement from Tom Valentine, Del Mar, California

September 9, 1986

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SEP 22 1986

MUR 208

To Federal Election Commission
Washington DC 20463

In the late spring of 1984, or thereabouts (I cannot recall a specific date) I volunteered the use of my name to the formation of the Populist Party. This is not an unprecedented practice. I have a good name in Populist or "middle of the political road, pro-America" circles and it could be used to some advantage.

I signed a number of blank checks, which were to require a second, possibly third signature. This is the full extent of my involvement as the "treasurer" of the party.

The duties of treasurer were assumed by the Washington DC home office, as you have been informed in the November 1985 statements furnished by Blayne E. Hutzel.

I never volunteered to serve as Bob Richards' treasurer, and my name was associated only long enough for him to get his own people installed. I do not like Bob Richards, I would not vote for Bob Richards and I certainly would not do anything illegal to help Bob Richards. In fact, I have been an unofficial party to an attempt to serve Bob Richards with a complaint seeking funds he evidently owes the original Populist Party.

Your committee can gain absolutely no factual data from me in the matter of the Bob Richards' committee.

I had been informed that our Washington office had complied with your commission regarding our position, and therefore I did not personally respond to the first notice from your commission sent to me September 27, 1985.

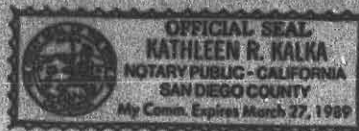
I did not receive the July 16, 1986 notice, which was evidently not sent certified, return receipt as was the first, in 1985.

Tom Valentine

Tom Valentine
P.O. Box 639
Del Mar, Ca. 92014

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 12th DAY OF Sept 19 86

Kathleen R. Kalka
NOTARY PUBLIC - CALIFORNIA



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GENERAL COUNSEL

89040754414

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
)
Bob Richards for President Committee,)
Washington, D.C., and)
Tom Valentine, as treasurer)
)
Bob Richards for President Committee,)
Waco, Texas, and Bob Richards,)
acting as treasurer)
)
Ed Shaw)

MUR 2083

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COMMUNICATIONS SECTION

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Commission has made reason to believe findings in this matter with respect to three categories of respondents: 1) Ed Shaw, an individual; 2) the Bob Richards for President Committee, Washington, D.C., (the "D.C. Committee") and Tom Valentine, as treasurer; and 3) the Bob Richards for President Committee, Waco, Texas, (the "Texas Committee") and Bob Richards, acting as treasurer. This Report is divided into separate sections discussing the issues involving the respondents in each category.

This report makes additional reason to believe recommendations with regard to some respondents based on responses to previous reason to believe notifications and subpoenas from the Commission.

Bob Richards and the Texas Committee have requested conciliation prior to a finding of probable cause to believe.

II. FACTUAL AND LEGAL ANALYSIS

A. Ed Shaw

The Commission found reason to believe Ed Shaw violated 2 U.S.C. § 441a(a)(1)(A) because, on the basis of the Texas

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Committee's report, it appeared that Shaw may have contributed nearly \$60,000 to the Texas Committee. In Bob Richards' first response on behalf of the Texas Committee, Richards states that he raised the \$60,000 himself, and that Shaw "had nothing to do with any money" (other than bringing the \$7,000 in checks by which the D.C. Committee made its transfer to the Texas Committee). In Bob Richards' second response on behalf of the Texas Committee, he states that Ed Shaw's name should not have appeared on the Texas Committee's report. (See Attachment 1, p. 4 and 5.) Accordingly, it appears that Ed Shaw did not make any contributions to the Texas Committee. The Commission found reason to believe Ed Shaw made excessive contributions. Based on the evidence discussed above, this Office will proceed to the next stage of the enforcement process with regard to Ed Shaw.

B. The D.C. Committee

On September 10, 1985, the Commission found reason to believe the D.C. Committee and Tom Valentine, as treasurer, violated 2 U.S.C. § 441a(f) by knowingly accepting a \$60,000 loan from the Populist Party National Committee^{1/}, and § 441a(a)(1)(A) by contributing \$7,000 to the Texas Committee. On July 10, 1986, the Commission additionally found reason to believe they violated 2 U.S.C. § 432(e)(4) by including the name of a candidate in the D.C. Committee's name, and § 441d(a) by failing to include a disclaimer on a solicitation.

^{1/} The term "National Committee" is a designation by the party itself. It does not reflect a Commission determination that any group connected with the Populist Party qualifies as a "national committee" within the meaning of 2 U.S.C. § 431(14).

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Blayne Hutzel, of Washington, D.C., responded to the Order and Subpoena directed to Tom Valentine that was included with the Commission's first reason to believe notification to the D.C. Committee. The only response the Commission received after sending its second reason to believe notification was a statement from Tom Valentine. (Attachment 2) Valentine states that he has "no factual data" concerning the D.C. Committee. He admits he signed a number of blank checks, but states he "never volunteered to serve as Bob Richards' treasurer." Valentine states that the duties of treasurer were assumed by the Washington, D.C. office. This Office notes that Tom Valentine is listed in the D.C. Committee's Statement of Organization as treasurer of record. However, the D.C. Committee's Statements of Organization (Attachment 3) were not signed by Valentine, but rather by Blayne Hutzel, as Assistant Treasurer. The D.C. Committee has filed regular reports with the Commission, all signed by Blayne Hutzel.

Based on the foregoing, it appears that Blayne Hutzel is acting as treasurer of the D.C. Committee. This approach is consistent with other Commission determinations in this MUR regarding Bob Richards and the Texas Committee, and other MURs. See, e.g., MUR 2211 (where the Commission found reason to believe against Blayne Hutzel, acting as treasurer of the Populist Party), MUR 2002 (Batts), MUR 1927 (Connor), and MUR 1735 (Northeast Conservative PAC).

1. Failing to Amend Statement of Organization

Each political committee not authorized by a candidate must

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file a Statement of Organization within ten days after becoming a "political committee." 2 U.S.C. § 433(a). The Statement of Organization must include the name and address of the committee's treasurer, and the name, address, relationship, and type of any affiliated committee. 2 U.S.C. § 433(b)(4) and (2). Any change in information previously submitted in a Statement of Organization must be reported no later than ten days after the date of the change. 2 U.S.C. § 433(c). The D.C. Committee failed to file an amended Statement of Organization disclosing that Blayne Hutzell is acting as treasurer or that the Texas Committee is an affiliated committee. Accordingly, this Office recommends that the Commission find reason to believe the D.C. Committee and Blayne Hutzell, acting as treasurer, violated 2 U.S.C. § 433(c).

2. Findings against Blayne Hutzell, acting as treasurer

The Commission has previously made various reason to believe findings against the D.C. Committee and Tom Valentine, as treasurer. Because it now appears that Blayne Hutzell is acting as treasurer of the D.C. Committee, reason to believe findings are necessary against Blayne Hutzell, acting as treasurer, with respect to most of the violations for which the Commission already found reason to believe against the D.C. Committee and Tom Valentine, as treasurer.

a. Accepting excessive contribution

The term "contribution" includes any loan made for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(a)(i). Because the D.C. Committee is not an authorized committee of a candidate, no person may make contributions to the

D.C. Committee in excess of \$5,000 per year. 2 U.S.C. § 441a(a)(1)(C). No political committee may knowingly accept any contribution in violation of Section 441a. 2 U.S.C. § 441a(f). The Commission previously found reason to believe the D.C. Committee and its treasurer of record violated 2 U.S.C. § 441a(f). On July 14, 1984, the D.C. Committee accepted a \$60,000 loan from the Populist Party National Committee. Because the D.C. Committee knowingly accepted a contribution exceeding \$5,000, this Office recommends that the Commission find reason to believe Blayne Hutzel, acting as treasurer, violated 2 U.S.C. § 441a(f).

b. Improper name

A political committee which is not an authorized committee of a candidate may not include the name of any candidate in its name. 2 U.S.C. § 432(e)(4). The Commission previously found reason to believe the D.C. Committee and its treasurer of record violated 2 U.S.C. § 432(e)(4). Because the D.C. Committee is not an authorized committee, and because it included Bob Richards' name in its name, this Office recommends that the Commission find reason to believe Blayne Hutzel, acting as treasurer, violated 2 U.S.C. § 432(e)(4).

c. No disclaimer

Whenever any person makes an expenditure for the purpose of financing a communication expressly advocating the election of a clearly identified candidate, or solicits any contribution through any direct mailing, such communication must clearly state information concerning who paid for and authorized the communication. 2 U.S.C. § 441d(a). The Commission previously found reason to believe the D.C. Committee and its treasurer of

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record violated 2 U.S.C. § 441d(a). Because a June 28, 1984 solicitation letter from the D.C. Committee did not contain the required disclaimer, this Office recommends that the Commission find reason to believe Blayne Hutzell, acting as treasurer, violated 2 U.S.C. § 441d(a).

3. Transfer between affiliated committees

The answers from the respondents in this matter make it apparent that the D.C. Committee raised money on Bob Richards' behalf, with his knowledge, consent, and assistance, and that Richards established the Texas Committee himself. Accordingly, it appears that despite the discord presently existing between the two committees, they are affiliated within the meaning of 11 C.F.R. § 100.5(g)(2). The two committees could therefore make unlimited transfers of funds between each other. See 11 C.F.R. § 102.6(a)(1)(i). Such transfers may be made only from funds which are permissible under the Act. See 2 U.S.C. § 102.6(a)(1)(iv).

The D.C. Committee transferred \$5,000 to the Texas Committee on July 17, 1984, and transferred \$2,000 to the Texas Committee on August 1, 1984. At the time of the July 17 transaction, the D.C. Committee was in possession of an excessive \$60,000 loan from Populist Party. (The D.C. Committee repaid that loan with interest on July 25, 1984.) Consequently, the \$5,000 July 17 transfer appears to have consisted of funds which were impermissible under the Act. This Office, therefore, recommends that the Commission find reason to believe the D.C. Committee and Blayne Hutzell, acting as treasurer, violated 11 C.F.R. § 102.6(a)(1)(iv).

The \$2,000 August 1, 1984, transfer appears to have

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consisted of permissible funds. Although the D.C. Committee is an other political committee subject to a \$5,000 contribution limit pursuant to 2 U.S.C. § 441a(a)(1)(C), the D.C. Committee accepted no contributions from individuals exceeding \$1,000. (The Texas Committee's contribution limit as an authorized committee of a candidate is \$1,000, pursuant to 2 U.S.C. § 441a(a)(1)(A).) In addition, a review of the D.C. Committee's and the Texas Committee's reports indicates that no person made itemized contributions to both committees. Because the D.C. Committee's contributions from individuals were in amounts within the Texas Committee's \$1,000 limit, it does not appear that on August 1, 1984, the D.C. Committee transferred to the Texas Committee any funds that would be impermissible for the Texas Committee to accept.

The Commission previously found reason to believe the D.C. Committee and its treasurer of record violated 2 U.S.C. § 441a(a)(1)(A) by contributing \$7,000 to the Texas Committee. Because the transactions now appear to consist of a \$5,000 transfer in violation of 11 C.F.R. § 102.6(a)(1)(iv) rather than a 2 U.S.C. § 441a(a)(1)(A) violation, this Office does not recommend that the Commission make findings against Blayne Hutzell, acting as treasurer, with regard to 2 U.S.C. § 441a(a)(1)(A).

C. The Texas Committee

The Commission has already found reason to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 434(b)(3)(B), 441a(f), 434(b)(3)(E), 434(b)(3)(A), 434(b)(8), 433(c) and 434(b)(3)(D). Mr. Richards has responded to the Commission's second Order to Submit Written Answers. (See

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Attachment 1.) Mr. Richards' answers reveal additional apparent violations of the Act.

This Office is of the opinion that there is one potential violation suggested in Mr. Richard's answers that does not actually constitute a violation of the Act. No person may make contributions of currency which exceed \$100 to any campaign of any candidate for federal office. 2 U.S.C. § 441g. In his answers, Bob Richards indicates that he received contributions in the form of "cash" from four individuals. From the context of the questions, however, by use of the word "cash" in his answers, Mr. Richards apparently means simply that "money" is the form in which he received the contributions (as distinguished from in-kind contributions). In a telephone conversation, Richards stated that he received the contributions as checks, not as currency. Accordingly, this Office recommends that the Commission find no reason to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 441g.

The Statement of Organization of a political committee must include the name, address, relationship, and type of any affiliated committee, as well as the name and address of the treasurer of the registering committee. 2 U.S.C. § 433(b)(2) and (4). Any change in information previously submitted in a Statement of Organization must be reported no later than ten days after the date of the change. 2 U.S.C. § 433(c). The Commission previously found reason to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 433(c) by failing to amend the Statement of Organization to reflect that Bob Richards is acting as treasurer. Those respondents also

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failed to amend their Statement of Organization to reflect that the D.C. Committee is an affiliated committee. Accordingly, this Office recommends that the Commission find reason to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 433(c) by failing to amend their Statement of Organization to disclose that the D.C. Committee is an affiliated committee.

Each political committee must report the total amount of all receipts it receives in the form of transfers from affiliated committees. 2 U.S.C. § 434(b)(2)(F). The D.C. Committee transferred \$7,000 to the Texas Committee, which the Texas Committee failed to so disclose. Since it appears that the Texas Committee and the D.C. Committee are affiliated committees, this Office recommends that the Commission find reason to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(2)(F).

Each political committee must disclose the name and address of each person to whom an operating expenditure aggregating in excess of \$200 is made, together with the date, amount, and purpose of such operating expenditure. 2 U.S.C. § 434(b)(5)(A). On its 1984 October Quarterly Report the Texas Committee disclosed operating expenditures of \$65,530. It appears that all but \$196.79 of those operating expenditures were to persons who received expenditures aggregating in excess of \$200. The Texas Committee failed to disclose the addresses (and many of the names) of the persons to whom it made operating expenditures. The Committee also failed to state the dates on which it made any operating expenditures. Accordingly, the General Counsel's Office recommends that the Commission find reason to believe the

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Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(5)(A).

Each political committee must disclose the identification of each person who makes a loan to the committee. 2 U.S.C. § 434(b)(3)(E). Each political committee must also disclose the total amount of all receipts it receives in the form of loans. 2 U.S.C. § 434(b)(2)(H). In addition, each political committee must disclose the total amount of all disbursements it makes in the form of loan repayments. 2 U.S.C. § 434(b)(4)(E). Finally, each political committee must list the name and address of each person who receives a loan repayment from the committee.

2 U.S.C. § 434(b)(5)(D). The Commission has previously found reason to believe the Texas Committee violated 2 U.S.C. § 434(b)(3)(E) by failing to disclose required information with regard to a loan from the candidate. It appears that the Texas Committee also violated 2 U.S.C. § 434(b)(3)(E) by failing to disclose the identification of persons who made other loans to the Texas Committee. In addition, the Texas Committee apparently failed to disclose its total receipts in the form of loans, its total disbursements in the form of loan repayments, and the name and address of each person who received a loan reimbursement. Accordingly, the General Counsel's Office recommends that the Commission find reason to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 434(b)(3)(E), 434(b)(2)(H), 434(b)(4)(E), and 434(b)(5)(D).

The Texas Committee has requested conciliation prior to a finding of probable cause to believe. (See Attachment 4.) The request for conciliation extends to any new reason to believe findings the Commission may make. (See Attachment 5.) This

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Office recommends that the Commission enter into conciliation at this time with the Texas Committee and Bob Richards, acting as treasurer.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Find reason to believe Bob Richards for President Committee, Washington, D.C., and Blayne Hutzal, acting as treasurer, violated 2 U.S.C. § 433(c) and 11 C.F.R. § 102.6(a)(1)(iv).
2. Find reason to believe Blayne Hutzal, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(4), and 441d(a).
3. Find no reason to believe Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer, violated 2 U.S.C. § 441g.
4. Find reason to believe Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 433(c), 434(b)(2)(F), 434(b)(5)(A), 434(b)(3)(E), 434(b)(2)(H), 434(b)(4)(E), and 434(b)(5)(D).
5. Enter into conciliation, prior to a finding of probable cause, with Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer.
6. Approve the attached Conciliation Agreement.
7. Approve the attached General Counsel's Factual and Legal Analyses.

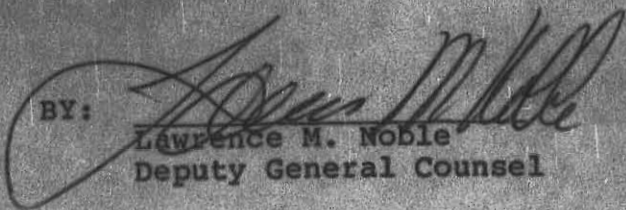
8. Approve and send the attached letters.

Charles N. Steele
General Counsel

Date

2/10/87

BY:


Lawrence M. Noble
Deputy General Counsel

Attachments

1. Texas Committee's response
2. Statement from Tom Valentine
3. D.C. Committee's Statements of Organization
4. Conciliation request
5. Letter confirming extent of conciliation request
6. Proposed conciliation agreement
7. General Counsel's Factual and Legal Analyses (2)
8. Letters (2)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ JOSHUA MCFADDEN *JM*

DATE: FEBRUARY 18, 1987

SUBJECT: OBJECTION TO MUR 2083 - GENERAL COUNSEL'S REPORT
SIGNED FEBRUARY 10, 1987

The above-captioned document was circulated to the
Commission on Wednesday, February 11, 1987 at 4:00 P.M.

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

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

This matter will be placed on the Executive Session
agenda for February 24, 1987.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Richards for President Committee,)
Washington, D.C., and)
Tom Valentine, as treasurer)

Bob Richards for President Committee,)
Waco, Texas, and Bob Richards,)
acting as treasurer)

MUR 2083

Ed Shaw)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of
February 24, 1987, do hereby certify that the Commission
decided by a vote of a vote of 6-0 to take the following
actions in MUR 2083:

1. Find reason to believe Bob Richards for
President Committee, Washington, D.C.,
and Blayne Hutzell, acting as treasurer,
violated 2 U.S.C. § 433(c) and 11 C.F.R.
§ 102.6(a)(1)(iv).
2. Find reason to believe Blayne Hutzell,
acting as treasurer, violated 2 U.S.C.
§§ 441a(f), 432(e)(4), and 441d(a).
3. Find no reason to believe Bob Richards for
President Committee, Waco, Texas, and Bob
Richards, acting as treasurer, violated
2 U.S.C. § 441g.

(continued)

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4. Find reason to believe Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 433(c), 434(b)(2)(F), 434(b)(5)(A), 434(b)(3)(E), 434(b)(2)(H), 434(b)(4)(E), and 434(b)(5)(D).
5. Enter into conciliation, prior to a finding of probable cause, with Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer.
6. Approve the Conciliation Agreement attached to the General Counsel's report dated February 10, 1987.
7. Approve the General Counsel's Factual and Legal Analyses attached to the General Counsel's report dated February 10, 1987.
8. Approve and send the letters attached to the General Counsel's report dated February 10, 1987.

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

Attest:

2/25/87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

89040754430



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 3, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Bob Richards
Bob Richards for President Committee
RR #1, Box 60
Gordon, Texas 76453

Re: MUR 2083
Bob Richards for
President Committee,
Waco Texas, and Bob
Richards, acting as
treasurer

Dear Mr. Richards:

On February 24, 1987, the Commission determined there is reason to believe Bob Richards for President Committee, Waco, Texas, (the "Committee") and you, acting as treasurer, violated 2 U.S.C. §§ 433(c), 434(b)(2)(F), 434(b)(5)(A), 434(b)(3)(E), 434(b)(2)(H), 434(b)(4)(E), and 434(b)(5)(D), provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). On that date the Commission also determined there is no reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 441g. The General Counsel's Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information. The Commission previously found reason to believe the Committee and you, acting as treasurer, violated 2 U.S.C. §§ 434(b)(3)(B), 441a(f), 434(b)(3)(E), 434(b)(3)(A), 434(b)(8), 433(c), and 434(b)(3)(D).

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, acting as treasurer. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. However, at your request, the Commission determined on February 24, 1987, to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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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 Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 3, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Blayne Hutzel
Bob Richards for President Committee
P.O. Box 76737
Washington, D.C. 20013

Re: MUR 2083
Bob Richards for
President Committee,
Washington, D.C., and
Blayne Hutzel, acting
as treasurer

Dear Mr. Hutzel:

On February 24, 1987, the Federal Election Commission determined that there is reason to believe the Bob Richards for President Committee, Washington, D.C., and you, acting as treasurer, violated 2 U.S.C. § 433(c) a provision of the Federal Election Campaign Act of 1971, as amended, ("the Act") and 11 C.F.R. § 102.6(a)(1)(iv), a regulation promulgated pursuant to the Act. On that date the Commission also found reason to believe that you, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(4), and 441d(a).

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 your committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, acting as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

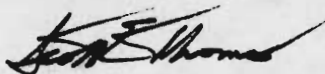
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel is not authorized to give extensions beyond twenty days.

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 Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

Procedures

General Counsel's Factual and Legal Analysis

Designation of Counsel Statement

89040754434

DUKE, GERSTEL, SHEARER & BREGANTE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

WELLS FARGO BANK BUILDING
101 WEST BROADWAY, SUITE 400

POST OFFICE BOX 85470
SAN DIEGO, CALIFORNIA 92138-5470
TELEPHONE - (619) 232-0816
TELECOPIER - (619) 232-4661

March 12, 1987

CLIFFORD L. DUKE, JR.*
BRYAN R. GERSTEL*
WILLIAM K. SHEARER*
RICHARD D. BREGANTE
LAURIE E. WRIGHT
STEPHEN V. RUPP*
DAVID R. VARGAS
J. MICHAEL REED
ANDREW F. LLOYD
DAVID T. PURSIANO
DANIEL J. PERWICH
JOYCE J. BURROWS
ALAN R. JOHNSTON
ANN M. McMENOMY
ANNE M. BRAUDIS

* PROFESSIONAL CORPORATION

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HAND DELIVERED

87 MAR 13 P 2: 44

OF COUNSEL
ANDREW A. KURZ
JOHN S. HUISKAMP
ROSALIE SHANKS

OUR FILE NUMBER

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Robert Raich, Esq.
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: FEC Proceeding, MUR 2083

Dear Mr. Raich:

This letter is in reference to our recent telephone conversation with regard to the above-entitled matter. I have reached Bob Richards, and am informed that he is transmitting to you the appropriate Statement of Designation of Counsel which I prepared from your standard designation of counsel form.

I understand that upon receipt of the signed Statement by Mr. Richards, you will transmit to me all of the documents in the MUR 2083 file, so that I may review same. I have already taken steps to order the public documents pertaining to the case.

This letter will also request a 30-day continuance during which the conciliation agreement may be discussed. I would like to pursue this avenue, but, frankly, do not presently have sufficient information to discuss the case with you. I base this request for continuance upon the fact that I will be newly appointed counsel for the Respondent, and require additional time in which to familiarize myself with the file.

89040754435

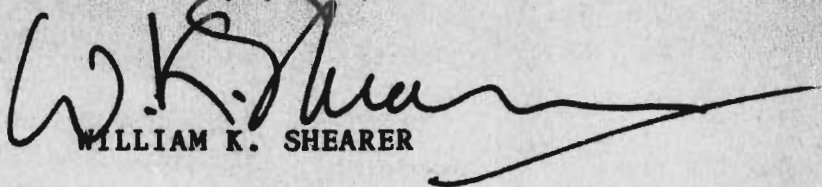
DUKE, GERSTEL, SHEARER & BREGANTE

Robert Raich, Esq.
March 12, 1987
Page two

Please confirm the continuance as soon as you have received the Statement of Designation of Counsel from Mr. Richards. If I can be of further assistance in the interim, please do not hesitate to call me.

With kindest personal regards, I remain

Sincerely yours,



W.K. Shearer

WILLIAM K. SHEARER

WKS:mcm
Federal Express No. 1165111312
1290K/19-20

89040754436

GCCH 2897
RECEIVED AT THE FEC

87 MAR 16 49:04

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2083

NAME OF COUNSEL: William K. Shearer, Attorney

ADDRESS: 101 West Broadway, Suite 400

P. O. Box 85470

San Diego, CA 92138-5470

TELEPHONE: (619) 232-0816

87 MAR 16 11:42

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

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

March 14, 1987
Date


Signature

BOB RICHARDS
Bob Richards for President
Committee, waco, Texas

RESPONDENT'S NAME: BOB RICHARDS for President Committee
Waco, Texas

ADDRESS: Rt. 1

Gordon, Texas 76453

HOME PHONE: (817) 769-3555

BUSINESS PHONE: 805-966-3400

89040754437



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 19, 1987

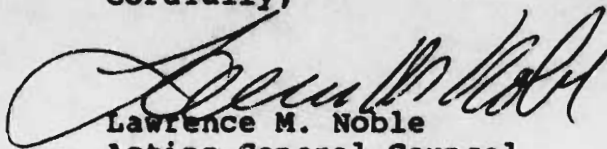
William K. Shearer, Esquire
101 West Broadway, Suite 400
P.O. Box 85470
San Diego, CA 92138

RE: MUR 2083
Bob Richards for
President Committee,
Waco, Texas, and
Bob Richards, acting
as treasurer

Dear Mr. Shearer:

Pursuant to your March 11, 1987, conversation with Robert Raich of this Office, be advised that we have now received a signed Designation of Counsel Statement from Bob Richards. Enclosed are copies of correspondence between Bob Richards and the Commission.

Cordially,


Lawrence M. Noble
Acting General Counsel

Enclosures

89040754438



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: R Raich
FROM: The Docket
SUBJECT: Returned Letters
DATE: M03-30-87 4:30

The following letter MUR ²⁰⁸³ was returned.
Please write a memo to the file and advise us on what
you want to do. If you wish to resend the letter,
please have the envelope(s) and green card(s) made.

Thanks

This will be hand-delivered.

- Mr 3/31/87

89040754439

ditional information which

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Richards for President)
Committee, Washington, D.C.,)
and Blayne Hutzell, acting)
as treasurer)

MUR 2083

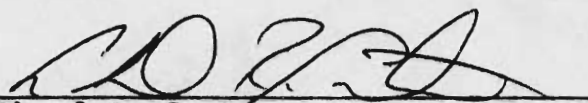
AFFIDAVIT OF SERVICE

Washington, D.C.)
District of Columbia)

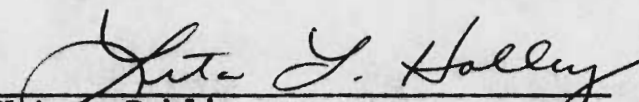
Ahmad R. Coston, being duly sworn, makes the following his affidavit and states:

1. I am an administrative aid employed by the Federal Election Commission at 999 E Street, N.W., Washington, D.C., but I am not a party to, nor do I have any interest in, this matter.

2. On the 31 day of March, 1987, at 3:50 p.m., I personally delivered to Anne Cronin at 300 Independence Avenue, S.E., Washington, D.C., a sealed envelope addressed to Blayne Hutzell and Bob Richards for President Committee. That sealed envelope contained a letter signed by Scott E. Thomas dated March 3, 1987, and enclosures.


Ahmad R. Coston
Administrative Aid
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Subscribed and sworn to before me this 31st day of March, 1987.


Notary Public
in and for District of Columbia

My Commission expires 4/1/88

8904075441

CC#3087

300 Independence Ave SE
Washington, DC 20003
April 7, 1987

Mr Scott E Thomas, Chairman
Federal Election Commission
999 E St NW
Washington, DC 20463

Ref: Your letter dated March 3, 1987
(Received on March 31, 1987)
MUR 2083- Bob Richards for President Committee

Dear Mr Thomas:

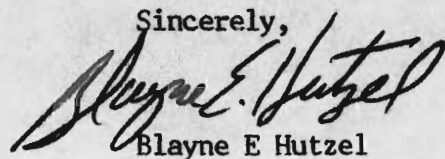
Thank you for your above mentioned letter.

We are well aware of the importance of a timely reply to the issues involved.

However, due to our daily work load and availability of personnel needed to adequately respond, we kindly request an extension of time to May 11, 1987.

Your cooperation and understanding is very much appreciated.

Sincerely,


Blayne E Hutzel

RECEIVED
OFFICE OF THE
COMMISSIONER
APR 9 1987
P 4:38

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
APR 10 1987
P 3:41

89040754442



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 23, 1987

SENSITIVE

67 APR 23 PM 12:04

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *LMN*
Acting General Counsel

SUBJECT: MUR 2083 - Request for Extension of Time

On March 3, 1987, the Commission mailed Bob Richards for President Committee, Washington, D.C., and Blayne Hutzel, acting as treasurer, ("Respondents") a notification of the Commission's reason to believe findings against them. That notification was mailed via certified mail - return receipt requested. Because the Respondents failed to sign the certified mail return receipt, the notification was returned to the Commission, whereupon the Commission hand-delivered the notification to the Respondents on March 31, 1987. (See Attachment 1.) Accordingly, a response to the reason to believe notification was due April 15, 1987.

On April 9, 1987, the Commission received a timely request for an extension of until May 11, 1987, to respond to the Commission's findings. (Attachment 2.) The Respondents state that the extension is necessary for them to respond adequately. This Office recommends that the Commission grant the requested extension.

RECOMMENDATIONS

1. Grant an extension of until May 11, 1987 to Bob Richards for President Committee, Washington, D.C., and Blayne Hutzel, acting as treasurer.
2. Approve and send the attached letter.

Attachments

1. Affidavit of Service
2. Extension Request
3. Letter

89040754443

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Bob Richards for President) MUR 2083
Committee, Washington, D.C.,)
and Blayne Hutzell, acting)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 27, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2083:

1. Grant an extension of until May 11, 1987 to Bob Richards for President Committee, Washington, D.C., and Blayne Hutzell, acting as treasurer.
2. Approve and send the letter, as recommended in the General Counsel's Memorandum to the Commission dated April 23, 1987.

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

Attest:

4-28-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Thurs.,	4-23-87,	12:00
Circulated on 48 hour tally basis:	Thurs.,	4-23-87,	4:00
Deadline for vote:	Mon.,	4-27-87,	4:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 30, 1987

Blayne Hutzell
300 Independence Avenue, S.E.
Washington, D.C. 20003

RE: MUR 2083
Bob Richards for President
Committee, Washington, D.C.,
and Blayne Hutzell, acting as
treasurer

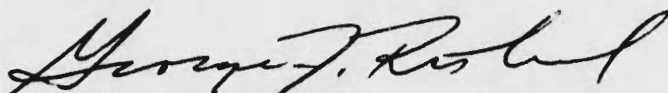
Dear Mr. Hutzell:

This is in response to your letter dated April 7, 1987, which we received on April 9, 1987, requesting an extension of until May 11, 1987, to respond to the Commission's reason to believe findings. After considering the circumstances presented in your letter, the Federal Election Commission has granted the requested extension. Accordingly, your response is due by the close of business on May 11, 1987.

If you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel


By: George F. Rishel
Acting Associate General Counsel

8904075445

Gcc# 3300a

Rec'd 5/5/87
12:05 p.m.

MARK LANE
132 THIRD STREET, S. E.
WASHINGTON, D. C. 20003
(202) 547-6700

MEMBER OF THE BAR
NEW YORK

May 5, 1987

Lawrence M. Noble, Esquire
Attention Robert Raich, Esquire
Acting General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2083
Bob Richards for President
Committee, Washington, D.C.
and Blayne Hutzler, acting as
treasurer

Dear Mr. Noble:

As you know, on May 1, 1987 I requested an extension until June 6, 1987 for the purpose of submitting a response to the General Counsel's Brief re: MUR 2211. Mr. Raich was kind enough to call my office yesterday and request that I submit a statement from my clients designating me as counsel. That statement was submitted to your office today regarding MUR 2211 and I submit herewith as well a similar designation regarding MUR 2083.

I have just been retained regarding MUR 2083 and for all of the reasons set forth to you in my letter of May 1, 1987 regarding MUR 2211, I request an extension of time to submit a response to the General Counsel's Brief in this case as well until June 6, 1987.

Very truly yours,



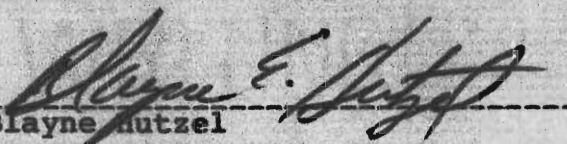
Mark Lane

ML/bcw
Enclosure

STATEMENT DESIGNATING MARK LANE AS COUNSEL FOR
ALL INDIVIDUALS AND ORGANIZATIONS NAMED IN MUR 2211

Re: MUR 2083
Bob Richards for President
Committee, Washington, D.C.
and Blayne Hutzel, acting as
treasurer

The undersigned has retained Mark Lane, Esquire as counsel
in the above-referenced matter pending before the Federal
Election Commission and requests that all communication relevant
to this matter be directed to designated counsel, Mark Lane, Esq.


Blayne Hutzel

89040754442



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 12, 1987

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *LMN*
Acting General Counsel

SUBJECT: MUR # 2083 Request for Extension of Time

By a letter dated May 5, 1987, Bob Richards for President Committee, Washington, D.C., and Blayne Hutzler, acting as treasurer, requested an extension of 26 days to respond to a reason to believe notification. (Attachment 1.) The letter explains that an extension is necessary because the respondents have retained new counsel.

The Office of the General Counsel recommends that the Commission grant the requested extension. This Office wishes to distinguish the extension request in MUR 2211, involving the Populist Party, from the extension request in this MUR, involving that party's presidential candidate, although the same attorney has been retained in both MURs. The key distinguishing characteristics are --

1. In MUR 2083 the first extension request was timely, but in MUR 2211 the first request was untimely.
2. In MUR 2083 the first extension was for a period of only 26 days, but in MUR 2211 the first request was for a full 48 days.
3. In MUR 2083 the contemplated response would be to reason to believe findings in an investigation that is still open; in MUR 2211 the contemplated response would be to a General Counsel's Brief that was written after the respondents had opportunities at the reason to believe stage to respond to each and every violation alleged in the Brief.

SENSITIVE

87 MAY 12 14:57

COPIES

89040754448

4. In MUR 2083 the D.C. Committee does not have a history of delay, but in MUR 2211 the respondents have a history of dilatory tactics and uncooperativeness.

RECOMMENDATIONS

1. Grant an extension of 26 days to Bob Richards for President Committee, Washington, D.C., and Blayne Hutzell, acting as treasurer.
2. Approve and send the attached letter.

Attachments

1. Request for Extension
2. Letter

89040754449

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Richards for President)
Committee, Waco, Texas,)
and Bob Richards, acting)
as treasurer)

MUR 2083

COMPREHENSIVE INVESTIGATIVE REPORT NO. 1

On March 6, 1987, Bob Richards received the conciliation agreement the Commission has approved in settlement of this matter as to these respondents. Mr. Richards subsequently retained counsel. (See attachment.) The counsel requested and obtained copies of the past communications between the Commission and the respondents.

A Commission attorney held several conversations with respondents' counsel, and, on May 7, 1987, counsel stated that the respondents would file amended reports and an amended Statement of Organization with the Commission, in mitigation of the violations. Counsel, however, indicated that he thought it would take several weeks to prepare and file the documents. Accordingly, this Office will await the documents, and will report further to the Commission concerning conciliation efforts after receipt of the documents.

5/12/87
Date

George F. Rishel
George F. Rishel
Acting Associate General Counsel

Attachment
Designation of Counsel Statement

SENSITIVE

07 MAY 12 P 3:39

COMMUNICATIONS SECTION

89040754450



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: *MWE* MARJORIE W. EMMONS/JOSHUA MCFADDEN *JM*

DATE: MAY 14, 1987

SUBJECT: MUR 2083 - COMPREHENSIVE INVESTIGATIVE
REPORT #1
SIGNED MAY 12, 1987

The above-captioned matter was received in the Office of the Secretary of the Commission Tuesday, May 12, 1987 at 3:39 P.M. and circulated to the Commission on a 24-hour no-objection basis Wednesday, May 13, 1987 at 11:00 A.M.

There were no objections received in the Office of the Secretary of the Commission to the Comprehensive Investigative Report #1 at the time of the deadline.

89040754451

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Richards for President)

Committee, Washington, D.C.)

and Blayne Hutzell, acting as)
treasurer)

MUR 2083

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 15, 1987, the Commission decided by a vote of 6-0 to grant an extension of 26 days to Bob Richards for President Committee, Washington, D.C., and Blayne Hutzell, acting as treasurer, and approve and send the letter, as recommended in the General Counsel's Memorandum to the Commission dated May 12, 1987.

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

Attest:

5-15-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Tues., 5-12-87, 4:57
Circulated on 48 hour tally basis: Wed., 5-13-87, 11:00
Deadline for vote: Fri., 5-15-87, 11:00

89040754452



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 18, 1987

Mark Lane, Esquire
132 Third Street, S.E.
Washington, D.C. 20003

RE: MUR 2083
Bob Richard for President
Committee, Washington, D.C.,
and Blayne Hutzell, acting
as treasurer

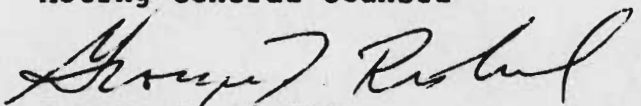
Dear Mr. Lane:

This is in response to your letter dated May 5, 1987, requesting an extension of until June 6, 1987, to respond to the Commission's reason to believe findings. After considering the circumstances presented in your letter, the Federal Election Commission has granted the requested extension. Accordingly, your response is due by the close of business on June 8, 1987.

If you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

By: 
George F. Rishel
Acting Associate General Counsel

89040754453

GCC 3403

RECEIVED AT THE FEC

87 MAY 19 AM: 80

MARK LANE
132 THIRD STREET, S. E.
WASHINGTON, D. C. 20003
(202) 547-6700

MEMBER OF THE BAR
NEW YORK

May 18, 1987

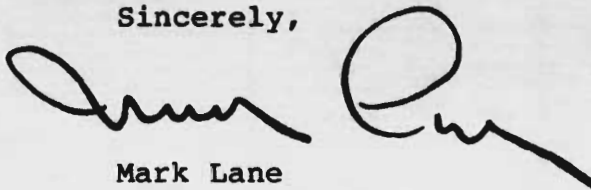
Robert Raich, Esquire
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2083
Bob Richards for President
Committee, Washington, D.C.
and Blayne Hutzel, acting as
treasurer

Dear Mr. Raich:

I represent Blayne Hutzel and the Bob Richards for President Committee regarding the above-entitled matter. My clients are interested in pursuing pre-probable cause conciliation. Under the circumstances I request that you send to me a proposed agreement which includes the facts, the admissions sought from my clients and any civil penalty which your office might propose imposing in this matter.

Sincerely,



Mark Lane

ML/bcw

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

87 MAY 19 PM: 48

89040754454

MARK LANE
132 THIRD STREET, S. E.
WASHINGTON, D. C. 20003
(202) 547-6700

MEMBER OF THE BAR
NEW YORK

June 3, 1987

Robert Raich, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

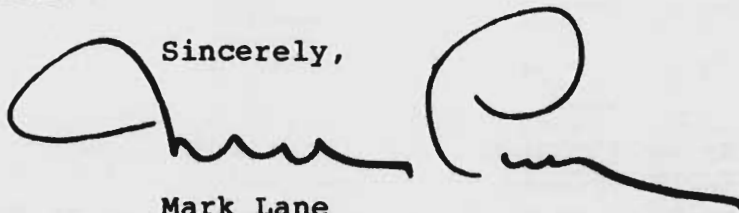
Re: MUR 2083
Bob Richards for President
Committee, Washington, D.C.
and Blayne Hutzel, acting as
treasurer

Dear Mr. Raich:

On May 5, 1987 I wrote to the Federal Election Commission requesting an extension until June 6, 1987 to respond to the Commission's reason to believe findings in the above-referenced matter. On May 18, 1987, after discussions with your office I wrote to you stating that my clients in this matter were interested in pre-probable cause conciliation and I requested that you send to me a proposed agreement. On that same day a letter signed by George F. Rishel was sent to me granting an extension to respond until June 8, 1987.

Since the two letters dated May 18, 1987 crossed in the mail, it is clear that Mr. Richel's letter was not in response to my letter of May 18, 1987. Accordingly, it is my understanding that there need be no response from me at the present time pending the receipt of a pre-probable cause proposed conciliation agreement from your office.

Sincerely,



Mark Lane

39040754455

GCC 3709

RECEIVED AT THE FEC

87 JUN 26 49:17

MARK LANE
132 THIRD STREET, S. E.
WASHINGTON, D. C. 20003
(202) 547-6700

MEMBER OF THE BAR
NEW YORK

June 25, 1987

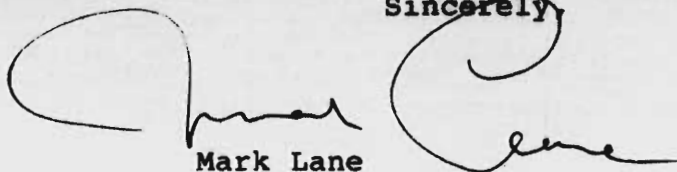
Robert Raich, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2083
Bob Richards for President
Committee, Washington, D.C.
and Blayne Hutzler, acting as
treasurer

Dear Mr. Raich:

Enclosed please find a letter dated June 3, 1987 which was
returned to me with the notation that the FEC had moved and the
letter was not forwardable. See enclosed copy of envelope.

Sincerely,



Mark Lane

ML/bcw
Enclosures

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
87 JUN 26 410:53

89040754456

MARK LANE
132 THIRD STREET, S. E.
WASHINGTON, D. C. 20003

MOVED
NOT
FORWARDED


Mr. Robert Raich
Federal Election Commission
709 E Street, N.W.
Washington, D.C. 20003


JAN 11 1987
FEB 11 1987
MAR 11 1987
APR 11 1987
MAY 11 1987
JUN 11 1987
JUL 11 1987
AUG 11 1987
SEP 11 1987
OCT 11 1987
NOV 11 1987
DEC 11 1987

RAI 09 031294N1 04/12/87
RETURN TO SENDER
NO FORWARDING ORDER ON FILE
UNABLE TO FORWARD

75445704068

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Richards for President)
Committee, Washington, D.C.,)
and Blayne Hutzal, acting)
as treasurer)

MUR 2083

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Commission found reason to believe Bob Richards for President Committee, Washington, D.C., and Blayne Hutzal, acting as treasurer, violated 2 U.S.C. §§ 433(c), 432(e)(4), 441a(f), and 441d(a) and 11 C.F.R. § 102.6(a)(1)(iv). The respondents have requested conciliation prior to a finding of probable cause to believe. (Attachment I).

II. DISCUSSION OF CONCILIATION PROVISIONS

89040754458

89040754459

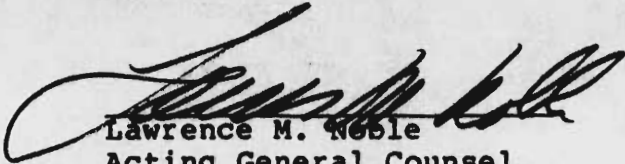
This Office recommends that the Commission approve the attached conciliation agreement.

III. RECOMMENDATIONS

1. Approve the attached conciliation agreement.
2. Approve and send the attached letter.

Date

6/30/87


Lawrence M. Noble
Acting General Counsel

Attachments

- I. Conciliation Request
- II. Proposed Conciliation Agreement
- III. Letter



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/Susan Greenlee *SG*
DATE: July 6, 1987
SUBJECT: OBJECTION TO MUR 2083: General Counsel's Report
Signed June 30, 1987

The above-captioned document was circulated to the
Commission on WEDNESDAY, JULY 1, 1987 at 11:00 a.m.

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

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

This matter will be placed on the Executive Session
agenda for July 14, 1987.

Please notify us who will represent your Division
before the Commission on this matter.

89040754460

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Bob Richards for President) MUR 2083
Committee, Washington, D.C.)
and Blayne Hutzel, acting)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 14, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2083:

1. Approve the conciliation agreement attached to the General Counsel's report dated June 30, 1987,
2. Approve and send the letter attached to the General Counsel's report dated June 30, 1987.

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

Attest:

7-15-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

89040754461



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

July 17, 1987

Mark Lane, Esquire
132 Third Street, S.E.
Washington, D.C. 20003

RE: MUR 2083
Bob Richards for
President Committee,
Washington, D.C., and
Blayne Hutzal, acting
as treasurer

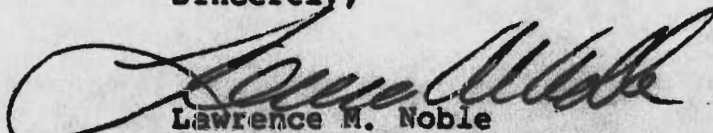
Dear Mr. Lane:

The Federal Election Commission has found reason to believe Bob Richards for President Committee, Washington, D.C., and Blayne Hutzal, acting as treasurer, violated 2 U.S.C. §§ 433(c), 432(e)(4), 441a(f), and 441d(a) and 11 C.F.R. § 102.6(a)(1)(iv). At your request, on July 14, 1987, 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 your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

89040754462

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Ed Shaw

MUR 2083

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to Ed Shaw, based on the assessment of the information presently available.

Date

8/21/87

Lawrence M. Noble
Acting General Counsel

89040754463



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 2, 1987

SENSITIVE

87 SEP -2 AM 9:33

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

MEMORANDUM

TO: The Commission
FROM: Lawrence M. Noble
Acting General Counsel
SUBJECT: MUR #2083

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of no probable cause to believe was mailed on September 2, 1987. 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

89040754464



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 2, 1987

Mr. Ed Shaw
P.O. Box 709
Woodland Hills, California 91365

RE: MUR 2083
Ed Shaw

Dear Mr. Shaw:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on September 10, 1985, found reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), 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 no probable cause to believe you committed a violation. The Commission may or may not approve the General Counsel's recommendation.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 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 the 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 whether there is probable cause to believe a violation occurred.

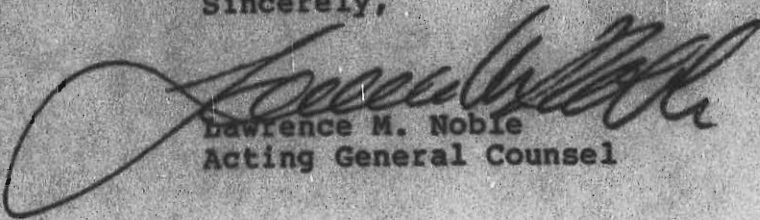
If you are unable to file a response brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90, days to settle this matter through conciliation.

Should you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
Acting General Counsel

Enclosure
Brief

89040754466

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Ed Shaw

MUR 2083

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

The Commission found reason to believe Ed Shaw violated 2 U.S.C. § 441a(a)(1)(A) because on the basis of the 1984 October Quarterly Report from Bob Richards for President Committee, Waco, Texas (the "Committee"), it appeared that Shaw may have contributed all or part of the \$59,908.35 of "total credits" reported by the Committee. (See attachment.)

II. ANALYSIS

No person may contribute more than \$1,000 per election to any federal candidate and his authorized political committees. 2 U.S.C. § 441a(a)(1)(A). Accordingly, if Mr. Shaw contributed more than \$1,000 to the Committee, he would have violated 2 U.S.C. § 441a(a)(1)(A). The available evidence, however, indicates that Mr. Shaw did not make contributions to the Committee.

In response to the reason to believe finding against him, Mr. Shaw sent the Commission an unsworn letter stating that he never contributed to the "B&B Campaign." In a February 10, 1986, telephone conversation with a Commission attorney, Shaw stated that the letter had been mailed by mistake. Shaw said he would submit a new letter stating that he never contributed to the Bob Richards campaign, and that the new letter would be sworn to. Shaw failed to send any such letter, despite a subsequent request

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from the Commission.

Although Mr. Shaw has not sent the letter he promised, evidence obtained from another source indicates that Mr. Shaw did not violate the Act. In response to questions from the Commission, Bob Richards stated that Shaw "had nothing to do with any" money received by the Committee other than delivering to the Committee the checks constituting the \$7,000 transferred to the Committee by Bob Richards for President Committee, Washington, D.C. In addition, Mr. Richards subsequently stated that Shaw's name should not have appeared on the Committee's 1984 October Quarterly Report.

Because the evidence now indicates that the Committee's report was incorrect, and that Shaw did not contribute to the Committee, this Office recommends that the Commission find no probable cause to believe Ed Shaw violated 2 U.S.C.

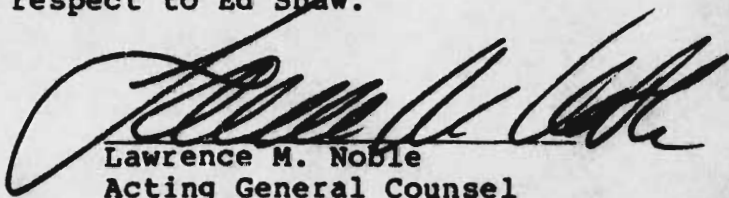
§ 441a(a)(1)(A).

III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find no probable cause to believe that Ed Shaw violated 2 U.S.C. § 441a(a)(1)(A).
2. Close the file with respect to Ed Shaw.

Date

9/1/87


Lawrence M. Noble
Acting General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Bob Richards for President)
Committee, Waco, Texas, and)
Bob Richards, acting as)
treasurer)

MUR 2083

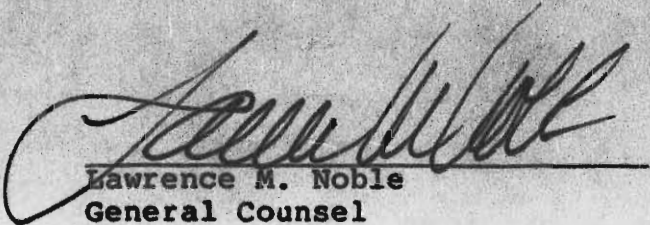
SENSITIVE

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer, based on the assessment of the information presently available.

Date

12/23/87


Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION 88 JAN 29 AM 9:28

In the Matter of)

Bob Richards for President)
Committee, Washington, D.C.,)
and Blayne Hutzal, acting as)
treasurer)

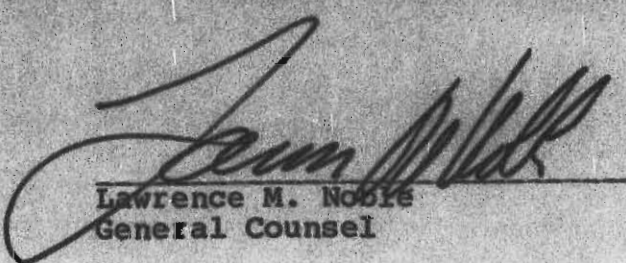
MUR 2083

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to Bob Richards for President Committee, Washington, D.C., and Blayne Hutzal, acting as treasurer, based on the assessment of the information presently available.

Date

1/27/88


Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

January 28, 1988

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: MUR 2083; Bob Richards for President Committee,
Waco, Texas, and Bob Richards, acting as treasurer

RECEIVED
FEDERAL ELECTION COMMISSION
68 JAN 28 AM 10:11

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission findings of probable cause to believe were mailed on January 28, 1988. Following receipt of the respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

- 1-Brief
- 2-Letter to respondents

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 28, 1988

William K. Shearer, Esquire
Duke, Gerstel, Shearer & Bergante
101 West Broadway, Sixth Floor
San Diego, California 92101

RE: MUR 2083
Bob Richards for
President Committee,
Waco, Texas, and Bob
Richards, acting as
treasurer

Dear Mr. Shearer:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by your clients and other persons, the Federal Election Commission, found reason to believe your clients violated 2 U.S.C. §§ 433(c), 441a(f), 434(b)(3)(B), 434(b)(3)(E), 434(b)(3)(A), 434(b)(8), 434(b)(3)(D), 434(b)(2)(F), 434(b)(2)(H), 434(b)(4)(E), 434(b)(5)(D), and 434(b)(5)(A), 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 violations occurred. The Commission may or may not approve the General Counsel's recommendation.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 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 the 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 whether there is probable cause to believe violations occurred.

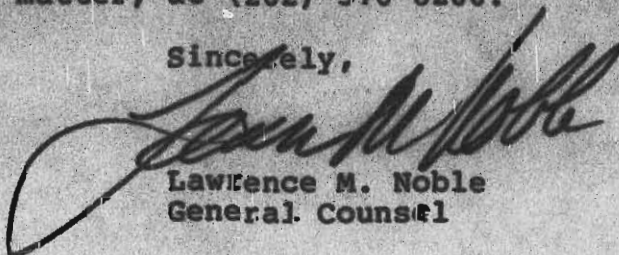
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If you are unable to file a response brief within 15 days, you may submit a written request to the Commission for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90, days to settle this matter through conciliation.

Should you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

89040754473

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Richards for President)
Committee, Waco, Texas, and)
Bob Richards, acting as)
treasurer)

MUR 2083

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This is a matter generated internally by the Reports Analysis Division of the Federal Election Commission in the normal course of carrying out its supervisory responsibilities. On September 10, 1985, July 10, 1986, or February 24, 1987, the Commission found reason to believe Bob Richards for President Committee, Waco, Texas, (the "Texas Committee") and Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 433(c), 441a(f), 434(b) (3) (B), 434(b) (3) (E), 434(b) (3) (A), 434(b) (8), 434(b) (3) (D), 434(b) (2) (F), 434(b) (2) (H), 434(b) (4) (E), 434(b) (5) (D), and 434(b) (5) (A).

II. ANALYSIS

A. Failure to Amend Statement of Organization

Each authorized campaign committee must file a Statement of Organization no later than ten days after designation as an authorized committee. 2 U.S.C. § 433(a). The Statement of Organization must include the name and address of the committee's treasurer, and the name, address, relationship, and type of any affiliated committee. 2 U.S.C. § 433(b) (4) and (2). Any change in information submitted in a Statement of Organization must be reported no later than ten days after the date of the change. 2 U.S.C. § 433(c).

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Although Paul D. Richards is listed on the Texas Committee's Statement of Organization as the treasurer of the Texas Committee, Bob Richards has stated to the Commission that Paul Richards "had nothing to do with anything in the Bob Richards for President Campaign. I only used his name to take control of the finances I am therefore Paul Richards." Bob Richards is the person who has controlled the finances of the Texas Committee and maintained its records. In actuality then, Paul Richards has had no involvement in the Texas Committee. Accordingly, Bob Richards is acting as treasurer of the Texas Committee, but it has never amended its Statement of Organization to reflect that fact. Therefore, this Office recommends that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 433(c).

All political committees established, financed, or maintained by the same person or group of persons are affiliated. 11 C.F.R. § 100.5(g)(2). The evidence in this matter indicates that Bob Richards for President Committee, Washington, D.C. (the "D.C. Committee") raised money on Bob Richards' behalf, with his knowledge, consent, and assistance, and that Bob Richards established the Texas Committee himself as his only authorized committee. Therefore, although the D.C. Committee is not an authorized committee, it is an affiliated committee, and despite the discord presently existing between the two committees, they are affiliated within the meaning of the Act. Nevertheless, the Texas Committee has never amended its Statement of Organization

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to list the D.C. Committee as an affiliated committee. Accordingly, this Office recommends that the Commission find probable cause to believe the Texas Committee violated 2 U.S.C. § 433(c).

B. Excessive Contributions Accepted

No person may contribute more than \$1,000 per election to any candidate and his authorized political committees. 2 U.S.C. § 441a(a)(1)(A). No candidate or political committee may knowingly accept any excessive contribution. 2 U.S.C. § 441a(f). The term "contribution" includes any loan made for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A)(i).

The evidence before the Commission demonstrates that the Texas Committee knowingly received excessive contributions as loans from four individuals. Specifically, the Texas Committee knowingly accepted \$2,500 loans from both Bill Chatham and Steve Wennerlind, and \$1,250 loans from both Leland Garber and Merlin Garber. Accordingly, this Office recommends that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 441a(f).

C. Failure to Identify Contributions from Political Committees

Each report of receipts and disbursements filed by a political committee must disclose the identification of each political committee which makes a contribution to the reporting committee, together with the date and amount of any such contribution. 2 U.S.C. § 434(b)(3)(B). In the case of a person

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who is not an individual, the term "identification" means the full name and address of such person. 2 U.S.C. § 431(13)(B).

The Texas Committee received a total of \$3,914.40 from other political committees, but failed to identify the other committees and failed to report the dates of the contributions. Therefore, this Office recommends that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(3)(B).

D. Failure to Identify Sources of Loans

Each political committee must disclose the identification of each person who makes a loan to the committee, and the date of such loan. 2 U.S.C. § 434(b)(3)(E). In the case of an individual, the term "identification" means the name, mailing address, and occupation of such individual, as well as the name of his or her employer. 2 U.S.C. § 431(13)(A).

The Texas Committee received loans totaling \$16,000 -- \$8,500 from the candidate and an aggregate of \$7,500 from four other individuals (Bill Chatham, Steve Wennerlind, Leland Garber, and Merlin Garber). The Texas Committee failed to identify any of the persons who made loans to it, and the Texas Committee failed to report the dates of any of those loans. Accordingly, this Office recommends that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(3)(E).

E. Inadequate Reporting of Contributions

Each political committee must disclose the identification of each person (other than a political committee) who makes

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contributions having an aggregate value exceeding \$200 in a calendar year, together with the dates and amounts of such contributions. 2 U.S.C. § 434(b)(3)(A). According to the Texas Committee's report, it failed to provide such information with regard to \$47,493.95 of direct contributions received from persons other than political committees. Accordingly, this Office recommends that the Commission find probable cause to believe the Texas Committee violated 2 U.S.C. § 434(b)(3)(A).

F. Inadequate Reporting of Debts and Obligations

Each political committee must disclose the amount and nature of the committee's outstanding debts and obligations. 2 U.S.C. § 434(b)(8). The Texas Committee failed to disclose the nature of outstanding debts and obligations totaling \$19,000. Accordingly, this Office recommends that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(8).

G. Failure to Report Transfers from Affiliated Committee

Each political committee must disclose the identification of each affiliated committee which makes a transfer to the reporting committee, together with the date and amount of each such transfer. 2 U.S.C. § 434(b)(3)(D).

As discussed above, the D.C. Committee is an affiliated committee of the Texas Committee. The D.C. Committee transferred \$5,000 to the Texas Committee on July 17, 1984, and \$2,000 to the Texas Committee on August 1, 1984. The Texas Committee failed to report the identification of the D.C. Committee and the dates and amounts of the transfers. Accordingly, this Office

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recommends that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(3)(D).

Furthermore, each political committee must disclose the total amount of its receipts in the category of transfers from affiliated committees. 2 U.S.C. § 434(b)(2)(F). The Texas Committee failed to report transfers totaling \$7,000 from the D.C. Committee. Accordingly, this Office recommends that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(2)(F).

H. Failure to Report Non-Candidate Loans

Each political committee must disclose the total amount of its receipts in the category of loans made by persons other than the candidate. 2 U.S.C. § 434(b)(2)(H). The Texas Committee failed to report as loans a total of \$7,500 in loans it received from four individuals (Bill Chatham, Steve Wennerlind, Leland Garber, and Merlin Garber). Accordingly, this Office recommends that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b)(2)(H).

I. Failure to Report Loan Repayments

Each political committee must disclose the total amount of disbursements it makes in the category of loan repayments to persons other than the candidate. 2 U.S.C. § 434(b)(4)(E). In a letter to the Commission, Bob Richards stated that the Texas

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Committee repaid loans from Messrs. Chatham, Wennerlind, Garber, and Garber, however, the Texas Committee failed to report such repayments, which totaled at least \$7,500. Accordingly, this Office recommends that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b) (4) (E).

Furthermore, each political committee must disclose the name and address of each person who receives a loan repayment from the committee, together with the date and amount of such repayment. 2 U.S.C. § 434(b) (5) (D). The Texas Committee failed to report the names and addresses of persons to whom it made loan repayments, or the dates or amounts of such loan repayments, which totaled at least \$7,500. Accordingly, this Office recommends that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C. § 434(b) (5) (D).

J. Inadequate Reporting of Operating Expenditures

Each political committee must report the name and address of each person to whom the committee makes operating expenditures aggregating in excess of \$200 per year, together with the date, amount, and purpose of such operating expenditures. 2 U.S.C. § 434(b) (5) (A). Pursuant to information in the Texas Committee's report, the Texas Committee failed to disclose required information with regard to operating expenditures totaling \$65,333.21. Accordingly, this Office recommends that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated 2 U.S.C.

§ 434(b) (5) (A).

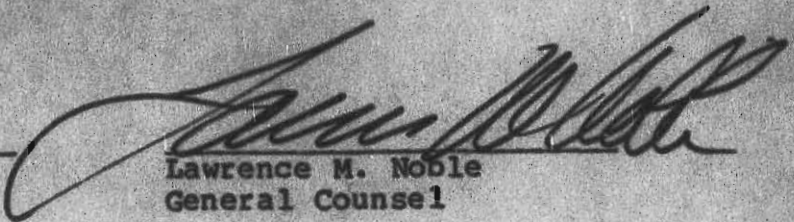
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III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 433(c), 441a(f), 434(b) (3) (B), 434(b) (3) (E), 434(b) (3) (A), 434(b) (8), 434(b) (3) (D), 434(b) (2) (F), 434(b) (2) (H), 434(b) (4) (E), 434(b) (5) (D), and 434(b) (5) (A).

Date

1/27/88


Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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SENSITIVE

February 2, 1988

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *[Signature]*
General Counsel

SUBJECT: MUR 2083; Bob Richards for President Committee,
Washington, D.C., and Blayne Hutzell, acting as
treasurer

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on February 2, 1988. Following receipt of the respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to respondents

89040754482



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 2, 1988

Mark Lane, Esquire
132 Third Street, S.E.
Washington, D.C. 20003

RE: MUR 2083
Bob Richards for President
Committee, Washington, D.C.,
and Blayne Hutzel, acting
as treasurer

Dear Mr. Lane:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by your clients and other persons, the Federal Election Commission found reason to believe your clients violated provisions of the Federal Election Campaign Act of 1971, as amended, and Regulations promulgated pursuant thereto.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find no probable cause to believe the D.C. Committee violated 2 U.S.C. § 441a(a)(1)(A), and probable cause to believe the D.C. Committee and Blayne Hutzel, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(4), 441d(a), and 433(c) and 11 C.F.R. § 102.6(a)(1)(iv). The Commission may or may not approve the General Counsel's recommendations.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten 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 the 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 whether there is probable cause to believe a violation occurred.

If you are unable to file a response brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

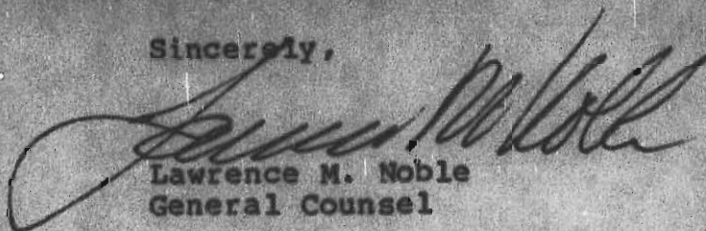
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Letter to Mark Lane
Page 2

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90, days to settle this matter through conciliation.

Should you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

89040754484

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2083
Bob Richards for President)
Committee, Washington, D.C.,)
and Blayne Hutzell, acting as)
treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On September 10, 1985, the Commission found reason to believe Bob Richards for President Committee, Washington, D.C., (the "D.C. Committee") and Tom Valentine, as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f). On July 10, 1986, the Commission found reason to believe the D.C. Committee and Tom Valentine, as treasurer, violated 2 U.S.C. §§ 432(e)(4) and 441d(a). On February 24, 1987, the Commission found reason to believe Blayne Hutzell, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(4), and 441d(a), and that the D.C. Committee and Blayne Hutzell, acting as treasurer, violated 2 U.S.C. § 433(c) and 11 C.F.R. § 102.6(a)(1)(iv). The Commission has made no reason to believe finding against Blayne Hutzell, acting as treasurer, with regard to 2 U.S.C. § 441a(a)(1)(A).

Tom Valentine is listed as the D.C. Committee's treasurer in its Statement of Organization filed with the Commission. In a sworn statement to the Commission, however, Mr. Valentine states that he "never volunteered to serve as Bob Richards' treasurer." He further states that he has "no factual data" concerning the D.C. Committee, and that the "duties of treasurer were assumed by the Washington D.C." office. Indeed, the D.C. Committee's Statement of Organization and its financial disclosure reports,

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produced a copy of a letter signed by Bob Richards dated June 28, 1984. The letter is an appeal soliciting money and support for Richards, and subscriptions to The Spotlight, printed on D.C. Committee letterhead. Although the letter makes clear that the D.C. Committee was working on Bob Richards' behalf and with his consent, nowhere does the letter purport to designate the D.C. Committee as an authorized committee or a principal campaign committee, and the letter does not contain information required in a Statement of Candidacy. Moreover, Bob Richards has stated to the Commission that he never designated the D.C. Committee as an authorized or principal campaign committee. According to Richards, Bob Richards for President Committee, Waco, Texas, (the "Texas Committee") is his principal campaign committee and his only authorized campaign committee.

Because the D.C. Committee is not a political committee authorized by Bob Richards, and because the D.C. Committee includes a candidate's name in its name, this Office recommends that the Commission find probable cause to believe the D.C. Committee and Blayne Hutzell, acting as treasurer, violated 2 U.S.C. § 432(e)(4).

B. Excessive Contribution Accepted

The term "contribution" includes any loan made for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A)(i). No person may make contributions to any "other

which it has regularly filed with the Commission, are all signed by Blayne Hutzel of Washington, D.C., as Assistant Treasurer. In addition, Blayne Hutzel responded to the Order and Subpoena directed to Tom Valentine that was included with the Commission's first reason to believe notification to the D.C. Committee.

In consideration of the foregoing, it is clear that Blayne Hutzel, not Tom Valentine, is acting as treasurer of the D.C. Committee. Accordingly, the probable cause recommendations in this Brief will run against the D.C. Committee and Blayne Hutzel, acting as treasurer.

II. ANALYSIS

A. Improper Name

Any political committee which is not an authorized committee of a candidate may not include the name of any candidate in its name. 2 U.S.C. § 432(e)(4). Each candidate for federal office must designate in writing his principal campaign committee and authorized committees. 2 U.S.C. § 432(e)(1). In the case of a principal campaign committee for a presidential candidate, such designation is made by filing a Statement of Candidacy or letter containing the same information with the Commission within 15 days after becoming a candidate. See 11 C.F.R. § 101.1.

No candidate has designated in writing the D.C. Committee as an authorized committee. The D.C. Committee filed with the Commission no Statement of Candidacy. In response to the Commission's Subpoena to Produce Documents, the D.C. Committee

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political committee" exceeding \$5,000 in any calendar year.

2 U.S.C. § 441a(a)(1)(C). No political committee, or officer or employee of a political committee, may knowingly accept any contribution in violation of the limitations imposed by the Act. 2 U.S.C. § 441a(f).

As discussed above, the D.C. Committee is not an authorized committee of a candidate. Accordingly, the D.C. Committee is subject to the \$5,000 contribution limitation of 2 U.S.C.

§ 441a(a)(1)(C). The respondents state that on July 12, 1984, the D.C. Committee knowingly accepted a \$60,000 loan from Populist Party ("PPDC"). On July 25, 1984, the D.C. Committee repaid the loan with interest of \$427.40. Because the \$60,000 loan constitutes a contribution of over \$5,000, this Office recommends that the Commission find probable cause to believe the D.C. Committee and Blayne Hutzell, acting as treasurer, violated 2 U.S.C. § 441a(f).

C. No Disclaimer

Whenever any person makes an expenditure for the purpose of financing a communication expressly advocating the election of a clearly identified candidate, or solicits any contribution through any direct mailing, such communication must clearly state who paid for and authorized the communication. 2 U.S.C. § 441d(a).

The June 28, 1984, letter produced by the respondents solicits contributions and expressly advocates the election of a

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clearly identified candidate, but does not state who authorized or paid for it. Accordingly, this Office recommends that the Commission find probable cause to believe the D.C. Committee and Blayne Hutzell, acting as treasurer, violated 2 U.S.C. § 441d(a).

D. Transfer from Impermissible Funds

Political committees established, financed, maintained, or controlled by the same person or group of persons are affiliated. 11 C.F.R. § 100.5(g) (2). Transfers of funds may be made without limit on amount between affiliated committees. 11 C.F.R. § 102.6(a) (1) (i). Such transfers may be made only from funds which are permissible under the Act. 11 C.F.R. § 102.6(a) (1) (iv).

Documents produced and statements made by the parties in this matter indicate that the D.C. Committee raised money on Bob Richards' behalf, with his knowledge, consent, and assistance, and that Bob Richards established the Texas Committee himself as his only authorized committee. Therefore, although the D.C. Committee is not an authorized committee, it is an affiliated committee within the meaning of the Act because, despite the discord presently existing between the two committees, Bob Richards helped establish both of them.

The D.C. Committee transferred \$5,000 to the Texas Committee on July 17, 1984, and \$2,000 to the Texas Committee on August 1, 1984. At the time of the July 17 transfer, the D.C. Committee was in possession of the \$60,000 July 12 loan from PPDC, which, as discussed above, constituted an excessive contribution. (That

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loan was repaid July 25, 1984.) The D.C. Committee's reports reveal that it made no itemized disbursements between July 12 and July 17, 1984. Therefore, the \$5,000 July 17 transfer consisted of funds which were impermissible under the Act. Accordingly, this Office recommends that the Commission find probable cause to believe the D.C. Committee and Blayne Hutzell, acting as treasurer, violated 11 C.F.R. § 102.6(a)(1)(iv).

E. Apparent Excessive Contribution Made

Before it became apparent that the D.C. and Texas Committees are affiliated, the Commission found reason to believe the D.C. Committee violated 2 U.S.C. § 441a(1)(A) by making a \$7,000 contribution to the Texas Committee. Although the \$5,000 July 17 transfer violated the Commission's Regulations, as discussed above; the \$2,000 August 1 transfer now seems to have been in compliance with the Act, as a transfer of permissible funds between affiliated committees.

Because the D.C. Committee has a \$5,000 contribution limit, but the Texas Committee has only a \$1,000 contribution limit, it was necessary to determine whether the D.C. Committee transferred to the Texas Committee any funds exceeding the latter's contribution limit. An analysis of the D.C. Committee's reports indicates that the D.C. Committee accepted no contributions from individuals exceeding the Texas Committee's \$1,000 contribution limit. Therefore, in the August 1, 1984, transaction the D.C. Committee did not transfer any funds which would have exceeded

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the Texas Committee's contribution limitations. Similarly, it was necessary to determine whether funds the D.C. Committee transferred to the Texas Committee created on excessive contribution, when aggregated with other funds contributed directly to the Texas Committee by a contributor to both committees. An analysis of both committees' reports indicates that no person made itemized contributions to both committees. Therefore, the August 1, 1984, transfer did not cause a violation of the Act or Regulations.

The Commission originally found reason to believe the D.C. Committee violated 2 U.S.C. § 441a(a)(1)(A). Because the transaction in fact involved a \$5,000 transfer in violation of 11 C.F.R. § 102.6(a)(1)(iv) rather than a \$7,000 contribution in violation of 2 U.S.C. § 441a(a)(1)(A), this Office recommends that the Commission find no probable cause to believe the D.C. Committee violated 2 U.S.C. § 441a(a)(1)(A).

F. Failing to Amend Statement of Organization

Each political committee not authorized by a candidate must file a Statement of Organization within ten days after becoming a political committee. 2 U.S.C. § 433(a). The Statement of Organization must include the name and address of the committee's treasurer, and the name, address, relationship, and type of any affiliated committee. 2 U.S.C. § 433(b)(4) and (2). Any change in information previously submitted in a Statement of Organization must be reported no later than ten days after the

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date of the change. 2 U.S.C. § 433(c).

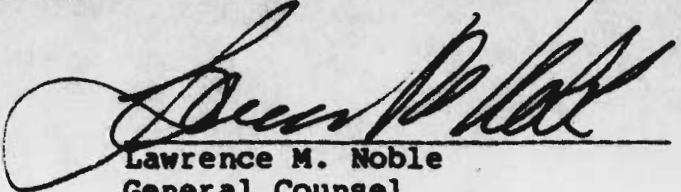
As discussed above, Blayne Hutzel is acting as treasurer of the D.C. Committee. The respondents have filed no amended Statement of Organization disclosing that Blayne Hutzel is acting as treasurer or that the Texas Committee is an affiliated committee. Accordingly, this Office recommends that the Commission find probable cause to believe the D.C. Committee and Blayne Hutzel, acting as treasurer, violated 2 U.S.C. § 433(c).

III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe Bob Richards for President Committee, Washington, D.C., and Blayne Hutzel, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(4), 441d(a), and 433(c) and 11 C.F.R. § 102.6(a)(1)(iv).
2. Find no probable cause to believe Bob Richards for President Committee, Washington, D.C., violated 2 U.S.C. § 441a(a)(1)(A).

Date

2/2/88


Lawrence M. Noble
General Counsel

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DUKE, GERSTEL, SHEARER & BREGANTE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

WELLS FARGO BANK BUILDING

101 WEST BROADWAY

SIXTH FLOOR

SAN DIEGO, CALIFORNIA 92101

TELEPHONE - (619) 232-0816

OF COUNSEL
ANDREW A. KURZ
ROSALIE SHANKS

MAILING ADDRESS
POST OFFICE BOX 85470
SAN DIEGO, CALIFORNIA 92138-5470

TELECOPIER - (619) 232-4661

CLIFFORD L. DUKE, JR.*
BRYAN R. GERSTEL*
WILLIAM K. SHEARER*
RICHARD D. BREGANTE
STEPHEN V. RUPP*
JOHN S. HUISKAMP*
J. MICHAEL REED
DAVID R. VARGAS*
ANDREW F. LLOYD
DAVID T. PURSIANO
DANIEL J. PERWICH
JOYCE J. BURROWS
ALAN R. JOHNSTON
ANN M. MCMEHONY
ANNE M. BRAUDIS
MICHAEL S. WOODLOCK
BRYAN R. SNYDER

*A PROFESSIONAL CORPORATION

February 10, 1988

Robert Raich, Esq.
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2083, Bob Richards for President Committee,
Waco, Texas, and Bob Richards, Acting as Treasurer

Dear Mr. Raich:

This letter will notify you that I am withdrawing as counsel for Mr. Richards and his committee with regard to MUR 2083. I am providing Mr. Richards with a copy of this letter, and I notified him of my intention to withdraw by letter addressed to him on February 3, 1988.

At this time, Mr. Richards has not notified me as to whether or not he has made arrangements for other representation. Until such time, communications may be addressed to him at Route 1, Gordon, Texas 76453, with copy to Mr. Richards at 121 Bath, No. D-4, Santa Barbara, California 93101.

Because of my inability to further represent Mr. Richards in this matter, it will probably be necessary for him to secure a continuance of the date on which to file a reply brief on the probable cause issue. Please give favorable consideration to any request for continuance which you secure from Mr. Richards or new counsel appointed by him.

Sincerely yours,

W.K. Shearer
WILLIAM K. SHEARER

WKS:mcm
cc: Mr. Bob Richards
1835K/4

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OFFICE OF GENERAL COUNSEL

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BEFORE THE FEDERAL ELECTION COMMISSION

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MUR 2083

SENSITIVE

APR 05 1988

EXECUTIVE SESSION

In the Matter of)
)
Bob Richards for President)
Committee, Washington, D.C.,)
and Blayne Hutzell, acting)
as treasurer)
)
Tom Valentine, as treasurer)
)
Bob Richards for President)
Committee, Waco, Texas,)
and Bob Richards, acting)
as treasurer)
)
Paul D. Richards, as treasurer)
)
Ed Shaw)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

A. Ed Shaw

On September 2, 1987, the General Counsel's Office mailed Ed Shaw a Brief containing recommendations that the Commission find no probable cause to believe Ed Shaw violated 2 U.S.C.

§ 441a(a)(1)(A), and that the Commission close the file with respect to him. Mr. Shaw has not filed a reply brief.

Accordingly, for the reasons stated in the General Counsel's Brief, this Office recommends that the Commission find no probable cause to believe Ed Shaw violated 2 U.S.C.

§ 441a(a)(1)(A), and close the file with respect to Ed Shaw.

B. Texas Committee

On January 28, 1988, the General Counsel's Office mailed a Brief to the attorney representing Bob Richards for President Committee, Waco, Texas, (the "Texas Committee") and Bob Richards, acting as treasurer. The Brief contained recommendations that the Commission find probable cause to believe the Texas Committee and Bob Richards, acting as treasurer, violated twelve sections

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of the Act. Those respondents have not filed a reply brief. On February 16, 1988, the Commission received a letter from those respondents' counsel (Attachment I) in which he stated that he was withdrawing from the case. This office has received no further communication from the Texas Committee, Mr. Richards, nor anyone else acting on their behalf. On February 24, 1988, a Commission attorney left a message with Bob Richards' son, requesting that Mr. Richards call the attorney. Mr. Richards has not called. Accordingly, for the reasons stated in the General Counsel's Brief, this Office recommends that the Commission find probable cause to believe Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 433(c), 441a(f), 434(b)(3)(B), 434(b)(3)(E), 434(b)(3)(A), 434(b)(8), 434(b)(3)(D), 434(b)(2)(F), 434(b)(2)(H), 434(b)(4)(E), 434(b)(5)(D), and 434(b)(5)(A).

The Texas Committee's treasurer of record is Paul D. Richards. The Commission previously found reason to believe that Paul D. Richards, as treasurer, violated the Act. As discussed fully in the General Counsel's Brief, Paul D. Richards has had no involvement with the Texas Committee. Accordingly, this Office recommends that the Commission take no further action against Paul D. Richards, as treasurer.

C. D.C. Committee

On February 2, 1988, the General Counsel's Office mailed a Brief to the lawyer representing Bob Richards for President Committee, Washington, D.C., (the "D.C. Committee") and Blayne

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Hutzel, acting as treasurer. The Brief contained two recommendations: that the Commission find probable cause to believe the D.C. Committee and Blayne Hutzel, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(4), 441d(a), and 433(c) and 11 C.F.R. § 102.6(a)(1)(iv); and that the Commission find no probable cause to believe the D.C. Committee violated 2 U.S.C. § 441a(a)(1)(A). Those respondents have not filed a reply brief. On February 24, 1988, a Commission attorney left a message with the Office of those respondents' lawyer, requesting that he call the Commission attorney. The respondents' lawyer has not called. Accordingly, for the reasons stated in the General Counsel's Brief, this Office recommends that the Commission act in accordance with the recommendations contained in the Brief.

The D.C. Committee's treasurer of record is Tom Valentine. The Commission previously found reason to believe that Tom Valentine, as treasurer, violated the Act. As discussed more fully in the General Counsel's Brief, Tom Valentine apparently never served as treasurer and has no factual data concerning the D.C. Committee. Accordingly, this Office recommends that the Commission take no further action against Tom Valentine, as treasurer.

II. DISCUSSION OF CONCILIATION PROVISIONS

A. Texas Committee

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B. D.C. Committee

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This Office recommends that the Commission approve the attached conciliation agreement.

III. RECOMMENDATIONS

1. Find no probable cause to believe Ed Shaw violated 2 U.S.C. § 441a(a)(1)(A).
2. Close the file with respect to Ed Shaw.
3. Find probable cause to believe Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 433(c), 441a(f), 434(b)(3)(B), 434(b)(3)(E), 434(b)(3)(A), 434(b)(8), 434(b)(3)(D), 434(b)(2)(F), 434(b)(2)(H), 434(b)(4)(E), 434(b)(5)(D), and 434(b)(5)(A).

4. Take no further action against Paul D. Richards, as treasurer.
5. Close the file with respect to Paul D. Richards.
6. Find probable cause to believe Bob Richards for President Committee, Washington, D.C., and Blayne Butzel, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(4), 441d(a), and 433(c) and 11 C.F.R. § 102.6(a)(1)(iv).
7. Find no probable cause to believe Bob Richards for President Committee, Washington, D.C., violated 2 U.S.C. § 441a(a)(1)(A).
8. Take no further action against Tom Valentine, as treasurer.
9. Close the file with respect to Tom Valentine.
10. Approve the attached conciliation agreements.
11. Approve and send the attached letters.

Date

3/15/88

Lawrence M. Noble
General Counsel

Attachments

- I. Letter from Richards' former attorney
- II. Proposed conciliation agreements
- III. Proposed letters

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Bob Richards for President)
Committee, Washington, D.C.,)
and Blayne Hutzell, acting)
as treasurer)
)
Tom Valentine, as treasurer) MUR 2083
)
Bob Richards for President)
Committee, Waco, Texas,)
and Bob Richards, acting)
as treasurer)
)
Paul D. Richards, as treasurer)
)
Ed Shaw)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of April 5, 1988,
do hereby certify that the Commission decided by a vote of 5-0
to take the following actions in MUR 2083:

1. Find no probable cause to believe Ed Shaw
violated 2 U.S.C. § 441a(a) (1) (A).
2. Close the file with respect to Ed Shaw.

(continued)

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3. Find probable cause to believe Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer, violated 2 U.S.C. §§ 433(c), 441a(f), 434(b) (3) (B), 434(b) (3) (E), 434(b) (3) (A), 434(b) (8), 434(b) (3) (D), 434(b) (2) (F), 434(b) (2) (H), 434(b) (4) (E), 434(b) (5) (D), and 434(b) (5) (A).
4. Take no further action against Paul D. Richards, as treasurer.
5. Close the file with respect to Paul D. Richards.
6. Find probable cause to believe Bob Richards for President Committee, Washington, D.C., and Blayne Hutzell, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e) (4), 441d(a), and 433(c) and 11 C.F.R. § 102.6(a) (1) (iv).
7. Find no probable cause to believe Bob Richards for President Committee, Washington, D.C., violated 2 U.S.C. § 441a(a) (1) (A).
8. Take no further action against Tom Valentine, as treasurer.
9. Close the file with respect to Tom Valentine.
10. Approve the conciliation agreements attached to the General Counsel's report dated March 15, 1988.
11. Approve and send the letters attached to the General Counsel's report dated March 15, 1988.

Commissioners Aikens, Elliott, Josefiak, McGarry, and Thomas voted affirmatively for the decision; Commissioner McDonald was not present at the time this matter was under consideration.

Attest:

4-6-88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 12, 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Lane, Esquire
130 Third Street, S.E.
Washington, D.C. 20003

RE: MUR 2083
Bob Richards for
President Committee,
Washington, D.C.,
and Blayne Hutzell,
acting as treasurer

Dear Mr. Lane:

On April 5, 1988, the Federal Election Commission found that there is probable cause to believe Bob Richards for President Committee, Washington, D.C., and Blayne Hutzell, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(4), 441d(a), and 433(c) and 11 C.F.R. § 102.6(a)(1)(iv). On that date the Commission also found no reason to believe Bob Richards for President Committee, Washington, D.C., violated 2 U.S.C. § 441a(a)(1)(A).

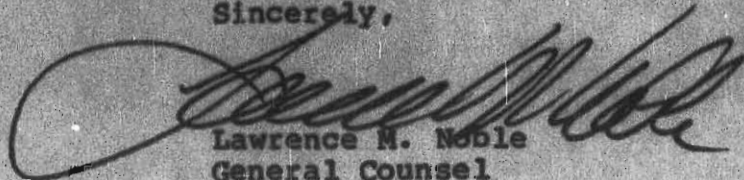
The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

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 within ten days. I will then recommend that the Commission accept the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

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If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

89040754505



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 12, 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Bob Richards
Route 1
Gordon, Texas 76453

RE: MUR 2083
Bob Richards for
President Committee,
Waco, Texas, and Bob
Richards, acting as
treasurer

Dear Mr. Richards:

On April 5, 1988, the Federal Election Commission found that there is probable cause to believe Bob Richards for President Committee, Waco, Texas, and you, acting as treasurer, violated 2 U.S.C. §§ 433(c), 441a(f), 434(b)(3)(B), 434(b)(3)(E), 434(b)(3)(A), 434(b)(8), 434(b)(3)(D), 434(b)(2)(F), 434(b)(2)(H), 434(b)(4)(E), 434(b)(5)(D), and 434(b)(5)(A).

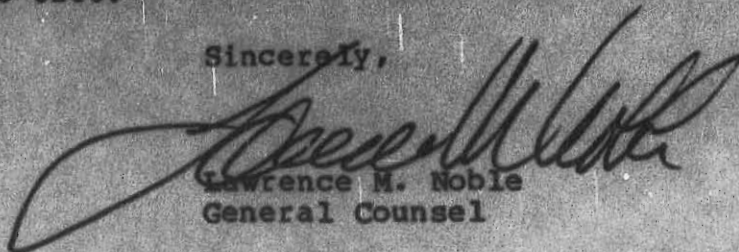
The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

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 within ten days. I will then recommend that the Commission accept the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

89040754506

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

cc: Mr. Bob Richards
121 Bath, No. D-4
Santa Barbara, California 93101

89040754507



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 12, 1988

Mr. Ed Shaw
P.O. Box 709
Woodland Hills, California 91365

RE: MUR 2083
Ed Shaw

Dear Mr. Shaw:

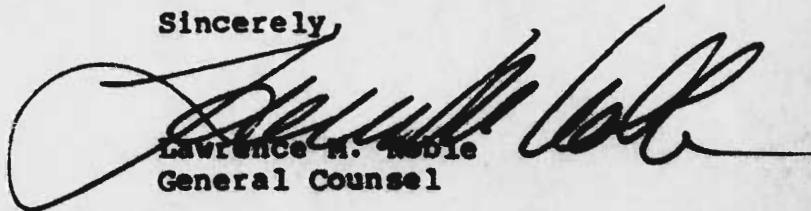
This is to advise you that on April 5, 1988, the Federal Election Commission found that there is no probable cause to believe you violated 2 U.S.C. § 441a(a)(1)(A). Accordingly, the file in this matter has been closed as it pertains to you.

This matter will become a part of the public record within 30 days after it has been closed with respect to all other respondents involved. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

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

If you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,


Lawrence H. Noble
General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 12, 1988

Mr. Tom Valentine
P.O. Box 639
Del Mar, California 92014

RE: MUR 2083
Bob Richards for
President Committee,
Washington, D.C., and
Tom Valentine,
as treasurer

Dear Mr. Valentine:

You were previously notified that the Federal Election Commission found reason to believe Bob Richards for President Committee, Washington, D.C., and you, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), 441a(f), 432(e)(4), and 441d(a).

After considering the circumstances of the matter, the Commission determined on April 5, 1988 to take no further action against you as treasurer, and closed its file as it pertains to you. The file will be made part of the public record within 30 days after the matter has been closed with respect to all other respondents involved. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

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

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If you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel


By: Lois G. Lerner
Associate General Counsel

89040754510



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 12, 1988

Mr. Paul D. Richards
Front Street
Santo, Texas 76472

RE: MUR 2083
Bob Richards for
President Committee,
Waco, Texas, and
Paul D. Richards,
as treasurer

Dear Mr. Richards:

You were previously notified that the Federal Election Commission found reason to believe Bob Richards for President Committee, Waco, Texas, and you, as treasurer, violated various sections of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of the matter, the Commission determined on April 5, 1988 to take no further action against Paul D. Richards, as treasurer, and closed its file as it pertains to you. The file will be made part of the public record within 30 days after the matter has been closed with respect to all other respondents involved. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

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

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If you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



By: Lois G. Lerner
Associate General Counsel

89040754512



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1988

Mr. Bob Richards
Route 1, Box 60
Gordon, Texas 76453

RE: MUR 2083
Bob Richards for President
Committee, Waco, Texas and
Bob Richards, acting as
treasurer

Dear Mr. Richards:

On April 12, 1988, you were notified that the Federal Election Commission found probable cause to believe Bob Richards for President Committee, Waco, Texas, and you, acting as treasurer, violated numerous provisions of the Federal Election Campaign Act of 1971, as amended. On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the conciliation period in this matter may not extend for more than 90 days, but may cease after 30 days. Insofar as more than 30 days have elapsed without a response from you, a recommendation concerning filing a civil suit will be made to the Commission by the Office of the General Counsel unless we receive a response from you within five days after your receipt of this letter.

Should you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble (FHA)
Lawrence M. Noble
General Counsel

cc: Mr. Bob Richards
121 Bath, No. D-4
Santa Barbara, CA 93101

89040754513



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1988

Mark Lane, Esquire
130 Third Street, S.E.
Washington, D.C. 20003

RE: MUR 2083
Bob Richards for President
Committee, Washington, D.C.,
and Blayne Hutzel, acting as
treasurer

Dear Mr. Lane:

On April 12, 1988, you were notified that the Federal Election Commission found probable cause to believe Bob Richards for President Committee, Washington, D.C., and Blayne Hutzel, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(4), 441d(a), and 433(c) and 11 C.F.R. § 102.6(a)(1)(iv). On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the conciliation period in this matter may not extend for more than 90 days, but may cease after 30 days. Insofar as more than 30 days have elapsed without a response from you, a recommendation concerning filing a civil suit will be made to the Commission by the Office of the General Counsel unless we receive a response from you within five days after your receipt of this letter.

Should you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Lawrence M. Noble
General Counsel

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MARK LANE
132 THIRD STREET, S. E.
WASHINGTON, D. C. 20003
(202) 547-6700

MEMBER OF THE BAR
NEW YORK

May 18, 1988

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OFFICE OF GENERAL COUNSEL

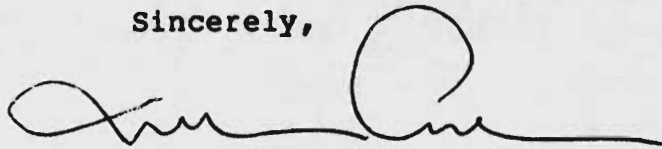
Robert Raich, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2083
Bob Richards for President
and Blayne Hutzler, acting as
treasurer

Dear Mr. Raich:

Thank you for your letter of May 17, 1988 in reference to the above-entitled matter. The potential defendants would like to consider with you the possibility of a conciliation agreement in this matter. However, I have been unable to explore this matter with them in detail due to my own health problems. I recently returned from a two-week stay in another city where I received treatment for a life-threatening cardio-vascular problem. Unfortunately, I must return there commencing on May 22, 1988 for two more weeks of treatment. Accordingly, I request that you continue this matter until the end of June so that I may meet with the parties involved and seek to enter into a conciliation agreement with the FEC regarding this matter.

Sincerely,



Mark Lane

ML/bww

89040754515



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 2, 1988

Mark Lane, Esquire
132 Third Street, S.E.
Washington, D.C. 20003

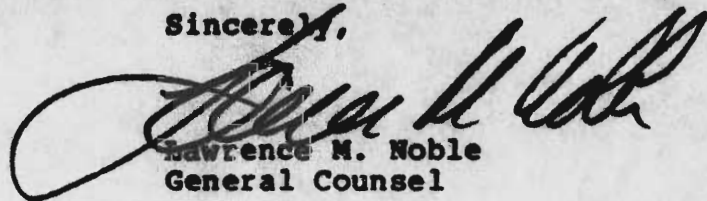
RE: MUR 2083
Bob Richards for
President Committee,
Washington, D.C., and
Blayne Hutzler, acting
as treasurer

Dear Mr. Lane:

This acknowledges receipt of your letter dated May 18, 1988, concerning the above-referenced matter. The Commission is granting you an extension of time in which to file a conciliation agreement. Be advised that unless we receive an acceptable signed conciliation agreement from your clients on or before June 30, 1988, the General Counsel's Office will make a recommendation to the Commission concerning filing a civil suit.

Should you have questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

89040754516

GCC# 1405

FEDERAL

83 JUN -1 11 9:21

✓ MW 2083

May 23, 1988

Mr. Robert Raich
Federal Election Commission
Washington, D.C. 20463

Mr. Raich:

I do not know how to respond to the Federal Election Committee's request for answers. Every time I write something I seem to encounter a legal catch-22 where I am fined for something else. If I try to disengage myself from one committee because I do not want to be responsible for their debts, I am fined by the Election Committee for forming another committee. If I try to handle the finance to make sure there is no misuse I find I am fined for trying to control it so there is no misuse of funds. Instead of dealing with the culprits, the committee seems to be concentrating on me.

While giving millions to the Republicans and Democrats (45 million to the Republicans and 24 million to the Democrats) you have fined me more than all the money we took in from our campaign. If you consider the legal fees that I paid to try to get funds for the Bob Richards for President Committee in Washington, and the subsequent law suits and judgments against me, plus the fines that you are levying against me capriciously and falsely, I will incur a debt of over \$75,000. If I pay these I am certain you will fine me more. I am also certain that if I pay the fines you are assessing against me, you will fine me some more for paying the fines.

I feel that your conciliation agreement is caprecious, punitive, and irrespsible. You are fining me for not aying which telephone company I used in the campaign, and there is only one in Waco, Texas. You are fining me because I said I am responsible for Paul Richards, my son, who was the treasurer. He was the treasurer, and nothing wrong was done, but my saying that I would bear the responsiblity for the books, etc., you twist my words to imply wrongdoing. You, or the Committee are totally wrong here. I welcome an audit of the books. I beg of you to come and check everything. There was so little money in our campaign that I was able to do pr actically nothing, and yet now you are trying to penalize me more.

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83 JUN -1 11:11:31

page 2.

I feel that I am the victim of political persecution on the part of the Federal Election Committee. Instead of protecting me from unscrupulous people who used funds raised for my Presidential campaign, action over which I had no control whatsoever, you have chosen to punish me.

In terms of the Constitution and my rights, I feel the Committee has violated my Constitutional rights to run for President, by deliberately fining me beyond my ability to pay and refusing to be reasonable in the conciliation! We made a counter conciliation agreement, which you turned down. It was fair and equitable, but you turned it down. What you are doing amounts to a poll tax on anyone to dares to challenge the two party system of America. In reality there is only one party- the differences between the two are negligible, and by giving them huge amounts of money (millions and millions) you are effectively destroying the opposition and going contrary to the Constitution.

Again, I ask you to look at the books- to try to be fair and judicial in this matter.

You threaten me with a law suit. I can only tell you that I am totally broke. This running for President has cost me dearly. I am in a law suit with Willis Carto over funds. You are fining me. A judgement was placed against me for another \$8000. In addition to all this, Texas is in a major depression- with 50 or more banks failing and real estate collapsing. All of my investments are in Texas. I cannot pay the fines, so I have to rely on the courts in the hope that an honest judge will reduce the fine. I cannot hire an attorney because I have no money. I hope the American Civil Liberties Union will help me when you place your suit against me.

What happened in 1984 in my Presidential bid was unexpected and certainly unanticipated by me. Again I say, the Federal Election Commission should have stepped in and helped me in this situation. Instead they chose to penalize me for infractions, most of which I did not know existed.

Sincerely Yours,

Robert E. Richards

Robert E. Richards

RR I

Gordon, Texas 76453

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Page 3. postscript

As I suggested above. I am in a law suit with Liberty Lobby and Willis Carto which is going to be heard this summer in Federal Court in FT. Worth, Texas.

Would you help me by sending a representative to the trial. Willis Carto, I believe, had checks from our campaign funds made out to himself when he had no authority to do so. Liberty Lobby and the SPOTLIGHT charged us for expenses incurred in printing the SPOTLIGHT. They collected monies and spent them for their purposes, when those funds should have been spent on the Bob Richards for President campaign. I am certain that if the Federal Election Commission made it clear what, and what not, a newspaper could or could not do in an election matter, it would help my case immensely. Is such help possible from you?

Again Sincerely

Bob Richards

89040754519

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Bob Richards for President) MUR 2083
Committee, Waco, Texas, and)
Bob Richards, acting as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 1, 1988, Bob Richards received the conciliation agreement approved by the Commission on April 5, 1988.

II. DISCUSSION OF CONCILIATION PROVISIONS

In a telephone conversation, Mr. Richards and a Commission attorney addressed most of the issues raised in Mr. Richards' letter. Mr. Richards had been under a mistaken impression that he alone was singled out for investigation by the FEC. In addition, Mr. Richards believed the Commission could act as a mediator between conflicting parties. In response to the postscript in Mr. Richards' letter, the Commission attorney informed Mr. Richards about the closed MURs and the lawsuits mentioned in the attached proposed letter (Attachment III).

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III. RECOMMENDATIONS

- 1.
2. Approve and send the attached letter.
3. Close the file as it pertains to Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer.

Date

6/17/88

Lawrence M. Noble
General Counsel

Attachments

I. Mr. Richards' letter

III. Proposed letter

Staff Member: Robert Raich

89040754521

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Richard for President)

Committee, Waco, Texas, and)

Bob Richards, acting as treasurer)

MUR 2083

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 22, 1988, the Commission decided by a vote of 4-0 to take the following actions in MUR 2083:

- 1.
2. Approve and send the letter, as recommended in the General Counsel's Report signed June 17, 1988.
3. Close the file as it pertains to Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer.

Commissioners Aikens, Elliott, Josefiak, and McGarry voted affirmatively for the decision; Commissioners McDonald and Thomas did not cast votes.

Attest:

6/22/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of the Commission Secretary: Mon., 6-20-88, 11:14
Circulated on a 48-hour tally basis: Mon., 6-20-88, 4:00
Deadline for vote: Wed., 6-22-88, 4:00

89040754522



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 29, 1988

Mr. Bob Richards
Route 1, Box 60
Gordon, Texas 76453

RE: MUR 2083
Bob Richards for
President Committee,
Waco, Texas, and Bob
Richards, acting as
treasurer

Dear Mr. Richards:

On June 22, 1988, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of violations of numerous provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to Bob Richards for President Committee, Waco, Texas, and you, acting as treasurer. This matter will become a part of the public record within 30 days after it has been closed with respect to all other respondents involved. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record. Enclosed you will find a copy of the fully executed conciliation agreement for your files.

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

In response to the postscript in your letter to Robert Raich of the General Counsel's Office, be advised that certain materials now on the public record set forth the Commission's

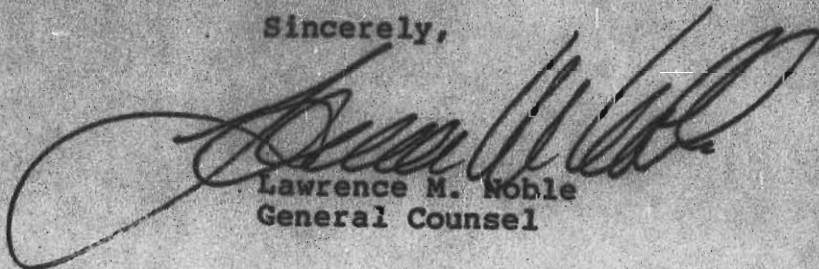
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Bob Richards
Page 2

position concerning the relationships between various entities associated with the Populist Party. Specifically, the files in MUR 2176, MUR 2187, and MUR 2330 are available for inspection or purchase from the Commission's Public Records Office. For further information you may contact Michael Dickerson, Chief, Public Records Office, at (800) 424-9530. You should also be aware of the court files available at the U.S. District Court for the District of Columbia concerning FEC v. Populist Party, et al., Civil Action No. 88-0127(RCL) (D.D.C.) (formerly MUR 2211), and FEC v. Liberty Lobby, Inc., et al., Misc. Action No. 88-114(JHP) (D.D.C.).

If you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

89040754524

BEFORE THE FEDERAL ELECTION COMMISSION RECEIVED
FEDERAL ELECTION COMMISSION

6CC#9451

In the Matter of)
)
Bob Richards for President)
Committee, Waco, Texas, and)
Bob Richards, acting as)
treasurer)

88 JUN -6 PM11:34
MUR 2083

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 probable cause to believe that Bob Richards for President Committee, Waco, Texas, (the "Committee") and Bob Richards, acting as treasurer, (collectively "Respondents") violated 2 U.S.C. §§ 434(b)(3)(B), 441a(f), 434(b)(3)(E), 434(b)(3)(A), 434(b)(8), 433(c), 434(b)(3)(D), 434(b)(2)(F), 434(b)(2)(H), 434(b)(4)(E), 434(b)(5)(D), and 434(b)(5)(A).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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. The Committee is a political committee registered with the Commission.

2. Bob Richards is acting as treasurer of the Committee.

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FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

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3. On its 1984 October Quarterly Report, the Committee disclosed contributions in the amount of \$3,914.40 from other political committees. The Committee failed to identify the other political committees and the dates of the contributions.

4. The Committee knowingly accepted contributions from individuals in amounts exceeding \$1,000. The excessive portions of those contributions totaled at least \$3,500.

5. The Committee received loans from Bob Richards, the candidate, in the amount of \$8,500. The Committee received loans from other individuals in an amount totaling \$7,500. The Committee failed to disclose the identification of any of the persons who loaned the Committee money, and the Committee failed to disclose the dates of such loans.

6. The Committee received direct contributions from persons other than political committees in an amount totaling \$47,493.95. All contributions the Committee received were in amounts in excess of \$200 per contributor. The Committee failed to disclose either the identification of the persons from whom it received contributions or the dates and amounts of such contributions.

7. On its 1984 October Quarterly Report, the Committee disclosed outstanding debts and obligations equaling \$19,000. The Committee failed to disclose the nature of those outstanding debts and obligations.

8. The Committee's Statement of Organization lists Paul D. Richards as treasurer, and it lists no affiliated

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committees. The Committee failed to amend its Statement of Organization to reflect that Bob Richards is acting as treasurer or that Bob Richards for President Committee, Washington, D.C., is an affiliated committee.

9. The Committee received a \$7,000 transfer from Bob Richards for President Committee, Washington, D.C., an affiliated committee subject to contribution limitations different from the Committee's. The Committee failed to disclose the identification of the affiliated committee or the dates and amount of the transfer.

10. The Committee failed to disclose its total receipts in the category of transfers from affiliated committees.

11. The Committee received \$7,500 in loans from persons other than the candidate. The Committee failed to report such loans.

12. The Committee made loan repayments totaling at least \$7,500. The Committee failed to report such loan repayments.

13. The Committee failed to report the names and addresses of the persons to whom it made loan repayments.

14. The Committee made operating expenditures of \$65,530. A total of \$65,333.21 of such operating expenditures was to persons who received expenditures aggregating in excess of \$200. The Committee failed to report the names and addresses of such persons, or the dates, amounts, or purposes of such operating expenditures.

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V. 1. Pursuant to 2 U.S.C. § 434(b)(3)(B), each report of receipts and disbursements filed by a political committee must disclose the identification of each political committee which makes a contribution to the reporting committee, together with the date and amount of any such contribution. Pursuant to 2 U.S.C. § 431(13), the term "identification" means in the case of an individual, the name, address, employer, and occupation of such individual, and in the case of any other person, the full name and address of such person. Respondents failed to disclose the identification of political committees that made contributions to Respondents and the dates of contributions from such political committees, in violation of 2 U.S.C. § 434(b)(3)(B).

2. Pursuant to 2 U.S.C. § 441a(f), no candidate or political committee may knowingly accept any contribution in violation of the limitations imposed by Section 441a. Pursuant to 2 U.S.C. § 441a(a)(1)(A), no person may contribute more than \$1,000 per election to any candidate and his authorized political committees. Respondents knowingly accepted contributions in excess of such limitations, in violation of 2 U.S.C. § 441a(f).

3. Pursuant to 2 U.S.C. § 434(b)(3)(E), each political committee must disclose the identification of each person who makes a loan to the Committee, and the date of such loan. Respondents failed to disclose the identification of persons who loaned the Committee money, and the dates of such loans, in violation of 2 U.S.C. § 434(b)(3)(E).

4. Pursuant to 2 U.S.C. § 434(b)(3)(A), each political

committee must disclose the identification of each person who makes contributions having an aggregate value in excess of \$200 in the calendar year, together with the dates and amounts of such contributions. Respondents failed to disclose the identification of persons who contributed amounts exceeding \$200, and the dates and amounts of such contributions, in violation of 2 U.S.C. § 434(b)(3)(A).

5. Pursuant to 2 U.S.C. § 434(b)(8), each political committee must disclose the nature of its outstanding obligations. Respondents failed to disclose the nature of the Committee's outstanding obligations, in violation of 2 U.S.C. § 434(b)(8).

6. Pursuant to 2 U.S.C. § 433(c), any change in information previously submitted in a Statement of Organization must be reported no later than ten days after the date of the change. Respondents failed to amend the Statement of Organization to reflect that Bob Richards is acting as treasurer or that Bob Richards for President Committee, Washington, D.C., is an affiliated committee, in violation of 2 U.S.C. § 433(c).

7. Pursuant to 2 U.S.C. § 434(b)(3)(D), each political committee must report the identification of each affiliated committee which makes a transfer to the reporting committee, together with the date and amount of such transfer. Respondents failed to report the identification of an affiliated committee and the dates and amount of a transfer from an affiliated committee, in violation of 2 U.S.C. § 434(b)(3)(D).

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8. Pursuant to 2 U.S.C. § 434(b)(2)(F), each political committee must disclose the total amount of its receipts in the category of transfers from affiliated committees. Respondents failed to report the total amount of transfers from an affiliated committee, in violation of 2 U.S.C. § 434(b)(2)(F).

9. Pursuant to 2 U.S.C. § 434(b)(2)(H), each political committee must disclose the total amount of its receipts in the category of loans made by persons other than the candidate. Respondents failed to report the total amount of loans the Committee received from persons other than the candidate, in violation of 2 U.S.C. § 434(b)(2)(H).

10. Pursuant to 2 U.S.C. § 434(b)(4)(E), each political committee must disclose the total amount of disbursements it makes in the category of loan repayments to persons other than the candidate. Respondents failed to report the amount of loan repayments made by the Committee, in violation of 2 U.S.C. § 434(b)(4)(E).

11. Pursuant to 2 U.S.C. § 434(b)(5)(D), each political committee must disclose the name and address of each person who receives a loan repayment from the committee, together with the date and amount of such repayment. Respondents failed to report the names and addresses of persons to whom the Committee made loan repayments, or the dates or purposes of such loan repayments, in violation of 2 U.S.C. § 434(b)(5)(D).

12. Pursuant to 2 U.S.C. § 434(b)(5)(A), each political committee must report the name and address of each

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person to whom the committee makes an operating expenditure aggregating in excess of \$200 during the calendar year, together with the date of such operating expenditure. Respondents failed to report the dates of the Committee's operating expenditures, and the names and addresses of the persons to whom the Committee made operating expenditures, in violation of 2 U.S.C. § 434(B)(5)(A).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Twelve Thousand Dollars (\$12,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondents will file all required reports and statements with the Commission.

VII. 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.

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

IX. 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.

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X. 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.

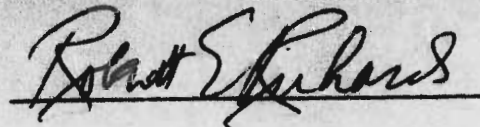
FOR THE COMMISSION:


Lawrence M. Noble
General Counsel

Date

6/28/88

FOR THE RESPONDENTS:


Robert Edwards

Date

May 31, 1988

89040754532

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Richards for President)
Committee, Washington, D.C.,)
and Blayne Hutzell, acting as)
treasurer)

MUR 2083

SENSITIVE
EXECUTIVE SESSION
JUL 26 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 5, 1988, the Commission found probable cause to believe the respondents violated 2 U.S.C. §§ 441a(f), 432(e)(4), 441d(a), and 433(c) and 11 C.F.R. § 102.6(a)(1)(iv), and approved a conciliation agreement in settlement of this matter.

(Attachment I.) After receiving no reply from the respondents, this Office, on May 17, 1988, mailed the respondents' counsel a letter informing him of our intention to make a recommendation concerning filing a civil suit. (Attachment II.) Thereafter, counsel requested an extension of until the end of June.

(Attachment III.) This Office then gave counsel until June 30, 1988, to present an acceptable signed conciliation agreement.

(Attachment IV.)

II. DISCUSSION OF CONCILIATION NEGOTIATIONS

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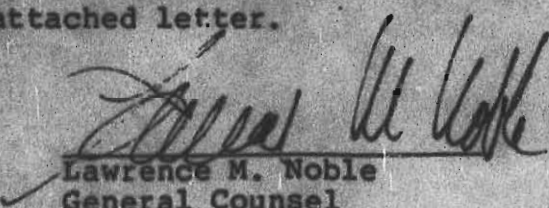
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III. RECOMMENDATIONS

- 1.
2. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against Bob Richards for President Committee, Washington, D.C., and Blayne Hutzler, acting as treasurer.
3. Approve and send the attached letter.

Date

7/12/88


Lawrence M. Noble
General Counsel

Attachments

- I. Original conciliation proposal
- II. 30-day post-probable cause letter
- III. Letter requesting extension
- IV. Letter granting extension
- V.
- VI. Proposed letter

Staff Member: Robert Raich

89040754535

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Bob Richards for President) MUR 2083
Committee, Washington, D.C.,)
and Blayne Hutzel, acting as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 26, 1988, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2083:

- 1.
2. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against Bob Richards for President Committee, Washington, D.C., and Blayne Hutzel, acting as treasurer.
3. Approve and send the letter attached to the General Counsel's report dated July 12, 1988.

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

Attest:

7-27-88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 29, 1988

Mark Lane, Esquire
132 Third Street, S.E.
Washington, D.C. 20003

RE: MUR 2083
Bob Richards for
President Committee,
Washington, D.C., and
Blayne Hutzel, acting
as treasurer

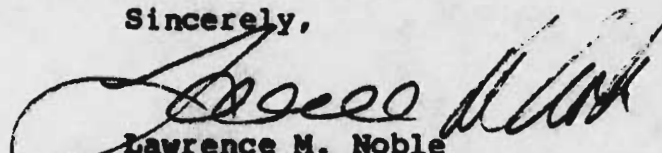
Dear Mr. Lane:

You were previously notified that on April 5, 1988, the Federal Election Commission found probable cause to believe Bob Richards for President Committee, Washington, D.C., and Blayne Hutzel, acting as treasurer, violated 2 U.S.C. §§ 441a(f), 432(e)(4), 441d(a), and 433(c) and 11 C.F.R. § 102.6(a)(1)(iv).

As a result of our inability to settle this matter through conciliation within the allowable time period, the Commission has authorized the General Counsel to institute a civil action for relief in the United States District Court.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Ivan Rivera, Assistant General Counsel, at (202) 376-8200, within five days after your receipt of this letter.

Sincerely,


Lawrence M. Noble
General Counsel

89040754537



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 25, 1988

Mr. Bob Richards
Route 1, Box 60
Gordon, Texas 76453

RE: MUR 2083
Bob Richards for
President Committee,
Waco, Texas, and Bob
Richards, acting as
treasurer

Dear Mr. Richards:

The Conciliation Agreement you entered into with the Federal Election Commission provided that, among other things, you would pay a \$12,000 civil penalty and file all required reports and statements within thirty days after the Agreement's effective date. The Agreement became effective on June 28, 1988. More than thirty days have passed, but you have not paid the civil penalty or filed the required documents.

Be advised that if you do not comply with the terms of the Conciliation Agreement immediately, the General Counsel's Office may request authorization to file suit against you in United States District Court to enforce the Agreement and to require you to pay additional penalties. If you have any questions, immediately contact Robert Raich, the attorney handling this matter, at 202/376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARY

88 OCT 27 PM 2:51

In the Matter of)
)
Bob Richards for President)
Committee, Waco, Texas, and)
Bob Richards, acting as treasurer)

MUR 2083

NOV 15 1988

SENSITIVE

GENERAL COUNSEL'S REPORT

EXECUTIVE SESSION

I. BACKGROUND

In a Conciliation Agreement (Attachment I) that became effective on June 28, 1988, the respondents agreed, inter alia, that they would pay a \$12,000 civil penalty and file all required reports and statements within 30 days after the Agreement's effective date. The respondents have not complied with the provisions set forth in the Agreement.

In a letter dated August 25, 1988, (Attachment II) this Office reminded the respondents of the requirements in the Conciliation Agreement, and informed them that continued failure to comply could result in a request for suit authorization. A Commission attorney has left telephone messages at Bob Richards' residence requesting that Mr. Richards call the Commission, but Mr. Richards has failed to do so.

Under these circumstances, the General Counsel's Office recommends that the Commission authorize this Office to file a civil suit for relief in United States District Court to enforce the Conciliation Agreement.

II. RECOMMENDATIONS

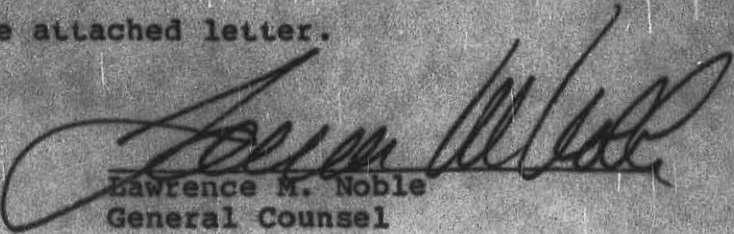
1. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against Bob Richards for President Committee, Waco, Texas, and Bob Richards, acting as treasurer.

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2. Approve and send the attached letter.

Date

10/27/88


Lawrence M. Noble
General Counsel

Attachments

- I. Conciliation Agreement
- II. 8/25/88 Letter
- III. Proposed Letter

Staff Member: Robert Raich

89040754540

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Bob Richards for President Committee,) MUR 2083
Waco, Texas, and)
Bob Richards, acting as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 15, 1988, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2083:

1. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against Bob Richards for President Committee, Waco, Texas, and Rob Richards, acting as treasurer.
2. Approve the letter attached to the General Counsel's report dated October 27, 1988.

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

Attest:

Nov. 17, 1988

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

89040754541



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

plm
November 21, 1988

Mr. Bob Richards
Route 1, Box 60
Gordon, Texas 76453

RE: MUR 2083
Bob Richards for President
Committee, Waco, Texas, and
Bob Richards, acting as
treasurer

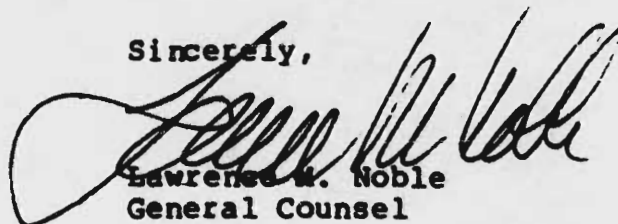
Dear Mr. Richards:

You were previously notified that the Conciliation Agreement you entered into with the Commission became effective on June 28, 1988. Among other things, the Conciliation Agreement provided that within 30 days of its effective date you would pay a \$12,000 civil penalty to the Commission and that you would file all required reports and statements with the Commission.

As a result of your failure to comply with the terms of the Conciliation Agreement, the Commission has authorized the General Counsel to institute a civil action for relief in United States District Court.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Ivan Rivera, Assistant General Counsel, at (202) 376-8200, within five days after your receipt of this letter.

Sincerely,


Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION

89 MAR 24 AM 10:40
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAR 22 1989

FEDERAL ELECTION COMMISSION,

Plaintiff,

v.

BOB RICHARDS FOR PRESIDENT
COMMITTEE, WASHINGTON, D.C.,
et al.

Defendants.

Clerk, U.S. District Court
District of Columbia

Civil Action No. 88-2832(RCL)

FINAL CONSENT ORDER
AND JUDGMENT

FINAL CONSENT ORDER AND JUDGMENT

WHEREAS, this action for declaratory, injunctive and other appropriate relief was instituted by the plaintiff Federal Election Commission (the "Commission") pursuant to the express authority granted the Commission by sections 307(a)(6) and 309(a)(6)(A) of the Federal Election Campaign Act of 1971, as amended (the "Act"), codified at 2 U.S.C. §§ 437d(a)(6) and 437g(a)(6)(A), against the defendants Bob Richards for President Committee, Washington, D.C. ("Richards Committee"), and Blayne E. Hutzel, acting as treasurer of the Richards Committee; and

WHEREAS, this Court has original jurisdiction over this suit pursuant to 28 U.S.C. § 1345 as an action brought by an agency of the United States expressly authorized to sue by an Act of Congress, and venue is properly found in the United States District Court for the District of Columbia in accord with 2 U.S.C. § 437g(a)(6)(A), as all defendants can be found, reside or transact business in this district;

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NOW, THEREFORE, the parties agree to entry of this Court's judgment and consent to the issuance of this Order, as evidenced by the signatures of defendants' counsel and plaintiff's counsel affixed hereto;

Accordingly, it is ORDERED, ADJUDGED AND DECREED as follows:

I. The Commission has met all of the jurisdictional prerequisites to and requirements for filing Civil Action No. 88-2832(RCL);

II. Defendant Bob Richards for President Committee, Washington, D.C., ("Richards Committee"), is a political committee within the meaning of 2 U.S.C. § 431(4)(A), is registered with the Commission, and is an affiliated committee of the Bob Richards for President Committee, Waco, Texas;

III. Pursuant to 2 U.S.C. § 433(b)(2) and (4), the Statement of Organization of a political committee must include the name, address, relationship and type of any affiliated committee;

IV. Pursuant to 2 U.S.C. § 433(c), any change in information previously submitted in a Statement of Organization must be reported to the Commission within ten days after the date of the change;

V. The Richards Committee's Statements of Organization filed with the Commission disclose no affiliated committees. The Richards Committee did not amend its Statements of Organization to reflect that Bob Richards for President Committee, Waco, Texas, was and is an affiliated committee;

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VI. The Richards Committee violated 2 U.S.C. § 433 by failing to amend its Statements of Organization to reflect that the Bob Richards for President Committee, Waco, Texas, was and is an affiliated committee;

VII. Pursuant to 2 U.S.C. § 432(e)(4), a political committee which is not an authorized committee of any candidate may not include the name of any candidate in its name;

VIII. The Richards Committee was not and is not an authorized committee of Bob Richards; nevertheless, the Richards Committee included the name of that candidate in its name;

IX. The Richards Committee violated 2 U.S.C. § 432(e)(4) by including the name of candidate Bob Richards in the Richards Committee name;

X. Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person may make contributions to any other political committee which, in the aggregate, exceed \$5,000 per year;

XI. Pursuant to 2 U.S.C. § 441a(f), no political committee may knowingly accept any excessive contribution;

XII. The Richards Committee accepted a \$60,000 loan from the Populist Party, a political committee registered with the Commission. That loan was eventually repaid with interest;

XIII. The Richards Committee violated 2 U.S.C. § 441a(f) by knowingly accepting a contribution exceeding \$5,000, in the form of a loan from the Populist Party;

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XIV. Pursuant to 11 C.F.R. § 102.6(a)(1)(iv), fund transfers between committees that are affiliated may be made only from funds that are permissible under the Act;

XV. The Richards Committee transferred \$5,000 to the Bob Richards for President Committee, Waco, Texas, an affiliated committee from funds that included proceeds derived from an excessive contribution defendant knowingly received;

XVI. The Richards Committee violated 11 C.F.R. § 102.6(a)(1)(iv) by transferring money to an affiliated committee from funds that included proceeds of an excessive contribution knowingly received by defendant;

XVII. Pursuant to 2 U.S.C. § 441d(a), whenever any person makes an expenditure for the purpose of financing a communication expressly advocating the election of a clearly identified candidate, or solicits any contribution through any direct mailing, such communication must clearly state information concerning who paid for and authorized the communication;

XVIII. In a solicitation letter dated on or about June 28, 1984, which expressly advocated the election of a clearly identified candidate, the Richards Committee did not state who paid for and authorized that letter;

XIX. The Richards Committee violated 2 U.S.C. § 441d(a) by making expenditures for the purpose of financing a direct mail communication which expressly advocated the election of a clearly identified candidate and solicited contributions, but

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which failed to identify who paid for and authorized the communication;

XX. Defendant Bob Richards for President Committee, Washington., D.C., shall file with the Federal Election Commission on the appropriate Commission form an amendment to their Statement of Organization to reflect that Bob Richards for President Committee, Waco, Texas, was and is an affiliated committee, within twenty (20) days of the entry of this Final Consent Order and Judgment;

XXI. Defendant Bob Richards for President Committee, Washington., D.C., shall pay to the Federal Election Commission within twenty (20) days of the entry of this Final Consent Order and Judgment a civil penalty of Fifteen Thousand Dollars (\$15,000), pursuant to 2 U.S.C. § 437g(a)(6)(B);

XXII. Defendant Bob Richards for President Committee, Washington., D.C., is permanently enjoined from similar future violations of the Federal Election Campaign Act of 1971, as amended; and,

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XXIII. The parties shall bear their own costs and fees in this matter.

Dated: MAR 22 1989
Washington, D.C.

Royce C. Lamberth
Royce C. Lamberth
United States District Judge

We hereby consent to the entry of the foregoing Consent Order and Judgment.

So Stipulated:

John L. McGann
John L. McGann, Esquire
(D.C. Bar #114561)

FOR DEFENDANTS BOB RICHARDS
FOR PRESIDENT COMMITTEE,
WASHINGTON, D.C., AND
BLAYNE E. HUTZEL,
ACTING AS TREASURER
132 Third Street, S.E.
Washington, D.C. 20003
(202) 525-7536

Lawrence M. Noble
Lawrence M. Noble
General Counsel
(D.C. Bar #244434)

Richard B. Bader
Richard B. Bader
Associate General Counsel

Ivan Rivera
Ivan Rivera
Assistant General Counsel

Michael A. Dynersky
Michael A. Dynersky
Attorney
(D.C. Bar #370593)

March
February 21, 1989

FOR THE PLAINTIFF
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
(202) 376-8200

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEDERAL ELECTION COMMISSION,

Plaintiff,

v.

BOB RICHARDS FOR PRESIDENT
COMMITTEE, WASHINGTON, D.C.,
et al.,

Defendants.

Civil Action No. 88-2832(RCL)

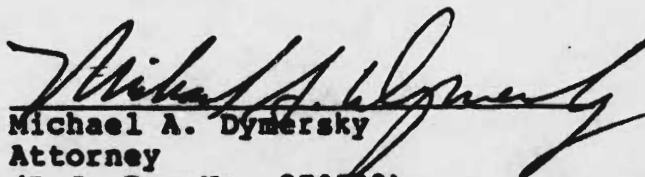
CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of March, 1989, I caused to be served, by first-class mail, postage prepaid, a copy of the Final Consent Order and Judgment in the above-captioned litigation to the following counsel for defendants:

John L. McGann
132 Third Street, S.E.
Washington, D.C. 20003

March 21, 1989


Michael A. Dynersky
Attorney
(D.C. Bar No. 370593)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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THIS IS THE END OF MUR # 2083

DATE FILMED 7/14/89 CAMERA NO. 2

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