



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 2376
DATE FILMED 1/13/88 CAMERA NO. 3
CAMERAMAN AS

88040671679

PUBLIC RECORD INDEX - MUR 2376

1. Letter of Referral, 5 Dec 86, filed by Marian M. Mackle (Supervisory Agent, Atlanta Federal Home Loan Bank Board).
2. Ltr, 22 Dec 86, Lois G. Lerner (Associate General Counsel, FEC) to M.M. Mackle.
3. First General Counsel's Report, 9 Mar 87.
4. Memo, 11 Mar 87, Marjorie W. Emmons/Joshua McFadden to C.N. Steele, subj: Objection to Pre-MUR 175.
5. Memo, 12 Mar 87, M.W. Emmons/J. McFadden to C.N. Steele, subj: Objection to Pre-MUR 175.
6. Certification of Commission Action, 23 Mar 87.
7. Ltr, 30 Mar 87, Scott E. Thomas (Chairman, FEC) to First Federal Savings and Loan Association.
8. Ltr, 30 Mar 87, Scott E. Thomas to Zell Miller (Lt. Gov. of GA).
9. Ltr, 8 Apr 87, Zell Miller to FEC, w/encls.
10. Ltr, 6 Apr 87, L.W. Dooley to Scott E. Thomas.
11. Ltr, 23 Apr 87, L.N. Dooley to Scott E. Thomas.
12. Ltr, 28 Apr 87, Zell Miller to Scott E. Thomas, subj: request for pre-probable cause conciliation.
13. General Counsel's Report, 15 Jun 87.
14. Certification of Commission Action, 18 Jun 87.
15. Ltr, 24 Jun 87, Lawrence M. Noble (Acting General Counsel) to L.W. Dooley.
16. Ltr, 24 Jun 87, L.M. Noble to Zell Miller.
17. Ltr, 9 Jul 87, L.W. Dooley to Scoot E. Thomas.
18. General Counsel's Report, 11 Aug 87.
19. Certification of Commission Action, 14 Aug 87.
20. Ltr, 18 Aug 87, L.M. Noble to L.W. Dooley, w/atch (executed conciliation agreement).

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21. General Counsel's Report, 28 Sep 87.
22. Certification of Commission Action, 2 Oct 87.
23. Ltr, 7 Oct 87, L.M. Noble to Zell Miller, w/atch (executed conciliation agreement).
24. Ltr, 7 Oct 87, L.M. Noble to L. Dooley.

-END-

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

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QCC# 2263
RECEIVED AT THE FEC

Federal Home Loan Bank Board

1475 Peachtree Street, N.E., Atlanta, Georgia 30309 • 404/888-8000
P. O. Box 105565, Atlanta, Georgia 30348

86 DEC 15 48:57

Office of
Supervisory Agent

December 5, 1986

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

DEC 15 1986
P 3:27

Dear Mr. Steele:

A recent examination of First Federal Savings and Loan Association, Cedartown, Georgia, by examiners of the Federal Home Loan Bank of Atlanta has disclosed possible violations of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. Section 441b (Act). We are hereby referring this matter to your office for appropriate action.

We note that the Act prohibits contributions or expenditures in connection with any election to any political office or in connection with any primary election or political convention or caucus held to select candidates for public office. A contribution includes:

"any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or state bank made in accordance with the applicable laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization in connection with any election ..." (2 U.S.C. Section 441b(b)(2)(1976)).

The Act also makes it unlawful for any officer or director of a federal savings and loan association to consent to any contribution or expenditure (2 U.S.C. Section 441b(a)(1976)).

The subject association's September 5, 1986 examination report discloses two possible violations of the Act. First, the association contributed \$400 to help defray the expenses of an appreciation dinner held for Zell Miller on April 8, 1985, in Rockmart, Georgia. At the time, Mr. Miller was Lieutenant Governor of the State of Georgia and a candidate for re-election in the 1986 election.

Second, the contribution was approved by the association's executive committee, in apparent violation of the second provision noted above. The examiner states in his report that the association's president indicated that the executive committee was not aware of the prohibitions of the Act at the time of the donations.

Because the Act gives the Federal Election Commission exclusive jurisdiction with regard to enforcement of the Act, we are referring these possible violations to your office for any action you may deem appropriate. We have notified the institution that we have done so. We shall appreciate your keeping this office informed of any action taken by your office.

Please contact me or Drew Kelly of this office if you require additional information regarding this referral.

Sincerely,



Marian M. Mackle
Supervisory Agent

880406/1683



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 1986

Marian M. Mackle, Supervisory Agent
Federal Home Loan Bank Board
1475 Peachtree Street, NE
PO Box 105565
Atlanta, GA 30348

Pre-Mur 175

Dear Ms. Mackle:

This is to acknowledge receipt of your letter on December 15, 1986, advising us of the possibility of a violation of the Federal Election Campaign Act of 1971, as amended, (the "Act") by First Federal Savings and Loan Association of Cedartown, GA. We are currently reviewing the matter and will advise you of the Commission's determination.

If you have any questions or additional information, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Pursuant to 2 U.S.C. § 437g(a)4(B) and § 437g(a) (12) (A), the Commission's review of this matter shall remain confidential.

Sincerely,

Charles N. Steele
General Counsel

By: *Lois G. Lerner (P)*
Lois G. Lerner
Associate General Counsel

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

SENSITIVE

13:00 01/01/85

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

PRE-MUR #175
STAFF MEMBER: Snyder

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

RESPONDENTS' NAMES: First Federal Savings and Loan Association,
Cedartown, GA
Larry W. Dooley; Glenn T. York; Zell Miller

RELEVANT STATUTES: 2 U.S.C. § 441b(a)
2 U.S.C. § 441b(b)(2)
12 U.S.C. § 1464(a)

INTERNAL REPORTS
CHECKED: AO's 1984-55, 1981-33, 1984-63

FEDERAL AGENCIES
CHECKED: Federal Home Loan Bank Board

GENERATION OF MATTER

The Federal Home Loan Bank Board has referred this matter to this Office on the grounds that an examination conducted by the Federal Home Loan Bank of Atlanta of the records of the First Federal Savings and Loan Association, Cedartown, GA ("First Federal") disclosed a \$400 contribution by First Federal to Zell Miller, Lieutenant Governor of Georgia, who was then (April, 1985) a candidate for re-election in 1986. This contribution was approved by the First Federal executive committee.

SUMMARY OF ALLEGATIONS

According to the Federal Home Loan Bank Board, First Federal made the \$400 contribution to defray costs of an appreciation dinner held for Mr. Miller on April 8, 1985 in Rockmont, GA.

Also, this contribution was approved by First Federal's executive committee. The referring agency states that the making of the contribution would violate 2 U.S.C. § 441b(a), and the officers' consenting to the making of the contribution would violate 2 U.S.C. § 441b(a).

While the referral does not so state, the allegations therein necessarily give rise to the inference that Mr. Miller also violated 2 U.S.C. § 441b(a) by accepting a contribution prohibited by that section.

FACTUAL AND LEGAL ANALYSIS

Paying for a campaign-related dinner constitutes an in-kind contribution to a candidate. 11 C.F.R. § 100.7(a)(1)(iii). The relevant statute states in pertinent part: "It is unlawful for any ... corporation organized by authority of any law of Congress, to make a contribution ... in connection with any election to any political office." 2 U.S.C. § 441b(a). This prohibition, which covers state as well as federal elections, would apply to First Federal, because a federally insured savings and loan association is a "corporation organized by authority of ... Congress." As the Commission stated in an advisory opinion issued to the Amerifirst Savings and Loan Association: "2 U.S.C. § 441b(a) ... applies in your case because Amerifirst is organized pursuant to a Federal statute, 12 U.S.C. § 1464(a), and became a corporation when it received a charter from the Federal Home Loan Bank Board." A.O. 1984-63. See also AO 1984-

55 and A.O. 1981-33. Therefore, this Office recommends that the Commission find reason to believe First Federal violated 2 U.S.C. § 441b.

The pertinent statute also states that it is unlawful for "any officer or any director of any corporation ... to consent to any contribution ... by the corporation ... prohibited by this section." 2 U.S.C. § 441b(a). Therefore, this Office recommends that the Commission find reason to believe that Larry W. Dooley, President of First Federal, and Glenn T. York, Chairman of the Board of First Federal, violated 2 U.S.C. § 441b(a).

Finally, the relevant statute makes it unlawful "for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section..." Id. It appears therefore that there is reason to believe that Zell Miller violated 2 U.S.C. § 441b by accepting an in-kind contribution from a corporation organized by authority of Congress.

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe the First Federal Savings and Loan, Cedartown, Georgia, violated 2 U.S.C. § 441b(a).
3. Find reason to believe Glenn T. York violated 2 U.S.C. § 441b(a).
4. Find reason to believe Larry W. Dooley violated 2 U.S.C. § 441b(a).
5. Find reason to believe Zell Miller violated 2 U.S.C. § 441b(a).

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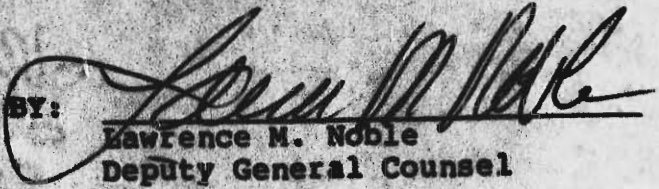
6. Approve and send the attached letters and General Counsel's Legal and Factual Analyses.

Charles N. Steele
General Counsel

Date

3/9/87

BY:


Lawrence M. Noble
Deputy General Counsel

Attachments

1. Referral
2. General Counsel's Legal and Factual Analyses
3. Letters to Respondents

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880403 / 1689

Attachments to General
Council's Report

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

For Attachment / see /
 3

*Attachment 2
(Part 1)*

**FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS**

**MUR NO.
STAFF MEMBER & TEL. NO.
C. Snyder (202) 376-8200**

**RESPONDENT: First Federal Savings and Loan Association,
Cedartown, Ga.**

SUMMARY OF ALLEGATIONS

8 8 0 4 0 6 7 1 6 9 0
The Federal Home Loan Bank Board has referred this matter to this Office on the grounds that an examination conducted by the Federal Home Loan Bank of Atlanta of the records of the First Federal Savings and Loan Association, Cedartown, GA ("First Federal") disclosed a \$400 in-kind contribution by First Federal to Zell Miller, Lieutenant Governor of Georgia, who was then (April, 1985) a candidate for re-election in 1986. This in-kind contribution was in the form of a \$400 payment to defray costs of a dinner held for Mr. Miller in Rockmont, Ga. on April 8, 1985.

The referring agency states that the making of the contribution would violate 2 U.S.C. § 441b(a).

FACTUAL BASIS AND LEGAL ANALYSIS

Paying for a campaign-related dinner constitutes an in-kind contribution to a candidate. 11 C.F.R. § 100.7(a)(1)(iii). The relevant statute states in pertinent part: "It is unlawful for any ... corporation organized by authority of any law of Congress, to make a contribution ... in connection with any election to any political office." 2 U.S.C. § 441b(a). This prohibition, which covers state as well as federal elections, would apply to First Federal, because a federally insured savings

and loan association is a "corporation organized by authority of ... Congress." As the Commission stated in an advisory opinion issued to the Amerifirst Savings and Loan Association: "2 U.S.C. § 441b(a) ... applies in your case because Amerifirst is organized pursuant to a Federal statute, 12 U.S.C. § 1464(a), and became a corporation when it received a charter from the Federal Home Loan Bank Board." A.O. 1984-63. See also AO 1984-55 and A.O. 1981-33. Therefore, this Office recommends that the Commission find reason to believe First Federal violated 2 U.S.C. § 441b(a).

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Attachment 2
(Part 2)

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO.
STAFF MEMBER & TEL. NO.
C. Snyder (202) 376-8200

RESPONDENT: Glenn T. York

SUMMARY OF ALLEGATIONS

8 3 0 4 0 6 7 1 6 9 2
The Federal Home Loan Bank Board has referred this matter to this Office on the grounds that an examination conducted by the Federal Home Loan Bank of Atlanta of the records of the First Federal Savings and Loan Association, Cedartown, GA ("First Federal") disclosed a \$400 contribution by First Federal to Zell Miller, Lieutenant Governor of Georgia, who was then (April, 1985) a candidate for re-election in 1986. This contribution was approved by the First Federal executive committee.

According to the Federal Home Loan Bank Board, First Federal made the \$400 contribution to defray costs of an appreciation dinner held for Mr. Miller on April 8, 1985 in Rockmont, GA. Also, this contribution was approved by First Federal's executive committee. The referring agency states that the making of the contribution would violate 2 U.S.C. § 441b, and the officers' consenting to the making of the contribution would violate 2 U.S.C. § 441b(a).

FACTUAL BASIS AND LEGAL ANALYSIS

Paying for a campaign-related dinner constitutes an in-kind contribution to a candidate. 11 C.F.R. § 100.7(a)(1)(iii). The relevant statute states in pertinent part: "It is unlawful

for any ... corporation organized by authority of any law of Congress, to make a contribution ... in connection with any election to any political office." 2 U.S.C. § 441b(a). This prohibition, which covers state as well as federal elections, would apply to First Federal, because a federally insured savings and loan association is a "corporation organized by authority of ... Congress." As the Commission stated in an advisory opinion issued to the Amerifirst Savings and Loan Association: "2 U.S.C. § 441b(a) ... applies in your case because Amerifirst is organized pursuant to a Federal statute, 12 U.S.C. § 1464(a), and became a corporation when it received a charter from the Federal Home Loan Bank Board." A.O. 1984-63. See also AO 1984-55 and A.O. 1981-33.

The pertinent statute also states that it is unlawful for "any officer or any director of any corporation ... to consent to any contribution ... by the corporation ... prohibited by this section." 2 U.S.C. § 441b(a). Therefore, this Office recommends that the Commission find reason to believe that Glenn T. York, Chairman of the Board of First Federal, violated 2 U.S.C. § 441b(a).

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attachment 2
(Part 1)

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO.
STAFF MEMBER & TEL. NO.
C. Snyder (202) 376-8200

RESPONDENT: Larry W. Dooley

SUMMARY OF ALLEGATIONS

3 3 0 4 0 5 7 1 6 9 4
The Federal Home Loan Bank Board has referred this matter to this Office on the grounds that an examination conducted by the Federal Home Loan Bank of Atlanta of the records of the First Federal Savings and Loan Association, Cedartown, GA ("First Federal") disclosed a \$400 contribution by First Federal to Zell Miller, Lieutenant Governor of Georgia, who was then (April, 1985) a candidate for re-election in 1986. This contribution was approved by the First Federal executive committee.

According to the Federal Home Loan Bank Board, First Federal made the \$400 contribution to defray costs of an appreciation dinner held for Mr. Miller on April 8, 1985 in Rockmont, GA. Also, this contribution was approved by First Federal's executive committee. The referring agency states that the making of the contribution would violate 2 U.S.C. § 441b, and the officers' consenting to the making of the contribution would violate 2 U.S.C. § 441b(a).

FACTUAL BASIS AND LEGAL ANALYSIS

Paying for a campaign-related dinner constitutes an in-kind contribution to a candidate. 11 C.F.R. § 100.7(a)(1)(iii). The relevant statute states in pertinent part: "It is unlawful

for any ... corporation organized by authority of any law of Congress, to make a contribution ... in connection with any election to any political office." 2 U.S.C. § 441b(a). This prohibition, which covers state as well as federal elections, would apply to First Federal, because a federally insured savings and loan association is a "corporation organized by authority of ... Congress." As the Commission stated in an advisory opinion issued to the Amerifirst Savings and Loan Association: "2 U.S.C. § 441b(a) ... applies in your case because Amerifirst is organized pursuant to a Federal statute, 12 U.S.C. § 1464(a), and became a corporation when it received a charter from the Federal Home Loan Bank Board." A.O. 1984-63. See also AO 1984-55 and A.O. 1981-33.

The pertinent statute also states that it is unlawful for "any officer or any director of any corporation ... to consent to any contribution ... by the corporation ... prohibited by this section." 2 U.S.C. § 441b(a). Therefore, this Office recommends that the Commission find reason to believe that Larry W. Dooley, President of First Federal, violated 2 U.S.C. § 441b(a).

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Attachment 2
(part 4)

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO.
STAFF MEMBER & TEL. NO.
C. Snyder (202) 376-8200

RESPONDENT: Zell Miller

SUMMARY OF ALLEGATIONS

The Federal Home Loan Bank Board has referred this matter to this Office on the grounds that an examination conducted by the Federal Home Loan Bank of Atlanta of the records of the First Federal Savings and Loan Association, Cedartown, GA ("First Federal") disclosed a \$400 contribution by First Federal to Zell Miller, Lieutenant Governor of Georgia, who was then (April, 1985) a candidate for re-election in 1986.

According to the Federal Home Loan Bank Board, First Federal made the \$400 contribution to defray costs of an appreciation dinner held for Mr. Miller on April 8, 1985 in Rockmont, GA. The referral states that the making of such a contribution would violate 2 U.S.C. § 441b.

While the referral does not so state, the allegations therein necessarily give rise to the inference that Mr. Miller also violated 2 U.S.C. § 441b by accepting a contribution prohibited by that section.

FACTUAL BASIS AND LEGAL ANALYSIS

Paying for a campaign-related dinner constitutes an in-kind contribution to a candidate. 11 C.F.R. § 100.7(a)(1)(iii). The relevant statute states in pertinent part: "It is unlawful for any ... corporation organized by authority of any law of

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Congress, to make a contribution ... in connection with any election to any political office." 2 U.S.C. § 441b(a). This prohibition, which covers state as well as federal elections, would apply to First Federal, because a federally insured savings and loan association is a "corporation organized by authority of ... Congress." As the Commission stated in an advisory opinion issued to the Amerifirst Savings and Loan Association: "2 U.S.C. § 441b(a) ... applies in your case because Amerifirst is organized pursuant to a Federal statute, 12 U.S.C. § 1464(a), and became a corporation when it received a charter from the Federal Home Loan Bank Board." A.O. 1984-63. See also AO 1984-55 and A.O. 1981-33.

Paying for a campaign-related dinner constitutes an in-kind contribution to a candidate. 11 C.F.R. § 100.7(a)(1)(iii). The relevant statute makes it unlawful "for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section..." 2 U.S.C. § 441b(a). It appears therefore that there is reason to believe that Zell Miller violated 2 U.S.C. § 441b(a) by accepting an in-kind contribution from a corporation organized by authority of Congress.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN *JM*

DATE: MARCH 11, 1987

SUBJECT: OBJECTION TO Pre-MUR 175: FIRST G.C. REPORT
SIGNED MARCH 9, 1987

The above-captioned document was circulated to the
Commission on Tuesday, March 10, 1987 at 4:00 P.M.

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

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

This matter will be placed on the Executive Session
agenda for March 17, 1987.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / JOSHUA MCFADDEN *JM*

DATE: MARCH 12, 1987

SUBJECT: OBJECTION TO PreMUR 175 - FIRST G.C. REPORT
SIGNED MARCH 9, 1987

The above-captioned document was circulated to the
Commission on Tuesday, March 10, 1987 at 4:00 P.M.

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

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

This matter will be placed on the Executive Session
agenda for March 17, 1987.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

First Federal Savings and Loan
Association, Cedartown, GA
Larry W. Dooley
Glenn T. York
Zell Miller

)
)
)
)
)
)

Pre-MUR 175

(MUR
2376)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of March 19,
1987, do hereby certify that the Commission took the
following actions in Pre-MUR 175:

1. Decided by a vote of 6-0 to
 - a) Open a Matter Under Review (MUR).
 - b) Find reason to believe the First Federal Savings and Loan, Cedartown, Georgia, violated 2 U.S.C. § 441b(a).
2. Decided by a vote of 6-0 to take no action at this time with respect to recommendations 3 and 4 in the General Counsel's report dated March 9, 1987.

(continued)

Federal Election Commission
Certification for Pre-MUR 175
March 19, 1987

Page 2

3. Decided by a vote of 6-0 to find reason to believe Zell Miller violated 2 U.S.C. § 441b(a).
4. Decided by votes of 6-0 to approve the draft letters attached to the General Counsel's report dated March 9, 1987, and approve the General Counsel's Legal and Factual Analyses attached to the General Counsel's March 9, 1987 report, subject to the several amendments agreed upon during the discussion.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for each of the above decisions.

Attest:

3-23-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

89040371701



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 30, 1987

First Federal Savings and
Loan Association
120 N. Main Street
Cedartown, GA 30125

RE: MUR 2376
First Federal Savings and
Loan Association

Dear Sir:

On March 19, 1987, the Commission found reason to believe that you had violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. The General Counsel's Factual and Legal Analysis which formed a basis for the Commission's finding is attached for your information.

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

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

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

First Federal Savings and
Loan Association
Page 2

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 Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 30, 1987

Honorable Zell Miller
Lieutenant Governor of Georgia
P. O. Box 860
Young Harris, GA 30582

RE: MUR 2376
Zell Miller

Dear Mr. Miller:

On March 19, 1987, the Commission found reason to believe that you had violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

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

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

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

Honorable Zell Miller
Page 2

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 Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

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

CCC#3116

RECEIVED
OFFICE OF THE
GENERAL COUNSEL



87 APR 14 12:03

OFFICE OF LIEUTENANT GOVERNOR
240 STATE CAPITOL
ATLANTA, GEORGIA 30334

ZELL MILLER
LIEUTENANT GOVERNOR

MARTI PINCHEE
ADMINISTRATIVE ASSISTANT

April 8, 1987

87 APR 13 14:13
RECEIVED
OFFICE OF THE
COMMISSIONER OF
ELECTIONS
SECRETARY

Honorable Scott E. Thomas
Chairman
Federal Election Commission
1325 K Street
Washington, D. C. 20463

RE: MUR 2376 Zell Miller

Dear Mr. Thomas:

I write in response to your letter of March 30th indicating that the Federal Election Commission on March 19, 1987, found me in violation of the Federal Election Campaign Act of 1971 relative to a campaign contribution on April 8, 1985, from the First Federal Savings and Loan Association in Cedartown, Georgia.

Until I received your letter, I was totally unaware that a contribution of this sort was not legal. I assumed that the federal act governed campaigns for federal office and was ignorant of the fact that portions of it could have such a direct bearing on state-level campaigns. I certainly would not have accepted this contribution at the time had I known it was improper.

Georgia's election laws, with which I am very familiar since they provide the framework for the campaigns of elected state officials like myself, allow corporations to make direct campaign contributions. I am thus accustomed to accepting contributions from state-chartered corporations, including state savings and loans associations, and it never occurred to me that the contribution from First Federal Savings and Loan might be inappropriate.

The facts in the two-page Factual and Legal Analysis you enclosed are correct. Nathan Dean of Rockmart, Georgia, a State Senator and long-time friend and supporter of mine, organized a political dinner in April of 1985 to raise funds for my 1986 re-election campaign.

Honorable Scott E. Thomas
April 8, 1987
Page 2

Nathan solicited contributions on my behalf throughout his senatorial district, which includes Cedartown, and the contribution from First Federal Savings and Loan was made at his request. You will note from the enclosed copy of the check that it was made out to Nathan Dean. He then endorsed it over to me, and I deposited it in my campaign account.

I openly thanked Mr. Larry Dooley of First Federal Savings and Loan for making the contribution and reported it on the next campaign and financial disclosure that I filed with the Georgia Secretary of State and the Georgia Campaign and Financial Disclosure Commission. The Georgia Commission raised no question about it, perhaps because campaign contributions from corporations are legal under the Official Code of Georgia, which is what they are responsible to enforce.

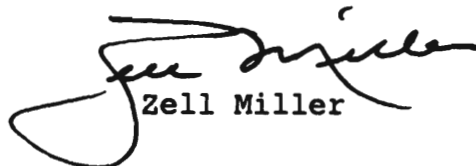
Upon the receipt of your letter of March 30, I immediately contacted the First Federal Savings and Loan Association in Cedartown regarding this situation. I then proceeded to return the contribution to them, and have enclosed a photocopy of this check and its accompanying letter.

I have long been a proponent of ethics and disclosure measures in Georgia and have prided myself in complying fully with those laws and in making my political and personal financial affairs available for public scrutiny even beyond the letter of the law. I consider it to be a matter of personal integrity.

Please know that I have returned the contribution in question and will do whatever else may be necessary to correct my unintentional violation of the Federal Election Campaign Act. I await further instructions from you.

With warmest regards and every good wish.

Sincerely,


Zell Miller

ZM/see

Enclosures



OFFICE OF LIEUTENANT GOVERNOR

240 STATE CAPITOL
ATLANTA, GEORGIA 30334

ZELL MILLER
LIEUTENANT GOVERNOR

MARTI PINGREE
ADMINISTRATIVE ASSISTANT

April 8, 1987

Mr. Larry Dooley
First Federal Savings and Loan
Association
120 North Main Street
Cedartown, Georgia 30125

Dear Larry:

On March 30th, Scott E. Thomas, Chairman of the Federal Election Commission, wrote to me saying that on March 19th the Commission found me in violation of the Federal Election Campaign Act of 1971 relative to the \$400 contribution you made on April 8, 1985, to Nathan Dean for my re-election campaign fund-raising dinner.

I was under the assumption that the federal campaign laws governed candidates for federal office and was unaware that a direct contribution from a federally chartered savings and loan to a candidate for state office was improper. I am sure you must have been in a similar position, otherwise you would not have made the contribution nor I accepted it. I openly declared this contribution on the next campaign disclosure I filed with the Georgia Secretary of State and the Georgia Campaign and Financial Disclosure Commission, and no questions were raised, presumably because such contributions are legal under state law.

I regret that Nathan Dean and I inadvertently got First Federal Savings and Loan into this difficult situation, and I enclose a check reimbursing you for the \$400 contribution. Please call on me whenever there is any way in which we may be of legitimate assistance to each other.

With warmest personal regards and every good wish.

Sincerely,

Zell Miller

ZM/see

Enclosure

3 3 0 4 0 5 / 1 7 0 8

ZELL MILLER
CAMPAIGN FUND
P O BOX 860
YOUNG HARRIS, GA 30582

656

4-8 1987 64-9064
2611

PAY TO THE
ORDER OF

BY Federal Savings & Loan Association \$400.00

Four Hundred and No/100 ——— DOLLARS

Mountain Bank
of Georgia

HIWASSEE, GA 30546

REIMBURSE/RETURN
FOR 1985 CONTRIBUTION

Zell Miller

⑆261190649⑆0656 20039 5⑈01

83040371709

Lt. Governor

ZELL MILLER

P. O. BOX 860 YOUNG HARRIS, GEORGIA 30582
(404) 379-3168 (404) 896-4401

May 31, 1985

✓
Mr. Larry Dooley
First Federal Savings and
Loan Association
120 North Main Street
Cedartown, Georgia 30125

Dear Larry:

Shirley and I want to offer our heartfelt thanks to you for so generously contributing to my re-election campaign at the request of our close and longtime friends, Ann and Nathan Dean. We were delighted and most grateful to the Deans for hosting the excellent fundraising dinner last month in Rockmart, because it gave us the opportunity to visit with old friends in the area and make new ones. We had a wonderful time, as we always do whenever the Deans host an event.

I want to reiterate what you already know: That Nathan Dean is one of the most respected, influential, knowledgeable and effective members of the Georgia Senate and that the people of the 31st District are most fortunate to have him representing you in Atlanta. I have enjoyed my longtime, close association with him, and I hope you will continue to return him to the State Senate for as long as he wants to serve. I value his advice and counsel, and Shirley and I value the Deans' friendship which we have been privileged to enjoy for so many years.

We hope to see you often in the days and months ahead as we continue to travel around Georgia. Just let me know whenever I can do anything for you or any of our mutual friends.

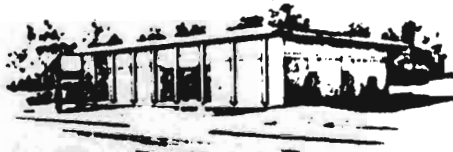
With deepest gratitude and warmest personal regards.

Sincerely,

Zell Miller

080406/1710

FIRST FEDERAL SAVINGS
AND LOAN ASSOCIATION
120 N MAIN STREET
CEDARTOWN GEORGIA 30125-2899



No. 90395

64 192
611

PAY

Larry Dooley
2

FIRST FEDERAL
OF GEORGIA
4-8-85

400.00 DOLLARS

ACCOUNT NUMBER

PAY THIS AMOUNT

\$400.00

TO THE
ORDER OF

Senator Nathan Dean

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF CEDARTOWN

The First National Bank of Polk County, Cedartown, Georgia

⑆090395⑆ ⑆061101922⑆

VOID AFTER 60 DAYS

100 038⑆

Larry Dooley
AUTHORIZED SIGNATURE

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF CEDARTOWN

DETACH BEFORE DEPOSITING

Appreciation Dinner for LT Governor of State of Georgia Honorable Zell Miller
4-8-85 \$400.00

We appreciate the Excellent Manner in which you are
directing the affairs of this state.



11212904088

**FIRST FEDERAL SAVINGS
AND LOAN ASSOCIATION**

180 N. MAIN STREET
CEDARTOWN, GEORGIA 30125-2699
(404) 748-1820

RECEIVED
OFFICE OF THE
GENERAL

87 APR 17 11:15

GCC 3140



April 6, 1987

Mr. Scott E. Thomas, Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

RE: MUR 2376

Dear Mr. Thomas,

The \$400.00 payment referred to in your letter of March 30, 1987 was for a Zell Miller Appreciation Dinner in Rockmart, Georgia held in April, 1985.

The Board of Directors of this Association gave prior approval for this expenditure and did not view it as a political contribution. The dinner was held in our county and in our primary market area from which we solicit both loans and savings deposits.

The dinner was attended by four directors and seven of our employees. This dinner gave our directors and employees an opportunity to see and talk to a large number of business and community leaders representing all areas of our county. We viewed this as a means for furthering our public relations and business development within our community and not as a political contribution.

In a relatively small and rural community it is difficult to contact many of the prominent people in our market area unless every opportunity is seized because we have very few functions which appeals to many of these local key people.

If this dinner had been held outside our county and market area the Association would not have participated. The Association's records clearly show this because we have never made a political contribution.

We viewed this dinner as a means for promoting the Association by permitting our directors and staff members to be with the leaders of our community on a social basis. We would not have expended any money if our directors and employees had not attended the dinner.

87 APR 16 3:53
OFFICE OF THE
FEDERAL
ELECTION
COMMISSION
SECRETARY

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Mr. Scott E. Thomas, Chairman
April 6, 1987
Page 2

In a Savings and Loan Association it is very critical to the success of the business for key personnel to be highly visible and accessible to the local populace to promote business and assure them of the safety of funds.

We have never made a political contribution and never intend to do so. We regret this particular misunderstanding on our part.

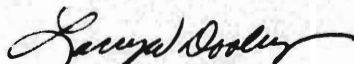
On April 10, 1987 we received a letter from Mr. Miller reimbursing this Association in the amount of \$400.00. This was in response to your letter directed to Mr. Miller.

We are anxious to rectify this unintentional error on our part.

The Board of Directors reviewed Federal Home Loan Bank Board Memorandum T-68 in their regular monthly meeting held January 21, 1987 and will abide by this regulation.

Mr. Thomas, I hope this letter explains our actions and resolves this matter. If we can furnish you any other information please let us hear from you.

Sincerely,


Larry W. Dooley
President

LWD/dkr

88040671713

FIRST FEDERAL SAVINGS

AND LOAN ASSOCIATION

180 N. MAIN STREET

CEDARTOWN, GEORGIA 30125-2699

(404) 748-1820



600# 3288

April 23, 1987

Mr. Scott E. Thomas, Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

RE: MUR 2376

Dear Mr. Thomas,

Pursuant to the telephone conversation today with your attorney, Mr. Charles Snyder, we would like to amend our letter of April 6, 1987 by requesting that we enter into a pre-probable cause conciliation.

Sincerely,

Larry W. Dooley
Larry W. Dooley
President

LWD/dkr

97 APR 28 P 4: 02

COMMUNICATIONS SECTION

87 APR 29 All: 20

RECEIVED
OFFICE OF THE
GENERAL COUNSEL



8 9 0 4 0 6 7 1 7 1 4

6 CC 3280



OFFICE OF LIEUTENANT GOVERNOR
240 STATE CAPITOL
ATLANTA, GEORGIA 30334

April 28, 1987

ZELL MILLER
LIEUTENANT GOVERNOR

MARTI PINGREE
ADMINISTRATIVE ASSISTANT

87 MAY 1 9:52

RECEIVED
GENERAL COUNSEL

Honorable Scott E. Thomas
Chairman
Federal Election Commission
1325 K Street
Washington, D. C. 20463

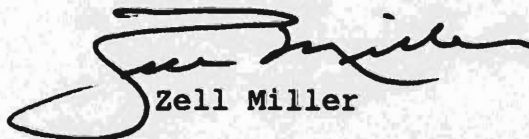
RE: MUR 2376 Zell Miller

Dear Mr. Thomas:

I am writing to officially request preprobable cause conciliation for MUR 2376 relating to an improper campaign contribution to Zell Miller from the First Federal Savings and Loan Association in Cedartown, Georgia, on April 8, 1985.

The particulars of the case from my perspective were spelled out in a letter to you on April 8, 1987.

Sincerely,


Zell Miller

ZM/see

87 APR 31 12:46

RECEIVED
GENERAL COUNSEL

5171730608

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

First Federal Savings and Loan
Association
Zell Miller

MUR 2376

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 19, 1987, the Commission found reason to believe that the First Federal Savings and Loan Association, Cedartown, GA (the "Association") and Zell Miller violated 2 U.S.C. § 441b(a). The basis for the finding was a referral from the Federal Home Loan Bank Board indicating that the Association had made a contribution to Mr. Miller, incumbent candidate for the Office of Lieutenant Governor of Georgia, in connection with an "appreciation dinner" held on Mr. Miller's behalf on April 8, 1985. On April 23, 1987, the association requested pre-probable cause conciliation (attachment 3), and Mr. Miller did likewise on April 28, 1987 (Attachment 4).

II. ANALYSIS

The responses filed by the respondents to the Commission's finding of reason to believe require the conclusion that the Association made a \$400 contribution to Mr. Miller's campaign. In its response, the association acknowledged that it gave \$400 for the Zell Miller appreciation dinner. The Association also stated that it had viewed this payment "as a means for furthering our public relations and business development within our community and not as a political contribution." Upon receiving a refund of the contribution from Mr. Miller, however, the

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Association acknowledged its "misunderstanding" and stated, "We are anxious to rectify this unintentional error on our part." Respondent also stated that it had reviewed the Federal Home Loan Bank Board Memorandum T-68 (Attachment 5) and would "abide by this regulation" in the future.

Mr. Miller, in his response (Attachment 2), made clear that the "appreciation" dinner was a political fundraiser, as previously alleged. As Mr. Miller put it:

The facts in the two-page Factual and Legal Analysis you enclosed are correct. Nathan Dean of Rockmont, Georgia, a State Senator and long-time friend and supporter of mine, organized a political dinner in April of 1985 to raise funds for my 1986 re-election campaign.

Mr. Miller added that Mr. Dean solicited a contribution from the Association; the latter made the check out to Mr. Dean, who endorsed the check over to Mr. Miller, who deposited it in his campaign account. Mr. Miller further stated that: "I openly thanked Mr. Larry Dooley of First Federal Savings and Loan for making the contributions [see copy of letter from Miller to Dooley, May 31, 1985, appended to Attachment 2] and reported it" to the Georgia Secretary of State and to the state election commission. State officials raised no questions about this contribution; but when the Commission notified Mr. Miller of its reason to believe finding, he promptly (April 8, 1987) issued a reimbursement to the Association. (See photocopy, appended to attachment 2.)

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It is apparent from the foregoing that the Association, a corporation organized by authority of a law of Congress, made a contribution of \$400 to Zell Miller, in connection with an election to political office, specifically the Office of Lieutenant Governor of Georgia, in violation of the prohibition of 2 U.S.C. § 441b(a). Also, Mr. Miller violated the prohibition in 2 U.S.C. § 441b(a) against accepting "any contribution prohibited by this section." Since there are no outstanding issues of fact, this office recommends that the Commission agree to respondents' requests to enter into pre-probable cause conciliation.

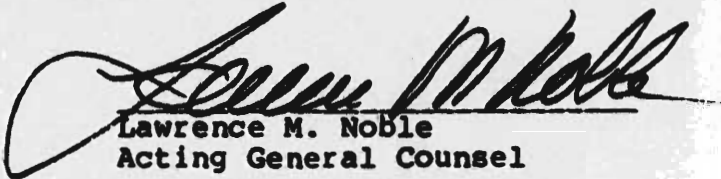
880405/1718

IV. RECOMMENDATIONS

1. Enter into conciliation prior to a finding of probable cause to believe with the First Federal Savings and Loan Association, Cedartown, GA.
2. Enter into conciliation prior to a finding of probable cause to believe with Zell Miller.
3. Approve the attached conciliation agreements.
4. Approve the attached letters.

Date

6/15/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Letter from Larry W. Dooley, April 6, 1987
2. Letter from Zell Miller, April 8, 1987
3. Letter from Larry W. Dooley, April 23, 1987
4. Letter from Zell Miller, April 28, 1987
5. Memorandum T-68
6. Proposed conciliation agreements
7. Proposed letters

88040571719

attachment 5

C. Snyder
rec. 5/14/87

FEDERAL HOME LOAN BANK BOARD
OFFICE OF EXAMINATIONS AND SUPERVISION

M E M O R A N D U M

#T 68

TO: OES Professional Staff

June 8, 1981

FROM: L. David Taylor

Political Contributions
or Expenditures
by Savings and
Loan Associations

SYNOPSIS: PROHIBITIONS ON POLITICAL CONTRIBUTIONS OR EXPENDITURES
BY SAVINGS AND LOAN ASSOCIATIONS.

1. Federally - Chartered Associations.

The Office of Examinations and Supervision, after consultation with legal staff of the Federal Election Commission, has prepared this memorandum to describe and to emphasize the prohibitions on contributions or expenditures by federal savings and loans in connection with any election to any political office or in connection with any primary election or political convention or caucus held to select candidates for public office. These prohibitions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. Section 441b, apply to federal, state and local elections. A "contribution or expenditure," within the meaning of the Act, includes:

"any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or state bank made in accordance with the applicable laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization in connection with any election..." (2 U.S.C. Section 441b(b)(2)(1976)).

The statute also makes it unlawful for any officer or director of a federal savings and loan association to consent to any contribution or expenditure (2 U.S.C. Section 441b(a)(1976)). The exception to when a loan of money, by a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Savings and Loan Insurance Corporation, is not a contribution is found in 2 U.S.C. 431(6)(B)(vii).

Political Advertising

The Federal Election Commission has advised that prohibitions of the Act extend to all forms of political advertising by federal savings and loans including, but not limited to, the purchase of political dinner tickets and advertisements in political literature such as political party newsletters and political party convention programs.

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Bona Fide Loans

The term "contribution or expenditure" does not include a bona fide loan of money by a federal savings and loan made in accordance with applicable laws and regulations in the ordinary course of business. The current regulations on loans by a federal savings and loan under the Federal Election Campaign Act are 11 CFR 114.1(a) and 100.7(b)(11). Association's involved in making these loans should be advised to review carefully these sections to ensure compliance.

Political Action Committees

Federal savings and loans are not permitted to make contributions to a separate segregated fund (frequently referred to as Political Action Committees) to be used for political purposes. However, the prohibitions do not apply to the payment by a federal savings and loan of expenses incurred for the establishment, administration, and solicitation of contributions to a fund of that same federal savings and loan. (2 U.S.C. Section 441b(b)(2)(C) and 11 CFR 114.1(a)(2)(111) and 114.1(b)).

Enforcement of the Act

The Act gives the Federal Election Commission exclusive jurisdiction with respect to civil enforcement of its provisions. (2 U.S.C. Section 437c(b)(1) (1980)). The Federal Election Commission is empowered to seek civil penalties of up to \$5,000 or the amount of the violation, whichever is greater, or if the violation is knowing and willful, up to \$10,000 or double the amount of the violation, whichever is greater. If there is probable cause to believe that a violation is knowing and willful, the Federal Election Commission may refer the cases to the United States Attorney General for criminal prosecution (2 U.S.C. Section 437g(a)(5)(C)(1980)). Examiners who discover a political contribution or expenditure by an insured institution, should report this fact in the comment section of the examination report for consideration of a referral to the Federal Election Commission, and the Bank Board may also require the insured institution to demand reimbursement from the recipient of any illegal contribution or expenditure. If the Supervisory Agent determines that reimbursement is in order, the Agent's recommendation should be sent to the Regional Director.

Advisory Opinions

In an opinion dated October 20, 1980, the Office of General Counsel, of the Federal Home Loan Bank Board, stated that "The Commission has exclusive jurisdiction with respect to civil enforcement of the Act. (2 U.S.C. Section 437c(b)(1)(1980)). As such, the Commission has issued comprehensive implementing regulations, 11 C.F.R. Section 100.1 et seq. (1980), which apply to federal savings and loan associations. While violations of the Act and regulations may involve both civil and criminal penalties, the Commission has authority to issue advisory opinions with respect to their interpretation and application (Id., Part 112 (1980)). Section 112.5 of these regulations provides that anyone who relies upon an advisory opinion issued by the Commission and 'who acts in good faith in accordance with... (such) opinion' shall not be subject

to any sanction provided by the Act. Hence, while this Office may express an opinion with respect to the legality of an association's particular activity, such an opinion would not be binding upon the Commission, and would not relieve the association from whatever liability that might result should the opinion prove to be wrong."

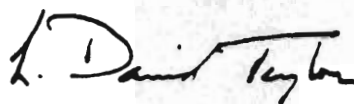
Thus, if association management inquires regarding the application of the Act, the Supervisory Agent or the examiner should advise the association that requests for advisory opinions may be submitted in writing concerning application of the Act, chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or a rule or regulation prescribed by the Commission to a specific transaction or activity in which the requestor is involved or is acting as agent for a party involved. (2 U.S.C. Section 437f). All requests for advisory opinions should be directed to:

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

The Federal Election Commission provides a telephone information service which can be reached via its toll-free number - 800/424-9530.

2. State-Chartered Associations.

While the comments set forth above apply to federally-chartered associations in federal, state, and local elections, the same restrictions apply to state-chartered associations only with respect to federal elections. (2 U.S.C. 441b(a)(1976)). Since neither the Bank Board nor the Federal Savings and Loan Insurance Corporation has adopted any regulation relating to the political activities of state-chartered associations in connection with state and local elections, these subjects are governed solely by the laws of their chartering states.



L. David Taylor
Director

Distribution to state supervisory authorities to be made by District Directors-Examinations.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

First Federal Savings and Loan
Association
Zell Miller

MUR 2376

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 18, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2376:

1. Enter into conciliation prior to a finding of probable cause to believe with the First Federal Savings and Loan Association, Cedartown, GA.
2. Enter into conciliation prior to a finding of probable cause to believe with Zell Miller.
3. Approve the conciliation agreements, as recommended in the General Counsel's Report signed June 15, 1987.
4. Approve the letters, as recommended in the General Counsel's Report signed June 15, 1987.

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

Attest:

6-18-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Mon., 6-15-87, 1:35
Circulated on 48 hour tally basis: Tues., 6-16-87, 11:00
Deadline for vote: Thurs., 6-18-87, 11:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 24, 1987

Larry W. Dooley, President
First Federal Savings and Loan Association
120 N. Main Street
Cedartown, GA 30125

RE: MUR 2376
First Federal Savings and
Loan Association

Dear Mr. Dooley:

On March 19, 1987, the Federal Election Commission found reason to believe that First Federal Savings and Loan Association violated 2 U.S.C. § 441b(a). At your request, on June 18, 1987, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1987

Honorable Zell Miller
Office of Lieutenant Governor
240 State Capitol
Atlanta, GA 30334

RE: MUR 2376
Zell Miller

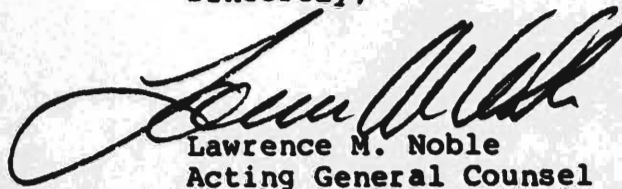
Dear Mr. Miller:

On March 19, 1987, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441b(a). At your request, on June 18, 1987, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

CCC# 3942

**FIRST FEDERAL SAVINGS
AND LOAN ASSOCIATION**

180 N. MAIN STREET
CEDARTOWN, GEORGIA 30125-2699
(404) 748-1820



RECEIVED
GENERAL COUNSEL
87 JUL 17 2:48

July 9, 1987

Mr. Scott E. Thomas, Chairman
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

RE: MUR 2376

Dear Mr. Thomas,

Enclosed is a signed conciliation agreement and our check
for \$100.00.

Sincerely,

Larry W. Dooley

Larry W. Dooley
President

LWD/dkr

Enclosure





**FIRST FEDERAL SAVINGS
AND LOAN ASSOCIATION**
180 N. MAIN STREET
CEDARTOWN, GEORGIA 30125



FEDERAL HOME LOAN BANK OF ATLANTA
ATLANTA, GA.

64-876
610

No. 05135

FIRST FEDERAL
OF CEDARTOWN

I 100 DOLLARS 00 CTS

DATE 7-9-87

VOID AFTER 60 DAYS

Pay

(AMOUNT)

DOLLARS \$ 100.00

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

TO THE
ORDER OF

Gregory D. Bailey
AUTHORIZED SIGNATURE

⑈005135⑈ ⑈061008766⑈ ⑈216⑈801⑈

DETACH BEFORE DEPOSITING

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF CEDARTOWN

Civil Penalty in connection with MUR 2376

\$100.00



SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

First Federal Savings and Loan)
Association et al.)

MUR 2376

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached for the Commission's approval is a conciliation agreement signed by Larry Dooley on behalf of the First Federal Savings and Loan Association of Cedartown, Georgia. A check for the civil penalty has been received.

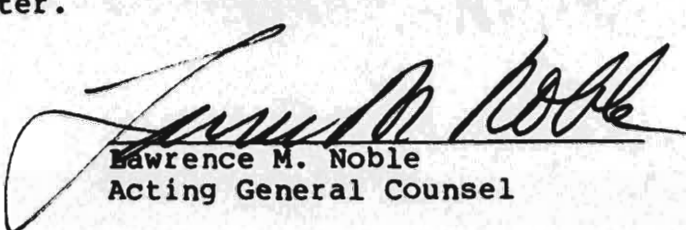
The attached agreement contains no changes from the agreement approved by the Commission for issuance to the respondent on June 18, 1987. Accordingly, this Office recommends the acceptance of the agreement.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the First Federal Savings and Loan Association.
2. Close the file as it pertains to this respondent.
3. Approve the attached letter.

Date

8/11/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to Respondent

88040671728

07 AUG 11 1987 11:56

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
First Federal Savings and Loan) MUR 2376
Association et al.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 14, 1987, the Commission decided by a vote of 5-0 to take the following actions in MUR 2376:

1. Accept the conciliation agreement with the First Federal Savings and Loan Association, as recommended in the General Counsel's report signed August 11, 1987.
2. Close the file as it pertains to this respondent.
3. Approve the letter, as recommended in the General Counsel's report signed August 11, 1987.

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

Attest:

8-14-87
Date

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

Received in the Office of Commission Secretary: Tues., 8-11-87, 3:56
Circulated on 48 hour tally basis: Wed., 8-12-87, 11:00
Deadline for vote: Fri., 8-14-87, 11:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 18, 1987

Larry W. Dooley, President
First Federal Savings
and Loan Association
120 N. Main Street
Cedartown, Georgia 30125

RE: MUR 2376
First Federal Savings and
Loan Association

Dear Mr. Dooley:

On August 14, 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of the First Federal Savings and Loan Association in settlement of a violation of 2 U.S.C. § 441(b)(a), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to the First Federal Savings and Loan Association. This matter will become a part of the public record within 30 days after it has been closed with respect to all other respondents involved. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

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

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

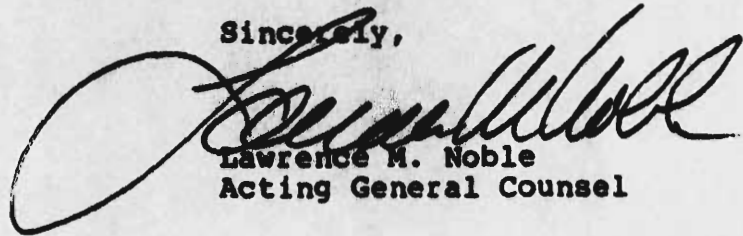
Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any

88040371730

Letter to Larry W. Dooley, President
Page 2

questions, please contact Charles Snyder, the attorney assigned
to this matter at (202) 376-8200.

Sincerely,



Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

890406/1731

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

First Federal Savings and Loan
Association

)
)
) MUR 2376
)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the First Federal Savings and Loan Association, Cedartown, Georgia, ("Respondent") violated 2 U.S.C. § 441b(a).

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

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

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

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

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

1. Respondent is a corporation organized by authority of a law of Congress, within the meaning of 2 U.S.C. § 441b(a).

2. Respondent contributed \$400 to a candidate for election to the Office of Lieutenant Governor of Georgia.

V. Respondent's making a \$400 contribution in connection with an election for political office was in violation of 2 U.S.C. § 441b(a).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of One Hundred dollars (\$100), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

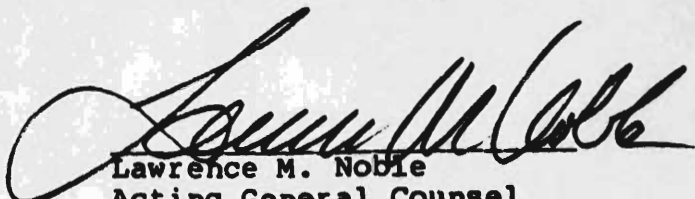
IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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

880403/1733

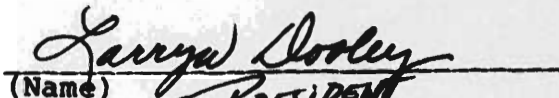
oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Lawrence M. Noble
Acting General Counsel

Date 8/12/87

FOR THE RESPONDENT:


(Name)
(Position) PRESIDENT

Date July 9, 1987

890406/1734

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)

Zell Miller)

MUR 2376

GENERAL COUNSEL'S REPORT

87 SEP 29 PM 3:53

RECEIVED
FEDERAL ELECTION COMMISSION
SECRET

I. BACKGROUND

Attached for the Commission's approval is a conciliation agreement signed by Zell Miller. A check for the civil penalty has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Zell Miller.
2. Close the file.
3. Approve the attached letters.

Date

9/28/87

Lawrence M. Noble
Lawrence M. Noble
Acting General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to Respondent
4. Letter to Larry W. Dooley

Snyder

attachment 2

600#4355

ZELL MILLER
P O BOX 880
YOUNG HARRIS, GA 30562

239

64-9064
2811

5007 2 1987

PAY TO THE ORDER OF Federal Election Comm. \$ 100.00

ONE HUNDRED AND 00/100 DOLLARS

Mountain Bank
of Georgia
MAWASSEE, GA 30546

FOR [Signature]

⑆1:261190649⑆0239 58002 3106

600#4355

MEMORANDUM

TO: DEBRA A. TRIMIEW TO: CECILIA LIEBER

FROM: CECILIA LIEBER FROM: DEBRA A. TRIMIEW

CHECK NO. 239 { A COPY OF WHICH IS ATTACHED } RELATING TO
MUR 2376 AND NAME Zell Miller

WAS RECEIVED ON 9/14/87. PLEASE INDICATE THE ACCOUNT INTO
WHICH IT SHOULD BE DEPOSITED:

/ ☒ BUDGET CLEARING ACCOUNT { 95-3875.16 }

/ / CIVIL PENALTIES ACCOUNT { 95-1099.160 }

/ / OTHER _____

SIGNATURE Debra A. Trimiew DATE 9/15/87

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 SEP 14 AM 11:34

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Zell Miller

)
)
)

MUR 2376

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 2, 1987, the Commission decided by a vote of 5-0 to take the following actions in MUR 2376:

1. Accept the conciliation agreement with Zell Miller, as recommended in the General Counsel's report signed September 28, 1987.
2. Close the file.
3. Approve the letters, as recommended in the General Counsel's report signed September 28, 1987.

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

Attest:

10-2-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Tues., 9-29-87, 3:53
Circulated on 48 hour tally basis: Wed., 9-30-87, 11:00
Deadline for vote: Fri., 10-02-87, 11:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

7 October 1987

Honorable Zell Miller
Office of Lieutenant Governor
240 State Capitol
Atlanta, GA 30334

RE: MUR 2376
Zell Miller

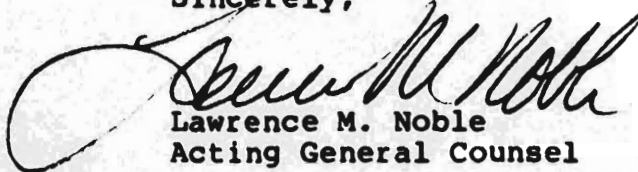
Dear Mr. Miller:

On October 2, 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. § 441(b)(a), 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.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Charles Snyder, the attorney assigned to this matter at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

87 SEP 11 AM 8:53

In the Matter of)

Zell Miller)

) MUR 2376
)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Zell Miller ("Respondent") violated 2 U.S.C. § 441b(a).

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

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

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

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

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

1. Respondent was a candidate for election to the Office of Lieutenant Governor of Georgia during the period 1985-1986.

2. Respondent accepted a \$400 contribution, in connection with his election campaign for the Office of

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 SEP 14 AM 11:35

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Lieutenant Governor of Georgia, from the First Federal Savings and Loan Association, Cedartown, Georgia.

3. The First Federal Savings and Loan Association, Cedartown, Georgia, is a corporation organized by authority of a law of Congress, within the meaning of 2 U.S.C. § 441b(a).

V. Respondent's knowing acceptance of a \$400 contribution in connection with an election for political office was in violation of 2 U.S.C. § 441b(a). Respondent contends that this violation was not knowing and willful.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of One Hundred dollars (\$100), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

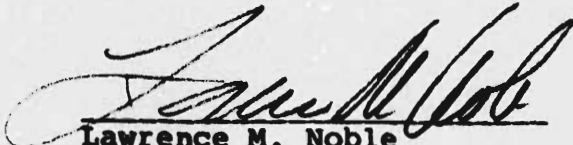
VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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

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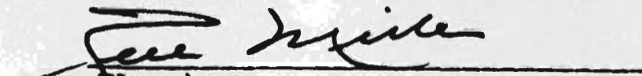
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Lawrence M. Noble
Acting General Counsel

10/7/87
Date

FOR THE RESPONDENT:


(Name)
(Position)

AUG 12, 1987
Date

830403/1741



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

7 October 1987

Larry W. Dooley, President
First Federal Savings and Loan
Association
120 N. Main Street
Cedartown, GA 30125

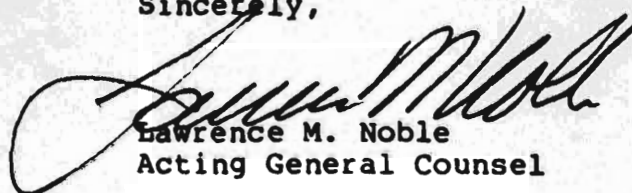
RE: MUR 2376
First Federal Savings
and Loan Association

Dear Mr. Dooley:

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 Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

8 8 0 4 0 5 / 1 7 4 2



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

THIS IS THE END OF MUR # 2374

DATE FILMED 1/14/88 CAMERA NO. 3
CAMERAMAN AS

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