



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 2145
DATE FILMED 12/8/87 CAMERA NO. 4
CAMERAMAN AS

87040570002

Public Record Index - MUR 2145

1. Complaint, filed 21 Feb 86, by Dr. Allen Radwill.
2. Ltr, 6 Mar 86, FEC to Robert A. Borski.
3. Ltr, 6 Mar 86, FEC to Dr. D.A. Radwill.
4. Ltr, 21 Mar 86, R.A. Borski to FEC, w/atchs.
5. First General Counsel's Report, 14 Apr 86.
6. Memo, 17 Apr 86, Marjorie W. Emmons/Arnita D. Hession to Charles Steele.
7. Memo, 17 Apr 86, M.W. Emmons/Arnita D. Hession.
8. Memo, 21 Apr 86, FEC to the Commission
9. Certification of Commission Action, 30 Apr 86.
10. Ltr, 2 May 86, Joan D. Aikens to Virginia M. Duffy (Treas., Borski for Congress Committee).
11. Ltr, 2 May 86, J.D. Aikens to R.A. Borski.
12. Ltr, 2 May 86, J.D. Aikens to Dr. A.B. Radwill.
13. Ltr, 15 May 86, V.A. Duffy to FEC.
14. Ltr, 15 May 86, R.A. Borski to FEC.
15. Ltr, 19 May 86, Dr. A.B. Radwill to FEC.
16. Memo, 3 Jun 86, Lee Garrity (Compliance Analyst, FEC) to C.N. Steele, w/atch (Proposed Request for Additional Information ("RFAI") to Borski for Congress).
17. General Counsel's Report, 3 Jul 86.
18. Memo, 7 Jul 86, M.W. Emmons to C.N. Steele.
19. Memo, 8 Jul 86, M.W. Emmons to C.N. Steele.
20. Certification of Commission Action, 16 Jul 86.
21. Ltr, 25 Jul 86, L.M. Noble to Dr. A.B. Radwill.
22. Ltr, 25 Jul 86, L.M. Noble to V.A. Duffy.
23. General Counsel's Report, 5 Nov 86.
24. Certification of Commission Action, 10 Nov 86.

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25. Ltr, 13 Nov 86, L.M. Noble to V.A. Duffy, w/atch (Executed Conciliation Agreement).
 26. Ltr, 9 Jan 87, V.A. Duffy to FEC w/atch.
 27. Memo, 20 Jan 87, C.N. Steele to The Commission, w/atchs (Letter to A.B. Radwill with General Counsel's Brief).
 28. Ltr, 30 Jan 87, Dr. A.B. Radwill to FEC.
 29. Memo, 26 Mar 87, OGC to M.W. Emmons.
 30. General Counsel's Report, 26 Mar 87.
 31. Certification of Commission Action, 8 Apr 87.
 32. Ltr, 9 Apr 87, L.M. Noble to Dr. A.B. Radwill.
 - 32a. General Counsel's Report, 26 Aug 87.
 33. Certification of Commission Action, 10 Sep 87.
 34. Ltr, 15 Sep 87, L.M. Noble to Dr. A.B. Radwill.
 35. Memo, 24 Nov 87, L.M. Noble to Commission, Subj: Settlement Proposal by A.B. Radwill.
 36. Certification of Comsn. Vote, 30 Nov 87.
 37. Ltr, 2 Dec 87, L.M. Noble to A.B. Radwill, w/encl (Executed Conciliation Agreement).

- End -

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

QCC#9776

RECEIVED THE FEC

86 FEB 21 10:16

Dr. Allen Radwill
231 West Tabor Road
Phila. Pa. 19120
Feb..17, 1986

86 FEB 21 10:22

RECEIVED
GENERAL COUNSEL

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

Dear Sirs:

In September of 1982, I gave Congressman Robert Borski, five, one hundred dollar bills personally in his office in Frankford Avenue in Philadelphia. Mr. Borski accepted the five hundred dollars in cash and did not give me a written receipt.

Over one month later in October of 1982, Mr. Borski (or one of his assistants) went to a local bank (Fidelity) and had a bank check made out to Robert Borski. Either Mr. Borski or one of his assistants signed my name on the check.

I am willing to take a lie detector test concerning this incident.

Yours truly.

Allen Radwill

Dr. Allen Radwill

Sworn to and subscribed before me
this 17th day of Feb. 1986

Victor M. Pifferrer

VICTOR M. PIFFERRER

Notary Public, Phila., Phila. Co.

My Commission Expires Sept. 28, 1988

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 6, 1986

The Honorable Robert A. Borski
314 Cannon House Office Bldg.
Washington, D.C. 20515

Re: MUR 2145

Dear Mr. Borski:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2145. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a) (4) (B) and § 437g(a) (12) (A) unless you notify the Commission in writing that you wish the matter to be made public.

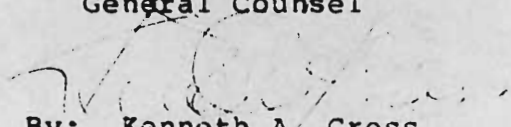
87040570006

-2-

If you have any questions, please contact Frances B. Hagan the staff member assigned to this matter at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures

87040670007



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 6, 1986

Dr. Allen Radwill
231 West Tabor Road
Philadelphia, PA 19120

Dear Dr. Radwill:

This letter will acknowledge receipt of a complaint filed by you which we received on February 17, 1986, which alleges a possible violation of the Federal Election Campaign Act of 1971, as amended, the ("Act"), by the Honorable Robert Borski. The respondents will be notified as soon as the Commission takes action on your submission.

You will be notified as soon as the Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter under review MUR 2145. Please refer to this number in all future correspondence. If you have any questions, please contact Lorraine F. Ramos at (202) 376-3110.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure

CONGRESSMAN BOB BORSKI

March 21, 1986

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

Re: MUR 2145

Ladies and Gentlemen:

In response to your notice of complaint in the above matter, dated March 6, 1986 and received in my office on March 11, 1986, I wish to submit the enclosed sworn statements of myself and Virginia M. Duffy, the Treasurer of my principal campaign committee, concerning the Radwill contribution.

In addition to the factual matters drawn to your attention in the enclosed sworn statements, I respectfully submit that the accounting procedures maintained by my campaign committee with respect to contributions are careful and reasonable pursuant to Section 102.9(a) of Title 11 of the Code of Federal Regulations (the "Code"); that neither I or my campaign committee accepted a cash contribution in violation of Section 110.4(c)(1) of the Code, as evidenced by our reasonable accounting procedures and office policies; that Mr. Radwill's contribution was properly deposited within ten days of receipt, pursuant to Section 103.3(a) of the Code; and further, that Mr. Radwill's contribution was timely reported in the 1982 pre-election report of the Borski for Congress Committee, and itemized as required by Section 104.3(a) of the Code.

For the foregoing reasons, and in the light of the facts set forth in the enclosed statements, I believe that no action should be taken against me or the Borski for Congress Committee in this matter, but rather that Dr. Radwill's complaint should be dismissed.

Please contact me if any additional information is needed to further clarify this matter.

Very truly yours,

Robert A. Borski
Robert A. Borski

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

36 MAR 24 P 2: 33

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P.O. Box 26846

Philadelphia, PA 19134

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from the Treasurer of my campaign committee, within two weeks after its receipt.

IN WITNESS WHEREOF, I have signed this Affidavit on March 21st, 1986.

Robert A. Bofski
Robert A. Bofski

Sworn to and subscribed before me this 21st day of March, 1986.

Helen B. Breen
Notary Public

My Commission Expires:

Feb 1st 1989

Borski for Congress File Memorandum
October 12, 1983

Re: Allen Radwill

Allen Radwill was suggested to me as a potential supporter by the late Nick Pucciarelli, at the time a colleague of mine in the Pennsylvania state House of Representatives. Although I do not recall whether our meeting was prompted by a call from my campaign staff or by Mr. Radwill, I recall meeting with him in early October 1982, at my campaign headquarters.

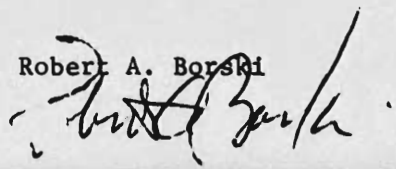
Mr. Radwill and I spoke for 15-20 minutes, and for most of that time Harvey Rice (my field coordinator) and Jack Dempsey (a field worker) were present. At the time Mr. Radwill was a teacher in the Philadelphia school district, and he mentioned his desire to obtain an administrative position within the School District. My standard reply in such situations is that if there is anything I can do to help, feel free to contact me. We also discussed the campaign, and Mr. Radwill offered a contribution of \$500, which he had with him, in cash.

It was my practice throughout the campaign to decline cash. When cash was offered, I would explain that checks or money orders were permitted. Usually, for the convenience of the contributor, I offered to have one of our campaign staff persons go to the bank and purchase a money order on the contributor's behalf. Sometimes the contributor waited while it was purchased, sometimes not.

In Mr. Radwill's case, my recollection is that I sent someone to the bank while he was with me. I do know that under no circumstances did I ever accept cash unless the person understood that it had to be used to purchase a traceable money order, with the contributor's name and address.

My calendar shows that Allen Radwill was in my congressional office to see me on January 17, 1983 at 9:30, for a scheduled appointment. In addition, my recollection and that of my district director, Jack Dempsey, is that I also saw him on Valentine's Day (February 14) in the afternoon, when he visited our office without a previously scheduled appointment. He wanted help but was very resistant to the idea that he should first locate and apply for specific positions before coming to me. My impression was that he expected my office, and me personally, to find and obtain a position for him, then call him with a starting date. I told him flat out that I would not accept responsibility for his life, and that should he wish me to make inquiries or write a letter on his behalf, I would be more than happy to do so after he contacted me with respect to a specific position, giving the name of the appropriate contact.

Robert A. Borski



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210012

AFFIDAVIT OF VIRGINIA M. DUFFY

I, Virginia M. Duffy, being duly sworn according to law, hereby depose and state as follows:

1. I have served as the Treasurer of the Borski for Congress Committee since its formation and authorization in January, 1982.

2. I am responsible for establishing, monitoring, and revising, when necessary, all procedures used by the staff of the campaign committee in connection with contributions and expenditures. After review of the Code of Federal Regulations and the manuals published for the guidance of treasurers of campaign committees in federal congressional elections, I established the record keeping procedures for contributions which are described on the statement attached hereto as Exhibit "A".

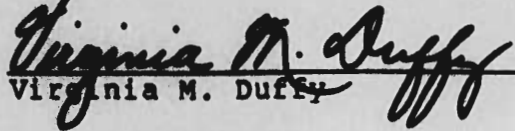
3. It has been my practice throughout my service as Treasurer of the Borski for Congress Committee to telephone the Federal Election Commission staff for advice whenever I was uncertain as to how to proceed with any given contribution or other compliance requirement. In the course of one such telephone conversation, initially undertaken on another matter, I learned that my record keeping procedures were in error in that I was using the date of deposit in our journal and index cards, instead of the date of receipt of the contribution. In 1983 I changed our record keeping procedures so that the index cards on which individual contributor information is maintained record the date of receipt of a contribution, and the journal, which is used, among other reasons, to reconcile bank statements, records the date of deposit of a specific contribution.

4. During the 1982 campaign, all recordkeeping and bank deposits were done by me personally, or by one of two other campaign staff persons trained by me. At the time of the Radwill contribution, all recordkeeping and deposits not handled by me personally were being done by Julie Macks, who was the committee's fundraising coordinator.

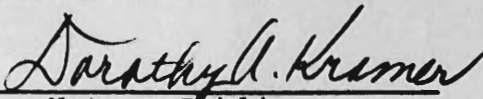
5. Attached hereto as Exhibits "B", "C" and "D" respectively, are true and correct copies of the index card entry, journal entry, and bank deposit records of the Borski for Congress Committee respecting the Radwill contribution. The entries and deposit for the contribution in question were made by Julie Macks. Based upon my familiarity with Mrs. Macks' handwriting, my best guess is that she is the staff person who filled in the information on the Radwill money order. The records indicate that the money order was purchased on October 4, 1982, and deposited on October 5, 1982.

6. The Radwill contribution was reported in the report of the Borski for Congress Committee for the period ended twelve days prior to the 1982 general election.

IN WITNESS WHEREOF, I have signed this Affidavit on March 19, 1986.


Virginia M. Duffy

Sworn to and subscribed
before me this 19th day
of March, 1986.


Notary Public

DOROTHY A. KRAMER
Notary Public, Phila., Phila. Co.
My Commission Expires July 24, 1989

BORSKI FOR CONGRESS

Recordkeeping Procedures:

1. Name, address, occupation and record of contributions are put on individual index cards, filed alphabetically by last name. The information includes the nature of the contribution (check, cash or in-kind) and the date of deposit. The cards are checked first to determine that contribution limits have not been exceeded.
2. Name, date and amount of each contribution are then recorded in a receipts journal, again by date of deposit, and again including information as to whether it was check, cash or in-kind. The journal also breaks out the contribution into categories for FEC reporting purposes.
3. All checks to be deposited are photocopied before deposit, and stapled together with a copy of the bank deposit slip and receipt and a list, by name and amount, of any cash contributions being deposited that date.
4. The day's receipts are then deposited into our checking account.
5. In the case of a cash contribution in excess of the \$100 annual limit, contributors are advised of the limit and invited to purchase money orders for that purpose. Staff members are authorized to purchase the money order on behalf of the contributor.

Allen B. Rodwell
251 W. Lombard
Phila. 19120

WPA
Tomb

6/3/2, 1725

		PID	YID
10/5/82	\$500 CK	500	500 C

EXHIBIT B

87040370016

	DATE	CONTRIBUTOR	CA # IK	Am't		Indiv.
				Am't	Deposit Am't	
✓ 1	Oct 4	Cash/Brown Mug (See Schedule A)	CA	433		433
✓ 2		My Lit Cash Dep (see Schedule B)	CA	4060	2293	4060
✓ 3		Cash My Lit not dep. (see Sch B)	CA	20		20
✓ 4		Jim Konieczny	IK			27
✓ 10	Oct 5	Allen Radwill	CK	500		500
✓ 11		Linda Carleton	CK	50		50
✓ 12		Frank Daly Esq	CK	50		50
✓ 13	Beane Streams	Capital Account of John Sade	CK	500		500
✓ 14		Tioga Coal Co Ray Neuman	CK	200		200
✓ 15		Michael Augsburgen	CK	25		25
✓ 16		Richard Cooper	CK	100		100
✓ 17		Robert Chapman	CK	100		100
✓ 18		John Showers	CK	100		100
✓ 19		Barbara Rothenberg Esq	CK	25		25
✓ 20		George K Yeager	CK	100		100
✓ 21		Alice M Kreiner	CK	40		40
✓ 22		Mr Stanley of Alaska	CK	100		100
✓ 23		Dorothy Dempsey	CK	175		175
✓ 24		Thaddeus Janulewicz	CK	25		25
✓ 25		Nelen Savage	CK	50		50
✓ 26		Stephen Podgorski	CK	50		50
✓ 27		Antoinette Mitchell	CK	25		25
✓ 28		Philip Maughan	CK	50		50
✓ 29		M.W. Baehr	CA	100		100
✓ 30		Joann Borski	CA	20		20
✓ 31		Elsie Lydon	CA	25		25
✓ 32		Mariann Sullivan	CA	50		50
✓ 33		Tony Coco	CA	25		25
✓ 34						

EXHIBIT C

81002504078

Fidelity Bank

All items deposited, whether payable in Philadelphia or elsewhere, are received for collection only, and may not be drawn against until paid by the drawee bank.

BANK SYMBOL, TRANSACTION NUMBER, DATE AND AMOUNT OF YOUR DEPOSIT ARE SHOWN BELOW

PT 8933 OCT 5 2885.00-30

4:790001005: 499 871 2M

BORSKI FOR CONGRESS COMMITTEE

THE FIDELITY BANK



PLEASE ENDORSE ALL CHECKS
DATE
CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT AND
ACT IN THE NAME AND REGULATION OF THE BANK.

CURRENCY	AMOUNT
3-50	595.00
3-5	50.00
3-5	25.00
3-1	50.00
3-2	50.00
3-76	25.00
3-2566	175.00
3-7566	100.00
3-1	40.00
3-3	100.00
3-5	45.00
3-1	100.00
3-7566	100.00
60-117	100.00
3-5	25.00
3-1	200.00
3-5	50.00
3-76	50.00
FRONT SIDE TOTAL	1785.00
REVERSE SIDE TOTAL	1000.00
TOTAL DEPOSIT	2785.00

FOR DEPOSIT ONLY
ORIGINALLY

TOTAL 1000.00

CUSTOMER'S RECORD OF PERSONAL MONEY ORDER
NOT TO EXCEED \$500.00

7435420

OCT 4, 1982

12500 AND 00 CTS

Borski for Congress

PAID TO ORDER

2311 Taber Rd Phila.

NOT NEGOTIABLE



Fidelity Bank
PHILADELPHIA, PENNSYLVANIA

FOR IMPORTANT: PLEASE RETAIN FOR YOUR RECORDS

EXHIBIT "D"

4

PERSONAL MONEY ORDER

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

MUR 2145 P 3:28
DATE COMPLAINT RECEIVED
BY OGC _____
DATE OF NOTIFICATION TO
RESPONDENT _____
STAFF MEMBER FRANCES B.
HAGAN

COMPLAINANT'S NAME: Allen B. Radwill

RESPONDENTS' NAMES: Cong. Robert Borski
Borski for Congress Committee,
Virginia M. Duffy, as treasurer
Allen B. Radwill

RELEVANT STATUTE: 2 U.S.C. § 441g
11 C.F.R. § 110.4(c) (1) and (2)
2 U.S.C. § 432(e) (2)
2 U.S.C. § 432(h) (1)
11 C.F.R. § 103.3(a)

INTERNAL REPORTS
CHECKED: Disclosure Reports

FEDERAL AGENCIES
CHECKED: None

SUMMARY OF ALLEGATIONS

Complainant alleges that in September 1982, he gave Congressman Robert Borski \$500 in cash and did not get a written receipt. Complainant states that in October 1982, Mr. Borski or one of his assistants "had a bank check made out to Robert Borski" and signed Dr. Radwill's name on it.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441g states that "no person shall make contributions of currency . . . to or for the benefit of any candidate which, in the aggregate, exceed \$100, with respect to any campaign . . . to federal office."

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11 C.F.R. § 110.4(c)(2) states that " a candidate or committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor."

Complainant alleges that in September 1982 he made a contribution of \$500 in cash directly to Congressman Robert Borski in the congressman's Philadelphia office. Complainant alleges that either Mr. Borski or an assistant went to a local bank, obtained a bank check made out to "Robert Borski" and signed Dr. Radwill's name to the check.

In answer to the complaint, Mr. Borski replied that no action should be taken in this matter because his committee maintains accounting procedures which are careful and reasonable pursuant to 11 C.F.R. § 102.9(a); that neither he nor his committee accepted a cash contribution in violation of 11 C.F.R. § 110.4(c)(1); that the Radwill contribution was deposited within 10 days of receipt pursuant to 11 C.F.R. § 103.3(a); and that the contribution was timely reported in the 1982 pre-election report as required by 11 C.F.R. § 104.3(a).

In a sworn affidavit, Mr. Borski attached a memorandum dated October 12, 1983, concerning Dr. Radwill's contribution. The memo was written "in order to record my recollection of all the circumstances surrounding my meetings with Dr. Radwill while they were still relatively fresh in my mind." This precaution apparently was taken after Dr. Radwill indicated to the congressional staff that he would file a complaint with the FEC.

Mr. Borski also stated that he accepted a contribution in October 1982 rather than September 1982 as alleged and that such

contribution was "offered, but not accepted, in cash. It was accepted by my campaign committee in the form of a traceable money order identifying Dr. Radwill by full name and address, recorded and deposited within no more than twenty-four hours after its receipt."

Mr. Borski's memorandum stated that it was his practice to decline cash, but when cash was offered, he would "for the convenience of the contributor, . . . have one of our campaign staff persons go to the bank and purchase a money order on the contributor's behalf." He stated that "I do know that under no circumstances did I ever accept cash unless the person understood that it had to be used to purchase a traceable money order, with the contributor's name and address."

The response to the complaint also included an affidavit by the treasurer of the Borski for Congress Committee who described the Committee's recordkeeping procedures. These procedures include a policy statement regarding cash receipts:

In the case of a cash contribution in excess of the \$100 annual limit, contributors are advised of the limit and invited to purchase money orders for that purpose. Staff members are authorized to purchase the money orders on behalf of the contributor.

The treasurer named the staff person who filled in the information on the Radwill money order.

As the complainant and the Borski Committee agree, Dr. Radwill's contribution was made in the form of \$500 cash.

According to 2 U.S.C. § 441g, cash contributions are limited to \$100. Therefore, Allen B. Radwill violatd 2 U.S.C. § 441g in this matter. The Office of General Counsel is recommending a finding of reason to believe against Dr. Radwill.

Although Mr. Borski stated that Dr. Radwill was informed of the limits on cash contributions and that such cash would be used to purchase a money order, it is clear that Mr. Borski, as an agent of the Borski Committee (2 U.S.C. § 432(e)(2)) accepted the contribution of \$500 in the form of cash.

The candidate's and the committee's failure promptly to return the amount in excess of \$100 resulted in violations of 11 C.F.R. § 110.4(c)(2). We are recommending a finding of reason to believe that Congressman Robert A. Borski, the Borski for Congress Committee and Virginia M. Duffy, as treasurer, violated 11 C.F.R. § 110.4(c)(2) in this matter.

11 C.F.R. § 103.3(a) requires that all receipts be deposited (See also 2 U.S.C. § 432(h)(1)) and that such deposits are to be made within 10 days of receipt.

In response to the complaint, the treasurer attached copies of the money order, deposit slip, contributor card and journal entries for Dr. Radwill's contribution. These documents show that the \$500 money order was purchased on October 4, 1982, and deposited on October 5, 1982. Therefore, it appears that no violation of 11 C.F.R. § 103.3(a) occurred in this matter.

We are recommending a finding of no reason to believe concerning this issue.

RECOMMENDATION

1. Find reason to believe that Allen B. Radwill violated 2 U.S.C. § 441g.
2. Find reason to believe that the Borski for Congress Committee and Virginia M. Duffy, as treasurer, violated 11 C.F.R. § 110.4(c)(2).
3. Find reason to believe that Robert A. Borski violated 11 C.F.R. § 110.4(c)(2).
4. Find no reason to believe that the Borski for Congress Committee and Virginia M. Duffy, as treasurer, violated 11 C.F.R. § 103.3(a).
5. Send the attached letters.

Charles N. Steele
General Counsel

Date

April 14, 1986

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

Response to Complaint
Proposed Letters

87040670023



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/ ARNITA D. HESSION ^{AD/H}
DATE: APRIL 17, 1986
SUBJECT: MUR 2145 - First General Counsel's Report
Signed April 14, 1986

The above-named document was circulated to the
Commission on Tuesday, April 15, 1986.

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, April 29, 1986.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/ ARNITA D. HESSION ^{12/11}
DATE: APRIL 17, 1986
SUBJECT: MUR 2145 - First General Counsel's Report
Signed April 14, 1986

The above-named document was circulated to the
Commission on Tuesday, April 15, 1986.

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

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

This matter will be placed on the Executive Session
agenda for Tuesday, April 29, 1986.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE REC
COMMISSION SECRETARY

96 APR 21 P 3:16 **SENSITIVE**

EXECUTIVE SESSION

April 21, 1986

MEMORANDUM

APR 29 1986

TO: The Commission

FROM: Charles N. Steele
General Counsel

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

SUBJECT: Errata MUR 2145

The First General Counsel's Report in this matter contained as attachments two letters to respondents on an incorrect form letter. The corrected letters are attached here for substitution in the First General Counsel's Report as Attachments B (1-2) and C (1-2).

87040670026

87040570027

Attachments to Memo,
dtd 21 Apr 86

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment B see 11

C 10

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Congressman Robert Borski) MUR 2145
Borski for Congress Committee)
Virginia M. Duffy, as treasurer)
Allen B. Radwill)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of April 29, 1986, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 2145:

1. Find reason to believe that Allen B. Radwill violated 2 U.S.C. § 441g.
2. Find reason to believe that the Borski for Congress Committee and Virginia M. Duffy, as treasurer, violated 11 C.F.R. § 110.4(c)(2).
3. Find reason to believe that Robert A. Borski violated 11 C.F.R. § 110.4(c)(2).
4. Find no reason to believe that the Borski for Congress Committee and Virginia M. Duffy, as treasurer, violated 11 C.F.R. § 103.3(a).
5. Send the letters attached to the General Counsel's Errata dated April 21, 1986, subject to the amendments agreed upon during the meeting.

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

Attest:

4-30-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 2, 1986

Virginia M. Duffy, Treasurer
Borski for Congress Committee
5836 North Third Street
Philadelphia, Pennsylvania 19120

RE: MUR 2145
Borski for Congress Committee
Virginia M. Duffy, as
treasurer

Dear Ms. Duffy:

The Federal Election Commission notified you on March 6, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time. We acknowledge receipt of your explanation of this matter which was dated March 21, 1986.

Upon further review of the allegations contained in the complaint and information you supplied, the Commission, on April 29, 1986, determined that there is reason to believe that the Borski for Congress Committee and you, as treasurer, have violated 11 C.F.R. § 110.4(c)(2), a provision of the Regulations. Specifically, it appears that your committee and you, as treasurer, accepted a cash contribution in excess of \$100 during the 1982 campaign. In addition, the Commission found no reason to believe that your committee and you, as treasurer, violated 11 C.F.R. § 103.3(a) in this matter.

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response within ten days of your receipt of this notification.

In the absence of additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation 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

Letter to Virginia M. Duffy
Page 2

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 General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Procedures

87040570030



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 2, 1986

Honorable Robert A. Borski
314 Cannon House Office Building
Washington, D.C. 20515

RE: MUR 2145
Robert A. Borski

Dear Mr. Borski:

The Federal Election Commission notified you on March 6, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time. We acknowledge receipt of your explanation of this matter which was dated March 21, 1986.

Upon further review of the allegations contained in the complaint and information you supplied, the Commission, on April 29, 1986, determined that there is reason to believe that you have violated 11 C.F.R. § 110.4(c)(2), a provision of the Regulations. Specifically, it appears that you accepted a cash contribution in excess of \$100 during the 1982 campaign.

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response within ten days of your receipt of this notification.

In the absence of 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 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.

Letter to Robert A. Borski
Page 2

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.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Joan D. Aikens
Chairman

Enclosures
Procedures

87040570032

//



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 2, 1986

Dr. Allen B. Radwill
231 West Tabor Road
Philadelphia, Pennsylvania 19120

RE: MUR 2145
Allen B. Radwill

Dear Dr. Radwill:

On April 29, 1986, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441g, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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 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.

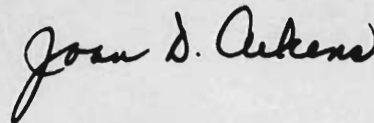
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 Frances B. Hagan, the staff member assigned to this matter, at (202)376-8200.

Sincerely,



Joan D. Aikens
Chairman

Enclosures

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

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GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 2145
STAFF MEMBER & TEL.
NO.
Frances B. Hagan
(202) 376-8200

RESPONDENT Allen B. Radwill

SUMMARY OF ALLEGATIONS

Allen B. Radwill made a contribution in the form of currency in excess of \$100 in violation of 2 U.S.C. § 441g.

FACTUAL BASIS AND LEGAL ANALYSIS

Allen B. Radwill attests that during the 1982 campaign, he made a contribution of \$500 in cash to Congressman Robert A. Borski and the Borski for Congress Committee. 2 U.S.C. § 441g states that no person shall make contributions of currency which exceed \$100 with respect to any campaign for federal office.

The Office of General Counsel recommended and the Commission found that Allen B. Radwill violated 2 U.S.C. § 441g in this matter.

87040570035

CONGRESSMAN BOB BORSKI

May 15, 1986

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

Re: MUR 2145

Ladies and Gentlemen:

In response to your letter dated May 2, 1986, which I received on May 8, 1986, please accept this letter as a request to pursue pre-probable cause conciliation.

After reviewing again the sworn statement which was submitted to the Commission with Congressman Borski's letter of March 21, I would like to add one additional fact. Some time following Mr. Radwell's visit to the Congressman's office in the fall of 1983, when I prepared the memorandum of recordkeeping procedures which was submitted with my affidavit, we made one change to the procedures of the Borski for Congress Committee respecting money orders. In order to avoid any further dispute or misunderstanding as to the nature of a particular contribution, campaign staff members are no longer authorized to purchase money orders on behalf of a contributor. Although a review of the Code of Federal Regulations did not disclose any specific prohibition against the purchase of money orders by staff members, which was done as a matter of convenience for the contributors, we made a discretionary decision not to do so.

I would also ask that you consider that if there has been a violation of 11 C.F.R. Section 110.4(c)(2), the violation is technical and unintentional. As treasurer of the Borski for Congress Committee, I am willing to undertake such corrective actions, and to adopt any additional procedural changes, as the Commission deems appropriate in the circumstances.

Thank you very much for your consideration.

Very truly yours,

Virginia M. Duffy
Virginia M. Duffy
Treasurer

BORSKI FOR CONGRESS COMMITTEE

VMD/mhb

P.O. Box 26846

Philadelphia, PA 19134

CONGRESSMAN BOB BORSKI

May 15, 1986

RECEIVED AT THE FEC
CCG# 510
86 MAY 19 P 1:30

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

Re: MUR 2145

Ladies and Gentlemen:

In response to your letter dated May 2, 1986, which I received on May 13, 1986, please accept this letter as a request to pursue pre-probable cause conciliation.

By separate letter to the Commission, the Treasurer of my principal campaign committee has explained the procedural changes we have made concerning money orders. I have ceased offering to contributors the convenience of having one of my campaign staff members go to the bank and purchase a money order on the contributor's behalf.

I am aware that it is not possible, whether by legislation, regulation or advisory opinion, to specify in advance the exact conduct which may give rise to a violation of federal election law. We have attempted in good faith to comply with both the letter and the spirit of the law, and I ask the Commission to consider that if there has been a violation of 11 C.F.R. Section 110.4(c)(2), the violation is technical and unintentional. I am willing to undertake such actions, and to adopt such safeguards, as the Commission deems appropriate in the circumstances.

Thank you very much for your consideration.

Very truly yours,

Bob Borski
Robert A. Borski

RAB/VMD/mhb

P.O. Box 26846 Philadelphia, PA 19134

86 MAY 19 P 4:13

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

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06 MAY 23 09:08

Dr. Allen Radwill
231 West Taber Rd.
Philadelphia, Pa. 191
May 19, 1986
MUR No. 2145

06 MAY 23 10:45

RECEIVED
GENERAL COUNSEL

Ms. Jean D. Aikens-Chairman
Federal Election Commission
Washington, D.C. 20436

Dear Ms. Aikens;

This letter is being written in order to inform you that I am interested in pursuing pre-probable cause conciliation. I believe no action should be taken against me for the following reasons:

1. Congressman Berski asked me for the five hundred dollar cash contribution in September of 1982. He did not report the contribution until one month later and was in possession of the cash for over one month. You may check my bank account in order to see when I withdrew the cash. This can be compared with the date that is written on the bank check (which does not have my signature).
2. At the time of the cash contribution, I did not know that it violated the Federal Election Campaign Act, whereas I am sure Congressman Berski did know it violated "the Act". I obviously was manipulated by him. I am willing to take a lie detector test regarding the above if you believe that will add to my credibility.
3. Another reason that no action should be taken against me is that I voluntarily wrote the letter indicating that a violation had taken place. If I had not written the letter, the F.E.C. would not be investigating either the Congressman or myself.
4. I have had a checking account with thousands of dollars in assets for the past fifteen years. It would have been easier and safer for me to write a check to Congressman Berski than to go to my bank and withdraw cash.
5. I had no reason to suspect that a cash contribution was illegal. If Congressman Borski or someone else had told me it was not legal, I would not have made it. When I found out that the contribution was illegal, I made a phone call to Kenneth Gress and then wrote the letter dated February 17, 1986.

Yours truly,

Dr. Allen Radwill
Dr. Allen Radwill

87040570038



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 3, 1986

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: FRAN HAGAN

FROM: LEE GARRITY
COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 2145

Please review the attached Request for Additional Information which is to be sent to the Borski for Congress Committee for the 1986 12 Day Pre-Primary Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 10:30 a.m. on Thursday, June 5, 1986. Thank you.

COMMENTS:

Attachment

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-2

Virginia M. Duffy, Treasurer
Borski for Congress Committee
5836 North 3rd Street
Philadelphia, PA 19120

Identification Number: C00148429

Reference: 12 Day Pre-Primary Report (4/1/86-4/30/86)

Dear Ms. Duffy:

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:

-Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures of your previous report and the Column A figures of this report. Please amend your report to correct the Column B discrepancies for Line(s) 6(a)&(c), 7(a)&(c), 11(c)&(e), 16, 17 and 22 and any subsequent report(s) which may be affected by this correction. Note that Column B should reflect the year-to-date totals for calendar year 1986 only.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Roberto Garcia
Reports Analyst
Reports Analysis Division

87040570040

RECEIVED
BEFORE THE FEDERAL ELECTION COMMISSION
JUL 3 1986

In the Matter of)

Robert A. Borski)
Borski for Congress Committee)
Virginia M. Duffy, as treasurer)
Allen B. Radwill)

CC JUL 3 PM 2:18
MUR 2145

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Complainant Allen B. Radwill alleged that in September 1982 he made a contribution of \$500 in cash directly to Congressman Robert Borski in the congressman's Philadelphia office.

Complainant alleged that a month later, either Mr. Borski or an assistant went to a local bank, obtained a "bank check" made out to "Robert Borski" and signed Dr. Radwill's name to the check.

The candidate and treasurer of the Borski for Congress Committee ("the Committee") stated that it had been a Committee policy to advise contributors of the \$100 limit on cash contributions and to authorize staff members to purchase money orders on behalf of the contributor if the contributor so desired. The candidate and treasurer stated that they adhered to this policy with regard to Dr. Radwill's contribution.

On April 29, 1986, the Commission found reason to believe that the Borski for Congress Committee and Virginia M. Duffy, as treasurer, and Robert A. Borski violated 11 C.F.R. § 110.4(c)(2) by failing promptly to return the amount of the cash contribution in excess of \$100. The Commission also found reason to believe that Allen B. Radwill violated 2 U.S.C. § 441g by making a cash contribution in excess of \$100. In addition, based on a review of

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the evidence, the Commission found no reason to believe that the Committee and treasurer violated 11 C.F.R. § 103.3(a) in connection with the deposit of a contribution from Allen Radwill.

II. LEGAL ANALYSIS

In letters requesting pre-probable cause conciliation, Mr. Borski and the Committee stated that the Committee has changed its procedures and "campaign staff members are no longer authorized to purchase money orders on behalf of a contributor." In asking the Commission to view the violation of 11 C.F.R. § 110.4(c)(2) as "technical and unintentional," Mr. Borski stated, "I am aware that it is not possible, whether by legislation, regulation or advisory opinion, to specify in advance the exact conduct which may give rise to a violation of federal election law. We have attempted in good faith to comply with both the letter and the spirit of the law..."

Dr. Radwill also requested pre-probable cause conciliation for his violation of 2 U.S.C. § 441g. In making the request, the complainant/respondent again listed his reasons as to why no action should be taken. Dr. Radwill stated that Mr. Borski asked for cash and reiterated that the Committee held the contribution for a month before deposit. He stated that his bank account would show when he withdrew the cash. Dr. Radwill did not provide such evidence.

Mr. Borski and the Committee have provided sworn statements attesting that the contributor in this instance was informed that

the cash would be used to purchase a money order. The Commission has already decided the issue of timely depositing the contribution. Furthermore, evidence that Dr. Radwill withdrew cash on a certain date would not verify when he gave the cash contribution to Mr. Borski's campaign.

Dr. Radwill stated that at the time of the cash contribution, he did not know that it violated the Act. He also noted that he brought the violation to the Commission's attention. These factors will be considered as mitigating the violation.

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IV. RECOMMENDATION

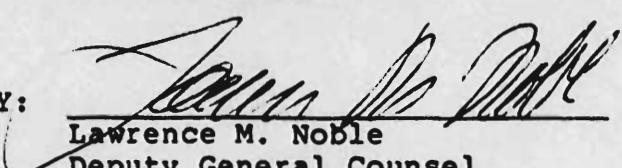
1. Enter into conciliation with the following respondents prior to a finding of probable cause to believe:
 - a. Robert A. Borski;
 - b. Borski for Congress Committee;
 - c. Allen B. Radwill.
2. Approve the attached proposed conciliation agreements.
3. Approve and send the attached letters.

Charles N. Steele
General Counsel

Date

7/3/86

BY:


Lawrence M. Noble
Deputy General Counsel

Attachments

Proposed agreements and
letters to respondents
Requests from Respondents

87040670045

Attachments to General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment A see 22

B -

C -

D 13, 14, 15



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/ *MWE*
DATE: JULY 7, 1986
SUBJECT: MUR 2145 - General Counsel's Report
Signed July 3, 1986

The above-named document was circulated to the Commission on Thursday, July 3, 1986 at 4:00 p.m.

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

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

This matter will be placed on the Executive Session agenda for TUESDAY, 15, 1986.

87040570046



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/ *mwe*
DATE: JULY 8, 1986
SUBJECT: ADDITIONAL OBJECTION TO MUR 2145
GENERAL COUNSEL'S REPORT SIGNED 7/3/86

The above-named document was circulated to the
Commission on JULY 3, 1986 at 4:00 p.m.

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	_____
Commissioner McGarry	_____

This matter will be placed on the Executive Session
agenda for TUESDAY, JULY 15, 1986.

87040570047

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Robert A. Borski

Borski for Congress Committee

Virginia M. Duffy, as treasurer

Allen B. Radwill

)
)
)
)
)
)

MUR 2145

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 15, 1986, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2145:

1. Enter into conciliation with the following respondents prior to a finding of probable cause to believe: a) Robert A. Borski; b) Borski for Congress Committee; c) Allen B. Radwill.
2. Direct the Office of General Counsel to write one conciliation agreement for Robert A. Borski, the Borski for Congress Committee and Virginia M. Duffy, as treasurer.

(continued)

Federal Election Commission
Certification for MUR 2145
July 15, 1986

Page 2

3. Approve a conciliation agreement with
Allen B. Radwill providing for a civil
penalty of

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

Attest:

7-16-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

87040370049



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 25, 1986

Dr. Allen B. Radwill
231 West Tabor Road
Philadelphia, Pennsylvania 19120

RE: MUR 2145
Allen B. Radwill

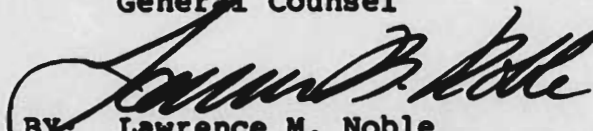
Dear Dr. Radwill:

On April 29, 1986, the Commission found reason to believe that you violated 2 U.S.C. § 441g. At your request, the Commission determined on July 15, 1986, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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 Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel


BY: Lawrence M. Noble
Deputy General Counsel

Enclosures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1986

Virginia M. Duffy, Treasurer
Borski for Congress Committee
5836 North 3rd Street
Philadelphia, Pennsylvania 19120

RE: MUR 2145
Robert A. Borski
Borski for Congress Committee
Virginia M. Duffy, as
treasurer

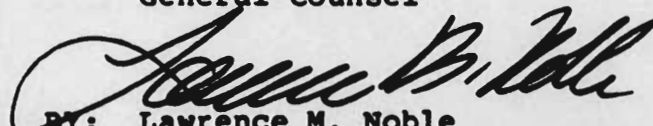
Dear Ms. Duffy:

On April 29, 1986, the Commission found reason to believe that your committee and you, as treasurer, and Robert A. Borski violated 11 C.F.R. § 110.4(c)(2). At your request, the Commission determined on July 15, 1986, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you and Mr. Borski 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 Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel


By: Lawrence M. Noble
Deputy General Counsel

Enclosures

cc: Honorable Robert A. Borski

RECEIVED
CONFIDENTIAL

BEFORE THE FEDERAL ELECTION COMMISSION
OFFICE OF THE FEDERAL ELECTION COMMISSION SECRETARY

In the Matter of)

Robert A. Borski)

Borski for Congress Committee)

Virginia M. Duffy, as treasurer)

Allen B. Radwill)

MUR 2145 00 NOV 6 9:43

GENERAL COUNSEL'S REPORT

BACKGROUND

Complainant Allen B. Radwill alleged that in September 1982 he made a contribution of \$500 in cash directly to Congressman Robert Borski in the Congressman's Philadelphia office.

Complainant alleged that a month later, either Mr. Borski or an assistant went to a local bank, obtained a "bank check" made out to "Robert Borski" and signed Dr. Radwill's name to the check.

The candidate and treasurer of the Borski for Congress Committee ("the Committee") stated that it had been a Committee policy to advise contributors of the \$100 limit on cash contributions and to authorize staff members to purchase money orders on behalf of the contributor if the contributor so desired. The candidate and treasurer provided sworn statements that they adhered to this policy with regard to Dr. Radwill's contribution.

On April 29, 1986, the Commission found reason to believe that the Borski for Congress Committee and Virginia M. Duffy, as treasurer, and Robert A. Borski violated 11 C.F.R. § 110.4(c)(2) by failing promptly to return the amount of the cash contribution in excess of \$100. The Commission also found reason to believe that Allen B. Radwill violated 2 U.S.C. § 441g by making a cash

contribution in excess of \$100. In addition, based on a review of the evidence, the Commission found no reason to believe that the Committee and treasurer violated 11 C.F.R. § 103.3(a) in connection with the deposit of a contribution from Allen Radwill.

On July 15, 1986, the Commission determined to enter into pre-probable cause conciliation with each respondent.

DISCUSSION OF CONCILIATION

*Remainder of p 2 and pp 3-5 deleted.
See 24.C.F.R. § 437 g (a)(4)(B)(i).*

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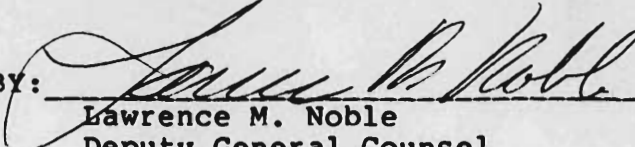
As previously stated, the Office of the General Counsel recommends that the Commission reject the Respondent's attached counterproposal, but approve and send the attached revised agreement.

RECOMMENDATIONS

1. Accept the conciliation agreement signed by Robert A. Borski and the treasurer of the Borski for Congress Committee.
2. Close the file as it relates to Robert A. Borski, the Borski for Congress Committee and Virginia M. Duffy, as treasurer.
3. Reject the counterproposal by Allen B. Radwill.
4. Approve the attached proposed conciliation agreement regarding Allen B. Radwill.
5. Send attached letters and conciliation agreements.

Charles N. Steele
General Counsel

11/5/36
Date _____

BY: 
Lawrence M. Noble
Deputy General Counsel

Attachments

Signed Conciliation Agreement (Borski)
Letter to Borski Respondents
Proposed Agreement to Radwill
Letter to Radwill
Letter from Radwill

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Robert A. Borski)
Borski for Congress Committee)
Virginia M. Duffy, as treasurer)
Allen B. Radwill)

MUR 2145

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 10, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 2145:

1. Accept the conciliation agreement signed by Robert A. Borski and the treasurer of the Borski for Congress Committee, as recommended in the General Counsel's Report signed November 5, 1986.
2. Close the file as it relates to Robert A. Borski, the Borski for Congress Committee and Virginia M. Duffy, as treasurer.
3. Reject the counterproposal by Allen B. Radwill, as recommended in the General Counsel's Report signed November 5, 1986.
4. Approve the proposed conciliation agreement regarding Allen B. Radwill, as recommended in the General Counsel's Report signed November 5, 1986.
5. Send the letters and conciliation agreements, as recommended in the General Counsel's Report signed November 5, 1986.

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

Attest:

11-10-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

24

87040370055



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1986

Virginia M. Duffy, Treasurer
Borski for Congress Committee
5836 North Third Street
Philadelphia, Pennsylvania 19120

RE: MUR 2145
Robert A. Borski
Borski for Congress Committee
Virginia M. Duffy, as
treasurer

Dear Ms. Duffy:

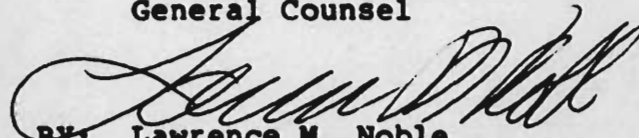
On November 10, 1986, the Commission accepted the conciliation agreement you and Robert Borski signed in settlement of violations of 11 C.F.R. § 110.4(c)(2), a provision of the Commission's Regulations. Accordingly, the file has been closed in this matter as it pertains to Mr. Borski, the Borski for Congress Committee and you, as treasurer, and it will become a part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

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.

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

Sincerely,

Charles N. Steele
General Counsel


BY: Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation Agreement

87040570050

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Robert A. Borski) MUR 2145
Borski for Congress Committee)
Virginia M. Duffy, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Allen B. Radwill. The Commission found reason to believe that the Borski for Congress Committee and Virginia M. Duffy, as treasurer, and Robert A. Borski ("Respondents") violated 11 C.F.R. § 110.4(c)(2) by failing promptly to return to a contributor a cash contribution over \$100, and an investigation was conducted.

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

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

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

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

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

1. Respondent, Robert A. Borski, was a candidate for the U.S. House of Representatives from Pennsylvania in 1982.

2 Respondent, the Borski for Congress Committee, is the principal campaign committee for Robert A. Borski.

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3. Respondent, Virginia M. Duffy, is treasurer of the Respondent committee.

4. In October 1982, the Respondents accepted a contribution of \$500 in the form of currency which was proffered by contributor Allen B. Radwill.

5. On October 4, 1982, the Respondents purchased a \$500 money order in the name of Allen B. Radwill and on October 5, 1982, deposited the funds into the campaign depository.

6. Respondents timely reported and properly identified the receipt of \$500 from Allen B. Radwill on the 1982 12-Day Pre-General Election Report.

7. 11 C.F.R. § 110.4(c)(2) states that "a candidate or committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor."

8. Respondents contend that it is their practice to explain to contributors that cash contributions in excess of \$100 are not permitted, that personal checks are permitted and that money orders identifying the contributor by name and address are permitted. Respondents contend that at the time of the Radwill contribution, it was also Respondents' practice to permit a campaign committee staff member, for the convenience of and with the concurrence of the contributor, to purchase a money order on behalf of the contributor. Respondents contend that they have ceased offering to purchase money orders on behalf of contributors.

V. Respondents failed promptly to return to the contributor the amount of the cash contribution over \$100 in violation of 11 C.F.R. § 110.4(c)(2). Respondents contend that the violation was not knowing and willfull.

VI. Respondents will return \$400 to contributor Allen B. Radwill.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of two hundred dollars (\$200), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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.

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

X. 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.

XI. 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

87040670059

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

FOR THE COMMISSION:

Charles N. Steele
General Counsel

By: *Lawrence M. Noble*
Lawrence M. Noble
Deputy General Counsel

11/12/86
Date

FOR THE RESPONDENTS:

Robert A. Borski

Sept 29, 1986
Date

BORSKI FOR CONGRESS COMMITTEE
By: *Virginia M. Duffey*
Treasurer

Sept. 29, 1986
Date

87040570060

87 JAN 12 P 1: 08

CONGRESSMAN BOB BORSKI

January 9, 1987

Ms. Frances B. Hagan
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

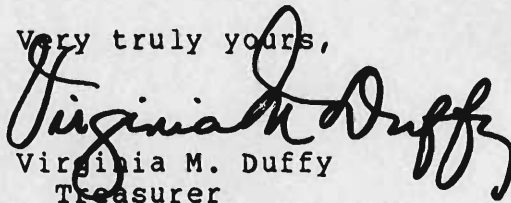
Re: MUR 2145

Dear Ms. Hagan:

Pursuant to the Conciliation Agreement in the above matter which was approved by the Commission on November 12, 1986, I enclose herewith our check payable to the Treasurer of the United States in the amount of \$200.00, together with a photocopy of my correspondence refunding the excess contribution to Allen Radwill.

If there is anything further that I need to do on this matter, I would appreciate if you would let me know. Otherwise, I will continue to assume that the matter is confidential until I have heard from the Commission that the file is closed.

Very truly yours,



Virginia M. Duffy
Treasurer

Borski for Congress Committee

- JAN 14 P 3: 40

GENERAL COUNSEL

87040670051

CONGRESSMAN BOB BORSKI

January 9, 1987

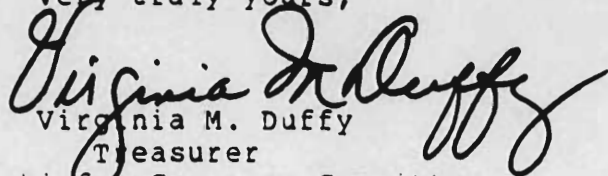
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Allen B. Radwill
231 West Tabor Road
Philadelphia, PA 19120

Dear Mr. Radwill:

Enclosed herewith is check no. 355 of the Borski for Congress Committee, in the amount of \$400.00, representing a refund of a portion of the contribution made by you for the general election in 1982.

Very truly yours,


Virginia M. Duffy
Treasurer

Borski for Congress Committee

BORSKI FOR CONGRESS COMMITTEE

P.O. BOX 26846
PHILADELPHIA, PA 19134

0354

60-7494/2313 13

December 2 1986

PAY TO THE ORDER OF Treasurer of the United States \$ 200.00

two hundred and xx/100-----DOLLARS

HOME
UNITY
SAVINGS
& LOAN ASSOCIATION

FOR MUR 2145; Civil Penalty per

2 U.S.C. §4378(a)(5)(A)
⑈000003546⑈ ⑈231374945⑈ 19 008581⑈000004⑈

Virginia M. Duffy

MEMORANDUM

TO: Debra A. Reed TO: Judy Smith

FROM: Judy Smith FROM: Debra A. Reed

CHECK NO. 0354 (a copy of which is attached) RELATING

TO MUR 2145 (Hagan) AND NAME Congressman Robert Borshi;

WAS RECEIVED ON 1/14/87 PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

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

/ / CIVIL PENALTIES ACCOUNT (#95-1099.160)

/ / OTHER _____

SIGNATURE Debra A. Trimmer DATE 1/14/87



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

87 JAN 20 AIO: 52

SECRETARY
FEDERAL ELECTION COMMISSION

MEMORANDUM

January 20, 1987

TO: The Commission

FROM: Charles N. Steele
General Counsel *CNS*

SUBJECT: MUR #2145

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on January 20, 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Dr. Allen B. Radwill
231 West Tabor Road
Philadelphia, PA 19120

January 20, 1987

RE: MUR 2145
Allen B. Radwill

Dear Dr. Radwill:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you the Federal Election Commission, on April 29, 1986, found reason to believe that you had violated 2 U.S.C. § 441g, and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of General Counsel, if possible. The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

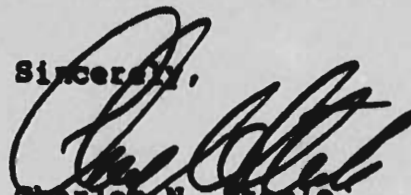
If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days. All requests for extension of time must be submitted 5 days prior to the due date and must be in writing. Further, good cause must be shown.

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

Letter to Allen B. Radwill
Page 2

Should you have any questions, please contact Frances B. Hagan, the staff member assigned to handle this matter, at (202) 376-8200.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

87040570066

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Allen B. Radwill

)
) MUR 2145
)

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

During the 1982 General Election campaign, Respondent Allen B. Radwill made a contribution of \$500 in the form of currency to Robert A. Borski and the Borski for Congress Committee in support of the Borski campaign for the U.S. House of Representatives from Pennsylvania. Representatives of the Borski for Congress Committee then used those funds to purchase a \$500 money order to which they signed the name of Allen B. Radwill. This matter was raised in a complaint brought by Respondent Radwill.

On April 29, 1986, the Commission found reason to believe that Allen B. Radwill violated 2 U.S.C. § 441g.

II. Legal Analysis

2 U.S.C. § 441g states that "no person shall make contributions of currency. . .to or for the benefit of any candidate which, in the aggregate, exceed \$100, with respect to any campaign. . .to federal office." Because Mr. Radwill made a contribution of currency exceeding \$100 with respect to a campaign for federal office, he is in violation of 2 U.S.C. § 441g.

III. General Counsel's Recommendation

Find probable cause to believe that Allen B. Radwill
violated 2 U.S.C. § 441g.

16 Jan 1987
Date


Charles N. Steele
General Counsel

87040670068

QA#2630

Dr. Allen B. Radwill
231 West Tabor Rd.
Philadelphia, Penna. 19120
January 30, 1987
(215) 927-4624

07 FEB 03 05:05

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Allen B. Radwill

)
) MUR 2145

ALLEN RADWILL'S BRIEF

- 87040370069
- I. I did violate 2U.S.C.-441g. I am stating that I should not be fined for the following reasons:
- A. Congressman Borski asked me for a \$500.00 cash contributionⁱⁿ September of 1982. He did not report the contribution until one month later and was in possession of the cash for over one month. You may check my bank account in order to see when I withdrew the cash. This can then be compared with the date that is written on the bank check (which does not have my signature).
 - B. At the time of the cash contribution, I did not know that it violated the Federal Election Campaign Act, whereas I am sure Congressman Borski did know that it violated "the Act". I obviously was manipulated by him. I am willing to take a lie detector test regarding the above if you believe that it will add to my credibility.
 - C. Another reason that I should not be fined is that I voluntarily wrote the letter indicating that a violation had taken place. If I had not written the letter, the FEC would not be investigating either the Congressman or myself.
 - D. A few months ago in England, a woman unknowingly boarded an airplane with a suitcase full of explosives. These explosives were put in a false bottom of her suitcase by her boyfriend. The woman did not know about the explosives. The authorities did not indict the woman although two hundred people almost died as a result of her ignorance. In the same manner, I was manipulated by the Congressman. I was asked by Mr. Borski that the \$500.00 contribution be in cash.
 - E. If a fine is imposed on me, it will not act as an incentive for other citizens to be "watch dogs" regarding public officials.
 - F. I did some subsequent research regarding cash contributions and I found that a \$500.00 cash contribution is legal in the city of Philadelphia and the state of Pennsylvania (in 1982). I was not running for public office and I don't understand why the Commission has such stringent standards for myself.
 - G. I have had a checking account with thousands of dollars in assets for the past fifteen years. It would have been easier and safer for me to write a check to Congressman Borski than to go to my bank and withdraw cash.
- 28

- H. In no way did I benefit from the cash contribution-either materially or through psychological gratification.
- I. I had no reason to suspect that a cash contribution was illegal. If Congressman Borski or someone else had told me it was not legal, I would not have made it. When I found out that the contribution was illegal, I made a phone call to Kenneth Gross and then wrote the letter dated February 17, 1986.

Allen Radwill

87040570070



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

March 26, 1987

MEMORANDUM

TO: Marjorie Emmons

FROM: George F. Rishel *GR*
Acting Associate General Counsel

SUBJECT: MUR 2145

87 MAR 26 P 4: 45

RECEIVED
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Due to a misunderstanding, this Office erroneously requested that you place the General Counsel's Report in MUR 2145 on the agenda for March 31, 1987, as a late submission. We ask instead that this report be placed on the agenda for Tuesday, April 7, 1987.

EXECUTIVE SESSION
APR 07 1987

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REC'D - CIVIL RIGHTS
FBI
MAR 26 1968
FBI - MEMPHIS
FBI - JACKSON

MUR 2145

REC-111
FEB 1964
P3:31

3:30

Alien

ncy to

Support

from

years." Mr. Borski and the Committee provided sworn statements attesting that the contributor in this instance was informed that the cash would be used to purchase a money order.*/

Respondent stated that he did not benefit from the cash contribution. He also stated that at the time of the cash contribution, he did not know that it violated the Act.

Respondent noted that he brought the violation to the Commission's attention and that a civil penalty would be a disincentive to other "watch dogs" of public officials.

Nevertheless, the respondent did make a cash contribution and received a refund of the amount over \$100. His arguments may be considered mitigating factors during conciliation negotiations, but do not vitiate the violation.

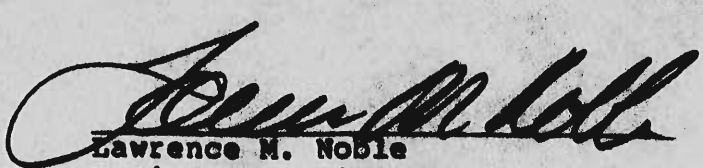
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IV. RECOMMENDATIONS

1. Find probable cause to believe that Allen B. Radwill violated 2 U.S.C. § 441g.
2. Approve the attached letter and proposed conciliation agreement.

Date

3/26/87


Lawrence M. Noble
Acting General Counsel

Attachments

Proposed Conciliation Agreement
Letter to Respondent
Letter from Respondent

87040670074

87040570075

Attachments to General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment A see (Detail)

<u>B</u>	<u>32</u>
<u>C</u>	<u>28</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Allen B. Radwill)

MUR 2145

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of April 7, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2145:

1. Find probable cause to believe that Allen B. Radwill violated 2 U.S.C. § 441g.
2. Approve and send the letter and proposed conciliation agreement attached to the General Counsel's report dated March 26, 1987.

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

Attest:

4-8-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 9, 1987

Dr. Allen B. Radwill
231 West Tabor Rd.
Philadelphia, PA 19120

Re: MUR 2145
Allen B. Radwill

Dear Dr. Radwill:

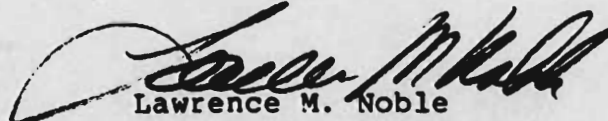
On April 7, 1987, the Commission determined that there is probable cause to believe you committed a violation of 2 U.S.C. § 441g, a provision of the Federal Election Campaign Act of 1971, as amended, in connection with a contribution of currency exceeding \$100 to a federal campaign.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it along with the civil penalty to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

Weissman, A.

SECRET

EXECUTIVE SESSION
SEP 09 1987

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Allen B. Radwill

)
--) MUR 2145
)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 7, 1987, the Commission found probable cause to believe that Dr. Allen B. Radwill violated 2 U.S.C. § 441g by making a \$500 cash contribution to Robert A. Borski and the Borski for Congress Committee in 1982.

Given the length of time the Commission has been in conciliation with this respondent and the apparent futility of extending negotiations, this Office recommends that the Commission authorize the filing of a civil suit for relief in United States District Court.

32a

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II. RECOMMENDATIONS

1. Authorize the Office of the General Counsel to file a civil suit for relief in the United States District Court against Allen B. Radwill.

2. Approve the attached letter.

8/26/81
Date

Lawrence M. Noble
Lawrence M. Noble
Acting General Counsel

Attachment
Letter

87040670079

32a

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Allen B. Radwill) MUR 2145

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 9, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2145:

1. Authorize the Office of the General Counsel to file a civil suit for relief in the United States District Court against Allen B. Radwill.
2. Approve the letter attached to the General Counsel's report dated August 26, 1987.

Commissiones Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

9-10-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 15, 1987

Dr. Allen B. Radwill
231 West Tabor Road
Philadelphia, PA 19120

Re: MUR 2145

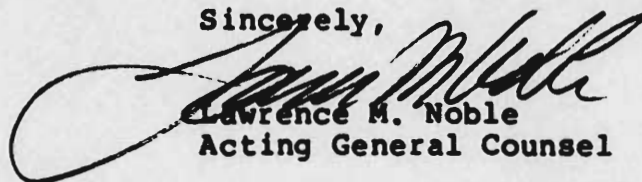
Dear Dr. Radwill:

You were previously notified that on April 7, 1987, the Federal Election Commission found probable cause to believe that you violated 2 U.S.C. § 441g, a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the captioned matter.

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 for Litigation, within five days of your receipt of this letter.

Sincerely,


Lawrence M. Noble
Acting General Counsel

34

87040570081



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

87 NOV 24 PM 4:09

CONFIDENTIAL

November 24, 1987

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *LMN*
General Counsel

SUBJECT: Settlement Proposal in Federal Election Commission
v. Allan B. Radwill (MUR 2145)

I. BACKGROUND

Following the failure of negotiations aimed at conciliation with Allan B. Radwill ("Radwill") regarding an alleged violation of 2 U.S.C. § 441g concerning the making of a \$500 cash contribution to the Borski for Congress Committee in 1982, the Commission, on September 9, 1987, authorized the Office of the General Counsel to file a civil suit against Radwill in the United States District Court.

II. SETTLEMENT PROPOSAL

Attached is a conciliation agreement which has been signed by Radwill, and was received in this Office on Thursday, October 1, 1987.* Attachment No. 1. The present proposal

* This proposed agreement was accompanied by a check dated December 2, 1986, for \$400 made payable to Radwill, drawn on a Borski for Congress Committee account and endorsed-in-blank by Radwill. Attachment No. 2. On October 6, 1987, this check was returned as unacceptable to Radwill because the drawee bank declined to honor it. Attachment No. 3. Radwill's settlement proposal was retained by this Office pending satisfactory payment of the proposed civil penalty. On November 3, 1987, this Office received another check, dated October 24, 1987, identical in all other respects to the previous one, including an endorsement by the payee. Attachment No. 4. This new check was presented in the ordinary course to the drawee bank and duly paid. Accordingly, Radwill's proposal is being submitted for the Commission's consideration. A refund check in the amount of \$250 will be prepared by the Administrative Division and forwarded to Radwill. The refund represents the difference between the proposed civil penalty amount of \$150 and the \$400 actually received.

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was received after negotiations between litigation staff of this Office and Radwill prior to the filing of a civil suit. This proposal is identical in substance to the conciliation agreement, including a proposed civil penalty of \$150, previously approved by the Commission on July 28, 1987, and offered to Radwill under separate cover letter dated July 31, 1987. The method of payment, viz. endorsement over to the Commission of the Borski Committee's check refunding the excessive portion of Radwill's cash contribution, was also previously approved by the Commission on July 28, 1987, when it approved the July 31, 1987, letter notifying Radwill of the Commission's proposal. Accordingly, the Office of the General Counsel recommends that the Commission accept in settlement of this matter, Radwill's proposed conciliation agreement signed on September 24, 1987.

III. RECOMMENDATIONS

1. Accept the conciliation agreement proposed by Allan B. Radwill in full settlement of MUR 2145; and
2. Approve the attached proposed notification letter at Attachment No. 5.

Attachments

1. Radwill's proposed conciliation agreement.
2. Photocopy of check dated December 2, 1986.
3. Letter to Radwill dated October 6, 1987.
4. Photocopy of check dated October 24, 1987.
5. Proposed notification letter.

6

BORSKI FOR CONGRESS COMMITTEE

P.O. BOX 28846
PHILADELPHIA, PA 19134

0505

10/24/87

60-7494/2313 13

PAY TO THE ORDER OF Allen B. Radwiel \$ 400.00
four hundred and XX/100 DOLLARS
HOME UNITY SAVINGS & LOAN ASSOCIATION
FOR replace ck # 355 Virginia M. Duffey
⑈000005058⑈ ⑆231374945⑆ 19 008581100 0041

MEMORANDUM

TO: DEBRA A. TRIMIEW
FROM: CECILIA LIEBER
CHECK NO. 0505 { A COPY OF WHICH IS ATTACHED } RELATING TO
MUR 2145 AND NAME Borski for Congress Committee
(Dymersky)
WAS RECEIVED ON 11/3/87. PLEASE INDICATE THE ACCOUNT INTO

QCC# 4693

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 NOV -4 PM 12:14

WHICH IT SHOULD BE DEPOSITED:

- / ☒ / BUDGET CLEARING ACCOUNT { 95F3875.16 }
- / / CIVIL PENALTIES ACCOUNT { 95-1099.160 }
- / / OTHER _____

SIGNATURE Michele Broussard DATE 11/5/87

35

Attadmt 4-p. 191

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Settlement Proposal in Federal Election Commission)
v. Allan B. Radwill)

MUR 2145

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 30, 1987, the Commission decided by a vote of 5-0 to take the following actions in the above-captioned matter:

1. Accept the conciliation agreement proposed by Allan B. Radwill in full settlement of MUR 2145.
2. Approve the proposed notification letter, as recommended in the General Counsel's memorandum to the Commission dated November 24, 1987.

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

Attest:

11-30-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Tues., 11-24-87, 4:09
Circulated on 48 hour tally basis: Wed., 11-25-87, 11:00
Deadline for vote: Mon., 11-30-87, 11:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 2, 1987

Allan B. Radwill
231 West Tabor Road
Philadelphia, PA 19120

Re: Federal Election Commission v.
Allan B. Radwill, MUR 2145

Dear Mr. Radwill:

This is to notify you that on November 30, 1987, the Commission voted to accept the signed, proposed conciliation agreement you had submitted previously as an offer of settlement in the above-referenced matter. A copy of the conciliation agreement, which has been executed on behalf of the Commission, is enclosed for your record.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence M. Noble".

Lawrence M. Noble
General Counsel

Enclosure

87040570080

CCC#4480

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FEDERAL ELECTION COMMISSION
MAIL ROOM

87 OCT -1 AM 10:46

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Allen B. Radwill

)
)
)
MUR 2145

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that Allen B. Radwill ("Respondent") violated 2 U.S.C. § 441g by making a contribution of currency in excess of \$100.

NOW, THEREFORE, the Commission and Respondent, 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 Respondent and the subject matter of this proceeding.

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

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

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

1. Respondent, Allen B. Radwill, is an individual contributor to the 1982 campaign of U.S. House candidate Robert A. Borski in Pennsylvania.

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OFFICE OF GENERAL COUNSEL

87 OCT -1 PM 1:36

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2. During the 1982 General Election campaign, Respondent made a contribution of \$500 in the form of currency to Robert A. Borski and the Borski for Congress Committee.

3. Representatives of the Borski for Congress Committee then used those funds to purchase a \$500 money order to which they signed the name of Allen B. Radwill.

4. Respondent voluntarily brought this matter to the Commission's attention.

5. 2 U.S.C. § 441g states that "no person shall make contributions of currency . . . to or for the benefit of any candidate which, in the aggregate, exceed \$100, with respect to any campaign . . . to federal office.

V. Respondent made a contribution of currency exceeding \$100 with respect to a campaign for federal office in violation of 2 U.S.C. § 441g. Respondent contends that the violation was not knowing and willful.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of One Hundred and Fifty Dollars (\$150), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

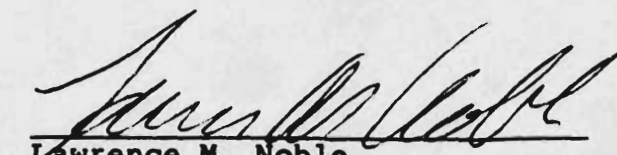
requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

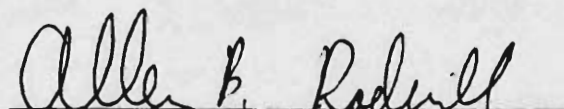
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:


Lawrence M. Noble
General Counsel

12/1/87
Date

FOR THE RESPONDENT:


Allen B. Radwill

Sept. 24, 1987
Date



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

THIS IS THE END OF MUR # 2145

DATE FILMED 12/8/87 CAMERA NO. 4
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