



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2250

DATE FILMED 7/15/08 CAMERA NO. # 2

CAMERAMAN K.A.U.

38040710941



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1986

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF THE NATIONAL CONSERVATIVE POLITICAL
ACTION COMMITTEE

This is a referral of the National Conservative Political Action Committee ("NCPAC") for receiving \$11,604 in apparent excessive contributions from individuals in 1985.

For your information, NCPAC was considered for a 2 U.S.C. §438(b) audit on February 20, 1985, but the Commission voted against taking such action (see A85-4).

NCPAC was previously referred to your office for receiving excessive contributions during 1984 (see MUR 2066 - RAD Referral 85L-21). One of the individuals included in that referral (Glenn H. Morris) is also included in this referral. The public record discloses an apparent excessive contribution from Mr. Morris in January 1985 with no refund/transfer-out of the apparent excessive contribution (an \$8,000 refund to Mr. Morris is disclosed on the 1985 Mid-Year Report but this refund was made for an excessive contribution received in 1984). In NCPAC's brief which was submitted in MUR 2066, NCPAC stated that the January 1985 contribution from Mr. Morris should have been reported as a \$5,000 contribution from Mr. Morris and a \$3,000 contribution from Mrs. Morris. The public record, however, still discloses the January 1985 contribution as one (1) \$8,000 contribution from Mr. Morris with no refund/transfer-out of the apparent excessive amount. Because of the confusion concerning Mr. Morris' contributions in 1984 and 1985, a Second Notice was not sent.

38040710942

If you have any questions concerning this matter, please
contact Michael Butterfield at 376-2480.

Attachments

38040710943

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: June 13, 1986ANALYST: Michael D. Butterfield

I. COMMITTEE: National Conservative Political Action
Committee (C00024687)
Leif Noren, Treasurer
1001 Prince Street
Alexandria, VA 22314

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

III. BACKGROUND:

Receipt of Excessive Contributions from Individuals

The National Conservative Political Action Committee's ("NCPAC") 1985 Mid-Year Report disclosed \$11,604 in apparent excessive contributions from six (6) individuals (See Chart & Attachments 2 through 7).

Of the six apparent excessive contributions received, NCPAC took corrective measures regarding one (1) of the contributions during the same reporting period (1985 Mid-Year Report). NCPAC made a partial refund of the excessive amount to the donor and transferred the remaining amount to its State Election Fund ("SEF") (Attachment 8).

On January 22, 1986, a Request for Additional Information ("RFAI") was sent informing NCPAC that the Act precluded a committee from receiving contributions from a person in excess of \$5,000 per calendar year. The RFAI also noted that a partial refund/transfer-out had taken place and that further legal steps may be initiated concerning the acceptance of the apparent excessive contributions (Attachment 9).^{1/}

^{1/} Although partial refunds and transfers-out were disclosed on the 1985 Mid-Year Report, additional refunds and transfers-out were disclosed on the 1985 30 Day Post-Runoff Report.

38040710944

NATIONAL CONSERVATIVE POLITICAL
ACTION COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

The Commission received a response from NCPAC on January 31, 1986 (Attachment 10). The response indicated that the "refunds" of four (4) apparent excessive contributions "...appear on our report covering the period 7/1/85-8/23/85." Schedule B of NCPAC's 1985 30 Day Post-Runoff Report disclosed transfers-out to the SEF of these excessive contributions (Attachment 11).^{2/}

On April 16, 1986, a Reports Analysis Division ("RAD") analyst was contacted by Leif Noren, treasurer of NCPAC (Attachment 12). Mr. Noren stated that contributions to NCPAC are processed by a vendor. NCPAC receives the contributor list and makes a determination if an individual has exceeded the \$5,000 contribution limitation. Mr. Noren ended the discussion by saying the vendor is installing a new hardware configuration for the computer system that should help speed up the processing time.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

^{2/} One apparent excessive contribution of \$3,000 was not disclosed as having been refunded or transferred-out to the SEF.

38040710945

3 8 0 4 0 7 1 0 9 4 6

EXCESSIVE CONTRIBUTIONS RECEIVED BY NCPAC

NAME	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	AMOUNT OF EXCESSIVE CONTRIBUTION	DATE OF REFUND/ TRANSFER-OUT	AMOUNT OF REFUND/ TRANSFER-OUT
Alberding, C.H.	1/22/85	\$ 5,404	\$ 404	8/12/85	\$ 404
Hudnall, J.S.	5/02/85	\$ 5,100	\$ 100	8/12/85	\$ 100
Morris, Glenn H.	1/07/85	\$ 8,000	\$3,000		\$ 0
Oliver, John C.	1/17/85	\$ 5,100	\$ 100	8/12/85	\$ 100
Seggerman, Harry G.	1/22/85	\$ 6,000	\$1,000	8/12/85	\$1,000
Von Seggern, E.F.	1/07/85	\$12,000	\$7,000	4/05/85 5/01/85	\$6,000 \$1,000

Total amount of excessive contributions for Mid-Year 1985: \$11,604

Total amount Refunded/Transferred-out for Mid-Year 1985: \$ 8,604

3 8 0 4 0 7 1 0 9 4 7
FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (85-86)

DATE 6JUN86
PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILED COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
NATIONAL CONSERVATIVE POLITICAL ACTION COMMITTEE CONNECTED ORGANIZATION: NONE				NON-PARTY QUALIFIED		ID 8C00024687
1985	MISCELLANEOUS REPORT			4FEB85 TO FEC	2	85FEC/364/1151
	MISCELLANEOUS REPORT			5FEB85 FROM FEC	1	85FEC/365/1668
	STATEMENT OF ORGANIZATION - AMENDMENT			9APR85	2	85FEC/370/0003
	STATEMENT OF ORGANIZATION - AMENDMENT			5JUN85	2	85FEC/375/0899
	STATEMENT OF ORGANIZATION - AMENDMENT			20JUN85	2	85FEC/377/0472
	MID-YEAR REPORT	3,008,027	3,125,065	1JAN85 -30JUN85	364	85FEC/382/4995
	MID-YEAR REPORT - AMENDMENT	3,008,027	3,125,065	1JAN85 -30JUN85	15	85FEC/392/0843
	MID-YEAR REPORT - AMENDMENT	3,008,027	3,125,065	1JAN85 -30JUN85	14	86FEC/399/4077
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN85 -30JUN85	1	86FEC/399/4214
	MID-YEAR REPORT - AMENDMENT	3,008,027	3,125,065	1JAN85 -30JUN85	199	86FEC/416/0282
	REQUEST FOR ADDITIONAL INFORMATION			1JAN85 -30JUN85	7	86FEC/396/1567
	POST-RUN-OFF	948,162	965,193	1JUL85 -23AUG85	73	85FEC/387/0796
	POST-RUN-OFF - AMENDMENT	948,162	965,193	1JUL85 -23AUG85	100	85FEC/387/2815
	POST-RUN-OFF - AMENDMENT	948,162	965,193	1JUL85 -23AUG85	85	85FEC/392/0788
	POST-RUN-OFF - AMENDMENT	-	-	1JUL85 -23AUG85	1	86FEC/399/4216
	POST-RUN-OFF - AMENDMENT	948,162	966,601	1JUL85 -23AUG85	47	86FEC/405/0451
	POST-RUN-OFF - AMENDMENT	948,162	966,601	1JUL85 -23AUG85	4	86FEC/406/4676
	POST-RUN-OFF - AMENDMENT	948,162	966,601	1JUL85 -23AUG85	16	86FEC/416/0593
	REQUEST FOR ADDITIONAL INFORMATION			1JUL85 -23AUG85	3	86FEC/396/1563
	YEAR-END	1,554,583	1,525,731	24AUG85 -31DEC85	121	86FEC/399/4092
	YEAR-END - AMENDMENT	1,554,583	1,525,731	24AUG85 -31DEC85	281	86FEC/404/2883
	YEAR-END - AMENDMENT	-	-	24AUG85 -31DEC85	3	86FEC/412/1081
	YEAR-END - AMENDMENT	1,554,583	1,525,731	24AUG85 -31DEC85	17	86FEC/416/0576
	REQUEST FOR ADDITIONAL INFORMATION			24AUG85 -31DEC85	2	86FEC/404/4764
	REQUEST FOR ADDITIONAL INFORMATION			24AUG85 -31DEC85	4	86FEC/406/5001
1986	MISCELLANEOUS REPORT			31JAN86 TO FEC	1	86FEC/399/4218
	FEBRUARY MONTHLY	485,289	365,480	1JAN86 -31JAN86	43	86FEC/403/2459
	FEBRUARY MONTHLY - AMENDMENT	485,289	365,480	1JAN86 -31JAN86	17	86FEC/404/4681
	FEBRUARY MONTHLY - AMENDMENT	-	-	1JAN86 -31JAN86	4	86FEC/412/1084
	FEBRUARY MONTHLY - AMENDMENT	485,289	365,480	1JAN86 -31JAN86	15	86FEC/416/0561
	REQUEST FOR ADDITIONAL INFORMATION			1JAN86 -31JAN86	4	86FEC/406/4941
	MARCH MONTHLY	346,187	299,733	1FEB86 -28FEB86	67	86FEC/405/4911
	MARCH MONTHLY - AMENDMENT	346,187	299,733	1FEB86 -28FEB86	28	86FEC/407/0888
	MARCH MONTHLY - AMENDMENT	346,187	299,733	1FEB86 -28FEB86	15	86FEC/416/0546
	REQUEST FOR ADDITIONAL INFORMATION			1FEB86 -28FEB86	2	86FEC/415/4572
	APRIL MONTHLY	325,053	391,467	1MAR86 -31MAR86	89	86FEC/411/0775
	APRIL MONTHLY - AMENDMENT	325,053	391,467	1MAR86 -31MAR86	15	86FEC/416/0531
	REQUEST FOR ADDITIONAL INFORMATION			1MAR86 -31MAR86	1	86FEC/416/1052
	MAY MONTHLY	397,675	394,865	1APR86 -30APR86	90	86FEC/414/5184
	MAY MONTHLY - AMENDMENT	397,675	394,865	1APR86 -30APR86	50	86FEC/416/0481
TOTAL		7,064,976	0 7,068,942	0	1777	TOTAL PAGES

All reports with the exception of the 1986 May Monthly Report have been reviewed.

Ending Cash 4/30/86: \$161,987.24

Debts (to) 4/30/86: \$24,252.60

Debts (by) 4/30/86: \$3,949,325.94

ATTACHMENT 1

Alberding, C.H.

Amount
Contributed

\$5,404

Amount
Transferred-out

\$ 404

38040710949

PERIOD 01/01/85 - 06/30/85

ITEMIZED RECEIPTS--CONTRIBUTIONS, SALES AND COLLECTIONS, LOANS, AND TRANSFERS

WAL CONSERVATIVE PAC

PART NO. 1. LINE NO. 14A

DATE	NAME, MAILING ADDRESS, AND ZIP CODE	OCCUPATION AND PLACE OF BUSINESS	AGGR. YTD.	RECEIPT AMT THIS PERIOD
1/22/85	CH ALBERDING 9 E. MURON CHICAGO IL 60611	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5404.00	5404.00
1/18/85	EUGENE A ANDERSON 1594 EVANS DRIVE, SW ATLANTA GA 30310	INFO REQUESTED, NOT RECD	5000.00	5000.00
1/22/85	HERBERT C ALLEN 100 HERMANN PROF BLDG HOUSTON TX 77030	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
3/22/85	ROLAND ARTHUR 1711 N BELTLINE ROAD IRVING TX 75061	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
3/1/85	ROBERT BREWER 7106 DUBIES SAN ANTONIO TX 78216	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	1000.00	1000.00
1/11/85	JESSE H BROOKS P.O. BOX 490 ATLANTA TX 75551	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
4/17/85	GORDON BUCHANAN 1630 SHERIDAN ROAD WILMETTE IL 60091	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	2850.00	2850.00
4/23/85	ARTHUR CARY 2519 FARRINGTON STREET DALLAS TX 75207	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	1000.00	1000.00
1/22/85	MARY CROWLEY 4550 SPRING VALLEY ROAD DALLAS TX 75234	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	500.00	500.00

Hudnall, J.S.

Amount
Contributed

\$5,100

Amount
Transferred-out

\$ 100

38040710950

85 MID YEAR REPORT
SCHEDULE A

ACHMENT 3 (2 of 2)

PERIOD 01/01/85 - 06/30/85

ITEMIZED RECEIPTS--CONTRIBUTIONS, SALES AND COLLECTIONS, LOANS, AND TRANSFERS

ONAL CONSERVATIVE PAC

PART NO. 1. LINE NO. 14A

DATE	NAME, MAILING ADDRESS, AND ZIP CODE	OCCUPATION AND PLACE OF BUSINESS	AGGR. YTD.	RECEIPT AMT THIS PERIOD
05/02/85	JS HUDNALL 1903 S ROBERTSON TYLER TX 75701	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5100.00	5100.00
07/15/85	R G JARRELL 509 PARK AVENUE MONROE LA 71201	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
06/28/85	ELAINE B JENKINS 1523 L STREET, NW WASHINGTON DC 20005	PRESIDENT ONE AMERICA, INC	5000.00	5000.00
04/24/85	JOHN ALLEN KING 4002 OCEAN DRIVE CORPUS CHRISTI TX 78411	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
02/23/85	JAMES J KUTTER 3302 OLD CROMPOD ROAD YORKTOWN NY 10598	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
02/22/85	FRED LOVEGROVE 431 CATAMONT ROAD FAIRFIELD CT 06430	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
01/17/85	S MARK LOVELL 3003 KNIGHT STREET SHREVEPORT LA 71105	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
01/17/85	MRS S MARK LOVELL 3851 BETTY VIRGINIA CIRCLE SHREVEPORT LA 71106	INFO REQUESTED, NOT RECD	5000.00	5000.00
05/22/85	DONALD MILLS 4495 WOODLAWN BEAUMONT TX 77703	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	2000.00	2000.00

Morris, Glenn H.

Amount
Contributed

\$8,000

Amount
Refunded

\$0

33040710952

1985 MID YEAR REPORT
SCHEDULE A

ATTACHMENT 4 (2 of 2)

PERIOD 01/01/85 - 06/30/85

ITEMIZED RECEIPTS--CONTRIBUTIONS, SALES AND COLLECTIONS, LOANS, AND TRANSFERS

NATIONAL CONSERVATIVE PAC

PART NO. 1. LINE NO. 14A

DATE	NAME, MAILING ADDRESS, AND ZIP CODE	OCCUPATION AND PLACE OF BUSINESS	AGGR. YTD.	RECEIPT AMT THIS PERIOD
1/25/85	ROGER MILLIKEN P.O. BOX 3167 SPARTANBURG SC 29304	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
1/07/85 MB	GLENN MORRIS 1192 CUMBERLAND ROAD CHATTANOOGA TN 37419	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	8000.00	8000.00
1/07/85	MRS PAGE NELSON 3318 SOUTHWESTERN BLVD DALLAS TX 75225	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	1000.00	1000.00
1/17/85	JOHN C OLIVER 548 OLIVER BUILDING PITTSBURGH PA 15222	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5100.00	5100.00
2/05/85	JACK L PHILLIPS P.O. BOX 392 GLADEWATER TX 75647	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
3/05/85	PAUL A RADZEWICZ 1647 LAKE LAND DRIVE JACKSON MS 39216	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	2500.00	2500.00
3/26/85	NATE J ROGERS P.O. BOX 1310 BEAUMONT TX 77704	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
3/11/85	ANTHONY T ROSSI P.O. BOX 1848 BRADENTON FL 33506	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	2000.00	2000.00
1/22/85	JOSEPH SAVARD 6500 COLLEGE DRIVE PALOS HEIGHTS IL 60463	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	2500.00	2500.00

Oliver, John C.

Amount
Contributed

\$5,100

Amount
Transferred-out

\$ 100

38040710954

SCHEDULE A

PERIOD 01/01/85 - 06/30/85

ITEMIZED RECEIPTS--CONTRIBUTIONS, SALES AND COLLECTIONS, LOANS, AND TRANSFERS

NATIONAL CONSERVATIVE PAC

PART NO. 1. LINE NO. 14A

DATE	NAME, MAILING ADDRESS, AND ZIP CODE	OCCUPATION AND PLACE OF BUSINESS	AGGR. YTD.	RECEIPT AMT THIS PERIOD
01/25/85	ROGER MILLIKEN P.O. BOX 3167 SPARTANBURG SC 29304	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
01/07/85	GLENN MORRIS 1192 CUMBERLAND ROAD CHATTANOOGA TN 37419	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	8000.00	8000.00
01/07/85	MRS PAGE NELSON 3318 SOUTHWESTERN BLVD DALLAS TX 75225	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	1000.00	1000.00
01/17/85	JOHN C OLIVER 548 OLIVER BUILDING PITTSBURGH PA 15222	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5100.00	5100.00
02/05/85	JACK L PHILLIPS P.O. BOX 392 GLADENATER TX 75647	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
02/05/85	PAUL A RADZEWICZ 1647 LAKELAND DRIVE JACKSON MS 39216	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	2500.00	2500.00
03/26/85	MATE J ROGERS P.O. BOX 1310 BEAUMONT TX 77704	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
03/11/85	ANTHONY T ROSSI P.O. BOX 1848 BRADENTON FL 33506	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	2000.00	2000.00
01/22/85	JOSEPH SAYARD 6500 COLLEGE DRIVE PALOS HEIGHTS IL 60463	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	2500.00	2500.00

Seggerman, Harry G.

Amount
Contributed

\$6,000

Amount
Transferred-out

\$1,000

38040710956

SCHEDULE A

PERIOD 01/01/85 - 06/30/85

ITEMIZED RECEIPTS--CONTRIBUTIONS, SALES AND COLLECTIONS, LOANS, AND TRANSFERS

MAL CONSERVATIVE PAC

PART NO. 1. LINE NO. 14A

DATE	NAME, MAILING ADDRESS, AND ZIP CODE	OCCUPATION AND PLACE OF BUSINESS	AGGR. YTD.	RECEIPT AMT THIS PERIOD
1/22/85	RICHARD DEVOS 7575 EAST FULTON ROAD ADA MI 49301	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.0
1/22/85	ROBERT L FLETCHER 2601 N 32ND AVENUE PHOENIX AZ 85009	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.0
3/05/85	NELSON B. HUNT 2800 THANKSGIVING TOWER DALLAS TX 75201	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.0
3/05/85	MRS NELSON B. HUNT 2800 THANKSGIVING TOWER DALLAS TX 75201	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.0
7/1/85	MR. LINN 400 FIDELITY PLAZA OKLAHOMA CITY OK 73102	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.0
7/22/85	MRS ANN LINN 400 FIDELITY PLAZA OKLAHOMA CITY OK 73102	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.0
7/15/85	MRS JULIUS PIERCE 6040 MOSS BRANCH ROAD MIAMI FL 33156	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.0
7/22/85	HARRY G SEGGERMAN 5060 CONGRESS STREET FAIRFIELD CT 06430	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	6000.00	6000.0
7/24/85	MRS MAURINE SHADWICK 17400 S. HALSTED HOMewood IL 60430	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.0

Von Seggern, E.F.

Amount
Contributed

\$12,000

Amount
Refunded/Transferred-out

\$6,000

\$1,000

38040710953

1985 MID YEAR REPORT
SCHEDULE A

PERIOD 01/01/85 - 06/30/85

ITEMIZED RECEIPTS--CONTRIBUTIONS, SALES AND COLLECTIONS, LOANS, AND TRANSFERS

MAL CONSERVATIVE PAC

PART NO. 1. LINE NO. 14A

DATE	NAME, MAILING ADDRESS, AND ZIP CODE	OCCUPATION AND PLACE OF BUSINESS	AGGR. YTD.	RECEIPT AMT THIS PERIOD
6/22/85	AL SELLERS 333 N BELT HOUSTON TX 77060	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
7/28/85	BEN T SHAW 100 DEMENT AVENUE DIXON IL 61021	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
7/15/85	HENRY J SMITH 8235 DOUGLAS DALLAS TX 75225	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
7/19/85	MRS HENRY J SMITH 6970 DESCO DALLAS TX 75225	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
7/29/85	JAMES C STORM 500 N WATER STREET CORPUS CHRISTI TX 78471	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	1000.00	1000.00
7/29/85	EDWARD TAYLOR P.O. BOX 702160 TULSA OK 74170	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
7/22/85	R CLAY UNDERWOOD OIL AND GAS BLDG, SUITE 420 WICHITA FALLS TX 76301	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
7/15/85	MRS WILLIAM VAN DUSEN ROUTE 1 BOX 209 EASTON MD 21601	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	5000.00	5000.00
7/07/85	E F VON SEGGERN BOX 19851 DALLAS TX 75219	INFO REQUESTED, NOT RECD INFO REQUESTED, NOT RECD	12000.00	12000.00

48000

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 2 of 2
 (Use separate sheets for each entry of the Committee
 & attach Page 1)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such contributors.			
Name of Committee (in Full)			
NATIONAL CONSERVATIVE POLITICAL ACTION COMMITTEE			
A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
James Rhude P.O. Box 66 Hibbing, MN 55746	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	3/4/85	200.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
NCPAC SEF* Mrs. Page Nelson	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	4/5/85	1000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Glenn H. Morris 1192 Cumberland Road Chattanooga, TN 37419	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	4/5/85	8000.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
E.F. Von Seggern Box 190851 Dallas, TX 75219	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	4/5/85	6000.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Flora Parker 5820 Kama Place Burke, VA 22015	check from 12/5/84 voided Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		(10.00)
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Harry D. King 20 S. Sumner Street West York, PA 17404	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	5/30/85	69.20
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
NCPAC SEF* E.F. Von Seggern	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	5/1/85	1000.00
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Mr. Frank D. Henderson 248 E. 30th Street New York, NY 10016	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	6/13/85	20.00
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
NCPAC SEF* Anonymous contributions	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	4/5/85	891.00
SUBTOTAL of Disbursements This Page (attach)			17170.20
TOTAL This Period (last page this line number only)			



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20543

RG-2

JAN 22 1986

Leif E. Woren, Treasurer
National Conservative Political
Action Committee
1001 Prince Street
Alexandria, VA 22314

Identification Number: C00024687

Reference: Mid-Year Report (1/1/85-6/30/85)

Dear Mr. Woren:

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:

-Line 11a of the Detailed Summary Page discloses a figure for the total amount of contributions from individuals/persons other than political committees. In addition, the memo entry portion of the Detailed Summary Page states \$2,245,522.36, and insufficient supporting schedules have been provided. Please amend your report by itemizing all contributions from individuals/persons, which aggregate greater than \$200 in the calendar year, and/or provide a figure for the total amount of unitemized contributions from individuals/persons, which have been received during the reporting period. 11 CFR 104.3(a)(2).

-The identification of each contributor, including the person's occupation and name of employer, must be provided if the person has contributed in excess of \$200 in the aggregate during the calendar year. Please amend Schedule A supporting Line 11a for each entry lacking a contributor's occupation and employer.

Note: If your committee has made at least one effort per solicitation, either by a written request or by an oral request documented in writing to obtain this information from the contributor, your committee may have exercised "best efforts." If you believe that your committee satisfies the "best efforts" provision, you should provide a copy of your solicitation or an explanation of the method(s) used to obtain contribution information. 11 CFR 104.3(a)(4)(i) and 104.7.

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-Please clarify all expenditures made for mail fees, postage and production fees. If a portion or all of these expenditures were made on behalf of specifically identified Federal candidates, they should be disclosed on Schedule B or E for Line 21 or 22 and include the amount, name, address and office sought by each candidate. 11 CFR 104.3(b) and 106.1.

MB -Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from another political committee or a person in excess of \$5,000 per calendar year. 2 U.S.C. §461a(f). MB

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

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. 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,

Michael D. Butterfield

Michael D. Butterfield
Reports Analyst
Reports Analysis Division

38040710962

300 300 1537

National Conservative Political Action Committee

1001 Prince Street • Alexandria, Va. 22314 • (703) 684-1800

January 30, 1986

Mr. Michael D. Butterfield
Reports Analysis Division
Federal Elections Commissions
999 E Street, NW
Washington, DC 20463

Identification Number: C00024687

Reference: Mid-Year Report (1/1/85 - 6/30/85)

Dear Mr. Butterfield,

This letter is written in response to your preliminary review of the above referenced report.

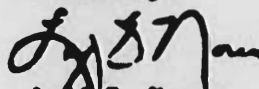
All NCPAC contribution requests include the following written statement:
"Federal law requires that we request the following information:
Occupation _____ Name of Employer _____ We have exercised
best efforts as set forth in 11 CFR 104.7 to obtain this information."

NCPAC is aware of the provisions of 11 CFR 104.3 (b) and 106.1. All expenditures made on behalf of specifically identified Federal candidates have been disclosed on schedule B line 21 or schedule E line 22.

MB [You have pointed out that schedule A discloses contributions that exceed the limits set forth in the Act. You also note that NCPAC has made partial refunds of excessive contributions. Please note that of the six excessive contributions you have questioned, two of the refunds appear on our mid-year report and four of the refunds appear on our report covering the period 7/1/85 - 8/23/85. Please note also that the full amount in excess of \$5,000 was transferred out of NCPAC's Federal account in each case.] MS

Last, the amount shown as a memo entry of Unitemized contributions has been amended to reflect a new amount. The previous amount shown was incorrect due to an error in addition. This error did not effect cash balances.

Sincerely,


L. E. Norton
Treasurer

LEX:dk

SCHEDULE B

ITEMIZED DISBURSEMENTS

ATTACHMENT 11

Page 1 of 1 for
 LINE NUMBER 26A
 (Use separate schedule(s) for each category of the Detailed Summary Page)

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

Name of Committee (in Full)

NATIONAL CONSERVATIVE POLITICAL ACTION COMMITTEE

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
NCPAC SEF* C.H. Alberding	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	8/12/85	404.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
NCPAC SEF* J.S. Hudnall	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	8/12/85	100.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
NCPAC SEF* John C. Oliver	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	8/12/85	100.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
NCPAC SEF* Harry G. Seggaman	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	8/12/85	1000.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify):		
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			1604.00

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MB

ANALYST: Michael D. Butterfield

CONVERSATION WITH: Leif Noren

COMMITTEE: National Conservative Political Action Committee

DATE: 4/16/86

SUBJECT(S): RFAI for Amended Year End Report

Mr. Noren called to ask why he had been sent an RFAI for the 11a total on the Detailed Summary Page. After double-checking the amounts on the original report, I informed Mr. Noren that the review was done off the microimage terminal and that the RFAI was generated because certain line totals could not be clearly identified.

We then discussed the receipt of excessive contributions and the committee's accounting system. Mr. Noren stated that contributions to NCPAC are processed by a vendor. When NCPAC receives the contributor list from the vendor, they make a determination of someone has exceeded the limitations. Mr. Noren stated that in all cases the excessive amount is either refunded or transferred-out to the State account (NCPAC SEF). Mr. Noren ended the phone call by saying the vendor is installing a new hardware configuration for the computer system that should help speed up processing time.

MB

3 3 0 4 0 7 1 0 9 5 MB

SENSITIVE

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

**RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY**

FIRST GENERAL COUNSEL'S REPORT

86 SEP 17 P 4:08

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

**RAD REFERRAL # 86L-8
STAFF MEMBER:
John Drury**

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

RESPONDENTS' NAMES: National Conservative Political Action
Committee, and Leif E. Noren, treasurer;
E.F. von Seggern

RELEVANT STATUTES: 2 U.S.C. § 441a(f), § 432(1), § 434(b)(3)(A),
§ 431(13), § 441a(a)(1)(C)

**INTERNAL REPORTS
CHECKED:** C Index, MUR 2066

**FEDERAL AGENCIES
CHECKED:** None

GENERATION OF MATTER

The Reports Analysis Division referred this matter to the Office of General Counsel after reviewing NCPAC's 1985 Mid-Year Report.

SUMMARY OF ALLEGATIONS

In apparent violation of 2 U.S.C. § 441a(f), the National Conservative Political Action Committee ("NCPAC") and Leif E. Noren, as treasurer, accepted \$11,604 in excessive contributions from six individuals during the period January 7, 1985 to May 2, 1985. In addition, NCPAC and Noren failed to report the information required by 2 U.S.C. § 434(b)(3)(A) regarding contributors' occupations and employers. Moreover, Noren and NCPAC have apparently violated 2 U.S.C. § 432(i) by failing to use best efforts to acquire this information. Further, E.F. von

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Seggern contributed \$12,000 to NCPAC, exceeding the contribution limit for individuals by \$7,000, and thereby apparently violating 2 U.S.C. § 441a(a)(1)(C).

FACTUAL AND LEGAL ANALYSIS

Section 441a(f) of the Act prohibits political committees such as NCPAC from accepting excessive contributions. Between January 7 and May 2, 1985, NCPAC deposited \$11,604 in such contributions from six individuals, as follows:

<u>Contributor</u>	<u>Date</u>	<u>Amount</u>	<u>Excessive</u>	<u>Date of Refund/Transfer</u>
C.H. Alberding	1/22/85	\$ 5,404	\$ 404	8/12/85
J.S. Hudnall	5/02/85	\$ 5,100	\$ 100	8/12/85
Glenn H. Morris	1/07/85	\$ 8,000	\$3,000	---
John C. Oliver	1/17/85	\$ 5,100	\$ 100	8/12/85
Harry G. Seggerman	1/22/85	\$ 6,000	\$1,000	8/12/85
E.F. von Seggern	1/07/85	\$12,000	\$6,000	4/05, 5/01/85

(Attachment II, page 5). Thus, there is reason to believe that NCPAC and Leif E. Noren, as treasurer, violated § 441a(f).

NCPAC either refunded the excessive portion or transferred it to the committee's non-federal account for all of the contributors except Glenn H. Morris. On the other hand, although NCPAC received an \$8,000 contribution from Glenn Morris on January 7, 1985, it has yet to take action to correct the problem.

In MUR 2066, the Commission found reason to believe that NCPAC violated § 441a(f) by accepting certain facially illegal contributions. (The Commission chose not to pursue the

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respondents with regard to those contributions which were illegal when aggregated.) In response to this Office's brief in that matter, NCPAC contended that the contributions at issue were not facially illegal, but rather multiple contributions, none of which was illegal on its face, which NCPAC had aggregated and listed as a single contribution.

Specifically, NCPAC claimed that for each individual who had forwarded more than one contribution during the reporting period, NCPAC totalled the contributions received from that individual in that period, represented them on its report as one contribution, gave as the amount the sum of all the contributions received from the individual during that period, and used the date of receipt of the last contribution as the date of the aggregated amount. However, 2 U.S.C. § 434(b)(3)(A) provides that all reports filed with the Commission shall contain the identification of each person who makes a contribution or contributions which aggregate in excess of \$200 per calendar year "together with the date and amount of any ... contribution" (emphasis added).

Here, again, based on the information presently in our possession, this Office recommends that the Commission find reason to believe that NCPAC and Leif E. Noren violated § 441a(f) by accepting illegal contributions. If, however, NCPAC responds as it did in MUR 2066, i.e., that these contributions were not facially illegal but rather aggregates of several contributions, the Commission would then have to consider whether there is reason to believe that NCPAC and Leif Noren violated

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§ 434(b)(3)(A) by misreporting multiple contributions as one.

Turning now to a separate matter, this Office notes that the Reports Analysis Division has attached to its referral Xerox copies of pages that originally were part of NCPAC's reports filed with the Commission. (Attachment II, pages 8, 10, 12, 14, 16, and 18). There are six separate sheets, one of which is a duplicate of page 110 of NCPAC's Mid-Year Report Schedule A. Thus, there are five distinct pages, with information on nine contributors per page, or forty-five contributors in all.

Under 2 U.S.C. § 432(i), a treasurer is obligated to use his best efforts to obtain and submit the information called for by the Act. Section 434(b)(3)(A) instructs NCPAC to submit the identification of each contributor who forwards more than \$200 within the calendar year. Section 431(13) defines the term "identification" as "the name, the mailing address, and the occupation of [the] individual, as well as the name of his or her employer...."

It should be noted that NCPAC reported the contributor's occupation and place of business for only one of the forty-five individuals listed, (Elaine Jenkins, page 109), or, for less than 3% of the contributors in this group. Thus, the committee reported the required information for virtually none of these contributors. This does not appear to reflect "best efforts" on the part of NCPAC. Review of more recent NCPAC submissions shows that for many of the contributors, NCPAC merely states "INFO REQUESTED, NOT RECD." Therefore, it appears that that no further

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effort to obtain the information was made after the first request. The necessity to obtain this information was thought to be of sufficient importance by Congress, since it enacted 2 U.S.C. § 434(b)(3)(A), requiring committees such as NCPAC to supply this information to the public. Thus, based on the limited information in our possession regarding the results of NCPAC's efforts to obtain the information, this Office believes that there is reason to believe that NCPAC and Leif E. Noren violated 2 U.S.C. § 434(b)(3)(A) and § 432(i).

The Commission has decided that it will not proceed against an individual for violation of § 441a's prohibition on excessive contributions unless the total contribution exceeds twice the applicable contribution limit, a.k.a. "the Dymally rule." Applying this rule to the matter at hand, E.F. von Seggern is the only contributor whose total contribution is sufficiently excessive to bring about action under the rule. He donated \$12,000 to NCPAC during the period involved in this matter. Under § 441a(a)(1)(C), the maximum allowable contribution to NCPAC is \$5,000 per calendar year. Therefore, there is reason to believe E.F. von Seggern violated § 441a(a)(1)(C).

RECOMMENDATION

1. Open a MUR.
2. Find reason to believe that the National Conservative Political Action Committee, and Leif E. Noren, as treasurer, has violated 2 U.S.C. §§ 441a(f), 434(b)(3)(A), and § 432(i).

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3. Find reason to believe that C.H. Alberding, J.S. Hudnall, Glenn H. Morris, John C. Oliver, Harry G. Seggerman, and E.F. von Seggern violated 2 U.S.C. § 441a(a)(1)(C).
4. Take no action at this time with respect to C.H. Alberding, J.S. Hudnall, Glenn H. Morris, John C. Oliver, and Harry G. Seggerman.
5. Approve the attached letters and Factual and Legal Analysis.

Charles N. Steele
General Counsel

Date

9/17/86

By:

Lawrence M. Noble
Deputy General Counsel

Attachments:

Proposed letters (2)

Referral Materials

Summary of Reason to Believe Finding (2)

38040710971



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/CHERYL A. FLEMING
DATE: SEPTEMBER 22, 1986
SUBJECT: OBJECTION TO RAD 86L-8: FIRST GENERAL COUNSEL'S
SIGNED SEPTEMBER 17, 1986

The above-named document was circulated to the
Commission on Thursday, September 18, 1986 at 11:00 A.M.

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>X</u>
Commissioner Josefiak	<u>X</u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>

This matter will be placed on the Executive Session
agenda for Tuesday, September 23, 1986.

38040710972

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

National Conservative Political)
Action Committee and Leif E.)
Noren, treasurer)
E.F. von Seggern)

RAD REFERRAL #86L-8 (MUR 2250)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of September 23,
1986, do hereby certify that the Commission took the following
actions with respect to RAD Referral #86L-8:

1. Decided by a vote of 4-1 to open a MUR.

Commissioners Aikens, Elliott, Harris, and
McGarry voted affirmatively for the decision.
Commissioner Josefiak dissented. Commissioner
McDonald was not present.

2. Decided by a vote of 5-0 to find reason to
believe that the National Conservative
Political Action Committee, and Leif E. Noren,
as treasurer, has violated 2 U.S.C. § 441a(f).

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

3. Failed in a vote of 2-3 to pass a motion to
find reason to believe that the National
Conservative Political Action Committee, and
Leif E. Noren, as treasurer, has violated
2 U.S.C. § 434(b) (3) (A).

Commissioners Harris and McGarry voted affirma-
tively for the motion; Commissioners Aikens,
Elliott, and Josefiak dissented. Commissioner
McDonald was not present.

(continued)

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4. Decided by a vote of 5-0 to reject the General Counsel's recommendation to find reason to believe that the National Conservative Political Action Committee, and Leif E. Noren, as treasurer, has violated 2 U.S.C. § 432(i).

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

5. Decided by a vote of 4-1 to

- a) find reason to believe that C.H. Alberding, J.S. Hudnall, Glenn H. Morris, John C. Oliver, Harry G. Seggerman, and E.F. von Seggern violated 2 U.S.C. § 441a(a)(1)(C).
- b) take no action at this time with respect to C.H. Alberding, J.S. Hudnall, Glenn H. Morris, John C. Oliver, and Harry G. Seggerman.

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

Attest:

9-24-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Conservative) MUR 2250
Political Action Committee;)
and Leif E. Noren,)
treasurer)

GENERAL COUNSEL'S REPORT

Background

The First General Counsel's Report in RAD Referral 86L-8 did not include notification letters addressed to those respondents with respect to whom the Commission found reason to believe but took no further action. In addition, the General Counsel's Factual and Legal Analysis and letter attached to that report directed at NCPAC required modifications to reflect the fact that the Commission elected to adopt some but not all of the recommendations proposed in the report. The revised analysis and letters to the respondents are submitted herein for Commission approval. A letter to respondent E.F. von Seggern is also attached, as is an analysis concerning the violation which the Commission found reason to believe he committed.

Recommendation

1. Approve the attached letters to C.H. Alberding, J.S. Hudnall, Glenn H. Morris, John C. Oliver, Harry G. Seggerman, E.F. von Seggern, and Leif E. Noren.

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OFFICE OF THE
COMMISSION SECRETARY
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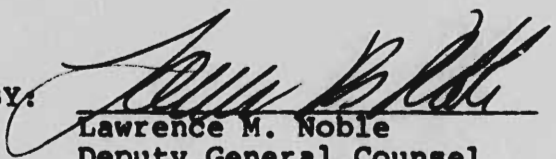
2. Approve the attached factual and legal analyses.

Charles N. Steele
General Counsel

Date

10/9/86

BY:


Lawrence M. Noble
Deputy General Counsel

Attachments
Proposed Letters (7)
Proposed Factual and Legal Analyses (2)

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

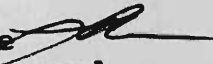
October 15, 1986

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY
96 OCT 15 3:12

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

By: Lawrence M. Noble 
Deputy General Counsel

SUBJECT: Withdrawal of General Counsel's Report
MUR # 2250
Respondents: National Conservative Political
Action Committee, and Leif E.
Noren, Treasurer; E.F. von Seggern

Since submission of this report it has come to the attention of this Office that some of the attachments to the report require modification. Accordingly, this Office is withdrawing the report and will resubmit it with the revised attachments within the coming week.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2250
National Conservative)
Political Action Committee;)
and Leif E. Noren,)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 20, 1986, the Commission decided by a vote of 5-0 to take the following actions in MUR 2250:

1. Approve the letters to C.H. Alberding, J.S. Hudnall, Glenn H. Morris, John C. Oliver, Harry G. Seggerman, E.F. von Seggern, and Leif E. Noren, as recommended in the General Counsel's Report signed October 9, 1986.
2. Approve the factual and legal analyses, as recommended in the General Counsel's Report signed October 9, 1986.

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

Attest:

10-20-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	Thurs.,	10-16-86,	10:11
Circulated on 48 hour tally basis:	Thurs.,	10-16-86,	4:00
Deadline for vote:	Mon.,	10-20-86,	4:00

38040710978



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

Leif E. Noren
1001 Prince Street
Alexandria, VA 22314

RE: MUR 2250
National Conservative
Political Action Committee,
and Leif E. Noren, Treasurer

Dear Mr. Noren:

On September 23, 1986, the Federal Election Commission determined that there is reason to believe the National Conservative Political Action Committee, and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

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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 John Drury, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Joan D. Aikens
Chairman

Enclosures

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

38040710930



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 31, 1986

E.F. von Seggern
Box 19851
Dallas, TX 75219

RE: MUR 2250
E.F. von Seggern

Dear Mr. von Seggern:

On September 23, 1986, the Federal Election Commission determined that there is reason to believe you violated 2 U.S.C. § 441a(a)(1)(C), 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. Statements should be submitted under oath.

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

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

38040710981

requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

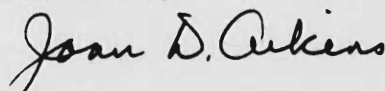
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 John Drury, the attorney 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

38040710982



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 31, 1986

Harry G. Seggerman
5060 Congress Street
Fairfield, CT 06430

RE: MUR 2250
National Conservative
Political Action
Committee; and Leif E.
Noren, treasurer

Dear Mr. Seggerman:

On September 23, 1986, the Commission found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action with respect to you. The General Counsel's Factual and Legal Analysis which formed a basis for the Commission's finding is attached for your information.

Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that contributing more than \$5,000 per calendar year to NCPAC nevertheless appears to be a violation of § 441a(a)(1)(C). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to John Drury, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

A handwritten signature in cursive script, reading "Joan D. Aikens", is written over the typed name.

Joan D. Aikens
Chairman

38040710983



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

John C. Oliver
548 Oliver Building
Pittsburgh, PA 15222

RE: MUR 2250
National Conservative
Political Action
Committee; and Leif E.
Noren, treasurer

Dear Mr. Oliver:

On September 23, 1986, the Commission found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action with respect to you. The General Counsel's Factual and Legal Analysis which formed a basis for the Commission's finding is attached for your information.

Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that contributing more than \$5,000 per calendar year to NCPAC nevertheless appears to be a violation of § 441a(a)(1)(C). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to John Drury, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

A handwritten signature in cursive script, reading "Joan D. Aikens", is positioned above the typed name.

Joan D. Aikens
Chairman

38040710984



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

Glenn H. Morris
1192 Cumberland Road
Chattanooga, TN 37419

RE: MUR 2250
National Conservative
Political Action
Committee; and Leif E.
Noren, treasurer

Dear Mr. Morris:

On September 23, 1986, the Commission found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action with respect to you. The General Counsel's Factual and Legal Analysis which formed a basis for the Commission's finding is attached for your information.

Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that contributing more than \$5,000 per calendar year to NCPAC nevertheless appears to be a violation of § 441a(a)(1)(C). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to John Drury, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

38040710985



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 31, 1986

J.S. Hudnall
1903 S. Robertson
Tyler, TX 75701

RE: MUR 2250
National Conservative
Political Action
Committee; and Leif E.
Noren, treasurer

Dear Mr. Hudnall:

On September 23, 1986, the Commission found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action with respect to you. The General Counsel's Factual and Legal Analysis which formed a basis for the Commission's finding is attached for your information.

Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that contributing more than \$5,000 per calendar year to NCPAC nevertheless appears to be a violation of § 441a(a)(1)(C). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to John Drury, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

38040710986



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

C.H. Alberding
9 E. Huron
Chicago, IL 60611

RE: MUR 2250
National Conservative
Political Action
Committee; and Leif E.
Noren, treasurer

Dear Mr. Alberding:

On September 23, 1986, the Commission found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action with respect to you. The General Counsel's Factual and Legal Analysis which formed a basis for the Commission's finding is attached for your information.

Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that contributing more than \$5,000 per calendar year to NCPAC nevertheless appears to be a violation of § 441a(a)(1)(C). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to John Drury, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Chairman

38040710997

CCC# 2012

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

HERGE, SPARKS, CHRISTOPHER & BIONDI

ATTORNEYS AT LAW

SUITE 200

8201 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

86 NOV 17 11:25

J. CURTIS HERGE
ROBERT R. SPARKS, JR.
A. MARK CHRISTOPHER
GEORGE V. BIONDI
DONNA LYNN MILLER

(703) 848-4700

November 13, 1986

The Honorable Joan D. Aikens
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Attention: John Drury, Esq.
Office of General Counsel

RE: MUR 2250

Dear Madam Chairman:

This responds to your letter to Mr. Leif E. Noren, dated October 31, 1986, in which you reported that the Federal Election Commission determined there is reason to believe that the National Conservative Political Action Committee and Mr. Noren, in his capacity as the treasurer of that Committee, may have violated the provisions of 2 U.S.C. §441a(f). This matter has been numbered MUR 2250.

Enclosed, for your records, is a Statement of Designation of Counsel, signed by Mr. Noren, designating this firm as counsel to the respondents in connection with this matter.

In the General Counsel's Factual and Legal Analysis, which formed the basis of the Commission's determination, it is alleged that the National Conservative Political Action Committee may have accepted excessive contributions from six individuals during the period January 7, 1985 to May 2, 1985. We shall address each in the order set forth in the General Counsel's Analysis.

C. H. Alberding. On or about January 9, 1985, Mr. C. H. Alberding transmitted two checks to the National Conservative Political Action Committee under cover of a letter

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RECEIVED
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

The Honorable Joan D. Aikens
November 13, 1986
Page 2

38040710982

dated January 9, 1985. One check was drawn to the order of the National Conservative Political Action Committee in the amount of \$5,000.00. The second check was drawn to the order of Pat Wait in the amount of \$404.00. Copies of the letter of transmittal and of the checks are enclosed. As explained in the letter of transmittal, the check for \$404.00 was for tickets to an event. That event was not sponsored by the National Conservative Political Action Committee and was drawn to the order of an individual. Further, Pat Wait was not an employee of the National Conservative Political Action Committee. It was through clerical inadvertance that both checks were improperly reported to the firm which tabulates on its computer the contributions received by the National Conservative Political Action Committee. When the computer tabulation was received from the computer firm on July 30, 1985, for use as Schedule A to its 1985 Mid-Year Report, the National Conservative Political Action Committee discovered what appeared to be the receipt of an excessive contribution and issued a refund to Mr. Alberding in the amount of \$404.00. As noted, however, that amount need not have been refunded, as the \$404.00 was not a contribution to the National Conservative Political Action Committee.

J. S. Hudnall. On or about April 30, 1985, Mr. Hudnall sent a check to the National Conservative Political Action Committee in the amount of \$5,000.00. A copy of that check is enclosed. On or about May 2, 1985, Mr. Hudnall mailed a check in the amount of \$100.00 to the National Conservative Political Action Committee in response to its direct mail solicitation program. Responses to direct mail solicitations are received, caged and deposited by an independent contractor, which forwards the contributor data directly to the computer firm. The existence of Mr. Hudnall's \$100.00 contribution first came to the attention of the treasurer of the National Conservative Political Action Committee when, on July 30, 1985, he received the computer tabulation for the Schedule A of the 1985 Mid-Year Report. The excess was then refunded on August 12, 1985, within two weeks of its discovery.

Glenn H. Morris. Enclosed is a letter signed by Mr. and Mrs. Glenn H. Morris, directing that, of the total contributed, \$5,000.00 was to be attributed to Mr. Morris and \$3,000.00 was to be attributed to Mrs. Morris.

John C. Oliver. On or about January 14, 1985, Mr. Oliver sent a check to the National Conservative Political Action

The Honorable Joan D. Aikens
November 13, 1986
Page 3

Committee in the amount of \$5,000.00. A copy of that check is enclosed. Mr. Oliver also mailed a \$100.00 check to the National Conservative Political Action Committee in response to its direct mail solicitation program. The existence of Mr. Oliver's \$100.00 contribution first came to the attention of the treasurer of the National Conservative Political Action Committee when, on July 30, 1985, he received the computer tabulation for the Schedule A of the 1985 Mid-Year Report. The excess was then refunded on August 12, 1985, within two weeks of its discovery.

Harry G. Seggerman. The National Conservative Political Action Committee received two checks from Mr. Seggerman, one drawn to the order of NCPAC in the amount of \$5,000.00 and the second drawn to the order of Hecht Re-Election Comm. in the amount of \$1,000.00. Copies of those checks are enclosed. The second check, drawn to the order of the Hecht Re-Election Comm. was forwarded directly to Senator Hecht's campaign committee. As in the case of Mr. Alberding, because of clerical inadvertance, both checks were improperly reported to the computer firm. Again, when the computer generated Schedule A arrived on July 30, 1985, the apparent overage was discovered and was refunded, unnecessarily so, on August 12, 1985.

E. F. von Seggern. Enclosed are copies of two checks Mrs. von Seggern mailed to the National Conservative Political Action Committee at the end of 1984. One check was for \$5,000.00 and the second was for \$1,000.00, both being dated December 31, 1984. When the overage was discovered, it was initially believed that both those contributions related to 1984 and, because Mrs. von Seggern had contributed her limit in 1984, Mrs. von Seggern was refunded the full \$6,000.00 on April 5, 1985. The reason for the delay and confusion was that the assistant treasurer and bookkeeper of the National Conservative Political Action Committee, assigned to monitor high dollar contributions, had been on maternity leave in the first part of 1985. Thus, the overage was not immediately detected. When it was detected, it was noticed from photocopies of the checks that both were dated in 1984. (If the overage had not been detected until the Schedule A for the Mid-Year Report arrived, it would have been realized that these were 1985 contributions and \$1,000.00 would have been refunded on August 12, 1985.) On April 29, 1985, Mrs. von Seggern delivered another \$6,000.00 check to the National

38040710990

The Honorable Joan D. Aikens
November 13, 1986
Page 4

Conservative Political Action Committee. Of that amount, on May 1, 1985, \$5,000.00 was deposited in the account of the National Conservative Political Action Committee and \$1,000.00 was deposited into the non-federal segregated account, National Conservative Political Action Committee - State Election Fund.

In summary, it is evident that no further action should be taken in this matter and the file should be closed. Of the questioned contributions, we find the following: C. H. Alberding never contributed more than \$5,000.00 and, in fact, was unnecessarily refunded \$404.00; J. S. Hudnall and John C. Oliver each exceeded the limit by \$100.00 by sending contributions in response to direct mail solicitations, but which were refunded within less than two weeks of discovery; Mr. Morris never contributed more than \$5,000.00; and, Mr. Seggerman never contributed more than \$5,000.00 and, in fact, was unnecessarily refunded \$1,000.00. Mrs. von Seggern contributed \$6,000.00, the overage not being immediately detected because the individual assigned that responsibility was on maternity leave. When it was discovered, all \$6,000.00 was refunded in the mistaken belief that the checks had been received in 1984. Subsequently, Mrs. von Seggern contributed another \$6,000.00, but \$1,000.00 was transferred out within twenty-four hours. There can be no doubt that the foregoing fails to form a foundation for a finding of probable cause to believe that respondents violated 2 U.S.C. §441a(f).

Sincerely,


J. Curtis Herge

:sbl

Enclosures

38040710991

STATEMENT OF DESIGNATION OF COUNSEL

NR 2250

NAME OF COUNSEL: Herge, Speaks, Christopher & Biondi,

ADDRESS: Suite 200

8201 Greensboro Drive

McLean, VA 22102

TELEPHONE: (703) 848-4700

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

11/10/86
Date

Lexy 87 ren
Signature

RESPONDENT'S NAME:

National Conservative PAC / Leif E. Noen

ADDRESS:

1001 Prince Street

Alexandria VA 22314

HOME PHONE:

(703) 548-5280

BUSINESS PHONE:

(703) 684-1800

38040710992

99 TUDOR PLACE
KENILWORTH, ILLINOIS 60043

January 9th,
1985

Mr. Richard Limble
1801 Prince Street,
Alexandria, Virginia 22314

Dear Mr. Limble:

Herewith please find my Water
Tower check #762 for \$5,000.00, which I had
promised to send to the NCPAC by January 15th
and my check #763 to Pat Wait for \$404.00 to
pay for the Saturday night Gala tickets.

I will be interested in the
outcome of the meeting with Mr. Limble.

Sincerely,
C. H. Alberding

C. H. Alberding

C. H. ALBERDING
9 E. HURON
CHICAGO, ILL. 60611

762

1/9 1985 2-158/710

PAY TO THE
ORDER OF

National Conservative Political Action Com. \$ 5,000.00

five thousand 00/100

DOLLARS

Water Tower Bank
717 NORTH MICHIGAN AVENUE
CHICAGO, ILL. 60611

C. H. Alberding

⑆071001588⑆ ⑈00⑈3434⑈7⑈ 0762

38040710993

38040710994

HD

C. H. ALBERDING 9 E. HURON CHICAGO, ILL. 60611		763
PAY TO THE ORDER OF <u>fat wait</u>		<u>1/8</u> 19 <u>85</u> 2-158/710
<u>four hundred and four and 00/100</u>		\$ <u>404.00</u>
		DOLLARS
 Water Tower Bank 717 NORTH MICHIGAN AVENUE CHICAGO, ILLINOIS 60611		
MEMO <u>mic. call 1/19/85</u>		<u>C. H. Alberding's</u>
-1:0710015881: 00034347 0763		

May 2, 1985

RL

April 30 19 85

\$5,000.00

88-78
1119

4376

ROYALTY AND
703 FIRST PLACE
TYLER, TEXAS 75702

PAY TO THE
ORDER OF

National Conservative Political Action Committee

REGISTERED \$5000.00
RD-2308849

J. S. HUDNALL
ROYALTY ACCOUNT

DOLLARS

First City National Bank
of Tyler
75710
P.O. Box 2020, Tyler, Texas

FIRST CITY.

0004376001119007851: 0392618

T
Fle
Bra
Bart
Kathy
Lisa

ACTION
NOTE AND
FOR APPRC

REMARKS:

INITIALS:

DATE:

Mr. John T. (Terry) Dolan
NCPAC
1001 Prince Street
Alexandria, VA 22314

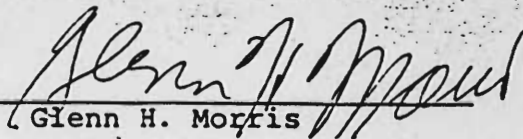
Dear Terry:

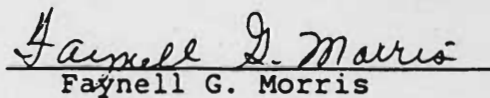
On January 8, 1985 you received an \$8,000 contribution from Glenn H. Morris. I would appreciate it if you would credit \$3,000 as a contribution from Mrs. Faynell G. Morris.

Your records should indicate, then, a total of \$5,000 contributed by Mr. Glenn H. Morris in 1985, and \$3,000 contributed by Mrs. Faynell G. Morris.

Thank you.

Sincerely,


Glenn H. Morris


Faynell G. Morris

Date: _____

3 3 0 4 0 7 0 9 9 6



January 17, 1985

JOHN C. OLIVER, JR.



Mellon Bank
Pittsburgh, PA

1006

January 14, 1985

8-26/430

Pay to the
order of

NCPAC

\$ 5,000.00

EXACTLY \$5,000 & 00/100 CTS

Dollars

John C. Oliver Jr.

⑆043000261⑆ 2080 3401 1006

I agree that conservatives must be mobilized nationwide: I endorse NCPAC efforts to support President Reagan's legislative agenda for 1985.

Terry, as a Member of the Policy Advisory Council, I will join you in the leadership of the conservative movement.

☒ I am enclosing my full Council Membership commitment of \$5,000 for 1985

☐ I am enclosing a partial Council Membership commitment of _____

You will have my full Council Membership of \$5,000 by _____

☐ I regret I cannot join the Council. However, I am enclosing my highest possible contribution of

☐ \$2,500 ☐ \$1,000 ☐ \$500 ☒ Other 5,000.00

PLEASE MAKE YOUR CHECK PAYABLE TO NCPAC

Federal law requires us to ask for the following information:

Name John C. Oliver, Jr. Occupation Personal Investor

Place of Business 548 Oliver Building

City Pittsburgh, State PA Zip 15222

We appreciate telephone numbers where you can be reached:

Business 421-281-7672 Home _____

38040710997

HARRY G. A. SEGGERMAN
 5080 CONGRESS STREET
 FAIRFIELD, CT 06430

PAY TO THE ORDER OF N.C.P.A.C. for 15 1985

\$ 5,000.00

Five thousand 00 / 100 DOLLARS

Citytrust
 Greenfield Hill Office
 151 Hillside Road
 Fairfield, CT 06430

HARRY G. A. SEGGERMAN

⑆02⑆⑆0036⑆⑆ 930 778 8⑆ 0165

RK

RK

38040710998

HARRY G. A. SEGGERMAN
5080 CONGRESS STREET
FAIRFIELD, CT 06430

320

May 31, 85

PAY TO THE
ORDER OF

Hecht Re-Election Com.

51-38
211

One Thousand

\$ 1,000

00
1,000 DOLLARS



Citytrust

Greenfield MA Office
161 Main St
Fairfield, CT 06430

Harry G. A. Seggerman

MEMO

⑆02⑆10036⑆⑆ 930 778 8⑆⑆ 0320

38040710999

FIRST CITY

First City Bank
of Dallas
P.O. Box 461700, Dallas, Texas 75206-1700

E. F. VON SEGGERN, I
BOX 190851
DALLAS, TEXAS 75219

4570

December 31 19 84

32-77/1110

PAY TO THE ORDER OF National Conservative Political Action Committee \$ 5000.00

The sum of 5000 and 00/100 DOLLARS

E. F. VON SEGGERN, I

FOR _____

E F von Seggern

⑈004570⑈ ⑆111000779⑆

01 95800⑈

FIRST CITY

First City Bank
of Dallas
P.O. Box 461700, Dallas, Texas 75206-1700

E. F. VON SEGGERN, I
BOX 190851
DALLAS, TEXAS 75219

4571

December 31 19 84

32-77/1110

PAY TO THE ORDER OF Natioanl Conservative Political Action Committee \$ 1000.00

The sum of 1000 and 00/100 DOLLARS

E. F. VON SEGGERN, I

FOR _____

E F von Seggern

⑈004571⑈ ⑆111000779⑆

01 95800⑈

0071100403

GCC# 2006

HERGE, SPARKS, CHRISTOPHER & BIONDI

ATTORNEYS AT LAW

SUITE 200

8201 GREENSBORO DRIVE
MCLEAN, VIRGINIA 22102

J. CURTIS HERGE
ROBERT R. SPARKS, JR.
A. MARK CHRISTOPHER
GEORGE V. BIONDI
DONNA LYNN MILLER

November 19, 1986

The Honorable Joan D. Aikens
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Attention: John Drury, Esq.
Office of General Counsel

RE: MUR 2250

Dear Madam Chairman:

This responds to your letter to E. F. von Seggern, dated October 31, 1986, in which you reported that the Federal Election Commission determined there is reason to believe that Mrs. von Seggern may have violated the provisions of 2 U.S.C. §441a(a)(1)(C).

Enclosed, for your records, is a Statement of Designation of Counsel, signed by Mrs. von Seggern, designating this firm as her counsel in connection with this matter.

In the General Counsel's Factual and Legal Analysis, which formed the basis of the Commission's determination, it is alleged that Mrs. von Seggern contributed \$12,000.00 to the National Conservative Political Action Committee on January 7, 1985, an apparent violation of 2 U.S.C. §441a(a)(1)(C).

The facts are that Mrs. von Seggern mailed two checks to the National Conservative Political Action Committee on or about December 31, 1984. One check, in the amount of \$5,000.00, was intended to be a contribution in 1985 to the National Conservative Political Action Committee. The second check, in the amount of \$1,000.00, was intended by Mrs. von Seggern to be in payment of the admission of Mrs. von Seggern's guest at a fund-raising function sponsored by the National Conservative

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL
(703) 846-4700

06 NOV 25 P 4:01

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

10011706083

The Honorable Joan D. Aikens
November 19, 1986
Page 2

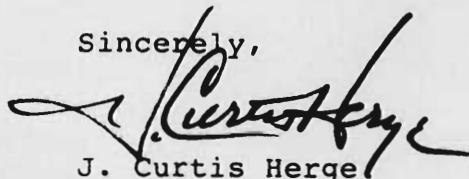
Political Action Committee earlier in 1984. Copies of those checks are enclosed. Mrs. von Seggern did not know at the time that payment for admission to such functions constituted contributions subject to the limitations contained in the Federal Election Campaign Act.

In April, 1985, Mrs. von Seggern received a refund from the National Conservative Political Action Committee in the amount of \$6,000.00. Upon subsequent inquiry, Mrs. von Seggern was advised that, because of a bookkeeping error, it was believed that the funds related to 1984, instead of 1985. As a result, Mrs. von Seggern mailed a \$6,000.00 check to the National Conservative Political Action Committee in late April, upon the understanding that \$5,000.00 constituted a contribution to the National Conservative Political Action Committee in respect of 1985 and that \$1,000.00 would be transferred as a contribution to the segregated, non-federal account, National Conservative Political Action Committee - State Election Fund.

In light of the foregoing, Mrs. von Seggern mailed one \$5,000.00 check to the National Conservative Political Action Committee in early 1985, it being intended to be a 1985 contribution. The second check was intended by Mrs. von Seggern to relate to an event held in 1984. When she received a refund of the full \$6,000.00 in April, 1985, Mrs. von Seggern later mailed an equivalent amount back to the National Conservative Political Action Committee with the knowledge that \$5,000.00 was a contribution to the federal account and that \$1,000.00 was a contribution to a non-federal account.

Based on the foregoing, it is apparent that the facts do not support a finding of probable cause to believe Mrs. von Seggern violated 2 U.S.C. §441a(a)(1)(C) and the file on this matter should be closed.

Sincerely,



J. Curtis Herge

:sbl

Enclosure

33040711002

STATEMENT OF DESIGNATION OF COUNSEL

NR 2250

NAME OF COUNSEL: Hege, Sparks, Christopher & Biondi

ADDRESS: 8201 Greensboro Dr #200
McLean, VA

TELEPHONE: (703) 848-4700

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

November 10-1986
Date

E. F. van Seggum
Signature

RESPONDENT'S NAME:

ADDRESS:

E. F. van Seggum
Box 190851
Dallas Texas 75219

HOME PHONE:

BUSINESS PHONE:

(214) 528-3125
956-1516

38040711003

FIRST CITY

First City Bank
P.O. Box 441790, Dallas, Texas 75244-1790

E. F. VON SEGGERN, I
BOX 190851
DALLAS, TEXAS 75219

4570

December 31 19 84

32-77/1110

PAY TO THE ORDER OF National Conservative Political Action Committee \$ 5000.00

The sum of 5000 and 00/100 DOLLARS

E. F. VON SEGGERN, I

FOR

E F von Seggern

⑈004570⑈ ⑆111000779⑆

01 95800⑈

FIRST CITY

First City Bank
P.O. Box 441790, Dallas, Texas 75244-1790

E. F. VON SEGGERN, I
BOX 190851
DALLAS, TEXAS 75219

4571

December 31 19 84

32-77/1110

PAY TO THE ORDER OF Natioanl Conservative Political Action Committee \$ 1000.00

The sum of 1000 and 00/100 DOLLARS

E. F. VON SEGGERN, I

FOR

E F von Seggern

⑈004571⑈ ⑆111000779⑆

01 95800⑈

3804071138

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

National Conservative Political)
Action Committee, and)

Leif E. Noren, as treasurer)

E.F. von Seggern)

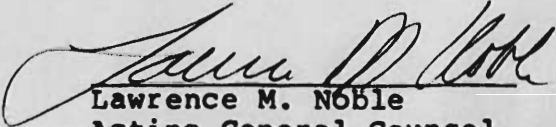
MUR 2250

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter, based on the assessment of the information presently available.

Date

6/5/87


Lawrence M. Noble
Acting General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 1987

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MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *[Signature]*
Acting General Counsel

SUBJECT: MUR #2250

Attached for the Commission's review are two briefs stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of these briefs and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission findings of probable cause to believe were mailed on June 11, 1987. Following receipt of the respondents' replies to this notice, this Office will make a further report to the Commission.

Attachments

1. Briefs
2. Letter to Respondents

38040711006



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 11, 1987

**J. Curtis Herge, Esquire
Sedan & Herge
8300 Greensboro Drive
Suite 1100
McLean, VA 22102**

**RE: MUR 2250
National Conservative
Political Action Committee
Leif E. Noren, Treasurer and
E.F. von Seggern**

Dear Mr. Herge:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you, the Federal Election Commission, on September 24, 1986, found reason to believe that the National Conservative Political Action Committee and Leif E. Noren, as treasurer, violated 2 U.S.C. § 441a(f) and E.F. von Seggern violated 2 U.S.C. § 441a(a)(1)(C), and instituted an investigation in this matter.

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

The Commission may or may not approve the General Counsel's recommendations. Submitted for your review are briefs stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief or briefs (10 copies if possible) stating your position on the issues and replying to the briefs of the General Counsel. (Three copies of such brief(s) should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's briefs and any brief(s) which you submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

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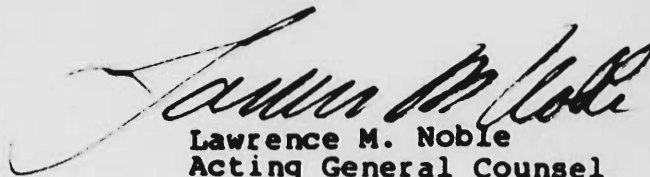
Letter to J. Curtis Herge, Esquire
Page 2

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 extensions of time must be submitted in writing five days prior to the due date. Further, good cause must be shown.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact John Drury, the attorney assigned to handle this matter, at (202) 376-8200..

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Briefs

38040711008

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Conservative Political) MUR 2250
Action Committee and)
Leif E. Noren, as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On September 23, 1986, the Commission found reason to believe that the National Conservative Political Action Committee ("NCPAC," or "the Committee") and Leif E. Noren, as treasurer, violated 2 U.S.C. § 441a(f) by knowingly accepting excessive contributions from C.H. Alberding, Glenn H. Morris, J.S. Hudnall, John C. Oliver, Harry G. Seggerman, and E.F. von Seggern.

II. ANALYSIS

According to NCPAC's 1985 Mid-Year Report, NCPAC accepted \$5,404 in contributions from C.H. Alberding on January 22, 1985. NCPAC stated that it refunded the excessive portion of \$404 to Mr. Alberding on August 12, 1985, 203 days after NCPAC accepted the contribution.

On its 1985 Mid-Year Report, NCPAC disclosed receipt of \$5,100 in contributions on May 2, 1985 from J.S. Hudnall. The Committee refunded the excessive portion to Mr. Hudnall on August 12, 1985, 102 days after accepting the contribution.

The Committee disclosed receipt of an \$8,000 contribution from Glenn H. Morris on January 7, 1985. NCPAC included in its November 13, 1986 reply to the Commission's notification of a finding of reason to believe a letter from Glenn Morris requesting that NCPAC reattribute \$3,000 of the \$8,000 to Morris'

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spouse. There is no date on the letter.

On its Mid-Year Report, NCPAC lists receipt of a contribution of \$5,100 on January 17, 1985 from John C. Oliver. NCPAC refunded \$100 to Oliver on August 12, 1985, 208 days after it accepted the contribution.

NCPAC accepted a \$6,000 contribution from Harry Seggerman on January 22, 1985. On August 12, 1985, NCPAC transferred \$1,000 to the Hecht Re-Election Committee, 203 days after accepting the contribution.

E.F. von Seggern contributed \$5,000 to NCPAC on June 21, 1984. In December, 1984, von Seggern contributed an additional \$6,000 to NCPAC. NCPAC refunded \$6,000 to Ms. von Seggern on April 5, 1985, 95 days after the date of the contribution. On April 29, 1985, von Seggern gave an additional \$6,000 to NCPAC. On May 1, 1985, NCPAC transferred \$1,000 of the \$6,000 to NCPAC's State Election Fund, NCPAC-SEF. According to counsel for NCPAC, von Seggern made this contribution with the understanding that \$1,000 was to go to NCPAC-SEF. However, NCPAC has submitted no designation by von Seggern nor any other evidence that this was the case.

Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to any multicandidate political committee in any calendar year, which in the aggregate, exceed \$5,000. The Act and regulations further provide that no candidate or political

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committee shall knowingly accept any contribution in violation of the provisions of this section. 2 U.S.C. § 441a(f); 11 C.F.R. § 110.9(a).

Commission regulations provide that where a committee receives a contribution which appears to be illegal, it shall within 10 days either refund the contribution or deposit and report it. If deposited, the treasurer shall make a record noting the basis for the appearance of illegality, include a statement in the committee's reports noting that the legality of the contribution is in question, and make his or her best efforts to determine the legality of the contribution. 11 C.F.R.

§ 103.3(b)(1). When a contribution cannot be determined to be legal, refunds shall be made within a reasonable time. 11 C.F.R.

§ 103.3(b)(2). As related above, NCPAC refunded the excessive portion of contributions to C.H. Alberding, J.S. Hudnall, John C. Oliver and E.F. von Seggern 203, 102, 208, and 95 days respectively after accepting these contributions.

Commission regulations did not at that time specifically address the reattribution of the excessive amount of a contribution to the contributor's spouse. The regulations recognized that both spouses may contribute up to \$1,000 to the same candidate for the same election even though both are from a single income family. 11 C.F.R. § 110.1(i)(1). The regulations also provided that a contribution from more than one person shall indicate on the written instrument, or on an accompanying

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statement signed by all contributors, the amount to be contributed by each contributor. 11 C.F.R. § 104.8(d). The regulations further stated that, absent evidence to the contrary, a contribution is attributed to the last person signing the instrument prior to its delivery to the candidate or committee. 11 C.F.R. § 104.8(c).

Although NCPAC asserts that Glenn Morris intended that \$3,000 of the \$8,000 contribution be treated as Mrs. Morris' contribution, no such indication appears on the check itself. In addition, NCPAC has failed to submit evidence of an accompanying statement allocating \$3,000 to Mrs. Morris. The document submitted by the respondents is undated. Thus, it appears that NCPAC did not obtain the reattribution prior to delivery of the contribution or within a reasonable time.

NCPAC transferred \$1,000 of the second \$6,000 contribution which it accepted from E.F. von Seggern to NCPAC-SEF. However, as stated previously, NCPAC has not provided a contribution designation to that effect by Ms. von Seggern.

On January 22, 1985, NCPAC accepted a \$6,000 contribution from Harry Seggerman. NCPAC failed to take corrective action until 203 days later, when on August 12, 1985 NCPAC transferred \$1,000 to the Hecht Re-Election Committee.

In summary, NCPAC did not refund, reattribute or otherwise take corrective action with respect to the above contributions within a reasonable time. Therefore, this Office recommends that

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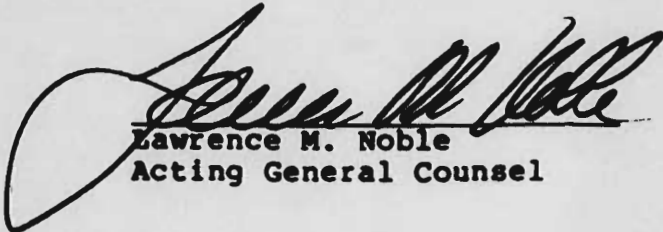
the Commission find probable cause to believe NCPAC violated
2 U.S.C. § 441a(f).

III. GENERAL COUNSEL'S RECOMMENDATION

1. Find probable cause to believe that the National
Conservative Political Action Committee and Leif E. Moren, as
treasurer, violated 2 U.S.C. § 441a(f).

Date

6/10/87


Lawrence M. Noble
Acting General Counsel

38040711013

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
E.F. von Seggern) MUR 2250

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On September 23, 1986, the Commission found reason to believe that E.F. von Seggern violated 2 U.S.C. § 441a(a)(1)(C) by making contributions in excess of \$5,000 to the National Conservative Political Action Committee ("NCPAC").

II. ANALYSIS

E.F. von Seggern contributed \$5,000 to NCPAC on June 21, 1984. In December, 1984, von Seggern contributed an additional \$6,000 to NCPAC. NCPAC refunded \$6,000 to Ms. von Seggern on April 5, 1985. On April 29, 1985, Ms. von Seggern gave \$6,000 more to NCPAC. On May 1, 1985, NCPAC transferred \$1,000 of this latter \$6,000 contribution to NCPAC's State Election Fund, NCPAC-SEF.

According to counsel for the respondent, von Seggern made this \$6,000 contribution with the understanding that \$1,000 was to go to NCPAC-SEF. However, von Seggern has submitted no designation to this effect nor any other evidence that this was her intention.

Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to any multicandidate political committee in any calendar year which, in the aggregate, exceed \$5,000. E.F. von Seggern contributed \$11,000 to NCPAC in 1984 and \$6,000 to NCPAC in 1985. These contributions were in excess of the limit of

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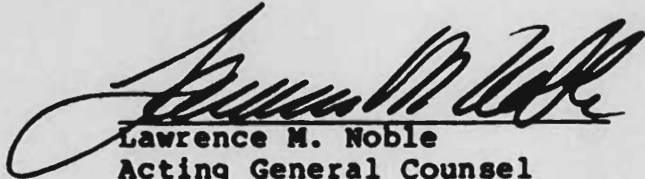
§ 441a(a)(1)(C) by \$5,000 and \$1,000 respectively. Therefore, this Office recommends that the Commission find probable cause to believe E.F. von Seggern violated 2 U.S.C. § 441a(a)(1)(C).

III. GENERAL COUNSEL'S RECOMMENDATION

1. Find probable cause to believe that E.F. von Seggern violated 2 U.S.C. § 441a(a)(1)(C).

Date

6/10/87


Lawrence M. Noble
Acting General Counsel

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HERGE, SPARKS, CHRISTOPHER & BIONDI

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ATTORNEYS AT LAW

SUITE 200

8201 GREENSBORO DRIVE
MCLEAN, VIRGINIA 22102

J. CURTIS HERGE
ROBERT R. SPARKS, JR.
A. MARK CHRISTOPHER
GEORGE V. BIONDI
DONNA LYNN MILLER
KIMBERLY A. MEHURON

June 12, 1987

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(703) 698-4700
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GENERAL COUNSEL

Lawrence M. Noble, Esq.
Acting General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Attention: John Drury, Esq.
Office of General Counsel

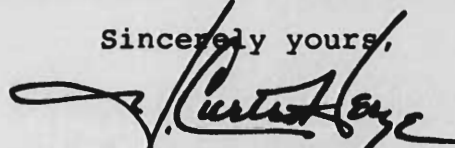
RE: MUR 2250

Dear Mr. Noble:

This will acknowledge the receipt by us on June 12, 1987 of your letter, dated June 11, 1987, regarding the above captioned matter.

In order to provide us with an opportunity to gather additional facts and documents, we request an extension until July 13, 1987 to submit our briefs on behalf of E. F. von Seggern and the National Conservative Political Action Committee.

Sincerely yours,


J. Curtis Herge

:sbl

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 19, 1987

J. Curtis Herge, Esquire
Herge, Sparks, Christopher & Biondi
Suite 200
8201 Greensboro Drive
McLean, VA 22102

RE: MUR 2250
National Conservative
Political Action Committee
and Lif E. Noren, as
treasurer

Dear Mr. Herge:

This is in response to your letter dated June 12, 1987, which we received on June 15, 1987, requesting an extension until July 13, 1987, to respond to the General Counsel's Briefs in this matter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by close of business on July 13, 1987.

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

Sincerely,

Lawrence M. Noble
Acting General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

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HERGE, SPARKS, CHRISTOPHER & BIONDI

ATTORNEYS AT LAW

SUITE 200

8201 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

(703) 848-4700

J. CURTIS HERGE
ROBERT R. SPARKS, JR.
A. MARK CHRISTOPHER
GEORGE V. BIONDI
DONNA LYNN MILLER
CARRIE LEE GLASER

July 10, 1987

TELECOPIER NUMBER
(703) 893-7371

Ms. Marjorie Emmons
Secretary of the Commission
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

RE: MUR 2250

Dear Ms. Emmons:

Pursuant to 11 CFR §111.16(c), we submit to you herewith ten (10) copies of the Brief of E. F. von Seggern, National Conservative Political Action Committee and Leif E. Noren, as treasurer, all the respondents in MUR 2250.

By copy of this letter, we are submitting to the office of General Counsel three (3) additional copies of the Brief.

Very truly yours,

(Sgd) J. Curtis Herge

J. Curtis Herge
Counsel to E. F. von Seggern,
National Conservative Political
Action Committee and Leif E.
Noren, as treasurer

:sbl
Enclosures
cc: ✓General Counsel,
Federal Election Commission
(with enclosures)

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GENERAL COUNSEL

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

NATIONAL CONSERVATIVE POLITICAL
ACTION COMMITTEE and
LEIF E. NOREN, as treasurer

and

E. F. VON SEGGERN

MUR 2250

BRIEF OF RESPONDENTS E. F. VON SEGGERN,
NATIONAL CONSERVATIVE POLITICAL ACTION
COMMITTEE AND LEIF E. NOREN, AS TREASURER

I. STATEMENT OF THE CASE.

On September 23, 1986, the Federal Election Commission found reason to believe that E. F. von Seggern, in apparent violation of 2. U.S.C. §441a(a)(1)(C), contributed \$11,000.00 to the National Conservative Political Action Committee ("NCPAC") in 1984 and \$6,000.00 to NCPAC in 1985. As shall be demonstrated, however, E. F. von Seggern contributed \$5,000.00 to NCPAC in 1984 and \$5,000.00 to NCPAC in 1985.

On September 23, 1986, the Commission also found reason to believe that NCPAC, in apparent violation of 2 U.S.C. §441a(f), accepted \$11,604.00 in excessive contributions from six individuals during the period January 7, 1985 to May 2, 1985. As shall be demonstrated, however, NCPAC accepted no more than \$1,200.00 in excessive contributions during that period and that it refunded or transferred the excessive contributions promptly after being identified.

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II. ANALYSIS.

There follows what can only properly be described as an unfortunate, unnecessary and expensive case of foul-ups due to clerical and computer errors. Nonetheless, this is not a case in which it would be proper to find probable cause to believe that any contributor violated 2 U.S.C. §441a(a)(1)(C) or that NCPAC violated 2 U.S.C. §441a(f). The facts as to the contributions and contributors in question are, as follows:

(A) C. H. Alberding. It is alleged that C. H. Alberding contributed \$5,404.00 to NCPAC on January 22, 1985. The fact is that C. H. Alberding contributed only \$5,000.00 to NCPAC.

Attached to this Brief is the Affidavit of Richard Kimble ("Kimble Aff'd"), the individual at NCPAC who solicited and received the contribution from Mr. Alberding. As Mr. Kimble states in his Affidavit, Mr. Alberding mailed Mr. Kimble a letter containing two checks. One check was drawn to the order of NCPAC in the amount of \$5,000.00 and the other check was drawn to the order of Pat Wait in the amount of \$404.00. (See, ¶(3) Kimble Aff'd.) The \$404.00 check to Pat Wait was clearly not payable to NCPAC. (See Attachment to Kimble Aff'd.) That check was to pay for admission to an event which was not sponsored by NCPAC. (See, ¶(5) Kimble Aff'd.) Pat Wait was not even an employee of NCPAC. The check was sent to Mr. Kimble because, as a

convenience to Mr. Alberding, Mr. Kimble agreed to pass it on to Pat Wait.

A photocopy of the \$404.00 check to Pat Wait was inadvertently included in a stack of photocopies of checks made payable to NCPAC and were transmitted to the computer firm which maintains NCPAC's computer file of contributor data. The computer firm, not itself identifying the fact that the check was payable to Pat Wait and not NCPAC, entered the \$404.00 as a contribution to NCPAC from Mr. Alberding. Attached to this Brief is the Affidavit of Leif E. Noren ("Noren Aff'd."), the treasurer of NCPAC. With respect to this clerical and computer entry snafu, see ¶ (3) of the Noren Aff'd.

When the computer generated the 1985 Mid-Year Report list of itemized contributors which was due on July 31, 1985, Mr. Noren observed the entry that suggested an excessive contribution from Mr. Alberding in the amount of \$404.00. On August 12, 1985 - twelve days later, Mr. Noren refunded \$404.00 to Mr. Alberding. Result: Pat Wait got \$404.00; Mr. Alberding presumably went to the event he paid for; and, NCPAC was out \$404.00.

(B) J. S. Hudnall. On or about April 30, 1985, Mr. Hudnall sent a check to NCPAC in the amount of \$5,000.00. A copy of that check is attached. On or about May 2, 1985, Mr. Hudnall mailed a check in the amount of \$100.00 to NCPAC in response to its direct mail solicitation program. Responses to direct mail solicitations are received, caged and deposited by an independent

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contractor, which forwards the contributor data directly to the computer firm. The existence of Mr. Hudnall's \$100.00 contribution thus first came to the attention of the treasurer of NCPAC when, on July 30, 1985, he received the computer tabulation of Schedule A for the 1985 Mid-Year Report. The excess was then refunded on August 12, 1985, within two weeks of its discovery.

(C) Glenn H. Morris. It is alleged that Glenn H. Morris contributed \$8,000.00 to NCPAC on January 7, 1985; and, that, although Mr. and Mrs. Morris signed a statement attributing \$5,000.00 of that contribution to Mr. Morris and \$3,000.00 of the contribution to Mrs. Morris, the Office of General Counsel is concerned because the statement is undated.

Reference is made to the Affidavit from Mr. Kimble, in which he states that the contribution, at the time it was solicited and made, was intended to be from both Mr. and Mrs. Morris (See, ¶ (6) Kimble Aff'd.) In addition, attached to Mr. Kimble's Affidavit is a log, in which entries are made contemporaneous with the receipt of such checks, in which it was noted that the contribution was from both Mr. and Mrs. Morris. (See, ¶ (6) Kimble Aff'd.) Finally, included in Mr. Kimble's Affidavit is a statement that he promptly telephoned Mr. and Mrs. Morris, that he was told by them how the contribution was to be allocated and then arranged for Mr. and Mrs. Morris to sign a written confirmation of the allocation. (See, ¶(7) Kimble Aff'd.) True, the letter is undated; but, it is evident that

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NCPAC acted promptly and arranged to obtain the attribution statement within a reasonable time. The regulations at that time did not specifically address the reattribution of contributions by spouses. The regulations simply provided that a contribution from more than one person shall indicate on a written statement the amount to be contributed by each contributor. NCPAC complied with the regulations.

(D) John C. Oliver. On or about January 14, 1985, Mr. Oliver sent a check to NCPAC in the amount of \$5,000.00. A copy of that check is attached. Mr. Oliver also mailed a \$100.00 check to NCPAC in response to its direct mail solicitation program. As in the case of Mr. Hudnall, that check went directly to NCPAC's independent caging operation. The existence of Mr. Oliver's \$100.00 contribution thus first came to the attention of the treasurer of NCPAC when, on July 30, 1985, he received the computer tabulation for the Schedule A of the 1985 Mid-Year Report. The excess was then refunded on August 12, 1985, within two weeks of its discovery.

(E) Harry G. Seggerman. It is alleged that NCPAC accepted a \$6,000.00 contribution from Harry G. Seggerman in 1985. The fact is that Mr. Seggerman contributed only \$5,000.00 to NCPAC.

Attached is a copy of a check from Mr. Seggerman, drawn to the order of "N.C.P.A.C." in the amount of \$5,000.00, and a copy of a check from Mr. Seggerman, drawn to the order of "Hecht

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Re-Election Com." in the amount of \$1,000.00. The \$1,000.00 check to "Hecht Re-Election Com." was clearly not payable to NCPAC. The check was mailed by NCPAC personnel to Senator Hecht's campaign committee and was reported by that committee as a contribution from Mr. Seggerman on June 11, 1985. (See, Schedule A of the Hecht Re-Election Committee's Report, Document No. 8502-004-2963.)

Unfortunately, as in the case of the Alberding check to Pat Wait, a photocopy of Mr. Seggerman's \$1,000.00 check was inadvertantly included in a stack of photocopies of checks made payable to NCPAC and were transmitted to NCPAC's computer firm. The computer firm improperly credited the \$1,000.00 contribution to Mr. Seggerman. (See, ¶¶(2), (3) and (4) Noren Aff'd.) Thus, when Mr. Noren reviewed the computer generated 1985 Mid-Year Report list of itemized contributors, he observed what appeared to be an excessive contribution from Mr. Seggerman in the amount of \$1,000.00; and, on August 12, 1985 - twelve days later, transferred \$1,000.00 from NCPAC to NCPAC-SEF. Result: The Hecht Re-Election Committee got the original \$1,000.00 and NCPAC unnecessarily transferred out \$1,000.00.

(F) E. F. von Seggern. It is alleged that E. F. von Seggern contributed \$5,000.00 to NCPAC on June 21, 1984; \$6,000.00 to NCPAC in December, 1984; and, following a \$6,000.00 refund by NCPAC to Miss von Seggern on April 5, 1987, contributed another \$6,000.00 to NCPAC on April 29, 1985. The facts are that

Miss von Seggern contributed \$5,000.00 to NCPAC on June 21, 1984; \$5,000.00 to NCPAC on January 7, 1985 (a second check for \$1,000.00, received on January 7, 1985, was intended by Miss von Seggern to be a contribution to NCPAC-SEF but was inadvertently deposited by NCPAC into the NCPAC account).

In his Affidavit, Mr. Kimble states that he solicited a contribution from Miss von Seggern in December, 1984, both he and Miss von Seggern knowing at the time that she had previously contributed her \$5,000.00 limit in 1984. (See, ¶8 Kimble Aff'd.) Miss von Seggern then agreed that she would send NCPAC two checks for 1985, one of \$5,000.00 for NCPAC and one of \$1,000.00 for NCPAC-SEF. (See, ¶9 Kimble Aff'd.) Those two checks (both dated December 31, 1984) were received by Mr. Kimble on January 7, 1985. (See, ¶10 Kimble Aff'd.) In keeping with his understanding and agreement with Miss von Seggern, the checks were then logged in: the \$1,000.00 check being noted as a contribution to "SEF", or NCPAC-SEF. (See, ¶10 Kimble Aff'd.) NCPAC's temporary clerical personnel then erred by depositing both checks in the NCPAC account, an act intended neither by Mr. Kimble nor by Miss von Seggern.

When photocopies of Miss von Seggern's checks were transmitted to the computer firm, there was no accompanying advice that the checks were received on January 7, 1985. Thus, when the computer firm noted that the checks were dated December 31, 1984, the contributions were credited to Miss von

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Seggern as being 1984 contributions. When added to her June, 1984, \$5,000.00 contribution, this suggested that Miss von Seggern contributed \$11,000.00 to NCPAC in 1984. Subsequently, upon seeing the computer summary, Mr. Noren refunded \$6,000.00 to Miss von Seggern on April 5, 1985; although, in fact, only the \$1,000.00 which NCPAC had improperly deposited into the NCPAC, instead of the NCPAC-SEF, account had to be transferred or refunded.

Subsequently, knowing that she had not contributed an excessive amount in 1984 and that her intention all along had been to give \$5,000.00 to NCPAC and \$1,000.00 to NCPAC-SEF in 1985, Miss von Seggern returned \$6,000.00 to NCPAC on April 29, 1985. Two days later, on May 1, 1985, NCPAC transferred \$1,000.00 to NCPAC-SEF. Thus, what Miss von Seggern and Mr. Kimble had agreed upon and intended all along was finally accomplished.

Miss von Seggern intended, when she wrote the checks on December 31, 1984 and subsequently placed them in the mail, that the one for \$5,000.00 would be a 1985 contribution to NCPAC and that the one for \$1,000.00 would be a 1985 contribution to NCPAC-SEF. Thus, the reason for two separate checks, as confirmed by Mr. Kimble in his Affidavit and in the contemporaneous entry in the Log. Those checks were received on January 7, 1985. The date of receipt, not the date of the checks or the postmark on the letter of transmittal, then being the

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determinative factor as to the date of attribution. NCPAC erred in two respects. First, it improperly deposited both checks in the NCPAC account; and, second, it improperly caused the checks to be recorded as received in 1984. The errors resulted in confusion, the full \$6,000.00 being refunded to the contributor in April, 1985. Realizing that NCPAC was in error and that she had not erred, Miss von Seggern promptly returned the \$6,000.00 to NCPAC with instructions to carry out her original wishes.

Miss von Seggern did not violate 2 U.S.C.

§441a(a)(1)(C) in 1984: her only contribution in 1984 was one of \$5,000.00 made on June 21, 1984. Miss von Seggern did not violate 2 U.S.C. §441a(a)(1)(C) in 1985: her contribution to NCPAC on January 7, 1985 was one of \$5,000.00; although, because of clerical and computer mix-ups, her intentions and that result were not accomplished until April 29, 1985.

III SUMMARY.

The Office of General Counsel suggests that NCPAC knowingly accepted \$11,604.00 in excessive contributions from six contributors in 1985 and that Miss von Seggern made excessive contributions to NCPAC in 1984 and in 1985. Based on its analysis of NCPAC's computerized contributor records, this would appear to be a situation worthy of a probable cause recommendation to the Commission. The facts are, however, that the computer records were wrong and that this matter does not warrant further action.

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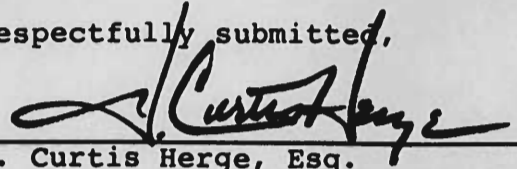
The alleged \$404.00 excessive contribution from Alberding never happened, but NCPAC still refunded the \$404.00 unnecessarily. The alleged \$100.00 excessive contribution from Hudnall did happen, but NCPAC refunded the \$100.00 within 12 days after it was discovered. The alleged \$3,000.00 excessive contribution from Morris never happened, that amount always being intended and promptly confirmed as being from his spouse. The alleged \$100.00 excessive contribution from Oliver did happen, but NCPAC refunded the excess within 12 days after it was discovered. The alleged \$1,000.00 excessive contribution from Seggerman never happened, but NCPAC still transferred out the \$1,000.00 unnecessarily. The alleged \$6,000.00 excessive contribution in 1984 from von Seggern never happened, the checks being received by NCPAC in 1985. The alleged \$1,000.00 excessive contribution in 1985 from von Seggern was not a result intended by von Seggern or as agreed upon with her contract at NCPAC, Mr. Kimble. Others at NCPAC improperly deposited the \$1,000.00 to the wrong account, but those errors were subsequently identified and rectified.

Clerical and computer errors do not constitute violations of 2 U.S.C. §§441a(a)(1)(C) and 441a(f). Those errors resulted in NCPAC refunding \$404.00 unnecessarily; \$100.00 within 12 days of discovery; another \$100.00 within 12 days of discovery; \$1,000.00 unnecessarily; and, \$6,000.00, instead of \$1,000.00 unnecessarily. These errors left NCPAC embarrassed,

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chagrined and, in the final analysis, unnecessarily out of pocket to the tune of \$1,404.00. The result was the institution of a brand new system of controls designed to prevent the recurrence of similar events in the future. Miss von Seggern clearly was not at fault. NCPAC was at fault, but it paid the price. No further action should be, or need be, taken on this matter.

Respectfully submitted,



J. Curtis Herge, Esq.
Herge, Sparks, Christopher &
Biondi
8201 Greensboro Drive
Suite 200
McLean, Virginia 22102
(703) 848-4700

Counsel to E. F. von Seggern,
National Conservative Political
Action Committee and Leif E. Noren,
as Treasurer.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

NATIONAL CONSERVATIVE POLITICAL)
ACTION COMMITTEE and)
LEIF E. NOREN, as treasurer)

MUR 2250

and)

E. F. VON SEGGERN)

AFFIDAVIT OF RICHARD KIMBLE

State of Virginia)
) ss:
City of Alexandria)

RICHARD KIMBLE, being duly sworn, deposes and says:

(1) That he is an employee of the National Conservative Political Action Committee whose responsibilities include the solicitation of contributions to the National Conservative Political Action Committee.

(2) That he was in the employ of the National Conservative Political Action Committee in 1984 and 1985, having at that time solicitation responsibilities as aforesaid, and has personal knowledge of the facts and circumstances associated with the solicitation and the receipt of the contributions from C. H. Alberding, Glenn H. and Faynell G. Morris and E. F. von Seggern, which are the subject of MUR 2250.

(3) That, by letter dated January 9, 1985, C. H. Alberding transmitted to your deponent two checks: one drawn to

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the order of National Conservative Political Action Committee in the amount of \$5,000.00 and the second drawn to the order of Pat Wait in the amount of \$404.00. (Attached are a copy of the letter of transmittal and of the checks.)

(4) That the check of C. H. Alberding drawn to the order of National Conservative Political Action Committee in the amount of \$5,000.00 was solicited, drawn, transmitted and received as a contribution to the National Conservative Political Action Committee.

(5) That the check of C. H. Alberding drawn to the order of Pat Wait in the amount of \$404.00 was not, as is evident from its face, a contribution to the National Conservative Political Action Committee; but constituted payment to Pat Wait for tickets to an event not sponsored by the National Conservative Political Action Committee. (Attached is a log of contributions received in January, 1985 as a consequence of solicitations made by your deponent (hereinafter "the Log"), which reflects on line 13 the receipt on January 15, 1985 of the \$5,000.00 contribution from C. H. Alberding.

(6) That on or about January 7, 1985, your deponent received the check of Glenn H. Morris drawn to the order of National Conservative Political Action Committee in the amount of \$8,000.00, which check was solicited, drawn, transmitted and received as a contribution from Glenn H. and Faynell G. Morris. (As evidence that said check was both solicited and intended to

38040711031

38040711032

be a contribution from Mr. Morris and Mrs. Morris, reference is made to line 4 of the Log which reflects , as a contemporaneous entry, that the contribution was attributable to both Mr. and Mrs. Morris.)

(7) That, to the best of your deponent's recollection, soon after the receipt of the \$8,000.00 check from Glenn H. Morris, your deponent telephoned Mr. and Mrs. Morris; was advised that, of the \$8,000.00, \$5,000.00 was to be attributed to Glenn H. Morris and \$3,000.00 was to be attributed to Faynell G. Morris; and, mailed to Mr. and Mrs. Morris, for their signature, a letter in confirmation of their verbal instructions. (A copy of that letter, signed by Mr. and Mrs. Morris, is attached.)

(8) That, in December, 1984, your deponent solicited a contribution from E. F. von Seggern, both your deponent and E. F. von Seggern knowing, at the time of such solicitation, that E. F. von Seggern had previously contributed in 1984 the sum of \$5,000.00 to the National Conservative Political Action Committee and, thus, both agreeing that any additional contribution would relate to 1985.

(9) That E. F. von Seggern advised your deponent, at the time of the solicitation in December, 1984, that she would mail two checks, one in the amount of \$5,000.00 and the second in the amount of \$1,000.00, E. F. von Seggern and your deponent agreeing that the \$5,000.00 check constituted a contribution to the National Conservative Political Action Committee and that the

38040711033
\$1,000.00 check would be deposited in the non-federal account,
National Conservative Political Action Committee - State Election
Fund, which is referred to as "NCPAC-SEF" or "SEF."

(10) That on January 7, 1985 your deponent received
from E. F. von Seggern two checks, as promised, one in the amount
of \$5,000.00 and the second in the amount of \$1,000.00. (As
evidence that the \$1,000.00 check was solicited and intended to
be a contribution to NCPAC-SEF, reference is made to line 3 of
the Log which reflects, as a contemporaneous entry, that the
\$1,000.00 contribution was to "SEF.")

IN WITNESS WHEREOF, your deponent executed this
Affidavit on the 10th day of July, 1987.

Richard Kimble
RICHARD KIMBLE

Sworn to before me this 10th
day of July, 1987.

James F. Reed
NOTARY PUBLIC

My Commission Expires: May 22, 1989

99 TUDOR PLACE
KENILWORTH, ILLINOIS 60043

January 9th,
1985

Mr. Richard Kimble
1001 Prince Street,
Alexandria, Virginia 22314

Dear Mr. Kimble:

Herewith Please find my Water
Tower check #762 for \$5,000.00, which I had
promised to send to the NCPAC by January 15th
and my check #763 to Pat Wait for \$404.00 to
pay for the Saturday night Gala tickets.

I will be interested in the
outcome of the meeting with Mr. Dolan and you.

Greetings to you both,

Sincerely,

C.H. Alberding.

CHA/b
Encs.

38040711034

99 TUDOR PLACE
KENILWORTH, ILLINOIS 60043

January 9th,
1985

Mr. Richard Gimble
1001 Prince Street,
Alexandria, Virginia 22314

Dear Mr. Gimble:

Herewith please find my Water
Tower check #762 for \$5,000.00, which I had
promised to send to the NCIAC by January 15th
and my check #763 to Pat Wait for \$404.00 to
pay for the Saturday night Gala tickets.

I will be interested in the
outcome of the meeting with Mr. [redacted] and you.

Sincerely,
[redacted]

C. H. Alberding

C. H. ALBERDING
9 E. HURON
CHICAGO, ILL. 60611

762

1/9 1985

2-158/710

PAY TO THE
ORDER OF

National Conservationist Action Com. \$ 5,000.00

five thousand and no/100

DOLLARS

Water Tower Bank
717 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60611

Richard Gimble

C. H. Alberding

⑆07⑆00⑆1588⑆ ⑈00⑈3434⑈7⑈ 0762

38040711036

HD

C. H. ALBERDING 9 E. HURON CHICAGO, ILL. 60611		763
1/8 1985		2-158/710
PAY TO THE ORDER OF	<i>Pat Wait</i>	\$ 404.00
<i>four hundred and four and 00/100</i>		DOLLARS
 Water Tower Bank 717 NORTH MICHIGAN AVENUE CHICAGO, ILLINOIS 60611		
MEMO <i>MAIC - 60611 1/19/85</i>		<i>C. H. Alberding's</i>
-10710015881- 00034347 0763		

DATE	NAME	ADDRESS	TELEPHONE	DEPT.	CK NO. DATE	TO ACCT	AMT
1/7	Mrs. Pope Nelson	3318 Southwestern Blvd. Dallas, TX 75225	(C)		4059 1-3	1-7	1,000
1/7	E. F. von Seggern, I	Box 190851 Dallas, TX 75219	(C)		4570 12-31	1-7	5,000
1/7	"	"	SEE quest.		4571 12-31	1-7	1,000
1/7	Glenn N. Morris or Faynell G. Morris.	1192 Cumberland Rd. Chattanooga, TN 37419			0122 1-4	1-8	8,02
1/11	John C. Oliver, Jr.	548 Oliver Bldg. Pittsburgh, PA 15222	C \$		983 1-7	1-11	.100
1/11	Dr. Jesse M. Brooks	Atlanta, TX 75551	Council		986 1-1	1-11	5,000
1/15	Mrs. Jane Smith	8235 Darks, St. 1101 Dallas, TX 75255	Council		1546 1-11	1-15	5,000
1/15	Mr. Henry J. Smith	"	"		1544 1-11	1-15	5,000
1/15	Dr. R. G. Jarrell, Jr.	509 Park Ave. Monroe, LA 71201	Council		5112 1-8	1-15	5,000
1/15	Rex S. Clark	7460 Herschel Ave. La Jolla, CA 92037	Council		5154 12-27	1-15	510
1/15	R. Clay Underwood	Oil + Gas Bldg. St. 420 Wichita Falls, TX	Council		3509 12-28	1-15	1,500
1/15	J. S. Hudnall	703 First Place Tyler, TX 75702	Council		4006 1-10	1-15	100
1/15	C. N. Alving	9 E. Huron Chicago, IL 60607	Council		722 1-9	1-15	5,000
1/15	Eleanor K. Anderson	Rt 1. Box 209 Easton, MD 21601	Council		376 1-1	1-15	5,000

DATE	NAME	ADDRESS	TELEPHONE	DEPT.	CR NO. & DATE	TO ACCT	AMT.
1/22	Norry G. A. Seppiman	5000 Combes St. Fairfield, CT 06430	1-823-3135 Kimble	Council	165 - 1-15	1-22	5,000
1/22	Howard C. Allen, Jr., M.D.	100 Hermann Pk. Dr. Houston, TX 77035		Council	14127 1-17	1-22	5,000
1/22	Joseph Sward	6500 College Dr. Palos Heights, IL 60463		SEF Council	9477 1-28	1-22	2,500
1/22	M. Mrs. Donald Mills	4495 Woodlawn Beaumont, TX 77703		Council	6281 1-15	1-22	1,000
1/22	Charles P. Ballenger, Jr.	253 Sea Pines Dr. #1460 Hilton Head Island, SC 29928	803/3-228 671-3-228	Ticket	84319	1-22	500
1/22	Eddy or Ann Knight	100 Shannon Rd. Lafayette, LA 70505		Council	193		
1/24	Joseph A. Polv	17100 E. 14th St. Hayward, CA 94541		Council	8462 1-20	1-24	25
1/24	John A. Yates, Jr.	207 S. 4th Artesia, NM 88210		Council	1525 1-15	1-24	250
1/28	Ben T. Shaw	100 Dement Ave. Dixon, IL 61021		Council	316 1-24	1-28	5,000
1/29	C. P. Hillard	P.O. Drawer 52745 Lafayette, LA 70505		Council	159 1-15	1-29	1,000

Mr. John T. (Terry) Dolan
NCPAC
1001 Prince Street
Alexandria, VA 22314

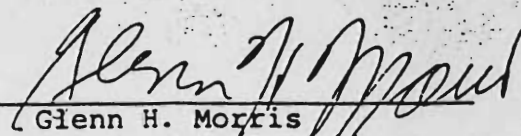
Dear Terry:

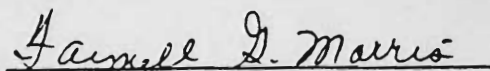
On January 8, 1985 you received an \$9,000 contribution from Glenn H. Morris. I would appreciate it if you would credit \$3,000 as a contribution from Mrs. Faynell G. Morris.

Your records should indicate, then, a total of \$5,000 contributed by Mr. Glenn H. Morris in 1985, and \$3,000 contributed by Mrs. Faynell G. Morris.

Thank you.

Sincerely,


Glenn H. Morris


Faynell G. Morris

Date: _____

380407039

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
)

NATIONAL CONSERVATIVE POLITICAL)
ACTION COMMITTEE and)
LEIF E. NOREN, as treasurer)
)
)

MUR 2250

and)
)
)

E. F. VON SEGGERN)

AFFIDAVIT OF LEIF E. NOREN

State of Virginia)
) ss:
City of Alexandria)

LEIF E. NOREN, being duly sworn, deposes and says:

(1) That he is the Treasurer of the National Conservative Political Action Committee and that he served in that capacity at all times relevant to the issues under investigation in MUR 2250.

(2) That the Office of General Counsel of the Federal Election Commission alleges (a) that a \$404.00 check from C. H. Alberding drawn the order of "Pat Wait" was a contribution to the National Conservative Political Action Committee; (b) that a \$1,000.00 check from Harry G. Seggerman drawn to the order of "Hecht Re-Election Committee" was a contribution to the National Conservative Political Action Committee; and, (c) that a \$5,000.00 check dated December 31, 1984 and a \$1,000.00 check dated December 31, 1984 from E. F. von Seggern, both of which were received by the National Conservative Political Action

Committee on January 7, 1985, were contributions to the National Conservative Political Action Committee in 1984.

(3) That the source and reasons for the aforementioned allegations are that photocopies of the four checks at issue were inadvertantly and without further explanation, because of clerical error, included in batches of checks transmitted to the computer firm which maintains the computerized listing of contributions to the National Conservative Political Action Committee.

(4) That by reason of the inadvertant transmittal to the computer firm of the \$404.00 check from C. H. Alberding drawn to the order of Pat Wait and of the \$1,000.00 check from Harry G. Seggerman drawn to the order of the Hecht Re-Election Committee, the computer files of C. H. Alberding and Harry G. Seggerman were improperly credited to reflect those sums as contributions to the National Conservative Political Action Committee.

(5) That by reason of the transmittal to the computer firm without further explanation of the two December 31, 1984 checks of E. F. von Seggern, the computer file of E. F. von Seggern was improperly credited to reflect those sums as contributions to the National Conservative Political Action Committee in 1984; the fact being that those checks were received on January 7, 1985 and the computer firm should have been so advised.

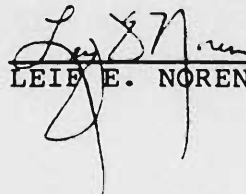
(6) That, because of the aforementioned improper credits, the computer generated itemized lists of contributors

attached to the reports of receipts and disbursements filed with the Federal Election Commission improperly reflected excessive contributions from C. H. Alberding and Harry G. Seggerman in 1985 and from E. F. von Seggern in 1984.

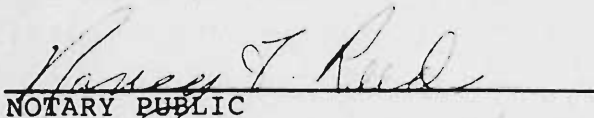
(7) That, when your deponent reviewed the computer generated itemized lists of contributors, your deponent concluded that the subject contributors had made excessive contributions and promptly transferred or refunded, unnecessarily, \$404.00 to C. H. Alberding, \$1,000.00 to Harry G. Seggerman and \$6,000.00 to E. F. von Seggern, the refunds being unnecessary because they were made on the basis of inaccurate and improper data entries.

(8) That, as a consequence of the foregoing described events, the National Conservative Political Action Committee developed and instituted revised systems and procedures designed to eliminate clerical errors and improper credits and to identify and refund promptly, as required, all contributions in excess of the limitations.

IN WITNESS WHEREOF, your deponent executed this Affidavit on the 10th day of July, 1987.


LEIF E. NOREN

Sworn to before me this 10th day of July, 1987.


NOTARY PUBLIC

My Commission Expires: May 27, 1989.

TION

May 2, 1985

RL

J. S. HUDNALL
ROYALTY ACCOUNT
703 FIRST PLACE
TYLER, TEXAS 75702

APRIL 30 1985

\$ 5,000.00

4376

88-78
1119

DOLLARS

J. S. HUDNALL
ROYALTY ACCOUNT

PAY TO THE NATIONAL CONSERVATIVE POLITICAL ACTION COMMITTEE
ORDER OF REGISTERED \$5000.00
RD-23088

First City National Bank
P.O. Box 2008, Tyler, Texas 75702
FIRST CITY

T
Fle
Bra
Bart
Kathy
Lisa

ACTION
NOTE AND
FOR APPRC

REMARKS:

20000000

INITIALS:

DATE:



January 17, 1985

JOHN C. OLIVER, JR.



Mellon Bank
Pittsburgh, PA

1006

January 14, 1985

8-26/430

Pay to the
order of

NCPAC

EXACTLY \$5,000.00 DOLLARS

\$ 5,000.00

Dollars

John C. Oliver Jr.

0430002610 208 34010 1006

I agree that conservatives must be mobilized nationwide: I endorse these efforts to support President Reagan's legislative agenda for 1985.

Terry, as a Member of the Policy Advisory Council, I will join you in the leadership of the conservative movement.

☒ I am enclosing my full Council Membership commitment of \$5,000 for 1985

☐ I am enclosing a partial Council Membership commitment of _____

You will have my full Council Membership of \$5,000 by _____

☐ I regret I cannot join the Council. However, I am enclosing my highest possible contribution of _____

☐ \$2,500 ☒ \$1,000 ☐ \$500 ☒ Other 5,000.00

PLEASE MAKE YOUR CHECK PAYABLE TO NCPAC

Federal law requires us to ask for the following information:

Name John C. Oliver, Jr. Occupation Personal Investor

Place of Business 548 Oliver Building

City Pittsburgh, State PA Zip 15222

We appreciate telephone numbers where you can be reached:

Business 421-281-7672 Home _____

38040711044

HARRY G. A. SEGGERMAN
5060 CONGRESS STREET
FAIRFIELD, CT 06430

320

May 31, 1985

51-38
211

PAY TO THE
ORDER OF

Hocht Re-Election Com.

One Thousand

\$ *1,000.00*

DOLLARS



Citytrust

Greenfield Hill Office
181 Hillside Road
Fairfield, CT 06430

Harry G.A. Seggerman

MEMO

⑆02⑆⑆0036⑆⑆ 930 778 8⑈ 0320

HARRY G. A. SEGGERMAN
5060 CONGRESS STREET
FAIRFIELD, CT 06430

165

Jan 15, 1985

51-38
211

PAY TO THE
ORDER OF

N.C.P.A.C.

Five Thousand

\$ *5,000.00*

DOLLARS



Citytrust

Greenfield Hill Office
181 Hillside Road
Fairfield, CT 06430

Harry G.A. Seggerman

MEMO

⑆02⑆⑆0036⑆⑆ 930 778 8⑈ 0165

38040711045

RK

RK

First City
P.O. Box 461700, Dallas, Texas 75246-1700

E. F. VON SEGGERN, I
BOX 190851
DALLAS, TEXAS 75219

4570

December 31 19 84

32-77/1110

PAY TO THE ORDER OF National Conservative Political Action Committee \$ 5000.00

The sum of 5000 and 00/100 DOLLARS

E. F. VON SEGGERN, I

FOR

E F von Seggern

⑈004570⑈ ⑆111000779⑆

01 95800⑈

First City
P.O. Box 461700, Dallas, Texas 75246-1700

E. F. VON SEGGERN, I
BOX 190851
DALLAS, TEXAS 75219

4571

December 31 19 84

32-77/1110

PAY TO THE ORDER OF Natioanl Conservative Political Action Committee \$ 1000.00

The sum of 1000 and 00/100 DOLLARS

E. F. VON SEGGERN, I

FOR

E F von Seggern

⑈004571⑈ ⑆111000779⑆

01 95800⑈

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
SECRET

In the Matter of)

National Conservative Political)
Action Committee and Leif E.)
Noren, as treasurer)MUR 8250 -9 PM 4:01
6011AR

GENERAL COUNSEL'S REPORT

MAR 22 1988
EXECUTIVE SESSIONI. BACKGROUND

On September 23, 1986, the Commission found reason to believe the National Conservative Political Action Committee and Leif E. Noren, as treasurer, ("the Committee") violated 2 U.S.C. § 441a(f) by accepting approximately \$11,604 in excessive contributions from six individuals. 1/ The First General Counsel's report noted that the Committee received the following excessives.

<u>Contributor</u>	<u>Date</u>	<u>Amount</u>	<u>Excessive</u>
C.H. Alberding	1/22/85	\$ 5,404	\$ 404
J.S. Hudnall	5/02/85	\$ 5,100	\$ 100
Glenn H. Morris	1/07/85	\$ 8,000	\$3,000
John C. Oliver	1/17/85	\$ 5,000	\$ 100
Harry G. Seggerman	1/22/85	\$ 6,000	\$1,000
E.F. von Seggern	1/07/85	\$12,000	\$6,000

Respondents submitted a response on November 13, 1986, arguing that no excessive contributions were received from some individuals and the amounts of excessives received from other contributors were the result of clerical errors or were de minimus. On June 11, 1987, this Office mailed a brief to respondents' counsel recommending that there is probable cause to believe the Committee and its treasurer violated 2 U.S.C. § 441a(f). 2/ As discussed below, this Office

1/ The Commission found reason to believe these individuals violated 2 U.S.C. § 441a(a)(1)(C) and took no further action as to each one, except for E.F. von Seggern.

2/ Also on that date the Commission mailed a brief to Ms. von Seggern recommending that there is probable cause to believe this individual violated 2 U.S.C. § 441a(a)(1)(C).

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accepts some of respondents' arguments regarding whether some of these contributions were, in fact, excessive. Other arguments, however, are rejected.

II. ANALYSIS

The General Counsel's analysis is stated in the brief dated June 10, 1987, and is referred to in relevant part below. Based upon respondents' brief, this Office agrees that two of the reported excessive contributions were not excessive. Additionally, respondents admit that two other identified contributions were, in fact, excessive. Finally, respondents and this Office disagree regarding the status of two other contributions.

A. Contributions Demonstrated Not To Be Excessive

Respondents have demonstrated to the satisfaction of this Office that two sets of reported contributions were not excessive. The first set of contributions is from C.H. Alberding. As discussed in the General Counsel's Brief, the Committee reported Mr. Alberding made total contributions of \$5,404 on January 22, 1985. In both the response to reason to believe and their brief, respondents assert that Mr. Alberding did make a \$5,000 contribution to the Committee in January 1985. However, respondents further assert that the \$404 was not a contribution, but rather a check made out to "Pat Wait" for admission to an event which was not sponsored by NCPAC. Respondent's Brief at 2. Counsel explains that this second check was sent to a Committee employee who routinely solicits Committee contributions, with the employee previously agreeing to pass this

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check on to Mr. Wait. Kimble Affidavit at 2. However, respondents state that a photocopy of this \$404 check was inadvertently included with other checks transmitted to the computer firm maintaining the Committee's contributor data and thus was entered on the Committee's 1985 Mid-Year Report by error. Respondents' Brief at 3.

In support of the assertion that the Pat Wait check was not a contribution to the Committee, respondents have provided a copy of the check and the transmittal letter. The payee of the check is noted as "Pat Wait" and the transmittal letter notes this check was to be used "to pay for the Saturday night Gala tickets." Additionally, respondents have submitted sworn affidavits from both the treasurer and the fundraising solicitor that the check was intended for Mr. Wait and not as a contribution to the Committee. Additionally, the solicitor's list of contributions for that period does not include this \$404 as a contribution from Mr. Alberding. Accordingly, this Office accepts this explanation and will not include Mr. Alberding's \$404 on the list of excessive contributions.

The Committee states the check of Harry C. Seggerman also was included inadvertently with copies of checks forwarded to the Committee's computer firm. As discussed in the General Counsel's Brief at page 2, the Committee reported accepting \$6,000 from Mr. Seggerman on January 22, 1985, and then transferred \$1,000 of this amount to the Hecht Re-Election Committee 203 days later. The Committee's Brief states that Mr. Seggerman transmitted two checks to the Committee during 1985. The first was for \$5,000 and was addressed to the Committee. The second check, dated

38040711049

May 31, 1985, was for \$1,000 and was addressed to "Hecht Re-Election Com.". Id. at 6.

The Committee states that a copy of this second check was submitted to the computer firm and was thus credited as contribution to the Committee from Mr. Seggerman. However, the check itself was actually transmitted to the Hecht Committee and reported as a contribution from Mr. Seggerman on the Hecht Committee's 1985 Mid-Year Report. The Committee asserts when it received its reports from the computer firm and determined from the face of them that Mr. Seggerman had apparently contributed \$6,000, the Committee transferred \$1,000 to its state account.

In the opinion of this Office, respondents have submitted sufficient documentary evidence to support their statements that Mr. Seggerman's second \$1,000 check was intended for the Hecht Committee, was received by the Hecht Committee, and was attributed to Mr. Seggerman on the Committee's reports through error. This evidence consists of sworn affidavits from the treasurer, a copy of the \$1,000 check with the Hecht Committee denoted as the payee, and a reference to the Hecht Committee's reports that indicates the Hecht Committee received \$1,000 from Mr. Seggerman shortly after the date on the check. Accordingly, this Office accepts the Committee's explanation and will not include Mr. Seggerman's \$1,000 contribution on the list of excessives in this matter.

B. Undisputed Excessive Contributions

The General Counsel's Brief notes a \$5,100 contribution from J.S. Hudnall, with the excessive portion refunded by the Committee 102 days after the date of receipt. The Committee explains that Mr. Hudnall made the initial maximum contribution

38040711050

and then made a second \$100 contribution in response to a direct mail solicitation. Because the Committee's direct mail solicitations are handled by an independent contractor, this excessive was not discovered until the Committee's treasurer received the 1985 Mid Year Report on July 30, 1985. The Committee notes this \$100 excessive was refunded within two weeks of the Committee's discovery.

Although the Committee has explained how this excessive contribution occurred, it has not presented any evidence refuting the General Counsel's recommendation that there is probable cause to believe the Committee violated 2 U.S.C. § 441a(f). Accordingly, this excessive amount will be pursued.

The General Counsel's Brief notes a \$5,100 contribution from John C. Oliver, with the Committee refunding the excessive portion of this amount 208 days after the reported receipt of the contribution. The Committee explains that Mr. Oliver made the maximum permitted contribution and then contributed \$100 to the Committee's direct mail solicitation. As with Mr. Seggerman's previously-noted contribution, Mr. Oliver's second contribution was not discovered until the preparation of the 1985 Mid-Year Report and the excessive portion refunded within two weeks of the Committee's discovery of it. Nevertheless, the Committee has not presented any evidence refuting that the Committee accepted a \$100 excessive contribution from Mr. Oliver and did not refund it until 208 days after the date of receipt. Therefore, this Office will include the excessive contribution in the amount determined to be excessive.

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C. Disputed Contributions

Respondents and this Office disagree regarding the status of a contribution from Glenn H. Morris. As noted in the General Counsel's Brief, the Committee initially reported an \$8,000 contribution from Mr. Morris on its 1985 Mid Year Report. In response to the Commission's reason to believe determination, the Committee provided an undated letter signed by Mr. Morris and his spouse requesting that the Committee reattribute \$3,000 of this \$8,000 contribution to Mrs. Morris. The Committee did not submit a copy of the check or any other documentation indicating the existence of a writing signed by both spouses at the time the contribution was made.

The Committee disputes that the Morris' contribution was entirely from Mr. Morris, asserting that at the time the contribution was solicited and made it was intended to be from both spouses. Id. at 4. Additionally, the Committee notes its solicitor contacted the Morris' after receiving the check to determine the allocation, and then arranged for a written confirmation. Id. Respondents also point to the contribution log that is said to indicate that the contribution in question was to be from both spouses. The Committee acknowledges that the Morris reattribution letter is undated. The Committee asserts, however, that the Commission's former regulations at 11 C.F.R. § 110.1 did not specifically address reattribution and only provided that where a contribution is intended from more than one person, there shall be a written statement of the amount to be contributed by each such person. The Committee asserts the designations submitted later, as well as the entry into the

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contribution log, brought it within this regulatory provision. See Respondents Brief at 4-5 and Kimble Affidavit at 3.

In the opinion of this Office, respondents have not presented sufficient evidence that the Morris contribution was from both spouses. Four reasons support this result.

First, notwithstanding the statements, the regulations required a designation on either the check or an accompanying writing. The check itself could not have contained such a designation, otherwise the Committee would not have sent out the reattribution letter. Second, the regulation required an accompanying writing, and thus the log that was independently created by the Committee cannot serve as an accompanying writing to the contributor's check. Additionally, respondents' reliance on the log to support their assertion that the contribution was to be shared by the spouses appears to be misplaced. The log notes the contribution from "Glenn W. Morris or Faynell G. Morris; and not from both persons as respondents' brief indicates. See Respondents' Brief at 4. Additionally, the log does not note any monetary attribution of the contribution, rather it lists the entire \$8,000 contribution as one entry. Finally, although respondents did obtain a reattribution letter there is no indication when this letter was signed, other than to say that it is "evident" that the Committee arranged to obtain the statement within a reasonable time. In light of the fact that the Committee refunded the other previously discussed contributions between approximately 100 to 200 days after

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receipt, the Committee's assertion is not reassuring. 3/ Accordingly, in the absence of any evidence of a signed writing, the failure of the contribution log to support the Committee's assertion of joint contributions, and the inability of the Committee to provide the date of reattribution, this Office will pursue the \$3,000 excessive contribution made by Mr. Morris. The reattribution will be considered a mitigating factor.

Finally, respondents and this Office disagree as to the status of contributions made by E.F. von Seggern. The General Counsel's Brief noted E.F. von Seggern contributed \$5,000 to the Committee on June 21, 1984 and \$6,000 in December 1984. The Committee refunded \$6,000 to this contributor on April 5, 1985; on April 29, 1985, Ms. von Seggern again contributed \$6,000 to the Committee, with \$1,000 transferred out to the Committee's state account on May 1, 1985. This latter transfer was said to reflect the intention of the contributor.

The Committee agrees that Ms. von Seggern made a \$5,000 contribution in June 1984, but states she was solicited in December 1984 with the understanding that she had contributed the maximum permitted amount for 1984 and that she intended her contributions (\$5,000 to the federal account and \$1,000 to the state account) to apply towards her 1985 limit. The contributor then provided the Committee with two checks, both dated December 31, 1984.

3/ The Committee asserts that these refunds were made within two weeks after they were discovered by the Committee.

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The Committee asserts that its contribution log reflects that the checks were to be applied to the respective federal and state accounts, however both checks were then placed in the Committee's federal account. The confusing situation was compounded when photo copies of these checks were transmitted to the computer firm who used the date on the check as the Committee's date of receipt, and thus attributed a total \$11,000 to Ms. von Seggern for 1984. The Committee states that when it reviewed its records, it refunded Ms. von Seggern \$6,000 on April 5, 1985. However, because Ms. von Seggern could contribute \$5,000 lawfully for 1985, she again contributed \$6,000. This entire amount was placed on the Committee's federal account.

In support of these statements, the Committee's Brief includes copies of Ms. von Seggern's December checks that are dated December 31, 1984. Additionally, the Committee's log indicates that the Committee received two checks from this individual on January 7, 1985, and that entry for the \$1,000 check noted "SEF", a reference to the Committee's state account. Respondents have also provided a sworn affidavit from the Committee's solicitor stating that the December contributions were intended for the donor's 1985 contribution limit.

At this juncture, it does not appear that the \$5,000 portion December 1984 contribution should be pursued. Three reasons support this result. First, according to the Committee's

contribution log, the Committee did not receive this second contribution until January 7, 1985. 4/ Second, the Committee has provided sworn affidavits that the contribution was intended for 1985. Third, the Committee ultimately refunded both contributions, with the donor subsequently remaking her contribution.

In the opinion of this Office, the \$1,000 excessive contribution should be pursued because the donor failed to designate this contribution as for the Committee's state account. Thus, the Committee deposited this amount into its federal account where it remained until April 5, 1985. When Ms. von Seggern made her contributions after the refund, the \$1,000 contribution was again placed in the federal account until it was transferred out a short time later. Under these circumstances, this Office believes this \$1,000 excessive should be pursued. 5/

D. Summary

As discussed in the foregoing, this Office will not pursue excessive contributions allegedly made by Mr. Alberding and

4/ Under the new regulations at 11 C.F.R. § 110.1, the Committee is required to report the date of the contribution as the date of receipt. See 11 C.F.R. § 104.8(a). Thus, the Commission's regulations provide guidance for similar problems in the future.

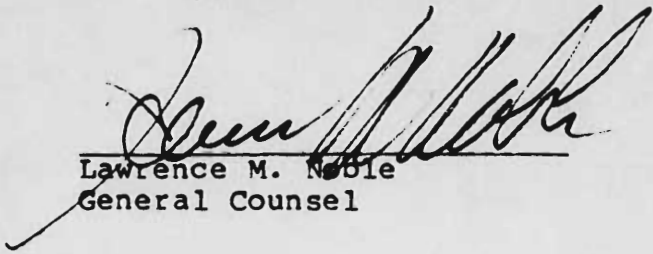
5/ Ms. von Seggern is also a named respondent in this matter. In light of this discussion this Office will recommend that the Commission find probable cause to believe this individual violated the Act, but will further recommend that the Commission take no further action. See General Counsel's Report on Ms. von Seggern now on circulation.

Mr. Seggerman. Additionally, this Office will pursue the \$100 excessive contributions made by both Mr. Hudnull and Mr. Oliver, as well as the \$3,000 excessive contribution made by Mr. Morris and the \$1,000 excessive contribution made by Ms. von Seggern. Therefore, the total amount of excessive contributions is \$4,200.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Find probable cause to believe the National Conservative Political Action Committee and Leif E. Noren, as treasurer, violated 2 U.S.C. § 441a(f).
2. Approve the attached letter and conciliation agreement.



Lawrence M. Noble
General Counsel

3/9/88
Date

Staff Person: Patty Reilly

38040711057

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Conservative Political) MUR 2250
Action Committee and Leif E.)
Noren, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of March 22, 1988, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2250:

1. Find probable cause to believe the National Conservative Political Action Committee and Leif E. Noren, as treasurer, violated 2 U.S.C. § 441a(f).
2. Approve the letter and conciliation agreement attached to the General Counsel's report dated March 9, 1988.

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

Attest:

3/24/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

38040711053



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 28, 1988

J. Curtis Herge, Esquire
Herge, Sparks, Christopher & Biondi
8201 Greensboro Drive
Suite 200
McLean, Virginia 22101

RE: MUR 2250
National Conservative
Political Action
Committee and Leif E.
Noren, as treasurer

Dear Mr. Herge:

On March 22, 1988, the Federal Election Commission found that there is probable cause to believe the National Conservative Political Action Committee and Leif E. Noren, as treasurer, violated 2 U.S.C. § 441a(f) a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the receipt of excessive contributions from J.S. Hudnall (\$100), John C. Oliver (\$100), Glenn H. Morris (\$3,000) and E.F. von Seggern (\$1,000).

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

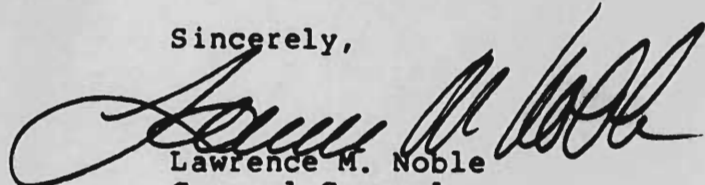
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within 10 days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

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J. Curtis Herge, Esquire

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

38040711060

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

In the Matter of
E.F. von Seggern

)
)
)

88 MAR -9 PM 4:01

MUR 2250

GENERAL COUNSEL'S REPORT

SENSITIVE
MAR 22 1988

EXECUTIVE SESSION

I. BACKGROUND

On September 23, 1986, the Commission found reason to believe E.F. von Seggern violated 2 U.S.C. § 441a(a)(1)(C) by contributing in excess of \$5,000 per year to the National Conservative Political Action Committee ("the Committee"). 1/ Respondent submitted a response on November 25, 1986, arguing that her contributions were intended for a prior calendar year and had been incorrectly reported. Additionally, she also stated that a \$1,000 contribution, intended for the Committee's state account, was inadvertently placed into its federal account. On June 11, 1987, this Office mailed a brief to respondent's counsel recommending that there is probable cause to believe Ms. von Seggern violated 2 U.S.C. § 441a(a)(1)(C). As developed below, this Office recommends that the Commission find probable cause to believe Ms. von Seggern violated this section, but further recommends that the Commission take no further action and close the file as to this respondent.

II. ANALYSIS

The General Counsel's analysis is stated in the brief dated June 10, 1987, and is referred to in relevant part below. 2/ The General Counsel's Brief noted E.F. von Seggern contributed \$5,000 to the

1/ The Commission also found reason to believe the Committee violated 2 U.S.C. § 441a(f) regarding its acceptance of these and other contributions.

2/ Also on that date the Office of the General Counsel mailed a brief to the other respondents recommending that there is probable cause to believe the Committee and its treasurer violated 2 U.S.C. § 441a(f).

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Committee on June 21, 1984 and \$6,000 in December, 1984. The Brief noted that the Committee refunded \$6,000 on April 5, 1985, but on April 29, 1985, Ms. von Seggern again contributed \$6,000 to the Committee. On May 1, 1985, \$1,000 was transferred out to the Committee's state account. This transfer was said to reflect the intention of the contributor.

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The Respondent's Brief agrees that Ms. von Seggern made a \$5,000 contribution in June 1984, but states she was solicited by the Committee in December 1984 with the understanding that she had already contributed the maximum permitted amount for that year. 3/ Thus, respondent asserts that she intended her December contributions (\$5,000 for the federal account and \$1,000 for the state account) to apply towards her 1985 limit. The contributor then provided the Committee with two checks, both dated December 31, 1984. The Committee asserts that its contribution log reflects that the checks were to be applied to the respective federal and state accounts, however, both checks were in fact placed in the Committee's federal account. This confusing situation was compounded when photo copies of both checks were transmitted to the computer firm that compiles the Committee's reports. The firm used the dates on the checks as the dates of the Committee's receipt, and thus attributed a total of \$11,000 to Ms. von Seggern for 1984. The Committee states that after reviewing its records, it refunded Ms. von Seggern \$6,000 on April 5, 1985, believing that an excessive contribution had been made.

3/ The Committee and Ms. von Seggern share the same counsel and submitted one responsive brief.

However, because Ms. von Seggern could legally contribute \$5,000 for 1985, she again contributed \$6,000 after receiving this refund from the Committee. The Committee again placed this entire amount into its federal account. On May 1, 1985, the Committee reported a transfer out of \$1,000 to the state account.

In support of these statements, the Committee's Brief includes copies of Ms. von Seggern's December checks dated December 31, 1984. Additionally, the Committee's log indicates that the Committee received two checks from this individual on January 7, 1985, and that entry for the \$1,000 check noted "SEF," said to be a reference to the Committee's state account. Counsel has also provided a sworn affidavit from the Committee's solicitor stating that the December contributions were intended for the donor's 1985 contribution limit.

At this juncture, it does not appear that the \$5,000 portion of the December 1984 contributions should be pursued. Three reasons support this result. First, according to the Committee's contribution log, the Committee did not receive this contribution until January 7, 1985. ^{4/} Second, the Committee has provided sworn affidavits that the contribution was intended for 1985. Third, the Committee ultimately refunded both contributions, with the donor subsequently remaking her contribution.

^{4/} Under the new regulations at 11 C.F.R. § 110.1, the Committee is required to report the date of the contribution as the date of its receipt. See 11 C.F.R. § 104.8(a). Thus, the Commission's regulations provide guidance for similar problems in the future.

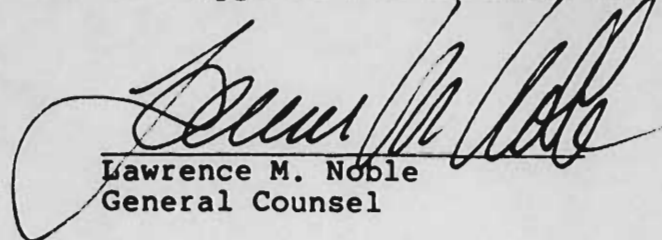
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recommend that the Commission take no further action and close the file in this matter as to this respondent.

III. RECOMMENDATIONS

1. Find probable cause to believe E.F. von Seggern violated 2 U.S.C. § 441a(a)(1)(C) but take no further action and close the file as to this respondent.
2. Approve the attached letter.


Lawrence M. Noble
General Counsel

3/9/88
Date

Attachment
Proposed Letter

Staff Person: Patty Reilly

38040711065

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
E.F. von Seggern) MUR 2250

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of March 22, 1988, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2250:

1. Take no further action and close the file with respect to E.F. von Seggern.
2. Direct the General Counsel to send an appropriate letter pursuant to the above-noted action.

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

Attest:

3/24/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

38040711066



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 28, 1988

J. Curtis Herge, Esquire
Herge, Sparks, Curtis, Christopher
& Biondi
Suite 200
8201 Greensboro Drive
McLean, Virginia 22101

RE: MUR 2250
E.F. von Seggern

Dear Mr. Herge:

This is to advise you that on March 22, 1988, the Federal Election Commission determined to take no further action against your client, E.F. von Seggern, regarding a possible violation of 2 U.S.C. § 441a(a)(1)(C). The Commission further determined on this date to close the file as to this respondent.

The file will be made part of the public record within 30 days after the matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

38040711067

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

88 JUN -6 AM 11:37

In the Matter of)
)
National Conservative Political)
Action Committee and Robert L.)
Shortley, as treasurer)

MUR 2250

SENSITIVE

GENERAL COUNSEL'S REPORT

1. BACKGROUND

Attached for Commission approval is a conciliation agreement signed by J. Curtis Herge, counsel to the National Conservative Political Action Committee ("the Committee"). This proposed agreement contains three changes from the agreement approved by the Commission. These changes all relate to the fact that the Committee has changed its treasurer from Lief E. Noren to Robert L. Shortley.

Thus, the caption of the agreement identifies Mr. Shortley as the respondent treasurer, and the introductory paragraph notes that the Commission found probable cause to believe the Committee "and its treasurer" violated the Act. Additionally, subparagraph 2 of the pertinent facts section notes Robert L. Shortley is the respondent treasurer, and also notes that at the time the excessive contributions were accepted Mr. Noren was the Committee's treasurer. Because all proposed changes relate to the Committee's treasurer change, they are acceptable to this Office. Accordingly, the Office of the General Counsel recommends that the Commission approve this agreement and close the file in this matter.

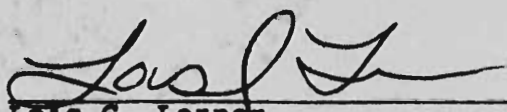
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RECOMMENDATIONS

1. Approve the conciliation agreement submitted on behalf of the National Conservative Political Action Committee and Lief E. Noren, as treasurer.
2. Approve the attached letters.
3. Close the file in this matter.

Lawrence M. Noble
General Counsel

By:


Lois G. Lerner
Associate General Counsel

6/2/88
Date

Attachments

1. Response
2. Conciliation Agreement
3. Proposed Letters (2)

38040711069

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Conservative Political) MUR 2250
Action Committee and Robert L.)
Shortley, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 8, 1988, the Commission decided by a vote of 5-0 to take the following actions in MUR 2250:

1. Approve the conciliation agreement submitted on behalf of the National Conservative Political Action Committee and Lief E. Noren, as treasurer, as recommended in General Counsel's Report signed June 2, 1988.
2. Approve the letters, as recommended in the General Counsel's Report signed June 2, 1988.
3. Close the file in this matter.

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

Commissioner McGarry did not cast a vote.

Attest:

6/8/88
Date

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

Received in the Office of Commission Secretary: Mon., 6-6-88, 11:37
Circulated on 48 hour tally basis: Mon., 6-6-88, 4:00
Deadline for vote: Wed., 6-8-88, 4:00

38040711070



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1988

J. Curtis Herge, Esquire
Herge, Sparks, Christopher & Biondi
8201 Greensboro Drive
Suite 200
McLean, VA 22102

RE: MUR 2250
E. F. von Seggern

Dear Mr. Herge:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

By: 
Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1988

J. Curtis Herge, Esquire
Herge, Sparks, Christopher & Biondi
8201 Greensboro Drive
Suite 200
McLean, VA 22102

RE: MUR 2250
National Conservative
Political Action
Committee and Robert
L. Shortley, as
treasurer

Dear Mr. Herge:

On June 8, 1988, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

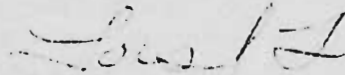
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J. Curtis Herge, Esquire
Page 2

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel



By: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

38040711073

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

National Conservative Political
Action Committee and Robert L.
Shortley, as treasurer

)
)
)
)
)

MUR 2250

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that the National Conservative Political Action Committee and its treasurer, ("Respondents") violated 2 U.S.C. § 441a(f).

NOW, THEREFORE, the Commission and Respondents, having duly entered into conciliation pursuant to 2 U.S.C. 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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

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

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

1. Respondent, the National Conservative Political Action Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Respondent, Robert L. Shortley, is the current treasurer of the National Conservative Political Action Committee. Lief E. Noren was the treasurer of the National Conservative Political Action Committee in 1985, the year in which the contributions referred to in paragraph 5 were accepted.

3. Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to a multicandidate political committee in any calendar year, that in the aggregate, exceed \$5,000.

4. Pursuant to 2 U.S.C. § 441a(f), political committees are prohibited from accepting contributions exceeding the Act's limitations.

5. Respondents accepted contributions totalling \$4,200 from four individuals, when each such individual had already met his or her annual contribution limit of \$5,000.

V. Respondents accepted contributions totalling \$4,200 from four individuals that exceeded the limitation of 2 U.S.C. § 441a(a)(1)(C) in violation of 2 U.S.C. § 441a(f).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Dollars (\$1,000), 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.

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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. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement 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:

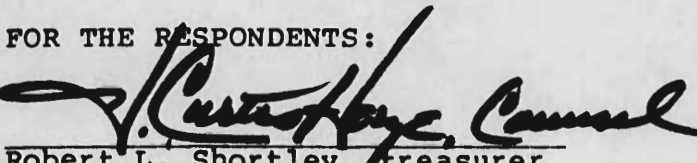
Lawrence M. Noble
General Counsel

By:


Lois G. Lerner
Associate General Counsel

6/10/88
Date

FOR THE RESPONDENTS:


Robert L. Shortley, treasurer
National Conservative
Political Action
Committee

May 17, 1988
Date

38040711076

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

88 JUN 17 PM 12:00

In the Matter of)
)
National Conservative Political)
Action Committee and Robert)
L. Shortley, as treasurer, et. al.)

MUR 2250
(closed case)

SENSITIVE

GENERAL COUNSEL'S REPORT

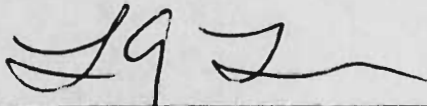
I. BACKGROUND

On June 8, 1988, the Commission approved a proposed conciliation agreement signed on behalf of the National Conservative Political Action Committee and Robert L. Shortley, as treasurer, ("the Committee"). The Commission also approved letters to the Committee and a respondent notifying them that the file in this matter has been closed. The General Counsel's Report did not include notification letters to five individuals against whom the Commission had previously found reason to believe and had taken no action. These letters are attached for Commission approval.

II. RECOMMENDATIONS

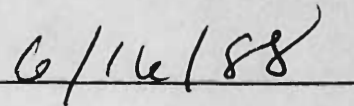
1. Approve the attached letters.

Lawrence M. Noble
General Counsel



By: Lois G. Lerner
Associate General Counsel

Date



Attachments: Letters (5)

Staff Person: Patty Reilly

38040711077

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

National Conservative Political)
Action Committee and Robert)
L. Shortley, as treasurer, et. al.)

MUR 2250
(closed case)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 22, 1988, the Commission decided by a vote of 6-0 to approve the letters, as recommended in the General Counsel's report signed June 16, 1988.

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

Attest:

6/22/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Fri.,	6-17-88,	12:00
Circulated on 48 hour tally basis:	Mon.,	6-20-88,	11:00
Deadline for vote:	Wed.,	6-22-88,	11:00

38040711078



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 24, 1988

Harry G. Seggerman
5060 Congress St.
Fairfield, Conn. 06430

RE: MUR 2250
National Conservative
Political Action
Committee and Robert L.
Shortley, as treasurer

Dear Mr. Seggerman:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

38040711079



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1988

J. S. Hudnall
1903 S. Robertson
Tyler, Texas 75701

RE: MUR 2250
National Conservative
Political Action
Committee and Robert L.
Shortley, as treasurer

Dear Mr. Hudnall:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in cursive script, appearing to read "Lois G. Lerner", is written over the typed name of the Associate General Counsel.

BY: Lois G. Lerner
Associate General Counsel

38040711030



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1988

Glenn H. Morris
1192 Cumberland Rd.
Chattanooga, Tenn. 37419

RE: MUR 2250
National Conservative
Political Action
Committee and Robert L.
Shortley, as treasurer

Dear Mr. Morris:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

33040711081



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 24, 1988

C. H. Alberding
9 E. Huron
Chicago, Ill. 60611

RE: MUR 2250
National Conservative
Political Action
Committee and Robert L.
Shortley, as treasurer

Dear Mr. Alberding:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in cursive script, appearing to read "Lois G. Lerner", is written over the typed name of the Associate General Counsel.

BY: Lois G. Lerner
Associate General Counsel

38040711032



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1988

John C. Oliver
548 Oliver Building
Pittsburg, PA 15222

RE: MUR 2250
National Conservative
Political Action
Committee and Robert L.
Shortley, as treasurer

Dear Mr. Oliver:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in cursive script, appearing to read "Lois G. Lerner", is written over the typed name.

BY: Lois G. Lerner
Associate General Counsel

38040711083



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2250

DATE FILMED 7/15/88 CAMERA NO. #2

CAMERAMAN K.A.U.

38040711084