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FEDERAL ELECTION COMMISSION WASHINGTON D.C. 20063

THIS IS THE BEGINNING OF MUR # 24/7

DATE FILMED 2/01/89 CAMERA NO. 4

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: November 10, 1986

ANALYST: Robin Kelly

I. COMMITTEE:

Marks for Congress Committee
AKA Milton Marks' Friends
C00153205
Charles Puck, Jr., Treasurer
(October 8, 1986-Present)
David Kurland, Treasurer
(April 17, 1985-October 8, 1986)
Peter Burns, Treasurer
(April 5, 1982-April 17, 1985)
350 California Street, Suite 1220
San Francisco, CA 941042/

II. RELEVANT STATUTE: 2 U.S.C. §44la(f)

III. BACKGROUND:

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Receipt of an Apparent Excessive Contribution.

The Marks for Congress Committee ("the Committee") has received and partially repaid a \$256,500 apparent excessive contribution in the form of a loan from the candidate's spouse.

The Committee's 1981-82 and 1983-84 election cycle reports disclosed the receipt of a \$265,000 loan from the "personal funds" of the candidate, Milton Marks, on October 27, 1982 for the 1982 General election (see examples at Attachment 2). Throughout these reporting periods, no disbursements in repayment of this loan were disclosed by the Committee.

Schedule C of the Committee's 1985 Mid-Year Report failed to disclose the status of the \$265,000 candidate loan; however, the Committee did disclose a \$269,000 loan with a receipt date of October 27, 1982 as being from Carolene Marks, the wife of the candidate (Attachment 3).

^{1/} Mr. Frank Masino, counsel for the Committee, has submitted some of the correspondence relating to this matter.

²/ The Committee informed the Commission of a change in address on October 8, 1986.

MARKS FOR CONGRESS COMMITTEE REPORTS ANALYSIS OGC REFERRAL PAGE 2

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The Committee also disclosed on Schedule C a total of \$159,000 owed to Carolene Marks in interest on this loan. In addition, the Committee disclosed on Schedule C a total of \$35,000 in repayment of the principal and \$15,000 in payment of the interest; however, no Schedule B was provided to support these payments.3

Schedule C of the Committee's 1985 Year End Report disclosed the \$269,000 loan as being from Mrs. Marks (Attachment 4). Of this amount, \$105,000 was disclosed as having been repaid. The interest owed to Mrs. Marks on this loan was disclosed as \$201,800, of which \$45,000 was shown as having been paid. The Committee disclosed on Schedule B three (3) payments of \$35,000 each made to Mrs. Marks on June 29, September 4, and November 11, 1985 in repayment of the principal, and three (3) payments of \$15,000 each made to Mrs. Marks on these dates in payment of the interest. This report failed to include the \$265,000 candidate loan.

A Request for Additional Information ("RFAI") was sent to the Committee on April 1, 1986 regarding the 1985 Year End Report (Attachment 5). The RFAI noted the receipt of the apparent excessive contribution from Mrs. Marks and requested the refund of the amount in excess of \$1,000. The RFAI also requested clarification of the current status of the candidate loan.

A Second Notice was sent to the Committee on April 24, 1986 for failure to respond (Attachment 6).

On May 29, 1986 a Reports Analysis Division analyst called the treasurer, Mr. David Kurland (Attachment 7). The analyst explained that the loan from the candidate's wife was considered an excessive contribution. The treasurer said he believed the money was from community property and that he would clarify this in an amendment.

On May 30, 1986 a 1985 Amended Year End Report was received (Attachment 8). The report now disclosed the \$269,000 loan as being from Carolene and Milton Marks with a notation, "As Community Property." Interest on the loan was shown as being owed to Mr. and Mrs. Marks in the amount of \$201,800.

^{3/} The Committee reported an outstanding balance of \$230,000 for this loan. The Committee later clarified that the actual amount of the loan was \$265,000.

MARKS FOR CONGRESS COMMITTEE REPORTS ANALYSIS OGC REFERRAL PAGE 3 On June 17, 1986 a RFAI was sent regarding the 1985 Amended Year End Report (Attachment 9). The RFAI informed the Committee that the candidate's wife was subject to the \$1,000 per election limitation. In addition, the RFAI asked if the loan in question was secured by property or other joint assets. The treasurer, Mr. Kurland, responded on June 30, 1986 (Attachment 10). The response stated that the loan was made from "cash" which was considered "community property under California law; therefore, the loan made to the campaign was the candidate's." On August 8, 1986 a Second Notice was sent to the Committee for failure to adequately respond (Attachment 11). The notice cited 11 CFR 110.10(b)(3) and explained that, "For purposes of the Federal Election Campaign Act, each spouse in a community property state is considered to be a legal owner of an equal interest in all jointly held property. Thus, fifty percent of the total value of the jointly held assets are considered to be the personal funds of the candidate." In addition, the notice requested that the Committee provide the total value of the jointly held assets that were used to make this loan to the Committee. On August 21, 1986 the analyst received a call from Mr. Frank Masino (Attachment 12). He explained that he was now counsel for the Committee and that Mr. Kurland had been removed as treasurer. Mr. Masino said that the August 8, 1986 letter from the Commission was the first correspondence he had received regarding this matter, and requested an extension of time in which to respond. The analyst advised Mr. Masino of the seriousness of the matter and told him to ∞ respond as soon as possible. Mr. Masino said he first needed to get copies of the Committee's reports from Mr. Masino said he first Kurland and talk with the candidate. On August 25, 1986, a letter was received at the Commission from Mr. Masino, in which he repeated his intention to respond as soon as possible (Attachment 13). On September 15, 1986 Mr. Masino called the analyst and said that he had asked Mr. Kurland to send the reports; however, so far he had not received them (Attachment 14).

MARKS FOR CONGRESS COMMITTEE REPORTS ANALYSIS OGC REFERRAL PAGE 4

On September 19, 1986 the analyst called Mr. Masino to see if the reports had been received (Attachment 15). Mr. Masino said he still hadn't received the reports and wasn't sure Mr. Kurland would cooperate. Then Mr. Masino said that he could have someone from his D.C. office pick up copies of the reports at the Commission. Mr. Starr from Mr. Masino's office picked up the 1985-1986 reports at the FEC that same day. Also on this date, a letter was received at the Commission from Mr. Masino, in which he stated that he would be able to pick up the records from Mr. Kurland on September 19, 1986 (Attachment 16).

On September 25, 1986 a response was received from Mr. Masino (Attachment 17). In the reply, Mr. Masino stated that he had done a preliminary review and had determined that Mr. and Mrs. Marks loaned a total of \$265,000 to the Committee in October 1982. The funds used to make up the loan were borrowed against stock held in four (4) separate accounts. Two (2) of these accounts were in both their names and were the source of funds for loans totalling \$15,000. The other two (2) accounts were in Mrs. Marks' name only, and were the source of funds for loans totalling \$250,000. Based on this information, the analyst determined that the apparent excessive amount received from Mrs. Marks was \$256,500. Mr. Masino further stated that "of the \$250,000 provided from the accounts in Mrs. Marks' name, \$200,000 has been repaid," and indicated that the remainder would be repaid as soon as possible.4

The analyst called Mr. Masino on September 26, 1986 (Attachment 18). Mr. Masino said that he was still researching the reports and trying to determine the amount of money in the accounts at the time the loan was incurred. He stated that the funds used were "community property", by California law. To date no further responses regarding this matter have been received.

A/ Records at the Commission indicate the Committee has repaid a total of \$140,000 in principal and \$60,000 in interest. These amounts include payments of \$35,000 in principal and \$15,000 in interest which were apparently made during the 1986 April Quarterly reporting period and for which the Committee has failed to provide a Schedule B. Schedule C of the Committee's 1986 July Quarterly Report disclosed a total of \$13,127 in additional interest owed to Mr. and Mrs. Marks for 1986.

MARKS FOR CONGRESS COMMITTEE REPORTS ANALYSIS OGC REFERRAL PAGE 5

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IV. OTHER PENDING MATTERS INITIATED BY RAD:

Two RFAIs were sent to the Committee on September 30, 1986. They referenced the 1986 April Quarterly and July Quarterly Reports. The letters requested that the Committee provide missing schedules and correct mathematical errors detected in review. On October 23, 1986, a Second Notice was sent to the Committee for failure to respond to these RFAIs.

FEDERAL ELECTION COMMISSION

1983-1984 CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 10NOV86

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All reports listed above have been reviewed.

Ending cash-on-hand as of 12/31/84: \$489.81

Outstanding debts and obligations as of 12/31/84: \$329,889.44

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All reports listed above have been reviewed.

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Outstanding debts and obligations as of 6/30/86: \$331,979.96

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FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

RQ-2

APR 1 1980

David E. Kurland, Treasurer Milton Marks' Friends (AKA Marks for Congress) 333 Market Street, 29th Floor San Francisco, CA 94105

Identification Number: C00153205

Reference: Year End Report (1/1/85-12/31/85)

Dear Mr. Kurland:

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

-Schedule A of your report (pertinent portion attached) discloses contributions which appear to exceed the limits set forth in the Act. An individual or a political committee, other than a multicandidate committee may not make contributions to a candidate for Federal office in excess of \$1,000 per election. you have received contributions which exceed the limits, the Commission recommends that you refund to the donors the amount in excess of \$1,000. Your report also discloses an apparent corporate contribution from The Northern California Construction Institute. is prohibited unless it is made from a separate segregated fund established by the organization. you have received prohibited contributions, Commission recommends that you refund the full amounts to the donors. The Commission should be notified in writing if any refunds are necessary. In addition, any refunds should appear on Line 20 of the Detailed Summary Page and Schedule B of your next report. (2 U.S.C. \$\$441a(a) and (f) and 441b(a))

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

If you find the contributions in question were disclosed incompletely or incorrectly, please amend your original report with the clarifying information.

N-

Although the Commission may take further legal steps concerning the acceptance of excessive and prohibited contributions, prompt action by you to refund the contributions will be taken into consideration by the Commission.

) RK

-The beginning cash balance of this report should equal the ending balance of your 1984 Year End report. Please clarify this discrepancy and amend any subsequent report(s) which may be 'affected by this correction.

-Columns A and B, Line 7(a) of the Summary Page should equal Line 17 of the Detailed Summary Page.

-Line 8 of the Summary Page should equal Line 27 of the Detailed Summary Page.

-Line 24 Column A of the Detailed Summary Page should equal Line 16 of the Detailed Summary Page.

-Commission Regulations require the continuous reporting of all outstanding loans. This report omits the loan(s) itemized on your previous report(s). Please amend your report(s) to indicate the current status of the following loan(s): Milton Marks (11 CFR 104.3(d) and 104.11)

RY

-Commission Regulations require the continuous reporting of all outstanding debts. Review of this report indicates an omission a debt itemized on your previous report(s). (11 CFR 104.3(d) and 104.11) Please amend your report to indicate the current status of this omitted debt:

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

Sincerely,

Thomas White

Thomas White Reports Analyst Reports Analysis Division



FEDERAL ELECTIO MMISSION WASHINGTON, D.C. 20463

RQ-3

April 24, 1986

David E. Kurland, Treasurer Nilton Marks' Friends (AKA Marks for Congress) 333 Market Street, 29th Floor San Francisco, CA 94105

Identification Number: C00153205

Reference: Year End Report (1/1/85-12/31/85)

Dear Mr. Kurland:

This letter is to inform you that as of April 23, 1986, the Commission has not received your response to our request for additional information, dated April 1, 1986. That notice requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

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

If you should have any questions related to this matter, please contact Thomas White on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

John D. Gibson

Assistant Staff Director Reports Analysis Division

Enclosure

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ಕ್ಕಾ ಕ್ರಾ MEMORANDUM FOR FILES: TELECON

SUBJECT: RFAI concerning an excessive loan from the candidate's wife

FROM: Robin Kelly, analyst

TO: David Kurland, Treasurer (415)442-6958

NAME OF COMMITTEE: Marks for Congress - CA/05

DATE: May 29, 1986

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 \Box

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On May 29, 1986 I called Mr. Kurland, the committee's treasurer. I explained to him that it appeared the committee had accepted an excessive contribution from the candidate's wife. He told me that he believed the money was from community property and said he would amend his reports to clarify this.

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FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

RQ-2

JUN 1 7 1986

David E. Kurland, Treasurer Nilton Marks' Friends (AKA Marks for Congress) 333 Market Street, 29th Floor San Francisco, CA 94105

Identification Number: C00153205

Reference: Amended Year End Report (1/1/85-12/31/85)

Dear Mr. Kurland:

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

-Schedule C of your report (pertinent portion attached) discloses a contribution which appears to exceed the limits set forth in the Act. An individual may not make contributions to a candidate for Federal office in excess of \$1,000 per election. A candidate's spouse is subject to the same limitations. If the contributions or loans in question were secured by property based on joint assets, please clarify your report with the following information:

- the name and address of the lending institution
- the interest rate
- whether or not the loan was secured
- the due date or amortization schedule
- brief description of the collateral or property used as a basis for the loan
- the owners of the collateral or the property used as a basis for the loan
- the type of ownership of such property (e.g., tenants by the entireties, joint tenants, tenants in common, etc.)
- the percentage of such property owned by each owner
- value of such property
- the names of all signatories on both the security instrument and the commercial note
- the capacity in which each signatory signed (e.g., co-maker, endorser, guarantor)

If upon further examination, you find that you have received a contribution which exceeds the limits, the

1985 Year End Report

ATTACHMENT 4 (page 2 of 2)

Nicrosi Commissio (in Fell) NILTON HARK'S Philanus			
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Commission recommends that you refund to the donor the amount in excess of \$1,000 per election. The Commission should be notified in writing if a refund is necessary. In addition, any refund or repayment should appear on your next report on Line 19 or 20 of the Detailed Summary Page, as appropriate. (11 CFR 100.7, 100.8, 110.10)

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

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

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Sincerely,

Robin Kelly

Reports Analyst

Rotin Kelly

Reports Analysis Division

N ~ 3 1935 Eac Ca

June 23, 1986

Na. Robin Kelly
Report Analysis Division
House of Representatives
1036 Longworth House Office Bldg.
Washington, DC 20315

100609

Re: Amended Year End Report (1/1/85-12/31/84)

Dear Robin:

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Answers to your queries of June 17th, are an Tollows:

Senator and Mrs. Marks have been man and wife since August 14, 1955 and were and remain California residents. This property is community property under California law, therefore, the loan made to the campaign was the candidate's. It was made in each so the,

- 1) Bancs and address of where the funds come from is the Candidate's, 55 Jordan Street, San Prantisco 94115
- 2) Under the definition of Community Property, there is control over the funds by either party. We have smended our filing forms to reflect this per your instructions.
- 3) The rate of interest is set by me as treasurer using broker's interest rates on margin money.
- 4) As to "refund": the campaign returns to the Marks: funds as received and will continue to do so as quickly as possible.
- 5) There is no other debt.

Very truly yours,

MILTON SARES PRINTED

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cc: Carolene Narks Milton Norks



FEDERAL ELECTION MISSION WASHINGTON, D.C. 20463

RQ-3

August 8, 1986

David E. Kurland, Treasurer Milton Marks' Friends (AKA Marks for Congress) 333 Market Street, 29th Floor San Francisco, CA 94105

Identification Number: C00153205

Reference: Amended Year End Report (1/1/85-12/31/85)

Dear Mr. Kurland:

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On June 17, 1986 you were notified that a review of the above-referenced report(s) raised questions as to specific contributions and/or expenditures, and the reporting of certain information required by the Federal Election Campaign Act.

Your June 23, 1986 response is incomplete because you have not provided all the requested information. For this response to be considered adequate, the following information is still required.

-Your response indicates that the loan made by the candidate and the candidate's spouse to your committee was solely from the candidate because of the community property law in California. Please note that candidates for Federal office may make unlimited expenditures from "personal funds". Under 11 CFR 110.10(b)(3) a candidate may use a portion of assets jointly owned with his or her spouse as personal funds. The portion of the jointly owned assets that shall be considered as personal funds of the candidate shall be that portion which is the candidate's share under the instrument(s) of conveyance or ownership.

For purposes of the Federal Election Campaign Act, each spouse in a community property state is considered to be a legal owner of an equal interest in all jointly held property. Thus, fifty percent of the total value of the jointly held assets are considered to be the personal funds of the candidate.

Please provide the total value of the jointly held assets that were used to make this loan to your Committee.

PY

If this information is not received by the Commission within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Robin Kelly on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

John D. Gibson

Assistant Staff Director Reports Analysis Division

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MEMORANDUM FOR FILES: TELECON

SUBJECT: RFAI sent on the Amended 1985 Year End Report

FROM: call initiated by Mr. Frank Masino, Counsel for the Committee

TO: Robin Kelly, RAD analyst

NAME OF COMMITTEE: Marks for Congress (CA/O5)

DATE: August 21, 1986

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Mr. Frank Masino called. He said he had received the Commission's letter dated August 8, 1986 which requested information regarding the 1985 Amended Year End Report. He told me that. Mr. Kurland was no longer treasurer and that he was now counsel for the committee. He noted that this was the first correspondence he had received and wanted to know if he could have an extension. I explained to him the situation was serious and advised him to get a response sent in as soon as possible. He told me that he needed to get the reports from the treasurer and talk to the candidate.

AUG 25 AID: 59

ATTACHMENT 13

AUG 22 1386

THE CHALLE OF CHICKERING & GREGORY

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REGULAR MAIL'

160 SPEAR STREET, SUITE 1210 SAN FRANCISCO, CALIFORNIA (415) 543-18%

August 22, 1986

Ms. Robin Kelly Reports Analysis Invision Federal Election Commission 999 "E" Street, N.W. Washington, D.C. 20463



Re:

FEC Inquiry into Amended Year End Report (1/1/85 - 12/31/85); Indentification No. C00153205.

Dear Mr. Kelly:

Q.

This is to confirm our telephone conversation yesterday concerning the above matter and the FEC's letter of August 8, 1986, to Mr. David Kurland.

As I indicated in our conversation, Senator Marks intends to make prompt response to the inquiry set forth in that letter, but will not be able to do so within the time specified. I will contact you in the very near future to let you know of our progress in this matter.

If, in the meantime, you have any questions, please do not hesitate to contact the. Thank you for your courtesy and cooperation.

Sincerely.

FNM/smd

ec: Senator Milton Marks

MEMORANDUM FOR FILES: TELECON

SUBJECT: Attempt to receive campaign reports from the treasurer

PROM: call initiated by Frank Masino, Counsel for the Committee

TO: Robin Kelly, RAD analyst

NAME OF COMMITTEE: Marks for Congress - CA/05

DATE: September 15, 1986

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Mr. Masino called to tell me he had asked the treasurer to send him the reports. To date, he had not received them.

MEMORANDUM FOR FILES: TELECON

SUBJECT: Status on Response from committee

FROM: Call made by Robin Kelly, RAD Analyst

TO: Mr. Frank Masino, Counsel (415) 393-9214

NAME OF COMMITTEE: Marks for Congress - CA/05

DATE: September 19, 1986

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On September 19, 1986, I called Mr. Masino to see if he had received the reports yet. He said he had not and that he wasn't sure the treasurer was going to cooperate. Mr. Masino said he could have someone from his D.C. office pick up copies of the reports. I told him I would copy the 1985 and 1986 reports and have them ready.

LAN OFFICES OF

CHICKERING & GREGORY

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September 18, 1986

PEDERAL EXPRESS

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R & BURDET BULL BUILD

Me. Robin Kelly Reports Analysis Division Federal Election Commission 999 "E" Street, M.W. Washington, D.C. 20463



OF THE OWNER OF THE

Re: FEC Inquiry into Amended Year End Report (1/1/85 - 12/31/85); Indentification No. C00153205.

Dear Ms. Kelly:

By letter dated September B, 1986, Mr. David Kurland was formally notified of his removal as Tresurer of Friends of Milton Marks - II (Marks for Congress, Identification No. C00153205). That letter also directed Mr. Kurland to turn over all records in his possession regarding his activities in that position to me. On September 16, 1986, my office contacted Mr. Kurland and was informed that those records would not be available for me to pick up until Friday, September 19, 1986.

Please consider this formal notification of a change to the Statement of Organization and be assured that we will be responding to the FEC's pending inquiry as soon as practicable after my receipt and review of those records.

Sincerely,

Frank M. Magin

FNM/nda

cc: Clerk of the House of Representatives

PEDERAL EXPRESS NO. 1836453710.



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LAW OFFICES OF

CHICKERING & GREGORY

A PROFESSIONAL CORPORATION

THREE EMBARCADERO CENTER EIGHTH PLOOR

SAN FRANCISCO 94111

WASHINGTON D.C. OFFICE 1815 H STREET, N.W. SUITE 600 WASHINGTON, D. C. 20006

TELEPHONE (202) 463-7486

(415) 393-9214

TELEPHONE (415) 393-9000

CODE ADDRESS

"CHICGREG"

WRITER'S DIRECT DIAL NUMBER

September 24, 1986

PEDERAL EXPRESS

Ms. Robin Kelly
Reports Analysis Division
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Re: FEC Inquiry into Amended Year End Report (1/1/85 - 12/31/85); Identification No. C00153205.

Dear Ms. Kelly:

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We have received and begun our review of Mr. Kurland's records and the documents provided by your office. We are still missing copies of the year-end reports for 1983 and 1984. However, Ms. Linda Tangrey of your office graciously agreed to send us copies of those reports.

Our preliminary review discloses that in October 1982 Senator and Mrs. Marks loaned \$265,000 to Senator Marks' campaign for election to the U. S. House of Representatives. They regarded these funds as community property. We have not yet determined the proper status of this transaction under FEC regulations.

These funds were borrowed against stock held in four (4) separate accounts maintained at a broker-dealer; two of which were in both their names and two of which were in Mrs. Marks' name. The accounts in both their names were the source of loans of \$5,000 and \$10,000 respectively; the accounts in Mrs. Marks' name were the source of loans of \$100,000 and \$150,000 respectively.

Of the \$250,000 provided from accounts in Mrs. Marks' name, \$200,000 has been repaid by the campaign; another \$30,000 will be repaid as soon as a new Treasurer is found for the campaign; the final \$20,000 should also be repaid within the next several months.

We are still trying to determine whether in fact Senator Marks made other loans of \$33,000 and \$125,000 to the campaign. As is obvious from the foregoing, the reporting of these transactions to the FEC has been confusing and possibly inaccurate.

CHICKERING & GREGORY

Ms. Robin Kelly
Re: FEC Inquiry into Amended Year End Report
(1/1/85 - 12/31/85); I.D. No. C00153205.
September 24, 1986
Page 2

We are continuing to review and analyse the records and reports of these various transactions in an effort to specify their compliance with FEC regulations. Senator and Mrs. Marks are quite upset about this matter since they believed the campaign reporting was being handled competently. We have been directed by them to respond directly and immediately to any inquiry you may make in this regard. Please be assured that we are seeking to satisfy the FEC's concerns in this matter as promptly as possible.

Thank you for your continued courtesy and cooperation.

Sincerely,

Frank N. Masino

FNM/nda

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cc: Senator and Mrs. Milton Marks

Federal Express Airbill No. 1836453614.

TELECON MEMORANDUM FOR FILES:

SUBJECT: Letter received September 25, 1986

FROM: Call made by Robin Kelly, RAD Analyst

TO: Frank Masino, Counsel for Committee - (415)393-9214

NAME OF COMMITTEE: Marks for Congress - CA/05

DATE: 9/26/86

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I called Mr. Masino to discuss the response I received from him on September 25, 1986. He said that they were still researching the reports and trying to determine the amount of money in those accounts at the time the loans were made. He went on to explain that the funds were from "community property" per California state law. I told him that I wasn't sure how the Commission would interpret this.

PEDERAL RECTION COMMISSION 999 E Street, N.W. Washington, D.C. 20463



FIRST GREERAL COUNSEL'S REPORT

DATE AND TIME OF TRE		ury
	INTERNALLY GENERATE Marks for Congress Committee, and Charles Puck, Jr., as treasurer Carolene Marks	B7 MAY II
RELEVANT STATUTES:	2 U.S.C. § 441a(f) 2 U.S.C. § 441a(a)(1)(A) 2 U.S.C. § 431(8)(A)(i) 11 C.F.R. § 110.10(a) 11 C.F.R. § 110.10(b)	A 9: 08

INTERNAL REPORTS CHECKED: C Index

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

This matter was referred to the Office of the General Counsel on November 10, 1986.

SUMMARY OF ALLEGATIONS

The Reports Analysis Division materials allege that the Marks for Congress Committee ("the committee") violated 2 U.S.C. \$ 44la(f) by accepting an apparently excessive contribution in the form of a loan from candidate Milton Marks' spouse, Carolene Marks. It also appears that Carolene Marks made an excessive contribution to the committee.

FACTUAL AND LEGAL AMALYSIS

The committee's reports disclose receipt of a \$265,000 loan from candidate Milton Marks and the candidate's wife, Carolene Marks. Specifically, it appears that Milton and Carolene Marks made a loan of \$265,000 to the Marks for Congress Committee, and that in order to raise these funds, Mr. and Mrs. Marks used stock

accounts was used to produce \$250,000.

her husband's committee.

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Pursuant to 2 U.S.C. § 441a(a)(1)(A), the maximum amount
Carolene Marks could have legally contributed to the Marks for
Congress Committee was \$1,000. Pursuant to 2 U.S.C.

§ 431(8)(a)(1), a loan is a contribution. Therefore, the amount
which Carolene Marks loaned to the committee must be treated as a
contribution. It is unclear how much she loaned the committee,
since there are questions as to the ownership and nature of the
property used to produce the funds which Mr. and Mrs. Marks
loaned to the committee. However, even if the questions are
resolved in the manner most beneficial to Mrs. Marks, it
nevertheless appears that she made an excessive contribution to

Pursuant to 11 C.F.R. § 110.10(a), a candidate may make unlimited expenditures from personal funds. The regulations define personal funds as follows:

For purposes of this section, "personal funds" means ... [a]ny assets which, under applicable state law, at the time he or she became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate, had either ... [l]egal and rightful title, or ... [a]n equitable interest.

Pursuant to § 110.10(b)(3), if the assets are jointly owned by the candidate and his spouse, and no share is specified as the

-3candidate's under the instrument of conveyance of the asset, then the value of one-half of the property used shall be considered as personal funds of the candidate. In response to inquiries by the Reports Analysis Division, the committee stated that all of the property which was used to acquire the funds to make up the total amount of the loan was community property. It is apparently the respondents' assertion that funds in the form of community property qualify as the personal funds of the candidate. As previously stated, in order for assets to qualify as the candidate's personal funds the candidate must have both: legal right of access or control over the property; and C 2) legal and rightful title to or an equitable interest C in the property. מנו Under California community property law either spouse in a S marriage has, subject to certain restrictions, a right to manage . or control all the community property. Further, upon dissolution 0 4 of the marriage each spouse normally is entitled to one-half the C value of the community property. 9 Although each spouse has control over all the community 00 property, it appears each spouse is entitled to only one half of the community property. Consequently, it is apparent that the candidate can claim only one half of the community property as "personal funds." This conclusion is also consistent with 11 C.F.R. 110.10(b)(3), which states that a candidate may use a portion of assets jointly owned with his or her spouse as personal funds, that portion being equal to the candidate's share as set forth in

the instrument(s) of conveyance or ownership. Additionally,

"[i]f no specific share is indicated by an instrument of

conveyance or ownership, the value of one-half of the property

used shall be considered as personal funds of the candidate."

11 C.F.R. § 110.10(b)(3).

Therefore, assuming that all of the assets were community property, then the maximum amount available to Milton Marks as personal funds out of the \$15,000 derived from the two accounts of stock held jointly by the candidate and his wife was \$7,500. The maximum amount available as personal funds with regard to the \$250,000 raised from the stock held in Mrs. Marks' name alone was \$125,000. The maximum Mrs. Marks was allowed to contribute was \$1,000, pursuant to 2 U.S.C. \$ 441a(a)(1)(A). Hence, if all of the stock used to raise the \$265,000 was community property, the amount of the loan attributable to Mrs. Marks would be \$132,500 (\$125,000 + \$7,500). Because she was entitled to make a \$1000 contribution, the amount of her contribution in excess of the limitations would be \$131,500. By accepting this contribution the committee would be in violation of 2 U.S.C. \$ 441a(f).

The above analysis assumes that all of the stock which Mr. and Mrs. Marks used as collateral for the loans was community property. Although this may be the case, the fact that certain property was held in the name of Mrs. Marks alone is evidence that the property may have been the separate property of Carolene Marks.

If the \$250,000 was the separate property of Carolene Marks, then the total amount of the loan attributable to her was \$257,500, (\$7,500 + \$250,000). Thus, discounting her \$1000 permissible contribution, the amount in excess of the limitations

-5would be \$256,500. By accepting this amount the committee would be in violation of 2 U.S.C. \$ 441a(f). Based on the above discussion, it appears that Carolene Marks made, and the committee accepted, an excessive contribution. Therefore, this Office recommends that the Commission find that there is reason to believe that Carolene Marks violated 2 U.S.C. § 44la(a)(1)(A) and the Marks for Congress Committee and Charles Puck, as treasurer, violated 2 U.S.C. § 44la(f). RECOMENDATIONS 1. Open a MUR. 2. Find reason to believe the Marks for Congress Committee and N Charles Puck, as treasurer, violated 2 U.S.C. § 441a(f). Find reason to believe Carolene Marks violated 2 U.S.C. 3. \$ 441a(a)(1)(A). Approve the attached Factual and Legal Analyses. 5. Approve and send the attached letters. α Acting General Counsel Attachments RAD Referral Proposed Letters [2] Factual and Legal Analyses



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

MEMOR	ANDUM	TO:
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LAWRENCE M. NOBLE

ACTING GENERAL COUNSEL

FROM:

MARJORIE W. EMMONS/JOSHUA MCFADD

DATE:

MAY 13, 1987

SUBJECT:

OBJECTION TO RAD Ref. 86L-26: FIRST G.C. REPORT

SIGNED MAY 7, 1987

The above-captioned document was circulated to the Commission on Monday, May 11, 1987 at 11:00 A.M.

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

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

This matter will be placed on the Executive Session agenda for May 19, 1987.

Please notify us who will represent your Division before the Commission on this matter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Marks for Congress Committee
and Charles Puck, Jr., as
treasurer
Carolene Marks

RAD Referral 86L-26 (24/7)

CERTIFICATION

- I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of May 19, 1987, do hereby certify that the Commission took the following actions in the above-captioned matter:
 - Failed in a vote of 1-5 to pass a motion to decline to open a Matter Under Review.

Commissioner Aikens voted affirmatively; Commissioners Elliott, Josefiak, McDonald, McGarry, and Thomas dissented.

- 2. Decided by a vote of 5-1 to
 - a) Open a Matter Under Review.
 - b) Find reason to believe the Marks for Congress Committee and Charles Puck, as treasurer, violated 2 U.S.C. § 441a(f).
 - c) Find reason to believe Carolene Marks violated 2 U.S.C. § 44la(a) (1)(A).

(continued)

Page 2

- d) Approve the Factual and Legal Analysis attached to the General Counsel's report dated May 7, 1987.
- e) Approve and send the letters attached to the General Counsel's report dated May 7, 1987.

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

Attest:

5-20-87

Date

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associe W. Consens

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 27, 1987

Ms. Carolene Marks
55 Jordan Avenue
San Francisco, CA 94118

RE: MUR 2417 Carolene Marks

Dear Ms. Marks:

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On May 19, 1987, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 44la(a)(l)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The 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 that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter.

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

-2-Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the 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 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. '0 Sincerely, Scott E. Thomas Chairman T Enclosures Factual and Legal Analysis Procedures Designation of Counsel Form α





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 27, 1987

Charles Puck, Jr. 350 California Street Suite 1220 San Francisco, CA 94104

RE: MUR 2417
Marks for Congress Committee
and Charles Puck, Jr.,
as treasurer

Dear Mr. Puck:

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On May 19, 1987, the Federal Election Commission found that there is reason to believe the Marks for Congress 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 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 that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Statements should be submitted under oath.

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

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

-2that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation 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 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 10 of the Act. If you have any questions, please contact John Drury, the attorney assigned to this matter, at (202) 376-8200. Sincerely, Scott E. Thomas Chairman 0 Enclosures α Factual and Legal Analysis Procedures Designation of Counsel Statement

GCC#3607 RECEIVED AT THE FEC LAW OFFICES OF CHICKERING & GREGORY TELEPHONE (415) 393-9000 WASHINGTON D. C. OFFICE A PROFESSIONAL CORPORATION 1815 H STREET, N.W. TWO EMBARCADERO CENTER CODE ADDRESS SUITE 600 SEVENTH FLOOR CHICGREG" WASHINGTON, D. C. 20006 SAN FRANCISCO 94III WRITER'S DIRECT DIAL NUMBER TELEPHONE (202) 463-7444 June 12, 1987 (415) 393-9214 FEDERAL EXPRESS John Drury, Esq. Federal Election Commission 1325 K Street, N.W. Washington, D.C. 20463 RE: MUR 2417 Dear Mr. Drury: This is to confirm the extension you discussed by telephone with my partner David Hodge on June 10, 1987, for responses to your Commission's letters of May 27, 1987, to Ms. Carolene Marks and Mr. Charles Duck, Jr. concerning the above matter. We are informed that these letters were received on June 1, 1987. We understand 0 that both Ms. Marks and Mr. Duck now have an extension until July 7, 1987, to submit 7 their responses. C Thank you for your courtesy and cooperation in this matter. C CC Sincerely, Frank N. Masino FNM/bdy

Com



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 19, 1987

Frank N. Masino, Esquire Chickering & Gregory Two Embarcadero Center Seventh Floor San Francisco, CA 94111

RE: MUR 2417

Marks for Congress

Charles Duck, Jr. as treasurer

Carolene Marks

Dear Mr. Masino:

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This is in response to your letter dated June 12, 1987, which we received on June 15, 1987, requesting an extension until July 7, 1987, to respond to the the Commission's letter of May 27, 1987. 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 7, 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

LAW OFFICES OF

CHICKERING & GREGORY

A PROFESSIONAL CORPORATION

TWO EMBARCADERO CENTER SEVENTH FLOOR SAN FRANCISCO 94III

"CHICGREG" WRITER'S DIRECT DIAL NUMBER

TELEPHONE (415) 393-9000

CODE ADDRESS

87 JUN 29 A9: 06 WASHINGTON D. C. OFFICE

ISIS H STREET, N. W. SUITE 600 WASHINGTON, D. C. 20006

TELEPHON 202) 463-7444

(415) 393-9213

June 25, 1987

John Drury, Esq. Office of the General Counsel Federal Elections Commissions Washington, D. C. 20463

> Re: MUR 2417, Marks For Congress Committee and Charles Duck; Carolene Marks.

Dear Mr. Drury:

This letter is in response to the Commission's letters dated May 27 and the accompanying factual and legal analysis which were received by Charles Duck and Carolene Marks. Enclosed are the "Statement of Designation of Counsel" from each of them.

As you may know, the Marks for Congress Committee has had two treasurers prior to Mr. Duck's assuming that position in October 1986. Senator and Mrs. Marks asked for this firm's assistance in 1986 when it became apparent that David Kurland, Mr. Duck's immediate predecessor, was not responding promptly to inquiries of the Commission. Mr. Kurland is an account executive with Bear, Stearns & Co. Concurrently, with a review of the Campaign Committee's records, we reviewed the records of the securities accounts of Senator and Mrs. Marks traded by Mr. Kurland. These accounts contained the securities used as collateral for the funds borrowed by Senator and Mrs. Marks that were in turn loaned to the Campaign Committee. It appeared there were irregularities in Mr. Kurland's handling of the accounts.

Mr. Kurland resigned as treasurer of the Campaign Committee and the securities accounts were taken from his control in 1986. Based upon the efforts of Mr. Duck, as the new treasurer, we were able to determine that Mr. Kurland and Mr. Peter Burns, the original campaign treasurer, made numerous errors in handling of the affairs of the Campaign Committee. One of the errors apparently was in accepting a loan from Senator and Mrs. Marks which exceed the limitations imposed by 2 U.S.C. §441a(a)(1)(A) and the Commission's Rule 110.10(b)(3) (11 C.F.R. §110.10(b)(3)). However, since it was determined that as the balance due on the loan was \$70,000 when Mr. Duck became treasurer, the Campaign Committee had already repaid the amount loaned to it which exceeded the limitations noted above. Therefore, there was no further corrective action which could be taken. The balance due on the loan in question is now \$35,000 and the Campaign Committee views this balance due as a debt owed solely to Senator Marks.

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2412	
NAME OF COUNSEL:	David J. Hodge
ADDRESS:	Chickering & Gregory, P.C.
	Two Embarcadero Center, Suite 740
	San Francisco, CA 94111
TELEPHONE:	(415) 393-9213
The above-na	amed individual is hereby designated as my
counsel and is a	uthorized to receive any notifications and other
communications fr	rom the Commission and to act on my behalf before
the Commission.	
<u>6-19-87</u> Date	Signature
RESPONDENT'S NAME	Marks for Congress Committee and
ADDRESS:	Charles Duck, Jr.
	350 California Street, Suite 1220
	San Francisco, CA 94104
HOME PHONE:	(415)

BUSINESS PHONE: (415) 986-3825

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2417	
NAME OF COUNSEL:	David J. Hodge
ADDRESS:	Chickering & Gregory, P.C.
	Two Embarcadero Center, Suite 74
	San Francisco, CA 94111
TELEPHONE:	(415) 393-9213

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.

L 22 87

BUSINESS PHONE:

Signature Harle

RESPONDENT'S NAME:	Carolene Marks
ADDRESS:	55 Jordan Avenue
	San Franicsco, CA 94118
HOME PHONE:	(415) 752-7867



CHICKERING & GREGORY

A PROFESSIONAL CORPORATION

THREE EMBARCADERO CENTER EIGHTH FLOOR

SAN FRANCISCO 94111

WASHINGTON D.C. OFFICE 1815 H STREET, N.W. SUITE 600 WASHINGTON. D. C. 20006

TELEPHONE (202) 463-7456

"CHICGREG"
WRITER'S DIRECT DIAL NUMBER

TELEPHONE (415) 393-9000

CODE ADDRESS

(415) 393-9213

January 29, 1987

Ms. Robin Kelly Reports Analysis Division Federal Election Commission 999 "E" Street, N.W. Washington, DC 20463

Re: Identification No. C-00153205, Marks For Congress/Friends of Milton Marks.

Dear Ms. Kelly:

Enclosed is a copy of the Form 3 as of December 31, 1986 for the abovereferenced Campaign Committee. The report has been filed with the Clerk of the House of Representatives and the California Secretary of State.

As we discussed several weeks ago, the new treasurer of the Campaign Committee has found various minor errors in earlier reports filed. For example, the total amount of the loans made by Senator and Mrs. Marks to the Campaign Committee was \$265,000, not \$269,000 as stated in the most recent reports, and the amount repaid on one loan is understated by \$2,000. The enclosed Form 3 reflects these and other corrections.

Additionally, as we also discussed earlier, neither the Campaign Treasurer nor I have been able to determine precisely why the forms filed by Mr. David Kurland while he was campaign treasurer report interest due on the loans by Senator and Mrs. Marks. Mr. Kurland has not responded to our letter to him asking for his assistance, a copy of which is enclosed. Therefore, the enclosed Form 3 lists the loans as non-interest bearing, as they were listed when first disclosed on a Form 3 in 1982. Also enclosed are tables which reflect the reductions in the amounts owed on the loans when all payments are treated as made against principal and not as payments against principal and interest.

As noted in Mr. Frank Masino's letter dated September 24 to you, the loans of \$265,000 were collateralized by securities in accounts maintained at a broker-dealer. The total value of the securities when the loans were made was approximately \$445,274. Senator and Mrs. Marks considered these accounts as community property under California law.

Please contact Mr. Masino or me if you have any questions.

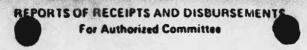
Yours truly.

David J. Hodge

DJH/nda CERTIFIED No.P007 355 762./RETURN RECEIPT REQUESTED. Enclosures

cc: Senator Milton Marks

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(Summary Page)

87 JUN29 49: 08

City, State and Zip Code X Check	a St., Ste.1990	this Report on Amendment YES NO Priously reported.	
in Francisco, CA 94104	TYPE OF REPORT		
	TITE OF REPORT		
April 15 Quarterly Report	LI Tweltth o	day report preceding	(Type of Election)
July 15 Quarterly Report	election	on 11	n the State of
October 15 Quarterly Report	☐ Thirtieth	day report following the G	eneral Election on
January 31 Year End Report	A fire		
		in the State	
July 31 Mid Year Report (Non-election Year Onl	y)	tion Report	
is report contains activity for _ Primary Elect	on General Election	Special Election	- Runoff Election
SUMMARY Covering Period 7/1/86 through	12/31/86	COLUMN A This Period	COLUMN B Calendar Year-to-Date
Covering Period 1/1/30 through Net Contributions (other than loans)		A Service	NATURE AND ADDRESS OF THE PARTY.
(a) Total Contributions (other than loans) (From L	ine 11 (e))	14,524.00	63,561.00
(b) Total Contribution Refunds (from Line 20 (d))		750.00	1,615.00
(c) Net Contributions (other than loans) (subtract	Line 6 (b) from 6 (a)}	13,774.00	61,946.00
Net Operating Expenditures			
(a) Total Operating Expenditures (from Line 17),		5,200.00	8,100.00
(b) Total Offsets to Operating Expenditures (from	Line 14)	-0-	46.80
(c) Net Operating Expenditures (Subtract Line 7 (h) from 7 (a))	5,200.00	8,053.20
		10 510 20	Sand of the sand
Cash on Hand at Close of Reporting Period (from Li	ne 27)	10,519.28	
Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)			or defrag
Debts and Obligations Owed BY The Committee (Itemize ell on Schedule C or Schedule D)		78,729.81	are a water
cortify that I have examined this Report and to the pest of belief it is true, correct and complete. Charles Duck Jr. upper or Print Name of Treesurer	of my knowledge	Federal Be 999 E Stre Washingto Tall Free 8	Information, contact: ction Commission let, N.W. n, D.C. 20463 00-424-9530 376-3120
CRECES GNATURE OF TREASURER	1-23-87	7	
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DETAILED SUMMARY PAGE of Receipts and Disbursements (Page 2, FEC FORM 3)



11. CONTRIBUTIONS (other than loans) FROM: (a) Individuals/Persons Other Than Political Committees. (b) Political Party Committees. (c) Other Political Committees. (d) The Candidate. (e) TOTAL CONTRIBUTIONS (other than loans (add 11(a), 11(b), 11(c) and 11(d). 12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES. 13. LOANS: (a) Made or Guaranteed by the Candidate. (b) All Other Loans. (c) TOTAL LOANS (add 13 (a) and 13 (b)). 14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) 17. COLUMN & Total This Period Calender Year-te-6. 12. 324.00 51,761.00 12. 324.00 51,761.00 14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) 15. COLUMN & Total This Period Calender Year-te-6.
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(b) All Other Loans
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14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebetes, etc.)
15. OTHER RECEIPTS (Dividends, Interest, etc.)
16. TOTAL RECEIPTS (add 11 (a), 12. 13 (c), 14 and 15)
II. DISBURSEMENTS
17. OPERATING EXPENDITURES
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES
18. TRANSPERS TO OTHER AUTHORIZED COMMITTEES
19. LOAN REPAYMENTS:
(a) Of Loans Made or Guaranteed by the Candidate
(b) Of All Other Loans
20. REFUNDS OF CONTRIBUTIONS TO:
(a) Individuals/Persons Other Than Political Committees
(b) Political Party Committees
(c) Other Political Committees
21. OTHER DISBURSEMENTS. 5.00 5.0
22. TOTAL DISBURSEMENTS (add 17, 18, 19 (c), 20 (d) and 21)
III. CASH SUMMARY
23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD
24. TOTAL RECEIPTS THIS PERIOD (From Line 16)
25. SUBTOTAL (Add Line 23 and Line 24)
26. TOTAL DISBURSEMENTS THIS PERIOD (From Line 22) \$ 35,955.00
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25) \$ 10,519.28

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RECEIPTS & DISBURSEMENT ADJUSTMENTS: Line No: Form 3		VIOUS ORIEI		PREV OMIT (OVER	TED (or	THI	PORTE IS RIOD	D	4,	EAR to ATE	
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11(e) TOTAL CONTRIBUTIONS	42,	564	41	6.	472	.59	14	524	00	63,	561	00
13(b) All Other Loans	24.	905	71	(24)	905	71)		-0-			-0-	
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STEMIZED RECEIPTS

Any information applied from such Reports or Statements may not be sold or used by any portion for the purpose of saliciting contributions or for

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C. Full Name, Malling Address and 28 Code			
Wells Fargo & Co., Employees for Good 420 Montgomery Street San Francisco, CA 94163	None of Employer	7/7/86	Amount of Ea Receipt This Pa 250.00
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Receipt For D Primary D General	Oscuperion	-	
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STEMIZED RECEIPTS

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Any Information replied from such Reports or Statements may not be sold or used by any porten for the purpose of soliciting contributions or the commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. HILTON HARKS' FRIENDS (Formerly MARKS FOR CONGRESS) A. Full Norms, Malling Address and ZP Code Dow Smenth, Amount of East Cooperative of American Physicians Receipt this Parted ID# C00161604 day, year) 3550 Wilshire Blvd., #1801 7/28/86 1.000.00 Los Angeles, CA 90010 Constint Passiot For: D Primary D General 20 Other Apachy). 82 General Approprie Year 40-Date-8 B. Fell Nome, Molley Address and ZIP Code Date Smarth, Nume of Employer Amount of Each John Rossi Ression This Period John Rossi Youth 7/28/86 1515 Lincoln Blvd 1.000.00 Foundation Santa Monica, CA 90401 Occupation Receipt For: D Primary D General Executive Director XX Other (specify) *82 General Approprie Year-to-Date-8 C. Full Name, Malling Address and ZIP Code Name of Employer Date (month, Amount of Each B. E. Witkin, Esq Self Employed Receipt This Parked Coy, your) 2740 Shasta Road 8/18/86 500.00 Berkeley, CA 94708 Constitution Remict For: O Primery D Garanal Attorney XX Other (specify): *82 General Aggregate Year-to-Date---D. Full Name, Mallion Address and ZP Code Name of Employer Dote broads. Amount of East John F. Welch Safe Buildings, Alliance Remire This Period Car, year) 655-15th St., NW., Suite 1200 8/25/86 500.00 Washington, DC 2005 Occupation Executive Receipt For: D Primary D General XX Other (specify): 182 General Agreem Version - 500.00 E. Foll Home, Melling Address and ZP Code Name of Employer Date brond. Amount of Both Pacific Telesis Groupt Federal PAC ID# C00083865 Rossips This Parket dr. ver) 595 Market Street, Room 705 9/10/86 1,000.00 San Francisco, CA 94105 Occupation Receipt For. D Primery O General XR Other Mouthy): *82 General Approprie Year-to-Date-8 2,300.00 F. Full Name, Mailing Address and ZP Code Nome of Employer
ID# C00033423 Dow trenth. Amount of Each House PAC 9/17/86 Resairs This Period 2700 Sanders Road 200.00 Prospect Heights, IL 60070 Competion D General D Primery XR Other teactivity '82 General Acres 10 - 20 - 20 - 3 500.00 G. Full Nome, Molling Address and 28 Code Name of Employer Dote (menth, Amount of East Arthur Sweet Self Employed CY. 700) Regulat This Period 6350 Laurel Canyon Blvd., #360 North Hollywood, CA 91606 9/24/86 250.00 Occupation Investor Receipt For D General D Primery XR Other beachy). *82 General Approprie Year 40-0010-8 250,00 BUSTOTAL of Records This Page (agricular). 4.450.00

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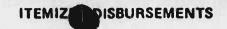
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Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. forme of Committee (in Full) MILTON MARKS' FRIENDS (Formerly MARKS FOR CONGRESS) A. Fell Name, Mailing Address and 29 Code Joseph Galletti Out trenth. Amount of Each Galletti Brothers Foods 9/24/86 aid the furbal 250.00 2900 Avers Street Los Angeles, CA 90023 Consustion D General Passetst For: D Primary Managing Partner '82 General XX Other Specify). Agregate Your to-Date-8 250.00 B. Full Name, Malling Address and ZIP Gods Dese Smanth. Amount of Each Name of Employer Paul H. Galinato dy, yes) Dantona & Associates Remains This Period 652 N. Orchard 10/9/86 400.00 Burbank, CA 91506 Occupation Reports For: D Primary O General Senior Account Exec. XX Other (specify) '82 General Approprie Year-40-Date-8 400,00 C. Full Name, Malling Address and ZF Code Ira D. Handelmann Name of Employer Amount of Each Date (month, Handelman & Associates dr. yell Resides This Period 3339 Scadlock Lane 10/9/86 250.00 Sherman Oaks, CA 91403 Consultant Remies For: D Primery D General III Oper (partly): '82 General 250.00 Aggregate Year-to-Date-6 D. Full Name, Malling Address and ZP Code Home of Employer Dee bronth, Amount of East James A. McDermott, Jr. Gavin Associates 10/9/86 Ressirt This Period 1317 Lucile Ave., No. 14 250.00 Los Angeles, CA 900026 Constantion Consultant Promios For: D Primary D General XX Other (specify): '82 General Agree Year - 250.00 E. Felt Norms, Making Address and ZP Code Name of Employee Date branch, Amount of East Kreg Robert McMahon McMahon Insurance Agency day, year) Receipt This Period 12715 La Reina Ave 10/9/86 250.00 Downey, CA 90242 Occupation Receion Fer. ± D General D Primery Insurance Agent XX Other (specify): *82 General Aggregate Year-to-Date-& 250.00 F. Full Name, Mailing Address and ZIP Code Name of Employer Dote brough, Amount of Such Evelyn K. McCormish None dr.ye Residet This Period 2396 Pine St., #105 10/16/86 422.00 San Francisco, CA 94115 Concertion Receipt For: Student D Primery D Genera XR Other Specify): 182 General Aggregate Vest-to-Date-8 422.00 B. Full Norms, Molling Address and ZIP Gods Name of Employee Date (ment), Amount of East Mr. Andy Coulumbe March Norton Air Force dr. ver) legion The Period 11565 Laurel Canyon Blvd., Ste 114 250.00 Housing Ltd. 10/17/86 Mission Hills, CA 91340 Operation Receipt For. D Primary D General Managing Partner Acres Yes 40-0010-8 250.00 XR Other Specify). 182 General WETOTAL of Remove The Rep (estional).

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Any information capied from such Reports or Statements may not be sold or send by any porten 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. NILTON MARKS' PRIENDS (Formerly MARKS FOR CONGRESS) Name of Employer Dow Imensh, Amount of Both A. Fell Name, Malling Address and ZP Code Wilson & Geo Meyer & Co. day, year) Receipt this Perlant Jeffery W. Meyer 11/25/86 100.00 270 Lawrence Ave So. San Francisco, CA 94080 Occupation Partner Receipt For: D Primery D General '82 General Approprie Year to-Date-8 300.00 XX Other Specify). Amount of Both B. Fell Name, Malling Address and ZIP Gods Date (month, Name of Employer Research This Parlant Student day, year) Evelyn K. McCormish 11/25/86 350.00 2396 Pine St., #105 San Francisco, CA 94115 Decupation D General Becorpt For: Student D Primary XX Other (specify) '82 General Aggregate Year-to-Date-\$ 722.00 C. Full Name, Malling Address and ZIF Code Nome of Employer Date (month, Amount of Each Retired dry, year) Rosslys This Parlant Albert Shumate 11/25/86 50.00 490 Post Street San Francisco, CA 94102 Occupation D General Retired Remies For: D Primery America Ver - Dep - 8 265.00 TX Other topactty): '62 General D. Fell Harro, Mailing Address and ZP Code Name of Employer Date brough, Amount of East Remire This Period Student Cay, year) Carol Marks 300.00 11/26/86 P.O. Box 236 South Roya Hom, VT 05068 Occupation Student D General Receipt For: D Primary XX Other (specify): '82 General Agreem Varies-Date-8 785:00 E. Full Name, Malling Address and 29 Code Stephen B. Meisel, MD Name of Employer Date (mane). Amount of East Self Employed Research This Perfect day. your 251 - 24th Street 12/4/86 . 500.00 Santa MOnica, CA 90402 Occupation Physician Receipt For. D Primary D General Aggregate Vest to-Date -8 500.00 XX Other (specify) 182 General F. Full Name, Mailing Address and ZP Code Name of Employer Dotte brownsh. Amount of Each Evelyn K. McCormish Student Reseipt This Puris dry. year) 200.00 2396 Pine St., #105 12/4/86 San Francisco, CA 94115 Competion Student Resolut Fer: D Primary D General XR Other toposity): '82 General Agreem Yes-to-Date -8 922.00 G. Full Nome, Možing Address and ZP Code Name of Employer Date Imenth. Amount of East Region This Parlant David C. Kwass dry. year) Retired 2428 N. Roosevelt Street 12/24/86 584.00 Arlington, VA 22207 Consention Retired Record For O Primery D General Approprie Year to Date - 8 584.00 XR Other touchy). '82 General SUBTOTAL of Records This Page (colonel).....



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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 then using the name and address of any political committee to solicit contributions from such committee. NAME OF COMMITTEE (In Full) MILTON MARKS' FRIENDS aka MARKS FOR CONGRESS A. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month. Amount of Each day, year) Disbursement This Period Jim Dantona Retainer Fee Deposit Dantona & Associates 6400 Laurel Canvon Blvd. Disbursement for: Primary General \$ 5,000.00 7/14/86 No. Hollywood, CA 94606 Other (specify) B. Full Name, Meiling Address and ZIP Code Date (month. **Purpose of Disbursement** Amount of Each day, year) Disbursement This Period Del R. Ross Computer Services c/o Gibralter Savings Disbursement for: Primery General 200.00 7/14/86 299 W. Portal - San Francisco, C Other (specify) C. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each dev. year) Disbursement This Period Disbursement for: Primary General Other (specify) '7 D. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period In Disbursement for: Primary General Other (specify) 10 E. Full Name, Mailing Address and ZIP Code **Purpose of Disbursement** Date (month, Amount of Each Disbursement This Period day, year) In Disbursement for: Primary General Other (specify) 0 F. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month. Amount of Each day, year) Disbursement This Period 7 Disbursement for: Primary General Other (specify) G. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month. Amount of Each day, year) Disbursement This Period Cr Disbursement for: Primary General Other (specify) H. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month. Amount of Each day, year? Disbursement This Period Disbursement for: Primary General Other (specify) I. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period Disbursement for: Primery General Other (specify)

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

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date Imonth,	Amount of Each
Carolene Marks 55 Jordan Ave.	Loan Repayment	day, year)	Disbursement This Period
San Francisco, CA 94118	Other (specify) General	12/30/86	\$ 20,000.00
B. Full Name, Mailing Address and ZIP Code Carolene Marks same as above	Purpose of Disbursement Loan Repayment	Date (month, day, year)	Amount of Each Disbursement This Period
sale as above	Disbursement for: Primary General Other (specify)	12/30/86	\$ 10,000.00
C. Full Name, Mailing Address and ZIP Code *Payments against loan reported on Schedule C, p.2.	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: Primary General Other (specify)		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
•	Disbursement for: Primary General Other (specify)		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Perio
	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 Perio
	Oisbursement 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 Perio
	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 Pario
	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 Perio
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Any Information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. NAME OF COMMITTEE (in Full) MILTON MARKS' FRIENDS aka MARKS FOR CONGRESS A. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date Imonth, Amount of Each Disbursement This Period Kreg R. McMahon dey, year) Returned Check 12715 La Reina Ave. Disbursement for: | Primary Downey, CA 90242 10/22/86 250.00 Other (specify) 8. Full Name, Mailing Address and ZIP Code **Purpose of Disbursement** Date (month, Amount of Each day, year) Disbursement This Period Jav C. Self Contribution refund 2508 Raeburn Disbursement for: | Primary Riverside, CA 92506 10/24/86 500.00 Other (specify) C. Full Name, Malling Address and ZIP Code Purpose of Disbursement Date (month. Amount of Each day, year) **Disbursement This Period** Disbursement for: Primery Other (specify) D. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month. Amount of Each Disbursement This Period day, year) Primary Disbursement for: Other (specify) **Purpose of Disbursement** E. Full Name, Mailing Address and ZIP Code Date (month, Amount of Each Disbursement This Period day, year) .0 Disbursement for: Primary General Other (specify) 0 F. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period 3 Disbursement for: Primery General Other (specify) G. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each Disbursement This Period day, year) 00 Disbursement for: Primery General Other (specify) H. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period Disbursement for: Primary General Other (specify) 1. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period Disbursement for: Primery General Other (specify)

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MILTON MARKS FRIENDS aka MARKS FOR A. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount	Cumulative Payment	Balance Outstanding
Milton Marks #1		of Loan	To Dete	Close of This Period
55 Jordan Ave.				
San Francisco, CA 94118		\$ 125,000.00	114,270.19	\$ 10,729.81
Election: O Primery O General O Other (specify):	11		1 1 T	
Terms: Date Incurred 10/82 Date Due N/A		Interest Rate01	(lapr)	Secured
List All Endorsers or Guarantors (if any) to Item A				
1. Full Name, Mailing Address and ZIP Code	Name of E	imployer	13.	
From Candidate's personal funds				Select Series
	Occupation	•	00 CS- 2 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	affective to
			tentimen mission	et is realist
	Amount G	iusranteed Outstanding	make and a fi	THE SHOP
2. Full Name, Mailing Address and ZIP Code	Name of E	mployer	I was	Sept w
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	Occupatio	n englis	0	E
	Amount G	ouaranteed Outstanding	50	
3. Full Name, Mailing Address and ZIP Code	Name of E		6.5	
5. Van Navie, regiming record and all cools		DiOyer		
	Occupatio	na —	┪	* **
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	Amount C	Guaranteed Outstanding	F	10000
B. Full Name, Mailing Address and ZIP Code of Loan Source	8		<u> </u>	
B. Full Name, Mailing Address and ZIP Code of Loan Source Milton Marks \$2	8	Oviginal Amount of Loan	Cumulative Payment To Date	
8. Full Name, Mailing Address and ZIP Code of Loan Source Milton Marks #2 55 Jordan Ave.	8	Original Amount	Cumulative Payment	Balance Outstandin
Milton Marks #2	8	Original Amount	Cumulative Payment	Balance Outstandin
Milton Marks #2 55 Jordan Ave. San Francisco, CA 94118	8	Original Amount of Loan	Cumulative Payment To Dets	Balance Outstandin Closs of This Perio
Milton Marks #2 55 Jordan Ave.	8	Original Amount of Loan	Cumulative Paymont To Dets	Balance Outstandin Closs of This Perio
Milton Marks #2 55 Jordan Ave. San Francisco, CA 94118 Election: @Primary @General @Other (specify):	8	Original Amount of Loan \$ 33,000.00	Cumulative Paymont To Dets	Belence Outstandin Close of This Peri
Milton Marks #2 55 Jordan Ave. San Francisco, CA 94118 Election: @Primary @General @Other (specify): Terms: Date Incurred 10/82 Date Due	8	Original Amount of Loan \$ 33,000.00	Cumulative Paymont To Dets	Belence Outstandin Close of This Peri
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Frimary @General @Other (specify): Terms: Dete Incurred 10/82 Dete Due List All Endorsers or Guarantors (if any) to Item 8	3	Original Amount of Loan \$ 33,000.00	Cumulative Paymont To Dets	Belence Outstandin Close of This Peri
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Frimary @General @Other (specify): Terms: Dete Incurred 10/82 Dete Due List All Endorsers or Guarantors (if any) to Item 8	3	Original Amount of Loan \$ 33,000.00 Interest Rate	Cumulative Paymont To Dets	Belence Outstandin Close of This Period \$ 33,000.0
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Frimary @General @Other (specify): Terms: Dete Incurred 10/82 Dete Due List All Endorsers or Guarantors (if any) to Item 8	Name of Occupate	Original Amount of Loss \$ 33,000.00 Interest Rate Employer	Cumulative Payment To Dets -()-	\$ 33,000.0
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Frimary @General @Other (specify): Terms: Dete Incurred 10/82 Dete Due List All Endorsers or Guarantors (if any) to Item 8	Name of Occupate	Original Amount of Loan \$ 33,000.00 Interest Rate	Cumulative Payment To Dets -()-	\$ 33,000.0
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Frimary @General @Other (specify): Terms: Dete Incurred 10/82 Dete Due List All Endorsers or Guarantors (if any) to Item 8	Name of Occupate Amount	Original Amount of Loss \$ 33,000.00 Interest Rate Employer	Cumulative Payment To Dets -()-	Selence Outstandin Close of This Periods \$ 33,000.0
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Frimary @General @Other (specify): Terms: Dete Incurred 10/82 Dete Due List All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code	Name of Occupate Amount S Name of	Original Amount of Loss \$ 33,000.00 Interest Rate Employer on Guaranteed Outstandin Employer	Cumulative Payment To Dets -()-	\$ 33,000.0
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Frimary @General @Other (specify): Terms: Dete Incurred 10/82 Dete Due List All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code	Name of Occupate Amount	Original Amount of Loss \$ 33,000.00 Interest Rate Employer on Guaranteed Outstandin Employer	Cumulative Payment To Dets -()-	Selence Outstandin Close of This Periods \$ 33,000.0
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Frimary @General @Other (specify): Terms: Dete Incurred 10/82 Dete Due List All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code	Name of Occupation Amount S Name of Occupation	Original Amount of Loss \$ 33,000.00 Interest Rate Employer on Guaranteed Outstandin Employer	Cumulative Payment To Dets -0- %(apr)	Selence Outstandin Close of This Periods \$ 33,000.0
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Primary @General @Other (specify): Terms: Date Incurred 10/82 Date Due List All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code 2. Full Name, Mailing Address and ZIP Code	Name of Occupation Amount S Name of Occupation Amount S	Original Amount of Loss \$ 33,000.00 Interest Rate Employer on Guaranteed Outstandin Employer on	Cumulative Payment To Dets -0- %(apr)	Selence Outstandin Close of This Periods \$ 33,000.0
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Frimary @General @Other (specify): Terms: Dete Incurred 10/82 Dete Due List All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code	Name of Occupation Amount S Name of Occupation Amount S	Original Amount of Loan \$ 33,000.00 Interest Rate Employer On Guaranteed Outstandin Employer	Cumulative Payment To Dets -0- %(apr)	Secured Secured
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Primary @General @Other (specify): Terms: Date Incurred 10/82 Date Due List All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code 2. Full Name, Mailing Address and ZIP Code	Name of Occupation Amount S Name of Occupation Amount S	Original Amount of Loan \$ 33,000.00 Interest Rate Employer on Guaranteed Outstandin Employer on Guaranteed Outstandin	Cumulative Payment To Date -O- %(apr)	Secured Secured Secured
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Primary @General @Other (specify): Terms: Date Incurred 10/82 Date Due List All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code 2. Full Name, Mailing Address and ZIP Code	Name of Occupation Amount \$ Name of Occupation Amount \$ Name of	Original Amount of Loan \$ 33,000.00 Interest Rate Employer on Guaranteed Outstandin Employer on Guaranteed Outstandin	Cumulative Payment To Date -O- %(apr)	Secured Secured Secured
Milton Marks \$2 55 Jordan Ave. San Francisco, CA 94118 Election: @Primary @General @Other (specify): Terms: Date Incurred 10/82 Date Due List All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code 2. Full Name, Mailing Address and ZIP Code	Name of Occupation Amount S Name of Occupation Amount Occupation Occupation	Original Amount of Loan \$ 33,000.00 Interest Rate Employer on Guaranteed Outstandin Employer on Guaranteed Outstandin	Cumulative Payment To Date -O- %lapr)	Secured Secured Secured

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Page 2 of 2 for LINE NUMBER 10 [Use separate schedules for each numbered line)

ILTON MARKS' FRIENDS aka MARKS				
i. Full Name, Mailing Address and ZIP Code of Loan So Milton & Carolene Marks	urce	Original Amount of Lean	Cumulative Payment To Date	Belance Outstanding Close of This Peris
ns Community Property 55 Jordan St San Francisco, CP Nection: Ofrimary OGeneral, 9Other (specify):	94118	\$ 265,000.00	230,000.00	\$ 35,000.0
ferms: Date Incurred 10/82 Date Due_	N/A	Interest Rate 0	ilapri 0	Secured
List All Endorsers or Guerentors (if any) to Item A				Carried at 1858
Full Name, Meiling Address and ZIP Code Name of Employer		Employer		-
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	Occupati	on	the state of the s	STREET, STREET
	Amount	Guaranteed Outstanding:		企 火 宁面传播
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2. Full Name, Mailing Address and ZIP Code	Name of	Emplayer	10 70 F L	4
	Occupati	on		
	\$	Guaranteed Outstanding:		
3. Full Name, Mailing Address and ZIP Code	Name of	Employer		
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	Amount \$	Guaranteed Outstanding		
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). Full Name, Mailing Address and ZIP Code of Loan St	8	Original Amount	Cumulative Payment	
B. Full Name, Mailing Address and ZIP Code of Loan So	8	Original Amount	Cumulative Payment	
I. Full Nome, Mailing Address and ZIP Code of Loan St	8	Original Amount	Cumulative Payment	
	S	Original Amount	Cumulative Payment To Date	
Election: Primary General Gother (specify):	S	Original Amount of Loan	Cumulative Payment To Date	Closs of This Per
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Election: Primary General Gother (specify): Ferms: Date Incurred Date Due _ List All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code	Name of Occupation Amount S Am	Original Amount of Loan Interest Rate	Cumulative Payment To Date	Secured Secured
Election: Primary General Gother (specify): Ferms: Date Incurred Date Due	Name of Occupation Amount S Am	Original Amount of Loan Interest Rate Employer Con Guaranteed Outstanding Employer Con Couranteed Outstanding	Cumulative Payment To Date Xiapri C	Secured Secured
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Election: Primary General Gother (specify): Ferms: Date Incurred Date Due	Name of Occupation Amount \$ Amo	Original Amount of Loan Interest Rate	Cumulative Payment To Date	Secured Secured

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LAW OFFICES OF

CHICKERING & GREGORY

A PROFESSIONAL CORPORATION

THREE EMBARCADERO CENTER EIGHTH FLOOR

SAN FRANCISCO 94111

WASHINGTON D.C. OFFICE 1815 H STREET, N.W. SUITE 600 WASHINGTON. D. C. 20006

TELEPHONE (202) 463-7456

(415) 393-9213

TELEPHONE (415) 393-9000

CODE ADDRESS

CHICGREG-

WRITER'S DIRECT DIAL NUMBER

December 30, 1986

Mr. David Kurland Bear Stearns and Co., Inc. 333 Market Street San Francisco, California 94105

Re: Milton Marks' Friends Campaign Committee.

Dear Mr. Kurland:

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As you are aware, the Federal Elections Commission ("FEC") has been closely scrutinizing the past reports of the Milton Mark's Friends Campaign Committee prepared and filed by you. Responding to these inquiries to date have caused the campaign to incur substantial legal fees, not to mention considerable time and efforts expended by Senator and Mrs. Marks and the new campaign treasurer. Therefore, we request a meeting with you no later than January 12 to discuss the bases for several of the entries made reports filed with the FEC which the FEC has questioned. This will allow us the opportunity to correct, if necessary, the reports filed by you and answer fully and completely the questions of the FEC.

Yours truly,

David J./Hodge

DJH/nda

Enclosure

cc: Senator and Mrs. Milton Marks

Charles Duck

CERTIFIED. NO. P 126 836 545

RETURN RECEIPT REQUESTED.

SUMMARY (4F LOANS MADE OR GUARANTEED BY CANDIDATE:

MILITON MARKS MARKS FOR CONGRESS COMMITTEE

1982 though 1986

5

5.0

0

				Bal	ance
Loan ! ! - Source:	Milton Marks	Deposit 9/16/82	125,000.00		
		Payments	-114,270.19		
				1	.0,729.81
	• • • • • • • • • • • • • • • • • • • •				
Loan + Source:	Milton Marks	Deposit 10/25/82	33,000.00		
		Payments		-	12 200 00
				3	33,000.00
			• • • • • • • • • • • • • • • •	• • • •	
Loan - Source:	Milton Marks &	Descrit 10/27/02	265 000 00		
	Carolene Marks	Deposit 10/27/82	265,000.00		
		Payments	-230,000.00	-	35,000.00
					13,000.00
TILL OWING				\$ 7	78,729.81
AMOUN THE CWING				-	



Loans Made or Guaranteed by Candidate: Loan # 1 - Source: Milton Marks

	Date	Deposit or Repayment	Original Amount	Less Payments	Balance
	1982	Deposit to Sec. Natl Bk	\$ 125,000		
	9/29	Ck#139 To: Oppenheimer Investment Svcs		6000.00	
	10/5	Ck#148 To: Oppenheimer Money Mkt Fund		3914.98	
	10/10	Ck#151 To: Oppenheimer Money Mkt Fund		7204.00 17118.98	107,881.02
	10/18	Ck#156 To: Oppenheimer Money Mkt Fund		16111.04	
	10/27	Ck#177 " "		18184.00	
0	11/2	Ck#186 " "		26460.00	
10	11/4	Ck#190 To: Oppenheimer			
C		Investment Svcs		11168.00	
10	11/10	Ck#187 To: Milton Marks		5000.00 -	
10	11/10	Ck#191 " "		3735.00	
-	11/19	Ck#192 " "		1385.00	
				82043.04	25,837.98
0 5	11/23 12/6 12/18	Ck#193 To: Milton Marks Ck#194 " " Ck#195 " "		1150.00 1906.42 5000.00	
	N	Ck#196 " "		2250.75	15,530.81
6 8	1983 1/7 1/24 2/9 2/15 3/2 3/3	Ck#198 " " Ck#199 " " Ck#201 " " Ck#202 " " Ck#203 " " Ck#204 " "		1400.00 990.00 931.00 325.00 155.00 1000.00	
	1984			15108.17	10,729.81
				-0-	10,729.81
	1985			-0-	10,729.81
	1986			-0-	10,729.81

10 1

O 3

Loans Made or Guaranteed by Candidate: Loan # 2 - Source: Milton Marks

Date	Deposit or Repayment	Original Amount	Less Payments	Balance
1982	Deposit to Security Pac. Natl Bk	\$ 33,000.00		
			-0-	33,000.00
1983			-0-	33,000.00
1984			-0-	33,000.00
1985			-0-	33,000.00
1986			-0-	33,000.00

MILTON MARKS (Marks for Engress Committee)

Loans Made or Guaranteed by Candidate:

'n

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Loan # 3 - Source: Milton Marks & Carolene Marks

Date	Deposit or Repayment	Original Amount	Less Payments	Balance
1982 10/27	Deposited to Security Pacific Nat'l Bank	\$ 265,000.00	-0-	265,000.00
1983/8	34		-0-	265,000.00
1985 6/29 6/29 9/4 9/4 11/11 11/11			35,000.00 15,000.00 35,000.00 15,000.00 35,000.00	115,000.00
1986 3/18 3/18 12/30 12/30			35,000.00 15,000.00 20,000.00 10,000.00	35,000.00



CHICKERING & GREGORY

A PROFESSIONAL CORPORATION

THREE EMBARCADERO CENTER EIGHTH FLOOR

SAN FRANCISCO 94111

WASHINGTON D.C. OFFICE 1815 H STREIT, N.W. SUITE 600 WASHINGTON. D. C. 20006

TELEPHONE (202) 463-7456

WRITER'S DIRECT DIAL NUMBER

TELEPHONE (415) 393-9000

CODE ADDRESS

CHICGREG"

(415) 393-9213

December 15, 1986

FEDERAL EXPRESS

Ms. Robin Kelly
Reports Analysis Division
Federal Election Commission
999 "E" Street, N.W.
Washington, DC 20463

Re: Identification No. C-00153205, Marks For Congress/Friends of Milton Marks.

Dear Ms. Kelly:

Enclosed is a corrected schedule B for inclusion with the campaign report for the quarter ending March 31, 1986. I apologize for the omission of the payment towards principal.

Yours truly,

David J. Hodge

DJH/nda

cc: Mr. Charles Duck

Federal Express No. 2393472793.



CHICKERING & GREGORY

A PROFESSIONAL CORPORATION

THREE EMBARCADERO CENTER EIGHTH FLOOR

SAN FRANCISCO 94111

WASHINGTON D.C. OFFICE 1815 H STREET, N.W. SUITE 600 WASHINGTON. D. C. 20006

TELEPHONE (202) 463-7456

"CHICGREG"
WRITER'S DIRECT DIAL NUMBER

TELEPHONE (415) 393-9000

CODE ADDRESS

(415) 393-9213

December 12, 1986

FEDERAL EXPRESS

Ms. Robin Kelly
Reports Analysis Division
Federal Election Commission
999 "E" Street, N.W.
Washington, DC 20463

Re: Identification No. C-00153205, Marks For Congress/Friends of Milton Marks.

Dear Ms. Kelly:

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Enclosed are schedules B and C prepared by the Treasurer, Mr. Charles Duck, for inclusion with the campaign report for the quarter ending March 31, 1986. Schedule B reflects a payment of \$15,000 to Senator and Mrs. Marks on the interest accruing on the loan. Schedule C reflects a payment of \$35,000 to Senator and Mrs. Marks on the principal on that loan.

As we discussed several days ago, the Campaign Committee will be filing shortly an amended report as of June 30, 1986, to correct the errors we believe were made when Mr. Kurland was treasurer. Thank you for your assistance.

Yours truly,

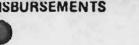
David J. Hodge

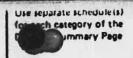
DJH/nda

cc: Senator Milton Marks
Mr. Charles Duck

Federal Express No. 2393472815.

ITEMIZED DISBURSEMENTS





FOR LINE NUMBER

sees, ether than using the name and address of any politic			
AME OF COMMITTEE (in Full)			
MILITON MARKS FRIENDS			
A. Full Name, Mailing Address and ZIP Code Milton Marks & Carolene Marks As Community Property 55 Jordan Ave. San Francisco, CA 94118	Purpose of Disbursement Interest on Loan # 3 Disbursement for: Primary General Other (specify)	Date (month, day, year) 3/18/86	Amount of Each Disbursement This Perio \$ 15,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: Primary General	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Other (specify) Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: Primary General Other (specify)		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Perio
E. Full Name, Mailing Address and ZIP Code	Other (specify) Purpose of Disbursement	Date (month,	Amount of Each
	Disbursement for: Primary General Other (specify)	day, year)	Disbursement This Perio
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: Primary General	Date (month, day, year)	Amount of Each Disbursement This Perio
G. Full Name, Mailing Address and ZIP Code	Other (specify) Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Perio
	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 Perio
	Disbursement for: Primary General Other (specify)	1	
I, Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Eech Disbursement This Perio
	Disbursement for: Primary General	+	

Other (specify)

A CONTRACTOR OF THE PARTY OF TH	
	ory of the
De	mary Page

Ok-
ENUMBER

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

NAME OF COMMITTEE (In Full) MILTON MARKS FRIENDS A. Full Name, Mailing Address and ZIP Code **Purpose of Disbursement** Date (month, Amount of Fach Milton Marks & Carolene Marks day, year) **Disbursement This Period** As Community Property Interest on Loan # 3 55 Jordan Avenue 3/18/86 Disbursement for: | Primary \$15,000.00 San Francisco, CA 94118 Other (specify) Date (month, Amount of Each B. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Loan #3 day, year) Disbursement This Period Milton Marks & Carolene Marks Payment on Principal of As Community Property 3/18/86 \$35,000.00 Disbursement for: Primary 55 Jordan Avenue San Francisco CA Other (specify) C. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) **Disbursement This Period** Disbursement for: Primary General Other (specify) D. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each Disbursement This Period day, year) Disbursement for: Primary General Other (specify) E. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each Disbursement This Period day, year) 1 Disbursement for: Primary General Other (specify) F. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period 0 J Disbursement for: Primary General Other (specify) G. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each Disbursement This Period day, year) 0 00 Disbursement for: Primary General Other (specify) H. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period Disbursement for: General Primary Other (specify) I. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period Disbursement for: Primary General Other (specify) SUBTOTAL of Disbursements This Page (optional) TOTAL This Period (last page this line number only)

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LOANS



Page of for LINE NUMBER (Use separate schedules for each numbered line)

MILTON MARKS FRIENDS				
A. Full Name, Mailing Address and ZIP Code of Loan Source Milton Marks & Carolene Marks as Community Property		Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding a Close of This Period
55 Jordan Ave. San Francisco, CA 94118 Election: Officery General Other (specify):		269,000.00	140,000.00	129,000.0
Terms: Date Incurred 10/82 Date Due		Interest Rate%	lepr) O	Secured
List All Endorsers or Guarantors (if any) to Item A	144		and the second	SA SA
Full Name, Mailing Address and ZIP Code	Name of E	mployer	Marian mark	
	Occupation		Application of the second	
	Amount G	uaranteed Outstanding:	n 1/8 /4 10 11 117 12	TO ELECTRIC DISCUSSION
2. Full Name, Mailing Address and ZIP Code	Name of E		recent of Miles	THE WANTED
	Occupation	0	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
	Amount G	uaranteed Outstanding:		Testerin ide ate
3. Full Name, Mailing Address and ZIP Code	Name of E	mployer		ार क्षेत्रकार वर्षाः संस्थातिक राज्याः स्थानिक स्थानिक स्थानिक
	Occupatio	0		7
	Amount C	ivaranteed Outstanding:		4.05
8. Full Name: Meiling Address and ZIP Code of Loan Source Milton Marks & Carolene Marks		Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding Close of This Period
As Community Property 55 Jordan Ave.		Interest * only on above		
San Francisco, CA 94118 Election: Oprimary Ogeneral Other (specify):		201,800.00	60,000.00	141,800.0
Terms: Date Incurred Date Due		Interest Rate	(lapr)	Secured
List All Endorsers or Guarantors (if any) to Item 8				No. 10 100
1. Full Name, Mailing Address and ZIP Code	Name of I	Employer		र जेल मेटिना स्ट्राह्मस्टर्ड स्ट्राह्मस्टर्ड
* This amount also reported on Schedule B (attached). Listed here for memo purposes only.	Occupation			20 0 20 20 20 20 20 20 20 20 20 20 20 20
	Amount (Guaranteed Outstanding		- 1 - 13.00 Lg
2. Full Name, Mailing Address and ZIP Code	Name of	Employer	1. ,	t to have
	Occupation	on	A Section 1997	The state of the s
	Amount	Guaranteed Outstanding	1	अन्यक्त कार्य
3. Full Name, Mailing Address and ZIP Code	Name of	Employer		rimeted bases for
	Occupetion	on		The second second
	L			

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.



CHICKERING & GREGORY

TELEPHONE (415) 393-9000

CODE ADDRESS

WRITER'S DIRECT DIAL NUMBER

A PROFESSIONAL CORPORATION
TWO EMBARCADERO CENTER
SEVENTH FLOOR
SAN FRANCISCO 94111

87 JUL31 A8: 14

WASHINGTON D. C. OFFICE 1815 H STREET, N.W. SUITE 600 WASHINGTON, D. C. 20006

TELEPHONE (202) 463-7444

(415) 393-9213

July 28, 1987

GENERAL CONTRACT

87 JULY 31 AIO : 1

John Drury, Esq.
Office of the General Counsel
Federal Elections Commissions
Washington, D. C. 20463

Re: MUR 2417, Marks For Congress Committee and Charles Duck; Carolene Marks.

Dear Mr. Drury:

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Enclosed is a copy of the FEC Form 3 concurrently filed with the House of Representatives and the California Secretary of State.

Yours truly,

David J. Hodge

DJH/nda

Enclosure

REPORTOF RECEIPTS AND DISBURS EMENTS CHIVED AT THE FEC

For An Authorized Committee

87 311 31

(Summary Page) 1. NAME OF COMMITTEE (in full) USE FEC MANING LABE MILTON MARKS' FRIENDS (formerly MARKS FOR CONGRESS) Check if different then previously reported. 2. FEC IDENTIFICATION NUMBER ADDRESS (number and street) 55 c/o Charles Duck Jr. C-00015551 350 California St. 3. IS THIS REPORT AN AMENDMENT? STATE/DISTRICT CITY, STATE and ZIP CODE San Francisco, CA 94118 XX NO YES 4. TYPE OF REPORT Twelfth day report preceding **April 15 Quarterly Report** (Type of Election) in the State of election on July 15 Quarterly Report Thirtieth day report following the General Election on October 15 Quarterly Report in the State of January 31 Year End Report **Termination Report** July 31 Mid-Year Report (Non-election Year Only) This report contains **Primary Election** General Election Special Election **Runoff Election** activity for SUMMARY **COLUMN A** COLUMN B Covering Period 1/1/87 6/30/87 through 5. This Period Calendar Year-to-Date . 0 Net Contributions (other than loans) (a) Total Contributions (other than loans) (from Line 11(e)) 9,557.50 9,557.50 Total Contribution Refunds (from Line 20(d)). (b) Net Contributions (other than loans) (subtract Line 6(b) from 6(a)) (C) 9,557,50 9,557,50 7 7. **Net Operating Expenditures** (a) Total Operating Expenditures (from Line 17). 1,000.00 1,000.00 (b) Total Offsets to Operating Expenditures (from Line 14) 9 (C) Net Operating Expenditures (subtract Line 7(b) from 7(a)). 1,000.00 1,000.00 8. Cash on Hand at Close of Reporting Period (from Line 27) For further information 19,420.30 contact: 9. Debts and Obligations Owed TO the Committee Federal Election Commission (Itemize all on Schedule C and/or Schedule D) 999 E Street, NW 10. Debts and Obligations Owed BY the Committee Washington, DC 20463 (Itemize all on Schedule C and/or Schedule D) Toll Free 800-424-9530 78,729.81 Local 202-376-3120 I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete. Type or Print Name of Treasurer Charles Duck Jr

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

Signature of Treasurer

7/22/87

Date

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

Name of Committee (in full)	Report Covering the Pe	
MILTON MARKS' FRIENDS (formerly MARKS FOR CONGRESS)	From: 1/1/87	To: 6/30/87
I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) hemized (use Schedule A)	8,365.00	
(ii) Uniternized	1,192.50	建筑是加州市交易
(iii) Total of contributions from individuals	9,557.50	9,557.50
(b) Political Party Committees	7,557,50	2,337.30
(c) Other Political Committees (such as PACs)		
(d) The Candidate		
(e) TOTAL CONTRIBUTIONS (other than loans)(add 11(a)(iii), (b), (c) and (d))	0 557 50	0.552.50
	9,557.50	9,557.50
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.	11 12 10	
13. LOANS:	TO SERVE OF THE SERVE OF	
(a) Made or Guaranteed by the Candidate		
(b) All Other Loans		
(c) TOTAL LOANS (add 13(a) and (b))		
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
15. OTHER RECEIPTS (Dividends, Interest, etc.)		2/2 50
	343.52	343.52
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	9,901.02	9,901.02
II. DISBURSEMENTS	· 1988年 / 1988	
17. OPERATING EXPENDITURES	1,000.00	1,000.00
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.		
19. LOAN REPAYMENTS:		See Company of the Company
(a) Of Loans Made or Guaranteed by the Candidate		Control of the Contro
•		
(b) Of All Other Loans		
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))		
20. REFUNDS OF CONTRIBUTIONS TO:	The second second	
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))		
21. OTHER DISBURSEMENTS	and the control of th	
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21).	1,000.00	1,000.00
III. CASH SUMMARY	1,000.00	1,000.00
23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	Φ.	
	\$	10,519.28
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$	9,901.02
25. SUBTOTAL (add Line 23 and Line 24)	\$	20,420.30
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).	\$	1,000.00
27 CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25	5) \$	19,420.30

ITEMIZED RECEIPTS

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

R. Blitz, MD 12958 Blairwood Studeio City, CA 91604	Rome of Employer R & M Blitz	5/8/87	500.00
Receipt For: D Primary D General	Physician/Partner		
XX Other Specify): *82 General	Aggregate Ven-to-Date-8 500	0.00	
D. Fell Harre, Malling Address and ZIP Code	Name of Employer	Dots (marsh,	Amount of Goth
Alfred M. Bloch, MD 1830 W. Olympic Blvd., Ste 124 Los Angeles, CA 90006	Self Employed	5/8/87	500.00
Receipt For: D Primary D General	Occupation	l l	127
Receipt For: D Primary D General Mil-Other (specify): 182 General	Physician Aggregate Year to Date \$ 500.	00	
C. Full Home, Melling Address and ZIP Code	Name of Employer	Date (month,	Amount of Each
James Dahlgren , MD 619 Moreno Avenue Los Angeles, CA 90049	Self Employed	5/8/87	Reside This Parted 500.00
in the second of	* Competion		
Remipt For: D Primery D General	Physician		
XX Other (specify): *82 General	Aggregate Vest-to-Date - \$ 500		
DayFall Narro, Malling Address and ZIP Code	Name of Employer	Date (memb),	Amount of Seat
Al_ Galletti	Galletti Brothers	day, year)	Receipt This Period
1729 East 21st Stret	Investments	5/8/87	500.00
Los Angeles, CA 90058	Occupation		
Receipt For: O Primary D General	Investments, Partner		
XX Other (specify): 182 General	Aggregate Year-to-Date\$	500.00	
E-Full Norse, Malling Address and ZIP Code	Name of Employer	Date broads.	Amount of East
Edward D. Giron	Self Employed .	day, year)	Research This Parties
4910 Van Nuys Blvd., Ste 300		5/8/87	250.00
Sherman Oaks, CA 91403	Occupation Consultant		
Receipt For. D Primary D General	Consultant		ļ
XR Other (specify): '82 General	Aggregate Year-to-Date\$ 25	0.00	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Dotte (month,	Amount of Euch
Harland J. Lee	Self Employed	day, year)	Receipt This Period
310 WAshington St., Ste P214	1	5/8/87	500.00
Marina Del Rey, CA 902 9 2	Oppuration		
Receipt For: D Primery D General	Developer	i	l
XSt Other teacity): *82 General	Aggregate Ves-40-Data -8 500	.00	1
G. Full Nome, Molling Address and ZIP Code	Name of Employer	Dete (month.	Amount of Each
Helen Meisel	None	day, year)	Region This Period
251 - 24th Street		5/8/87	1,000.00
Santa Monica, CA 90402			1
	Oscupation		
Receipt For D Primery D General XR Other Specify). *82 General	Housewife	00.00	1
97 General	Approprie Year 40-Date-\$ 1,00	00.00	

STEMIZED RECEIPTS

Any information copied from such Reports or Statements may not be sold or used by any parson for the purpose of collecting correlations or for commercial purposes, other than using the name and address of any political committees to splicit contributions from such committees.

Stephen B. Meisel, M.D. 251 - 24th Street Santa Monica, CA 90402	Self Employed	5/8/87	Amount of Each Receipt this Parties 1,000.00
Resolpt For: O Primary O General	Consistion Physician		
XXX Other Specify): *82 General	Agreem Ver-to-Don-8 1,500.	.00	
Dr. Sarkis Mesrobian, MD 2901 Wilshire Blvd., Ste 103 Santa Monica, CA 90403	Self Employed	5/8/87	Resident This Period 500.00
Records For: D Primery D General	Occupation Physician		
Mill Other (specify) 82 General	Appregate Year-to-Date\$ 500.	00	
S. D. Proffitt, M.D. 17330 Brookhurst St., Ste 310 Fountain Valley, CA 92708	Self Employed	Date (month, dry, year) 5/8/87	Amount of Each Resider This Period 500.00
n Deceipt For: O Primery D General	- Occupation Physician		
XXX Ower specify): '82 General	Aggregate Vest-to-Date-8 500.0	Ó	
Victor Sampson 9225 Alabama, No. A Charsworth, CA 91311	Name of Employer Don Ricardo REstaurant	5/8/87	Amount of Each Footo This Parket 500 -00
Pecsipt For: D Primary D General	Owner	1	
XX Other Especify): 182 General	Approprie Year-to-Date-4 500	.00	1
Joel Scherr 8631 WEst 3rd St., Ste 245E Los Angeles, CA 90048	Joel Scherr, Inc.	5/8/87	Amount of Each 750.00
Receipt For. D Primery D General	Occupation Owner	7	
XR Other (specify) 82 General	Aggregate Year-to-Date-\$ 750.	00	1
Alberto Salcedo, M.D. 8140 Cornett Drive Los Angeles, CA 90046	Neme of Employer Self Employed	Detr (march, day, year) 5/8/87	Amount of Each Receipt This Purior 250.00
Receipt Fer: D Primary D General	Occupation Physician	1	
XX Other Specify): 82 General	Aggregate Vest-to-Date-8 250.0	0	1
G. Full Norma, Molling Address and EP Code Stanley D. Shapiro 1523 Malcolm Avenue Los Angeles, CA 90024	Mobil Medical Diagnosti	Date (month,	Region This Period 750.00
Receipt For D Primpry D General	Chief Exec Officer		
XR Other (specify) 182 General	Aggregate Year-40-Dete-8 750.0	0]
SUSTOTAL of Records This Regs (options!)			4,250.00

ITEMIZED RECEIPTS

Any information copied from such Paparas or Seasmons may that 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.

MILTON MARKS' FRIENDS (Formerly MA	RKS FOR CONGRESS)		
A. Full Harm, Malting Address and ZIP Code Carol Marks P.O. Box 236 South Roya, Hon, VT	Student	Cour franch, day, year) 4/1/87	Amount of Each Receipt this Portion 65,00
	Cocupation		
Reseipt For: 0 Frimary D General XXX Other Specify): 182 General	Student	English of the last	
B. Fell Name, Molling Address and ZIP Code	Aprento Ver to Des - \$ 850.00	Dare (memb).	
Frank P. Fontaine 304 Sunshine Court Parlin, New Jersey 08859	Clayton Container Corp.	4/1/87	Amount of Each Receipt This Puriod 300.00
Receipt For: D Primary D General	Occupation		
Receipt For: D Primary D General X8CDther (specify) 82 General	Manager Aggregate Year-to-Date-\$ 300.00		
C. Euli Nome, Malling Address and ZIP Code	Name of Employer	Date (month)	Amount of Each
~		day, year)	Reselpt This Parted
Requipt For: D Primary D General	- Occupation		
XX Over textly): '82 General	Aggregate Year-to-Data8	1	
D. Rull Name, Malling Address and 2P Code	Plame of Employer	Des Smansh,	Amount of East
0	• •	day, year)	Pleasing This Purior
Regulat For: D Primary D General	Occupation	1	
XX Other (specify): 82 General	Aggregate Year-to-Date&		_
E. Gull Norms, Medling Address and ZIP Code CC	Name of Employer	Date (mane), day, year)	Amount of Eagle Pressipt This Parket
	Occupation	1	
Receipt For: D Primary D General XS Other (specify): *82 General	Aggregate Year to-Date -\$	J	
F. Full Name Mailine Address and 29 Code	Name of Employer	Des (month,	A
		day, year)	Amount of Each Receipt This Paries
Receipt For: D Primery D General	Oscupation	1	
XX Other (specify): *82 General	Aggregate Year-to-Date -8	-	
G. Full Nome, Molling Address and ZIP Code	Name of Employer	Des tmenth,	Amount of Each
		day, year)	Regulpt This Porter
Receipt For D Primary D General	Oscupation	1	
XR Other Specifyl. *82 General	Aggregate Year to-Date-8		1
BUSTOTAL of Receipts This Page (optional)			365.00

SCHEDULE B

ITEMIZE DISBURSEMENTS

Use separate schedule(s) chich category of the Desiled Summary Page

PAGE OF 1 1 FOR LINE NUMBER 17

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

A. Full Name, Mailing Address and ZIP Code Chickering & Gregory #2 Embarcardero Ctt., 7th F1r. San Francisco, CA 94111 B. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Disbursement for: Primary General Other (specify) C. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) Disbursement for: Primary General Other (specify) H. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Disbursement Disbursement Disbursement This Peric Disbursement This Peric Other (specify) H. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Disbursement Disbursement Disbursement This Peric	>N	MILTON MARKS' FRIENDS (formerly	MARKS FOR CONGRESS)		
Disbursement for: Primary General Disbursement This Period Disbursement		A. Full Name, Mailing Address and ZIP Code Chickering & Gregory #2 Embarcardero Ctr, 7th Flr.	Purpose of Disbursement Partial payment on Research Disbursement for: Primary General	dey, year)	Disbursement This Period
C. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Disbursement Disbursement This Period		B. Full Name, Mailing Address and ZIP Code			Amount of Each Disbursement This Period
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Disbursement for: Primary General Other (specify) SUBTOTAL of Disbursements This Page (optional) 1,000.00					
SUBTOTAL of Disbursements This Page (optional) 1,000.00 TOTAL This Period (last page this line number only)		Full Name, Mailing Address and ZIP Code	Purpose of Disbursement		Amount of Each Disbursement This Period
TOTAL This Period (last page this line number only)					
	SUB1	FOTAL of Disbursements This Page (optional)			1,000.00
/	TOT	AL This Period (last page this line number only)			\$ 1,000.00



Name of Committee (in Full) MILTON MARKS' FRIENDS (formerly	MADEC	FOR CONCRESS)		
A. Full Name, Mailing Address and ZIP Code of Loan Source	CANAN	Original Amount	Cumulative Payment	Solones Outstanding at
Milton Marks #1 55 Jordan Ave.		of Loon	To Dess	Closs of This Period \$ 10,729.81
San Francisco, CA 94118 Election: Officery Oceanial Office (specify):		\$125,000.00	114,270.19	10,727.01
Terms: Date Incurred 10/82 Date Due	4	Inserest Rate%	(apr) D	Secured
List All Endorsers or Guarantors (if any) to Item A				
Full Name, Mailing Address and ZIP Code	Name of I	Employer		
From Candidate's personal funds	Occupation	on .		
	10.72	Guaranteed Outstanding:	1. 0	
2. Full Name, Mailing Address and ZIP Code	Neme of	Employer		
	Occupation	20		
n	\$	Guaranteed Outstanding:		
Full Name, Mailing Address and ZIP Code	Name of	Employer		
~	Occupation	on		
<u> </u>	Amount (Guaranteed Outstanding:	1700	
8. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount	Cumulative Payment	
Milton Marks #2		of Loan	To Date	Close of This Period
55 Jordan Ave.		\$ 33,000.00	-0-	\$ 33,000.00
San Francisco, CA 94118				
Election: Primery General Other (specify): Terms: Date Incurred 10/82 Date Due		Interest Rate9	(100c) C	Secured
List All Endorsers or Guarantors (if any) to Item B		interest Nate		T
	T N	Et		
Full Name, Mailing Address and ZIP Code	Name of	Employer		
	Occupete	on		
	Amount	Guaranteed Outstanding:		
2. Full Name, Mailing Address and ZIP Code	Name of	Employer		
	Occupati	on		
		Guaranteed Outstanding		
3. Full Name, Mailing Address and ZIP Code	Name of	Employer	1	
	Occupati	on		
	Amount	Guaranteed Outstanding		
SUBTOTALS This Period This Page (optional)				43,729.81
TOTALS This Period (last page in this line only)				43,723.01
			noward to engagarists	

	Full Name, Mailing Address and ZIP Code of Loan Sou	rce	Original Amount of Loan	Cumulative Payment To Deep	Belence Outstanding at Close of This Period
	Milton & Carolene Marks as Community Property				
(55 Jordan St.		\$ 265,000.00	230,000.00	\$ 35,000.00
	San Francisco, CA 94118 tion: OFrimery OGeneral OOther (specify): This: Onto Incurred 10/82 Date Due				
			Interest Rate1	(lapr) D	Secured
	All Endorsers or Guarantors (if any) to Item A			7.	
	I. Full Name, Mailing Address and ZIP Code	Name of E	imployer		
		Occupatio	1 312	1 - 1	
		Amount G	iveranteed Outstanding:		
	2. Full Name, Mailing Address and ZIP Code	Name of 8			
					7.
		Occupatio			
			Guaranteed Outstanding:		
;	3. Full Name, Mailing Address and ZIP Code	Name of E	Employer		
		Occupatio	a 200		
		Amount	suaranteed Outstanding:	1	
				1	<u> </u>
В.	Full Name, Mailing Address and ZIP Code of Loan Sou		Original Amount	Cumulative Payment	
B . 1	Full Name, Mailing Address and ZIP Code of Loan Sou		Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
В.	Full Name, Mailing Address and ZIP Code of Loan Sou		_		
			_		
	tion: Primary General Other (specify):	rce	of Loan	To Date	
Elec	ition: □ Primary □ General [*] □ Other (specify):	rce	of Loan	To Date	Closs of This Period
Elec Terr	tion: Primary General Date Oue Date Due	rce	of Loan	To Date	Closs of This Period
Elec Terr	ition: Primary General Dother (specify): ms: Date Incurred	Name of 5	of Loan Interest Rate1	To Date	Closs of This Period
Elec Terr	ition: Primary General Dother (specify): ms: Date Incurred	rce	of Loan Interest Rate1	To Date	Closs of This Period
Elec Terr	tion: Primary General Other (specify): ms: Date Incurred	Name of S Occupation Amount C	Interest Rate9	To Date	Closs of This Period
Elec Terr	ition: Primary General Dother (specify): ms: Date Incurred	Name of S Occupation	Interest Rate9	To Date	Closs of This Period
Elec Terr	tion: Primary General Other (specify): ms: Date Incurred	Name of S Occupation Amount C	Interest Rate5 Employer Interest Rate5 Employer Employer	To Date	Closs of This Period
Elec Terri List	tion: Primary General Other (specify): ms: Date Incurred	Name of S Occupation Amount C S Name of S	Interest Rate5 Employer Interest Rate5 Employer Employer	To Date	Closs of This Period
Elect Term	tion: Primary General Other (specify): ms: Date Incurred	Name of S Occupation Amount C S Name of S	Interest Rate	To Date	Closs of This Period
Elect Territoria	All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code	Name of S Occupation Amount C S Name of S Amount C S Name of S	Interest Rate9 Employer on Guaranteed Outstanding Employer on Guaranteed Outstanding	To Date	Closs of This Period
Elect Territoria	All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code	Name of S Occupation Amount C S Name of I	Interest Rate9 Employer on Guaranteed Outstanding Employer on Guaranteed Outstanding	To Date	Closs of This Period
Elect Terri	All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code	Amount C S Name of I Occupation Amount C S Name of I Occupation	Interest Rate9 Employer on Guaranteed Outstanding Employer on Guaranteed Outstanding	To Date	Closs of This Period
Elec	All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code	Amount C S Name of S Name of S Name of S Occupation Amount C S Name of S	Interest Rate	To Date	Closs of This Period

LAW OFFICES OF

CHICKERING & GREGORY

A PROFESSIONAL CORPORATION

TWO EMBARCADERO CENTER
SEVENTH FLOOR
SAN FRANCISCO 94111

FEDERAL THE THOU TOMMISSION

TELEPHONE (202) 463-7444

"CHICGREG"

TELEPHONE (415) 393-9000

CODE ADDRESS

(415) 393-9213

January 28, 1988

John Drury, Esq.
Office of the General Counsel
Federal Elections Commission
Washington, D. C. 20463

Re: MUR 2417, Marks for Congress Committee and Charles Duck; Carolene Marks

Dear Mr. Drury:

Enclosed is a copy of the FEC Form 3 concurrently filed with the House of Representatives and the California Secretary of State.

Yours truly,

David J. Hodge

DJH: cdg

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Enclosure

OFFICE OF GENERAL COUNSE

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REPORT OF RECEIPTS AND DISBURSEMENTS For An Authorized Committee

(Summary Page)

	TECH	IVE)
FEDERAL		ION COMPLISSION

AD	MILTON MARKS FRIENDS DRESS (number and street) Check if different than previous	2. FEC IDENTIFICATION	2. FEC IDENTIFICATION NUMBER		
	c/o Charles Duck Jr.		0.0015000		
CIT	350 California St., Ste. 1990 Y, STATE and ZIP CODE ST	ATE/DISTRICT	C-00153205 3. IS THIS REPORT AN AMENDMENT?		
Cit	T, STATE and ZIP CODE	AIDDISTRICT	3. 18 17110 712. 611. 7		
	San Francisco, CA 94118	CA	YES	X NO	
	4. TYPE	OF REPORT			
	April 15 Quarterly Report	elfth day report pre	ceding(Type of	Election)	
	July 15 Quarterly Report ele	ction on	in the State of		
	October 15 Quarterly Report Thi	rtieth day report fol	lowing the General Election	on	
X	January 31 Year End Report	CONTRACTOR OF THE	in the State of		
	July 31 Mid-Year Report (Non-election Year Only)	rmination Report			
	report contains ity for Primary Election Ge	eneral Election	Special Election	Runoff Elec	
	SUN	MARY			
5.	Covering Period 7-1-87 through 12-3	1-87	COLUMN A This Period	COLUMN E Calendar Year-to	
6.	Net Contributions (other than loans)				
	(a) Total Contributions (other than loans) (from Line 11(e))		5,180.00	14,737.50	
	(b) Total Contribution Refunds (from Line 20(d)).		500.00	500.00	
	(c) Net Contributions (other than loans) (subtract Line 6(b)	from 6(a))	4,680.00	14,237.50	
7.	Net Operating Expenditures				
	(a) Total Operating Expenditures (from Line 17)		-0-	1,000.00	
	(b) Total Offsets to Operating Expenditures (from Line 14)		1,150.00	1,150.00	
	(c) Net Operating Expenditures (subtract Line 7(b) from 7(a	a))	(1,150.00)	(150.00	
8.	Cash on Hand at Close of Reporting Period (from Line 27)		25,891.20	For further informa	
9.	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)			Federal Election Co	
10.	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		78,729.81	999 E Street, NW Washington, DC 20 Toll Free 800-424-9	
ar	ertify that I have examined this Report and to the best of d complete.	my knowledge ar	<u> </u>	Local 202-376-3120	
Ту	pe or Print Name of Treasurer Charles Duck Jr.				
Si	gnature of Treasurer			Date	
1				1-15-88	

(revised 4/87)

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

MILTON MADUC! EDITENDO	Report Covering the Period: From: 7-1-87 To: 12-31-87		
MILTON MARKS' FRIENDS I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)	2500.00		
(ii) Unitemized	180.00	12 227 50	
(b) Political Party Committees	2680.00	12,237.50	
(c) Other Political Committees (such as PACs)	2500.00	2,500.00	
(d) The Candidate	2,000.00		
(e) TOTAL CONTRIBUTIONS (other than loans)(add 11(a)(iii), (b), (c) and (d))	5180.00	14,737.50	
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.			
13. LOANS:			
(a) Made or Guaranteed by the Candidate			
(b) All Other Loans			
(c) TOTAL LOANS (add 13(a) and (b))	and the de-	A Committee of the Comm	
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	1150.00	1,150.00	
15. OTHER RECEIPTS (Dividends, Interest, etc.)	640.90	984.42	
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	6970.90	16,871.92	
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES		1,000.00	
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.			
19. LOAN REPAYMENTS:	THE STATE OF THE S	s I'' some tida ' a 2	
(a) Of Loans Made or Guaranteed by the Candidate			
(b) Of All Other Loans			
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))			
20. REFUNDS OF CONTRIBUTIONS TO:	500 00	500.00	
(a) Individuals Persons Other Than Political Committees (b) Political Party Committees	500.00	500.00	
(c) Other Political Committees (such as PACs)			
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	500.00	500.00	
21 OTHER DISBURSEMENTS			
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	500.00	1,500.00	
III. CASH SUMMARY	300.00	1,300.00	
23 CASH ON HAND AT BEGINNING OF REPORTING PERIOD			
	\$ 19,420.30		
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$ 6,970.90		
		\$ 26,391.20	
25 SUBTOTAL (add Line 23 and Line 24)	V	20,391.20	
25 SUBTOTAL (add Line 23 and Line 24)	\$	500.00	

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ITEMIZED RECEIPTS

LINE NUMBER II(a): 4/K)
(the moure producted for each

money Presi Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to colicit contributions from such committee. MILTON MARKS' FRIENDS (Formerly MARKS FOR CONGRESS) A. Full Name, Malling Address and ZIP Code Date (menth, Nume of Employer Amount of Each SEIU COPE FUND PCC day, year) Receipt this Parted 1313 L Street, N.W. 7/6/87 2,500.00 Washington, DC 20005 Cocupation Receipt For: D Primery D General XX Other (specify). '82 General Acres Yes 40-Date-\$ 2,500.00 B. Full Name, Molling Address and ZIP Code Name of Employer Dete (month, Amount of Each Richard Crosby, MD Med America day, year) Receipt This Period 431 Burnett Avenue 7/20/87 500.00 San Francisco, CA 94131 Occupation Receipt For: D Primery D General Physician XX Other (specify) '82 General 500.00 Approprie Year-to-Date-8 C. Full Name, Malling Address and ZP Code Herbert H. Dedo, MD Name of Employer Date (month, Amount of Each Self Employed Receipt This Parted dry, year) 50 Glenbrook Avenue 7/20/87 500.00 San Francisco, CA 94114 Occupation A Receipt For: D Primery D General Physician XX Other Specify): '82 General Agreem Verte-Den-8 600.00 D. Full Name, Malling Address and ZIP Code Name of Employer Date (month, Amount of Each Residet This Parted 0 day, year) 1 Occupation Receipt For: D Primery D General XX Other (specify): 182 General Approprie Year-to-Date-8 E. Full Name, Malling Address and ZIP Code Name of Employer Date (month) Amount of East α Receipt This Parled day, year) Occupation Receipt For D Primery D General XX Other (specify) '82 General Aggregate Year-to-Date-\$ F. Full Nome, Mailing Address and ZF Code Name of Employer Dem (month, Amount of Each day, year) Receipt This Parked Occupation Receipt Fer: D Primary D General XX Other topacity): '82 General Aggregate Year-to-Date -- \$ G. Full Nome, Molling Address and ZIP Code Dete (month, Name of Employer Amount of Each dry. year) Regulpt This Period Oncurrent into Receipt For D Primery D General XR Other (specify) 182 General Approprie Year 40-Date-\$ BUSTOTAL of Records This Page (aptional)... 3,500.00



ITEMIZED RECEIPTS



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

Name of Committee (in Full) MILTON MARKS' FRIENDS (Formerly MAR	UKS FOR CONGRESS)		
A. Fell Name, Making Address and 20 Code Victoria Ascher 55 Jordan Street SF, CA 94118	Name of Employer Student	Dow (month, day, year) 11/18/87	Amount of East Receipt this Pur 700.00
Receipt For: D Primary D General	Occupation Student		
XXX Other (specify): 82 General	Aggregate Year-to-Date-8	700.00	
Louis E. Girling, Jr. 6321 Constance Street New Orleans, LA 70118	Retired	11/18/87	Receipt This Per 500.00
Receipt For: D Primary D General	Occupation Retired		
XX Other (specify): 182 General		500.00	
C. Full Name, Making Address and ZP Code Victoria Ascher 55 Jordan Street SE CA 9/118	Student	Dess (month, day, year) 12/23/87	Amount of East Receipt This Par 300.00
SF, CA 94118	- Occupation Student	 	
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Receipt For D Primery D General	Oscupation		
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SCHEDULE B



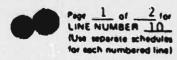
for schedule(s)	PAGE 1	OF 1	
Detailed Summary Page	FOR LINE NUMBER		

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

NAME OF COMMITTEE (in Full) MILTON MARKS' FRIENDS (formerly MARKS FOR CONGRESS) A. Full Name, Mailing Address and ZIP Code Date (month, Purpose of Disbursement Amount of Each day, year) Disbursement This Period Contribution overpayment Steven Meisel 251 24th St. 10/29/87 500.00 Disbursement for: Primary General Santa Monica, CA 90402 X Other (specify) '82 General B. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period Disbursement for: General Primary Other (specify) C. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each Disbursement This Period day, year) Disbursement for: Primary General Other (specify) D. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each Disbursement This Period day, year) a Primary Disbursement for: General Other (specify) E. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each Disbursement This Period day, year) 10 Disbursement for: Primary General Other (specify) F. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period 7 Primary Disbursement for: General Other (specify) G. Full Name, Mailing Address and ZIP Code Amount of Each Purpose of Disbursement Date (month. day, year) Disbursement This Period 90 Disbursement for: Primary Other (specify) H. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period Disbursement for: Primary General Other (specify) I. Full Name, Mailing Address and ZIP Code Purpose of Disbursement Date (month, Amount of Each day, year) Disbursement This Period Disbursement for Primary General Other (specify) 500.00 500.00



LOANS I



	me of Committee (in Full) MILTON MARKS' FRIENDS (former)		FOR CONGRESS)			
	Full Name, Mailing Address and ZIP Code of Loan Source Milton Marks #1 55 Jordan Ave. San Francisco, CA 94118 action: © Primary © General © Other (specify):		Original Amount of Loon \$125,000.00	Cumulative Payment To Date 114,270.19	Belance Outstanding of Closs of This Period \$ 10,729.81	
To	orms: Date Incurred 10/82 Date Due		Interest Rate	l(epr) 0	Secured	
ن ٠	et All Endorsers or Guarantors (if any) to Item A					
	1. Full Name, Mailing Address and ZIP Code	Name of E	mployer			
F	rom Candidate's personal funds	Occupatio	•			
			Suaranteed Outstanding			
	2. Full Name, Mailing Address and ZIF Code	Name of 6	Employer			
	•	Occupation	in .]		
	3. Full Name, Mailing Address and ZIP Code	Amount 0	Guaranteed Outstanding	1		
	J. Full Name, Mailing Address and ElF Code			_		
		Occupation)n			
		Amount (Gueranteed Outstanding			
•	Full Name, Mailing Address and ZIP Code of Loan Soun	ce .	Original Amount of Lean	Cumulative Payment To Date	Belance Outstanding Close of This Perio	
	Milton Marks #2 55 Jordan Ave. San Francisco, CA 94118		\$ 33,000.00	-0-	\$ 33,000.0	
E	lection. © Primary © General © Other (specify):			<u> </u>		
T	erms: Date Incurred 10/82 Date Due		Interest Rate	%(apr)	O Secured	
Ĺ	est All Endorsers or Guarantors (if any) to Item 8					
	Full Name, Mailing Address and ZIP Code	Name of	Employer	7		
		Occupeti	on			
		Amount	Guaranteed Outstandin	· ·		
	2. Full Name, Mailing Address and ZIP Cods	Name of	Employer			
		Occupeti	on			
L		\$	Guaranteed Outstandin	•		
	3. Full Name, Mailing Address and ZIP Code	Name of	Employer			
		Occupat	ion .			
1		Amount \$	Guaranteed Outstandin	4		

Name of Committee (in Full)

55 Jordan St.

Terms: Date Incurred _

A. Full Name, Mailing Address and ZIP Code of Loan Source

Milton & Carolene Marks as Community Property

San Francisco, CA 94118
Election: Oprimery Ogeneral Ocher (specify):

List All Endorsers or Guarantors (if any) to Item A 1. Full Name, Mailing Address and ZIP Code

2. Full Name, Mailing Address and ZIP Code

3. Full Name, Mailing Address and ZIP Code

8. Full Name, Mailing Address and ZIP Code of Loan Source

Date Due _

Election: @Primary @General @Other (specify):

Liet All Endorsers or Guarantors (if any) to Item 8 1. Full Name, Mailing Address and ZIP Code

2. Full Name, Mailing Address and ZIP Code

3. Full Name, Mailing Address and ZIP Code

Carry outstanding halance anti- and other and

Terms: Date Incurred ...



10/82 Date Due

LOANS Mes separate schedules for each numbered line) MILTON MARKS' FRIENDS (formerly MARKS FOR CONGRESS) Original Amount Cumulative Payment | Balance Outstanding at of Loon To Date Close of This Period \$ 35,000.00 \$ 265,000.00 230,000.00 O Secured "Klopel Name of Employer Occupation Amount Guaranteed Outstanding Name of Employer Occupation Amount Guaranteed Outstanding Name of Employer Occupation **Amount Guaranteed Outstanding** Original Amount Cumulative Payment | Belance Outstanding et of Leen To Date Closs of This Period Interest Rate O Secured %(sor) Name of Employer Occupation Amount Guaranteed Outstanding Name of Employer Occupation Amount Guaranteed Outstanding Name of Employer Occupation **Amount Guaranteed Outstanding** 35,000.00

FEDERAL ERECTIVED THINKS ON

BEFORE THE FEDERAL ELECTION COMMISSION

88 JUN - 1 AM 9: 35

In the Matter of

Milton Marks' Friends and Charles Duck, Jr., as treasurer and; Carolene Marks

MUR 2417

EXECUTIVE SESSION
JUN 07 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

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This matter was generated by the Reports Analysis Division (RAD) after a review of the disclosure reports of Milton Marks' Friends, formerly the Marks for Congress Committee. ("Marks Committee").1/ The RAD review revealed that the Marks for Congress Committee had received and partially repaid an apparently excessive contribution in the form of a loan from the candidate's spouse, Carolene Marks. Based on the foregoing, on May 19, 1987, the Commission found reason to believe Carolene Marks violated 2 U.S.C. § 441(a)(a)(1)(A) by making an excessive contribution to the Marks Committee. The Commission also found reason to believe the Marks Committee violated 2 U.S.C. § 441a(f) by accepting the excessive contribution.

On June 19, 1987, this Office granted Respondents' request for an extension of time until July 7, 1987, to respond to the Commission's notification of reason to believe. On June 29, 1987, the Office of General Counsel received Respondents' response to the Commission's notification of reason to believe.

(Attachment 1). Respondents, therein, request no further action

It appears that from 1984-1987, the Marks Committee filed reports in the name of Milton Marks' Friends (AKA Marks for Congress Committee). The 1987 Mid-Year Report, however, lists the Committee as Milton Marks' Friends (formerly Marks for Congress Committee). On October 19, 1987, based on the 1987 Mid-Year Report, the name of the Committee was changed in the Commission's data base to Milton Marks' Friends.

in this matter or, in the alternative, conciliation prior to a finding of probable cause to believe (Attachment 1). $\frac{2}{}$ II. ANALYSIS

Essentially, Respondents' answer to the Commission's notification of reason to believe described the circumstances leading up to the apparent violations of the Act by the Marks Committee and Carolene Marks. The Marks Committee explained that they had two treasurers prior to when Mr. Duck (the present treasurer) assumed the position in 1986. Mr. Kurland, a securities account executive with Bear, Stearns & Co., was the immediate predecessor of Mr. Duck, and he also handled the accounts used as collateral for the funds borrowed by Mr. and Mrs. Marks. (Attachment 1, page 1). According to Respondents, a review of the records of the Marks Committee and the security accounts handled by Mr. Kurland revealed irregularities in the handling of these accounts. (Attachment 1, page 1). Subsequently, it appears that Mr. Kurland resigned as treasurer, and the securities accounts were taken from his control. (Attachment 1, page 1).

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Respondents admit that they were able to determine that both Mr. Kurland and Mr. Burns (the original treasurer) made numerous errors in handling the affairs of the Committee. (Attachment 1, page 1). Specifically, Respondents note that "one of the errors apparently was in accepting a loan from Mr. and Mrs. Marks which exceeded the limitations imposed by 2 U.S.C. § 44la(a)(1)(A) and

^{2/} On July 28, 1987, and January 28, 1988, this Office also received copies of the 1987 Mid-Year Report and 1987 Year-End Report.

the Commission's rule 110.10(b)(3)*.3/ (Attachment 1, page 1).

The Marks Committee believes, however, that it has already repaid
the amount of the loan that exceeded the limitations.

(Attachment 1, page 1). Moreover, Respondents state that the
\$35,000 balance remaining on the \$265,000 loan is a debt owed
solely to Mr. Marks. (Attachment 1, page 1).

Respondents indicate that past errors in reporting the loans have been corrected. In support of this assertion, Respondents cite to a letter to RAD dated January 29, 1987, and an accompanying amendment to the 1986 Year End Report.

(Attachment 1, pages 5-17). Additionally, Respondents included with this amendment to the 1986 Year End Report a table showing the paying down of the \$265,000 loan by the Marks Committee.

(Attachment 1, pages 19-22). Respondents also enclosed copies of correspondence and reports previously sent to RAD.

(Attachment 1, pages 18, 23-27).

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The letter to RAD dated January 29, 1987, accompanying the 1986 Year End Report Amendment, appears to add additional information relevant to our inquiry. Contrary to previously filed reports by Mr. Kurland, the letter indicates that the \$265,000 loan was non-interest bearing. (Attachment 1, page 5). Furthermore, the letter states that reductions noted in previous reports should have been applied to the principal instead of

^{3/} Respondents incorrectly cite to 11 C.F.R. § 110.10(b)(3), which as noted, infra, at footnote 4, was not in effect at the time of the transaction in question.

principal and interest. (Attachment 1, page 5). According to Respondents, the above-mentioned reference to tables showing the loan pay down corrected this error. (Attachment 1, pages 5 and 19-22). The letter of January 29, 1987, also states that the \$265,000 loan was collateralized by securities in accounts at a broker-dealer and that the total value of the securities at the time the loans were made was approximately \$445,274.

(Attachment 1, page 5). Respondents contend that the "Senator and Mrs. Marks considered these accounts as community property under California law". (Attachment 1, page 5).

In conclusion, Respondents assert that every effort has been made to discover and correct errors in reports to the Commission. Respondents contend that no further action should be taken since the reporting of the loans has been corrected and the only outstanding debt on the loan in question is the \$35,000 owed to Mr. Marks. (Attachment 1, page 5). According to Respondents, the Committee's only activity now is the retirement of debts. In addition, the Committee notes that Mr. Marks is willing to forgive any monies owed him by the Marks Committee so that it can pay miscellaneous debts with the Marks Committee's cash on hand and request administrative termination.

As noted in the First General Counsel Report dated May 7, 1987, the securities used to collateralize the \$265,000 loan were held in four accounts. Two accounts were in the name of Mr. and Mrs. Marks and two accounts were in name of Mrs. Marks alone.

The accounts in the names of Mr. and Mrs. Marks yielded \$5,000

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and \$10,000, respectively, for a total of \$15,000. The accounts in Mrs. Marks name alone yielded \$100,000 and \$150,000, respectively, for a total of \$250,000. According to the counsel for Respondents, Mr. and Mrs. Marks considered these accounts community property under California law. In this case, an analysis of the personal funds exception is pivotal to a determination of whether there is a violation of 2 U.S.C. § 441(a)(a)(2)(A) for exceeding the contribution limits of the Act. Pursuant to Section 110.10(a) candidates are allowed to make unlimited expenditures from personal funds. Personal 00 funds are defined at Section 110.10(b)(1)4/ as follows: any assets to which at the time he or she became a candidate the candidate had 10 legal and rightful title, or with respect to which the candidate had the right of 10 beneficial enjoyment, under applicable State law, and which the candidate had legal right of access to or control over, including funds from immediate family members.... With regard to the ownership interest in community property, 11 C.F.R. § 110.10(b) required that the candidate have legal access and control over the asset coupled with legal title or the α right to beneficial enjoyment. Although in California each spouse has legal access and control of the whole of the community property, they only retain a legal right to one half the asset held as community property. Therefore, Mr. Marks has a one-half ownership interest in any assets determined to be community property. The First General Counsel incorrectly cites revised regulations effective April 27, 1983 subsequent to the transaction in this matter. However, the above cited regulation in force at the time of the transaction would give the same result.

while the issue of Mr. Marks ownership interest in the assets in question has been determined, significant questions surrounding the transaction in question remain unanswered. First, it is still not clear whether the accounts in Mrs. Marks name alone, yielding \$250,000, are the separate property of Mrs. Marks, or whether the accounts are community property of Mr. and Mrs. Marks. Though Respondents have asserted repeatedly that these accounts were considered community property by both Mr. and Mrs. Marks under California law, they have submitted no evidence substantiating this claim.

Second, the exact value of each asset used to secure the

Second, the exact value of each asset used to secure the \$265,000 loan is still unclear. While Respondents state that the total value of the securities when the loans were made was \$445,274, the basis for the valuation is unknown. Additionally, this Office cannot determine from the available evidence the value of the assets per account or whether the total amount of the assets were used to secure the \$265,000 loan.

Third, since the loan was \$265,000 it is possible that only a part of the assets were used to secure the loan. In that case, the extent of the violation may be affected. Even assuming that the accounts were community property and valued at \$445,274, however, an apparent excessive contribution by Mrs. Marks would still result since Mr. Marks appears to have a right to claim only \$222,637 as personal funds. Therefore, excluding the \$1,000 permitted under the contribution limits of the Act, Mrs. Marks

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may have exceeded the contribution limits by \$41,363. 5/

Therefore, the Office of General Counsel recommends that the Commission decline at this time to enter conciliation with the Marks Committee and Carolene Marks prior to a finding of probable cause to believe. The attached interrogatories and request for documents are also submitted for Commission approval. The interrogatories and request for documents explore the issues of the nature of the assets as separate and community property as well as the value and amount of the assets pledged to secure the loan in question.

III. RECOMMENDATIONS

- Decline at this time to enter into conciliation prior to a finding of probable cause to believe with Milton Marks' Friends and Charles Duck, Jr., as treasurer.
- Approve attached interrogatories and request for documents.
- 3. Approve and send attached letter.

Lawrence M. Noble General Counsel

Date

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BY:

Lois G. Lerner

Associate General Counsel

Attachments

- 1. Response of Respondents
- 2. Letter to Respondents
- 3. Interrogatories and Request for Documents

Staff Person: Deborah Curry

 $[\]overline{5/}$ Mrs. Marks contribution, assuming that the total assets were $\overline{\$445,274}$, would be Mr. Marks interest in those assets (\$222,637) substracted from the loan in question (\$265,000) for a total of \$42,363.



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FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

MEMORANDO	M
TO:	LAWRENCE M. NOBLE GENERAL COUNSEL
FROM:	MARJORIE W. EMMONS/KAREN E. TRACH XZZ COMMISSION SECRETARY
DATE:	JUNE 2, 1988
SUBJECT:	MUR 2417 - General Counsel's Report Signed May 31, 1988
The	above-captioned document was circulated to the
Commissio	n on WEDNESDAY, JUNE 1, 1988, at 4:00
Obje	ction(s) have been received from the Commissioner(s
as indica	ted by the name(s) checked below:
	Commissioner Aikens X
	Commissioner Elliott X
	Commissioner Josefiak
	Commissioner McDonald
	Commissioner McGarry
	Commissioner Thomas

This matter will be placed on the meeting agenda for JUNE 7, 1988

Please notify us who will represent your Division before the Commission on this matter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Milton Marks' Friends and Charles) MUR 2417
Duck, Jr., as treasurer; and)
Carolene Marks)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 7, 1988, do hereby certify the Commission decided by a vote of 4-1 to take the following actions in MUR 2417:

- Decline at this time to enter into conciliation prior to a finding of probable cause to believe with Milton Marks' Friends and Charles Duck, Jr., as treasurer.
- Approve the interrogatories and request for documents as recommended in the General Counsel's report dated May 31, 1988.
- Approve and send the letter attached to the General Counsel's report dated May 31, 1988.

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

Attest:

Date

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Marjorie W. Emmons
Secretary of the Commission

Mariaie W. Emmans

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 9, 1988

David J. Hodge, Esquire Chickering & Gregory, P.C. Two Embarcadero Center San Francisco, CA 94111

RE: MUR 2417

Milton Marks' Friends Committee and Charles Duck, Jr., as treasurer and Carolene Marks

Dear Mr. Hodge:

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On May 27, 1987, you were notified that the Federal Election Commission found reason to believe that your clients, Milton Marks' Friends Committee and Charles Duck, as treasurer and Carolene Marks violated 2 U.S.C. §§ 441a(f) and 441(a)(a)(1)(A) respectively. On June 29, 1987, you submitted a request to enter into conciliation negotiations prior to a finding of probable cause to believe. We apologize for the delay in responding to your request.

The Commission has reviewed your request and determined to decline at this time to enter into conciliation prior to a finding of probable cause to believe because additional information is necessary. The Commission requires the information requested in the attached interrogatories and request for documents. Such information should be submitted to the Office of the General Counsel within 15 days of receipt of this letter.

At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

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

Sincerely,

Lawrence M. Noble General Counsel

BY: Lois G. Lerner

Associate General Counsel

LAW OFFICES OF

TELEPHONE (415) 393-9000

CODE ADDRESS "CHICGREG"

WRITER'S DIRECT DIAL NUMBER

(415)393-9213 CHICKERING & GREGORY 88 JH 30 A PROFESSIONAL CORPORATION

> TWO EMBARCADERO CENTER SEVENTH FLOOR SAN FRANCISCO 94III

WASHINGTON D. C. OFFICE IBIS H STREET, N.W. SUITE 600 WASHINGTON, D. C. 20006

TELEPHONE (202) 463-7444

June 29, 1988

VIA FEDERAL EXPRESS

Deborah Curry, Esq. Office of the General Counsel Federal Elections Commission Room 659 999 "E" Street, N.W. Washington, DC 20463

> MUR 2417, Response to Interrogatories and Request Re: For Production of Documents

Dear Ms. Curry:

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As we discussed today, I request an extension to July 7, 1988 to respond to the Interrogatories and Request For Production of Documents which we received June 14, 1988. The purpose of the extension is to allow more time to gather information about the transactions in 1982.

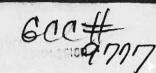
Thank you for your cooperation.

Sincerely,

David J. Hodge

DJH/dri

Senator and Mrs. Carolene Marks



LAW OFFICES OF

CHICKERING & GREGORY

A PROFESSIONAL CORPORATION

TWO EMBARCADERO CENTER
SEVENTH FLOOR
SAN FRANCISCO 94111

88 JUL WASHINGTON D. C. OFFICE
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SUITE 600
WASHINGTON, D. C. 20006

TELEPHONE (202) 463-7444

"CHICGREG"

TELEPHONE (415) 393-9000

CODE ADDRESS

(415) 393-9213

July 7, 1988

Deborah Curry, Esq.
Office of the General Counsel
Federal Elections Commission
999 E. Street, N.W., Room 659
Washington, D.C. 20463

Re: MUR 2417

Dear Ms. Curry:

(7)

Enclosed is the Response to Interrogatories and Request For Production of Documents of Carolene Marks ("Response"). As we discussed on June 21, the responses to several of the interrogatories is by production of the Forms T-4 of the Federal Reserve for each of the four securities accounts.

Interrogatory No. 9 asks Mrs. Marks her basis for believing the securities in question are community property. I believe it is appropriate to explain, albeit briefly, current applicable California law of community property. The securities may have initially come from the separate property of Mrs. Marks. However, Mrs. Marks' treatment of the securities accounts and statements "transmuted" the property from separate property to community property when the loans were made. Although such transmutation need not be in writing, our earlier letters to the Commission on her behalf and the Response signed by her would constitute written evidence in a court of law of transmutation.

Transmutation limits Mrs. Marks' rights to dispose of the property by will and in any marital dissolution. Therefore, her statements on the issue have an affect on her property interests separate of this MUR and are not merely self-serving, a fact the Commission should consider in its deliberations.

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ROISSING CONTRACTOR IN BUILDING

CHICKERING & GREGORY A PROFESSIONAL CORPORATION Deborah Curry, Esq. July 7, 1988 Page -2-Please feel free to contact me if you have any further questions. Sincerely, David J. Hodge DJH:tg Enclosures 0 **C**

DAVID J. HODGE
CHICKERING & GREGORY
A Professional Corporation
Two Embarcadero Center
Seventh Floor
San Francisco, California 94111
(415) 393-9000

Attorneys for In the Matter of Milton Marks' Friends Committee and Charles Duck, Jr., as Treasurer, and Carolene Marks.

BEFORE THE

FEDERAL ELECTIONS COMMISSION

In the Matter of Milton Marks' Friends Committee and Charles Duck, Jr., as Treasurer, and Carolene Marks.

MUR 2417

RESPONSES TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Carolene Marks answers the Interrogatories and Request For Production of Documents of the Federal Elections Commission dated June 9, 1988 as follows:

- 1. Senator Marks was born in California and his domicile has been in California all of his life. I was born in Rhode Island and have been domiciled in California since 1955.
 - 2. We were married in 1955.
- 3. Berry, Hartell & Evers, investment counsellors located in San Francisco, was given trading authority over the accounts on October 22, 1986 and the firm proceeded to liquidate most of

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the securities in the accounts. Senator Marks retains one account in his name at Bear Stearns in which there is only 150 shares of "American Medident" which we have been informed by Bear Stearns has no value. As of August 28, 1987, the two accounts solely in my name at Bear Stearns & Co. were closed out with a zero balance. Senator Marks and I now maintain two joint accounts at Van Kasper & Company, a broker-dealer one of which is traded by Berry, Hartell, Evers & Co.

- 4. Yes.
- 5. I inherited the securities from my cousin in 1982. I had just left the hospital several days before I received the securities. (I was hospitalized for one month for treatment of a ruptured disk.) Therefore, I did not have time to establish new accounts in the name of Senator Marks and me.
 - 6. See answer to 5, above.
 - 7. See answer to 5, above.
- 8. Senator Marks and I treated the two accounts solely in my name as community property and have treated the securities and income from the accounts as assets available to meet all of our needs regardless of the basis for the need.
 - 9. See answer to 8, above; advice of counsel.
- secured by each account. The name of the securities and their values are listed on each security agreement. All of the securities in each account were used as collateral for the loans. The accounts were at Pfluege Baerwald, Inc., when the loans were made. The accounts were later transferred to Bear,

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Stearns & Co., and then consolidated and transferred to Van Kasper & Company.

- 11. See answer to 10, above.
- 12. No.

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- 13. See answer to 10, above.
- 14. See answer to 10, above. The securities were collateral for the loan and none of them were sold at the time the loans were made. Thus, there were no "funds" yielded by the four accounts at that time.

Executed on July 10, 1988 at San Francisco, California.

I declare under penalty of perjury that the foregoing is true and correct.

Carolene Marks

CHICKERING & GREGOR NG -2 AM 9: 52

TELEPHONE (415) 393-9000

CODE ADDRESS "CHICGREG"

WRITER'S DIRECT DIAL NUMBER

A PROFESSIONAL CORPORATION TWO EMBARCADERO CENTER SEVENTH FLOOR SAN FRANCISCO 94III

WASHINGTON D. C. OFFICE IBIS H STREET, N. W. SUITE 600 WASHINGTON, D. C. 20006

TELEPHONE (202) 463-7444

(415) 393-9213

August 1, 1988

EXPRESS MAIL

Deborah Curry, Esq. Office of the General Counsel Federal Elections Commission 999 E. Street, N.W., Room 659 Washington, D.C. 20463

> Re: MUR 2417

Dear Ms. Curry:

Enclosed is a copy of the Form T-4's, described in Response to Interrogatory No. 10, but which were not included with the Responses to Interrogatories. I apologize for this oversight. Please contact me if you have any further questions.

Sincerely

David J. Hodge

DJH:tq

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Enclosures

F. R. Form T-4 6-69



BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

STATEMENT OF PURPOSE OF AN EXTENSION OF CREDIT BY A CREDITOR (FEDERAL RESERVE FORM T-4)

A FALSE OR DISHONEST STATEMENT BY THE CUSTOMER OR THE CREDITOR ON THIS FORM MAY BE PUNISHABLE BY FINE OR IMPRISONMENT (U.S. CODE, TITLE 15, SECTION 78f AND TITLE 18, SECTION 1001)

Instructions:

- (1) Please print or type (if space is inadequate attach separate sheet).
- (2) In Part II "source of valuation" need be filled in only if such source is other than regularly published information in journal of general circulation.
- (8) This form need be obtained only if the purpose of the credit is other than to purchase, carry, or trade in accounts

PA	ART I (to be completed by customer(s))
J	(1) The purpose of this credit in the amount of \$ 100,000.00, which is unsecured or secured i
> wh	ole or in part by the collateral listed in Part II, is not to purchase or carry or trade in securities. It is
າ for	the purpose of (describe in detail) Financing Milton Marks' campaign
Ω	
n	
 -	(2) This creditor, Pflueger & Baerwald Inc. , has outstanding, or ha
r	(2) This creditor, (Name of creditor), has outstanding, or has
agr	eed to extend, to the undersigned, the following other credita, which are not for the purpose of purchasin
or	carrying or trading in securities, in addition to the credit described on this form (itemize and describ
bri	efly, including amounts and collateral if any). If none, so stateNone
	(3) Is any of the collateral listed in Part II (A) or (B) to be delivered, or has any such collaters
bee	n delivered, from a bank, broker, dealer, or person other than the undersigned? Yes . No
lf	yes, from whom? Against payment? Yes 🗆 No
	(4) Has any of the collateral listed in Part II (A) or (B) been owned less than aix months
Ye	No X If yes, identify all such collateral so owned
	Acres 1 to 1 to 1 to 1 to 1 to 1 to 1 to 1 t
	• ১৮ । ১৯ কিন্তু সংগ্রেছ সংগ্রেছ কর্মকার জন্ম । ১৮ । ১৮ । ১৮ । ১৮ । ১৮ । ১৮ । ১৮ । ১
	e undersigned has (have) read this form and hereby certifies and affirms that to the best of my (our powledge and belief the information contained on this form is true, accurate, and complete.
	\mathcal{L} \mathcal{L} \mathcal{L} \mathcal{L} \mathcal{L} \mathcal{L} \mathcal{L}
SIG	(Manual signature) (Duta) (Manual signature) (Pota)
	Carolene Marks

PART II (to be completed by creditor)

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		C		4 CV 5	33 1/2	74600.
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	·			Current market	Bource of	Good faith
t e		Itemise			Current	Current Bource of market rejustion

The undersigned, a duly authorized representative of the creditor has read this form, has accepted the customer's statement on Part I in good faith as defined below, and hereby certifies and affirms that to the best of his knowledge and belief all the information contained on this form is true, securate, and complete.

Date 10/26/52

SIGNED

(Manual aignature)

Paul J. Ruby, Executive Vice President

(Print or type name and title)

THIS FORM MUST BE RETAINED BY THE CREDITOR FOR AT LEAST THREE YEARS AFTER THE TERMINATION OF THIS CREDIT

^{*}Regulation T requires that the customer's statement on this form be accepted by the creditor acting in good faith. Good faith requires that the creditor or his duly authorised representative (1) must be alert to the circumstances surrounding the credit, and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, has investigated and is satisfied that the statement is truthful. Among the facts which would require such investigation are receipt of the statement through the mail or from a third party.



BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

STATEMENT OF PURPOSE OF AN EXTENSION OF CREDIT BY A CREDITOR (FEDERAL RESERVE FORM T-4)

A FALSE OR DISHONEST STATEMENT BY THE CUSTOMER OR THE CREDITOR ON THIS FORM MAY BE PUNISHABLE BY FINE OR IMPRISONMENT (U.S. CODE, TITLE 15, SECTION 786 AND TITLE 18, SECTION 1001)

Instructions:

- (1) Please print or type (if space is inadequate attach separate shoot).
- (2) In Part 11 "source of valuation" need be filled in only if such source is other than regularly published information in journal of general circulation.
- (3) This form need be obtained only if the purpose of the credit is other than to purchase, carry, or trade in securities (see § 220.7(c) of Regulation T).

		The state of the s	A Maria
listed in Part II, i	s not to purchase or	carry or trade i	
erennisti.	· · · · · · · · · · · · · · · · · · ·		
		, has ou	itstanding, or has
l, the following oth	er credits, which are	not for the purp	ose of purchasing
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ted in Part II (A)	or (B) to be deliv	ered, or has an	y such collateral
er, dealer, or per	son other than the	undersigned?	Yes 🗆 No 🔯
<i>i</i>	Agair	nst payment?	Yes 🗌 No 🔀
al listed in Part	Il (A) or (B) bee	n owned less t	han six months?
l such collateral s	o owned .	w	
alle (Date)	SIGNED (Manual o)ignature)	(Data)
	pflueger & Bae (Name of I, the following oth in addition to the llateral if any). I Marks - 10/26/ ded in Part II (A) der, dealer, or per al listed in Part I such collateral a	t in the amount of \$ 150,000 , we listed in Part II, is not to purchase or tail) Finance campaign for Mi Pflueger & Baerwald Inc. (Name of creditor) I, the following other credits, which are in addition to the credit described on lateral if any). If none, so state Marks - 10/26/82 - collateral of the credit of the credit described in Part II (A) or (B) to be delived, dealer, or person other than the call listed in Part II (A) or (B) been all such collateral so owned. Chis form and hereby certifies and affiration contained on this form is true, a call. SIGNED	per(s)) It in the amount of \$ 150,000 , which is unsecus listed in Part II, is not to purchase or carry or trade is tail) Finance campaign for Milton Marks Pflueger & Baerwald Inc. , has on (Name of creditor) I, the following other credits, which are not for the purp in addition to the credit described on this form (iter llateral if any). If none, so state \$100,000 to Marks - 10/26/82 - collateral on account. The disterding Part II (A) or (B) to be delivered, or has an mer, dealer, or person other than the undersigned? Against payment? Against payment? Against payment? Against payment? Against payment? Against payment? Against payment? Against payment?

PART II (to be completed by creator)

(A) Collateral consisting of margin stock or margin securities consisting of debt securities convertible into margin stock. The loan value of such stock under the current Supplement to Regulation T per cent; the loan value of such debt securities is per cent.

	of shares or	Itemise separately by issue	=+=+=+=+	Market price	Hourse of	Price per
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432) * 1239 500, 750	PLT	MIDDLE SOUTH UTILS INC. PACIFIC GAS & ELEC CO	ę.		10 1/2	74446. 7318. 19875.
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1000	\$0 181 98 4	STANDARD DIL CO CALIF	Ç	IM	31 	31000.
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The undersigned, a duly authorized representative of the creditor has read this form, has accepted the customer's statement on Part I in good faith as defined below, and hereby certifies and affirms that to the complete best of his knowledge and belief all the information contained on this form is true, accurate, and complete.

Date /6 /2 6 / 1 2

SIGNED

(Frint or type name and title)

* Regulation T requires that the customer's statement on this form be accepted by the creditor acting in good faith. Good faith requires that the creditor or his duly authorised representative (1) must be alert to the circumstances surrounding the credit, and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, has investigated and is satisfied that the statement is truthful. Among the facts which would require such investigation are receipt of the statement through the mail or from a third party.

THIS FORM MUST BE RETAINED BY THE CREDITOR FOR AT LEAST THREE YEARS AFTER THE TERMINATION OF THIS CREDIT

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BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

STATEMENT OF PURPOSE OF AN EXTENSION OF CREDIT BY A CREDITOR (FEDERAL RESERVE FORM T-4)

A FALSE OR DISHONEST STATEMENT BY THE CUSTOMER OR THE CREDITOR ON THIS FORM MAY BE PUNISHABLE BY FINE OR IMPRISONMENT (U.S. CODE, TITLE 15, SECTION 78ff AND TITLE 18, SECTION 1001)

Instructions:

- (1) Please print or type (if space is inadequate attach separate sheet).
- (2) In Part 11 "source of valuation" need be filled in only if such source is other than regularly published information in journal of general circulation.
- (3) This form need be obtained only if the purpose of the credit is other than to purchase, carry, or trade in securities (see § 220.7(c) of Regulation T).

0	oy customer(s)) his credit in the amount of \$ collateral listed in Part II, is no	10,000.00, which is unsecut to purchase or carry or trade	
for the purpose of (descri		mpaign for Milton Marks	
10	Miles thanks I were a transfer from the test	State Control of the	
n	and a second second second in	Transit to transit and transit artificial fluority.	
	Acres .	the second of the second of the second	
(2) This creditor,	Pflueger & Baerwald (Name of credito	, nas o	outstanding, or has
agreed to extend, to the und	dersigned, the following other cr	edits, which are not for the pur	pose of purchasing
or carrying or trading in se	ecurities, in addition to the cree	dit described on this form (ite	emize and describe
>	and collateral if any). If no	•	
~			
(3) Is any of the colla	ateral listed in Part II (A) or	(B) to be delivered, or has a	ny such collateral
been delivered, from a ba	ank, broker, dealer, or person	other than the undersigned?	Yes 🗌 No 🗓
If yes, from whom?		Against payment?	Yes 🗌 No 🗓
(4) Has any of the	collateral listed in Part II (A) or (B) been owned less	than six months?
Yes 🗌 No 🖔 🛮 If yes, id	entify all such collateral so ow	ned	
		mingalisties seems sees states.	
_ ,	e) read this form and hereby c information contained on this		• •
SIGNED % (Manual signature)	ini Marka SI	GNED X Milin M. (Manual signature)	(Date)
Milton Mark	. To the same of t	Carolene Mar	
(Manual signature)	(Date)	(Manual signature)	·ks

l'ART II (to be completed by creditor)

(A) Collateral consisting of margin stock or margin securities consisting of debt securities convertible into margin stock. The loan value of such stock under the current Supplement to Regulation T per cent; the loan value of such debt securities is per cent.

= +=+=	Nu. of shares ur other unit	+=+=+=+=	Itemize separ	ately by iss			Market price per share	Hourse of valuation	Total market price per leeue	
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ריו חו	(C) Other	collateral.							L	1
7			Itemise				Current market value	Source of valuation	Good faith loan value	
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The undersigned, a duly authorized representative of the creditor has read this form, has accepted the customer's statement on Part I in good faith as defined below*, and hereby certifies and affirms that to the best of his knowledge and belief all the information contained on this form is true, accurate, and complete.

Date / (2 2 / 6 -

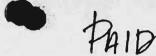
SIGNED

(Print or type name and title)

THIS FORM MUST BE RETAINED BY THE CREDITOR FOR AT LEAST THREE YEARS AFTER THE TERMINATION OF THIS CREDIT

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F. R. Form T-4 6-69



BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

STATEMENT OF PURPOSE OF AN EXTENSION OF CREDIT BY A CREDITOR (FEDERAL RESERVE FORM T-4)

A FALSE OR DISHONEST STATEMENT BY THE CUSTOMER OR THE CREDITOR ON THIS FORM MAY BE PUNISHABLE BY FINE OR IMPRISONMENT (U.S. CODE, TITLE 15, SECTION 78ff AND TITLE 18, SECTION 1001)

Instructions:

- (1) Please print or type (if space is inadequate attach separate sheet).
- (2) In Part 11 "source of valuation" need be filled in only if such source is other than regularly published information in journal of general circulation.
- (3) This form need be obtained only if the purpose of the credit is other than to purchase, carry, or trade in securities (see § 220.7(c) of Regulation T).

9 0	PART I (to be completed by customer(s)) (1) The purpose of this credit in the amount of \$5,000.00, which is unsecured or secured in whole or in part by the collateral listed in Part II, is not to purchase or carry or trade in securities. It is
2	for the purpose of (describe in detail) Finance campaign for Milton Marks
5	minimum interest in the second particle and the second sec
n	The fight was the fight that a second or a
r	
0	(2) This creditor, Pflueger & Baerwald Inc. (Name of creditor) , has outstanding, or has
<u>J</u>	agreed to extend, to the undersigned, the following other credits, which are not for the purpose of purchasing
	or carrying or trading in securities, in addition to the credit described on this form (itemize and describe
o α	briefly, including amounts and collateral if any). If none, so state None
	(3) Is any of the collateral listed in Part II (A) or (B) to be delivered, or has any such collateral
	been delivered, from a bank, broker, dealer, or person other than the undersigned? Yes \(\subseteq \) No \(\subseteq \)
	If yes, from whom? Against payment? Yes \(\sum \) No \(\sum \)
	(4) Has any of the collateral listed in Part II (A) or (B) been owned less than six months?
	Yes No I lf yes, identify all such collateral so owned.
	The undersigned has (have) read this form and hereby certifies and affirms that to the best of my (our) knowledge and belief the information contained on this form is true, accurate, and complete.
	SIGNED X Manual signature) Manual signature) SIGNED (Manual signature) (Date)
	Milton Marks (intolene, Marks
	(Frint or type name) (Frint or type name)

PART II (to be completed by creditor)

(A) Collateral consisting of margin stock or margin securities consisting of debt securities convertible into margin stock. The loan value of such stock under the current Supplement to Regulation T per cent; the loan value of such debt securities is per cent.

	No. of shares or other unit		eparately by inte			Market pric	e Hourse of valuation	Total market price per isous
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23		WOLL 23410-1			-	-	Man Man	

(C) Other collateral.

ltemize	Current market value	Source of valuation	Good faith loan value

The undersigned, a duly authorized representative of the creditor has read this form, has accepted the customer's statement on Part I in good faith as defined below*, and hereby certifies and affirms that to the best of his knowledge and belief all the information contained on this form is true, accurate, and complete.

Date / 1/2 . / 1/2-

SIGNED

(Print or type name and title)

* Regulation T requires that the customer's statement on this form be accepted by the creditor acting in good faith. Good faith requires that the creditor or his duly authorized representative (1) must be alert to the circumstances surrounding the credit, and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, has investigated and is satisfied that the statement is truthful. Among the facts which would require such investigation are receipt of the statement through the mail or from a third party.

THIS FORM MUST BE RETAINED BY THE CREDITOR FOR AT LEAST THREE YEARS AFTER THE TERMINATION OF THIS CREDIT



BEFORE THE FEDERAL ELECTION COMMISSIONUS -5 PM 3:31

In the Matter of

Milton Marks' Friends and Charles Duck, Jr., as treasurer and; Carolene Marks MUR 2417

SENSITIVE

COMPREHENSIVE INVESTIGATIVE REPORT #1

I. BACKGROUND

This matter was generated by the Reports Analysis Division (RAD) after a review of the disclosure reports of Milton Marks' Friends, formerly the Marks for Congress Committee. ("Marks Committee"). The RAD review revealed that the Marks for Congress Committee had received and partially repaid an apparently excessive contribution in the form of a loan from the candidate's spouse, Carolene Marks. Based on the foregoing, on May 19, 1987, the Commission found reason to believe Carolene Marks violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to the Marks Committee. The Commission also found reason to believe the Marks Committee violated 2 U.S.C. § 441a(f) by accepting the excessive contribution. Subsequently, Respondents requested conciliation prior to a finding of probable cause to believe. On June 7, 1988, the Commission declined to enter into conciliation prior to a finding of probable cause to believe with Respondents and instead approved interrogatories and a request for documents.

On July 7, 1988, this Office received a response from Respondents. While the information received raised a new legal issue, the response failed to attach documents discussed in the response and requested by the Commission. Respondents have been contacted and submitted the missing documents on August 2, 1988.

-2-Pollowing research and analysis of the legal issue raised by their response, a report will be submitted to the Commission with appropriate recommendations. Lawrence M. Noble General Counsel 8/5/88 Date Associate General Counsel Staff Person: Deborah Curry 10 In 0 T O Œ. α

GCC#195 WASHINGTON D. C. OFFICE SUITE 600

LAW OFFICES OF

88 # LE (415) 10: -180

CHICKERING & GREGORY

A PROFESSIONAL CORPORATION

CODE ADDRESS "CHICGREG"

11.35104

TWO EMBARCADERO CENTER SEVENTH FLOOR SAN FRANCISCO 94III

IBIS H STREET, N. W. WASHINGTON, D. C. 20006

TELEPHONE (202) 463-7444

WRITER'S DIRECT DIAL NUMBER

(415)393-9213

July 7, 1988

Deborah Curry, Esq. Office of the General Counsel Federal Elections Commission 999 E. Street, N.W., Room 659 Washington, D.C. 20463

Re: MUR 2417

Dear Ms. Curry:

We received today from Pflueger & Baerwald, Inc., copies of the T-4 statements requested by Senator and Mrs. They are enclosed in the form they were received by me. I have tagged each T-4 to identify which account it represents as you requested. Please feel free to contact me if there are any further questions.

Sincerely,

David J. Hodge

DJH:tq

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Enclosures

PFLUEGER & BAERWALD INC (418) 421-4171

Mr. David Hodge,

A set of the Forms T-4 were mailed to Mr. Marks' home address yesterday.

Arys Christianson



ACCOUNT # 1

BOARD OF GOVERNORS OF THE FEDERAL RESERVE

STATEMENT OF PURPOSE OF AN EXTENSION OF CREDIT B' (FEDERAL RESERVE FORM T-4)

A FALSE OR DISHONEST STATEMENT BY THE CUSTOMER OR THE C MAY BE PUNISHABLE BY FINE OR IMPRISONMENT (U.S. CODE, TITL TITLE 18, SECTION 1001)

Instructions:

- (1) Please print or type (if space is inadequate attach separate sheet).
- (2) In Part II "source of valuation" need be filled in only if such source is other tha in journal of general circulation.
- (3) This form need be obtained only if the purpose of the credit is other than to purchase, carry, or trade in securities (see § 220.7(c) of Regulation T).

whole or in part by the coll	is credit in the amount of \$ 5.000.00 , which is unsecured of lateral listed in Part II, is not to purchase or carry or trade in sec	
for the purpose of (describe		
(2) The editor,	Pflueger & Baerwald Inc. , has outstan	
agreed to extend, to the unde	(Name of ereditor) ersigned, the following other credits, which are not for the purpose of	
or carrying or trading in sec	curities, in addition to the credit described on this form (itemize	and describ
briefly, including amounts	and collateral if any). If none, so state None	
(3) Is any of the collate	eral listed in Part II (A) or (B) to be delivered, or has any su	ch collaters
	eral listed in Part II (A) or (B) to be delivered, or has any suk, broker, dealer, or person other than the undersigned? Yes	
been delivered, from a ban		□ No □
been delivered, from a ban If yes, from whom?	k, broker, dealer, or person other than the undersigned? Yes	No [
been delivered, from a ban If yes, from whom? (4) Has any of the control of the	k, broker, dealer, or person other than the undersigned? Yes Against payment? Yes	No C
been delivered, from a ban If yes, from whom? (4) Has any of the c Yes \(\sum \) No \(\frac{1}{4} \) If yes, iden	Against payment? Yes	□ No [□ No [six months
been delivered, from a ban If yes, from whom? (4) Has any of the c Yes \[\] No \[\] If yes, iden The undersigned has (have)	Against payment? Yes collateral listed in Part II (A) or (B) been owned less than ntify all such collateral so owned.	No [No [six months

PART II (to be completed by creditor)

(A)	Collateral	consisting o	of margin	stock	or margin	securities	consisting	of debt	securities	còn-
vertible	into margin	stock. The	loan value	of such	stock und	ier the cu	rrent Supp	lement to	Regulation	T ac
is	per cer	nt; the loan v	alue of suc	ch debt	securities	is	per cen	it.		

No. of shares or other unit	Itemice separately by imise	Market price per chare	Source of valuation	Total market price per invac
		主持		

(B) Collateral consisting of other securities, e.g., mutual fund shares, registered non-equity securities.

Par value or other denomination	Itemise esparately by large	Market price	Source of valuation	Total market price per lame
	2.300.24			

(C) Other collateral.

9

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O.

Itemise	Current market value	Source of valuation	Good faith

The undersigned, a duly authorized representative of the creditor has read this form, has accepted the customer's statement on Part I in good faith as defined below*, and hereby certifies and affirms that to the best of his knowledge and belief all the information contained on this form in true, accurate, and complete.

Date /0/26/82

SIGNED

(Print or type name and title)

* Regulation T requires that the customer's statement on this form be accepted by the creditor acting in good faith. Good faith requires that the creditor or his duly authorised representative (1) must be alert to the circumstances surrounding the credit, and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, has investigated and is satisfied that the statement is truthful. Among the facts which would require such investigation are receipt of the statement through the mail or freen a third party.

THIS FORM MUST BE RETAINED BY THE CREDITOR FOR AT LEAST THREE YEARS AFTER THE TERMINATION OF THIS CREDIT

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BOARD OF GOVERNORS OF THE FEDERAL RESERV A CCOUNT # 2

(Print or type name)

STATEMENT OF PURPOSE OF AN EXTENSION OF CREDIT (FEDERAL RESERVE FORM T-4)

	Y FINE OR IMPRISONMENT (U.S. CODE, TI) TITLE 18, SECTION 1001)	
Instructions:		
(1) Please print or type (if	space is inadequate attach separate sheet).	
(2) In Part Il "source of v in journal of general cir	valuation" need be filled in only if such source is other time.	
(3) This form need be obt (see § 220.7(c) of Regu	nained only if the purpose of the credit is other than to pulletion T).	
PART I (to be completed by		
	is credit in the amount of \$ 10,000.00, which is unsecured or	
whole or in page by the col	llateral listed in Part II, is not to purchase or carry or trade in secu	rities. It i
for the purp of (describ	be in detail) Finance campaign for Milton Marks	
(2) This creditor,	Pflueger & Baerwald Inc. , has outstand	
agreed to extend, to the und	(Name of creditor) ersigned, the following other credits, which are not for the purpose of	purchasii
agreed to extend, to the und	(Name of ereditor)	purchasii
agreed to extend, to the und or carrying or trading in se briefly, including amounts	ersigned, the following other credits, which are not for the purpose of curities, in addition to the credit described on this form (itemize a	purchasin
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(Print or type name)

PART II (to be completed by creditor)

(A) Collateral consisting of margin stock or margin securities consisting of debt securities convertible into margin stock. The loan value of such stock under the current Supplement to Regulation T is per cent; the loan value of such debt securities is per cent.

No. of shares or other unit	Itemine separately by laster	Market price per chare	Source of valuation	Total market price per lares
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(B) Collateral consisting of other securities, e.g., mutual fund shares, registered non-equity securities.

	Par value or other denomination	Itemise separately by large	Market price	Source of valuation	Total market price per lesse
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(C) Other collateral.

	Itemise	Current market value	Source of valuation	Good Saith loan value
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	•			

The undersigned, a duly authorized representative of the creditor has read this form, has accepted the customer's statement on Part I in good faith as defined below, and hereby certifies and affirms that to the best of his knowledge and belief all the information contained on this form is true, accurate, and complete.

Date /1/26/82

v

SIGNED

(Print or type name and title)

THIS FORM MUST BE RETAINED BY THE CREDITOR FOR AT LEAST THREE YEARS AFTER THE TERMINATION OF THIS CREDIT

^{*} Regulation T requires that the customer's statement on this form be accepted by the creditor acting in good faith. Good faith requires that the creditor or his duly authorised representative (1) must be alert to the circumstances surrounding the credit, and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, has investigated and is satisfied that the statement is truthful. Among the facts which would require such investigation are receipt of the statement through the mail or from a third party.

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BOARD OF GOVERNORS OF 'THE PEDERAL RESER'

STATEMENT OF PURPOSE OF AN EXTENSION OF CREDIT (FEDERAL RESERVE FORM T-4)

A FALSE OR DISHONEST STATEMENT BY THE CUSTOMER OR THE MAY BE PUNISHABLE BY FINE OR IMPRISONMENT (U.S. CODE, TO TITLE 18, SECTION 1001) ACCOUNT # 3

(Print or type seems)

Instructions:

In

(1) Please print or type (if space is inadequate attach separate sheet).

(Print or type uses)

- (2) In Part II "source of valuation" need be filled in only if such source is other t in journal of general circulation.
- (3) This form need be obtained only if the purpose of the credit is other than to y
 (see § 220.7(c) of Regulation T).

==== <u>101778884110</u>		
PART I (to be completed by customer(s))		
	amount of \$ 100,000.00, which is unsec	ured or secured in
whole or in part by the collateral listed in	Part II, is not to purchase or carry or trade	in securities. It is
for the purpose of (describe in detail)	Financing Milton Marks' campaign	
	-	
(2) This creditor, Pflue	ger & Baerwald Inc. has	outstanding, or has
agreed to extend, to the undersigned, the following	(Nome of evaluar) owing other credits, which are not for the pu	rose of purchasing
	•	
or carrying or trading in securities, in addition	ion to the credit described on this form (it	imize and describe
briefly, including amounts and collateral is	f any). If none, so state None	
(3) Is any of the collateral listed in Par	rt II (A) or (B) to be delivered, or has a	iny such collateral
been delivered, from a bank, broker, deale	er, or person other than the undersigned?	Yes 🗌 No 🛛
If yes, from whom?	Against payment?	Yes 🗆 No 🗀
(4) Has any of the collateral listed	in Part II (A) or (B) been owned less	than aix months?
Yes No 🖄 If yes, identify all such co	pliateral so owned	•
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The undersigned has (have) read this form	and heroby certifies and affirms that to the tained on this form is true, accurate, and o) host of my (our)
	94.9 (a	
SIGNED X Carclens W. Ma	SIGNED (Channel departure)	(Date)
Carolene Marks		

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F. R. Form T-4

BOARD OF GOVERNORS OF THE FEDERAL RESERVE !

PAID ACCOUNT NY

STATEMENT OF PURPOSE OF AN EXTENSION OF CREDIT BY (FEDERAL RESERVE FORM T-4)

A FALSE OR DISHONEST STATEMENT BY THE CUSTOMER OR THE CRI MAY BE PUNISHABLE BY FINE OR IMPRISONMENT (U.S. CODE, TITLE TITLE 18, SECTION 1001)

Instructions:

- (1) Please print or type (if space is inadequate attach separate sheet).
- (2) In Part II "source of valuation" need be filled in only if such source is other than 2 in journal of general circulation.
- (3) This form need be obtained only if the purpose of the credit is other than to purchs (see § 220.7(c) of Regulation T).

	PART I (to be completed by customer(s))
	(1) The purpose of this credit in the amount of \$150,000, which is unsecured or secured in
V	whole or in part by the collateral listed in Part II, is not to purchase or carry or trade in securities. It is
3	for the purpose of (describe in detail) Finance campaign for Milton Marks
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n	
0	(2) This creditor, Pflueger & Baerwald Inc. , has outstanding, or has
Ţ	agreed to extend, to the undersigned, the following other credits, which are not for the purpose of purchasing
0	or carrying or trading in securities, in addition to the credit described on this form (itemize and describe
7	briefly, including amounts and collateral if any). If none, so state \$100,000 to finance
ŗ	campaign for Milton Marks - 10/26/82 - collateral on account.
	(3) Is any of the collateral listed in Part II (A) or (B) to be delivered, or has any such collateral
	been delivered, from a bank, broker, dealer, or person other than the undersigned? Yes No [3]
	If yes, from whom? Against payment? Yes [No []
	(4) Has any of the collateral listed in Part II (A) or (B) been owned less than six months?
	Yes No No No If yes, identify all such collateral so owned
	The undersigned has (have) read this form and hereby certifies and affirms that to the best of my (our) knowledge and belief the information contained on this form is true, accurate, and complete.
	SIGNED (Manual algorithm) (Date) SIGNED (Manual algorithm) (Date)
	(Print or type name) (Print or type name)

PART II (to be completed by creditor)

(A) Collateral consisting of margin stock or margin securities consisting of debt securities convertible into margin stock. The loan value of such stock under the current Supplement to Regulation T is per cent; the loan value of such debt securities is per cent.

No. of chares or other unit	Steenise esparately by issise	Market price per chare	Source of Valuation	Total market price per terre
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(B) Collateral consisting of other securities, e.g., mutual fund shares, registered non-equity securities.

Par value or other describation	Member esparately by lesse	Market price	Source of valuation	Total marks price per large
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(C) Other collateral.

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Itemice	Corrent merket value	Source of valuation	Good faith loan value

The undersigned, a duly authorized representative of the creditor has read this form, has accepted the customer's statement on Part I in good faith as defined below, and hereby certifies and affirms that to the best of his knowledge and belief all the information contained on this form is true, accurate, and complete.

Date 10/2 6/82

SIGNED

(Frint or type name and title)

*Regulation T requires that the customer's statement on this form be accepted by the creditor acting in good faith. Good faith requires that the creditor or his duly authorised representative (1) must be alert to the circumstances surrounding the credit, and (2) if he has any information which would cause a prudent man set to accept the statement without inquiry, has investigated and is satisfied that the statement is truthful. Among the facts which would require such investigation are receipt of the statement through the mail or from a third party.

THIS FORM MUST BE RETAINED BY THE CREDITOR FOR AT LEAST THREE YEARS AFTER THE TERMINATION OF THIS CREDIT

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BEFORE THE FEDERAL ELECTION COMMISSION RESERVED

In the Matter of

Milton Marks' Friends and Charles Duck, Jr., as treasurer and Carolene Marks 88 NOV 30 AM 9: 34 MUR 2417

GENERAL COUNSEL'S REPORT

SENSITIVE EXECUTIVE SESSION DEC 0.8 1988

I. BACKGROUND

This matter was generated by the Reports Analysis Division (RAD) after a review of the disclosure reports of Milton Marks' Friends, formerly the Marks for Congress Committee. (hereinafter "Marks Committee"). The RAD review revealed that the Marks for Congress Committee had received and partially repaid an apparently excessive contribution in the form of a loan from the candidate's spouse, Carolene Marks. Based on the foregoing, on May 19, 1987, the Commission found reason to believe Carolene Marks violated 2 U.S.C. § 44la(a)(1)(A) by making an excessive contribution to the Marks Committee. The Commission also found reason to believe the Marks Committee violated 2 U.S.C. § 44la(f) by accepting the excessive contribution. Subsequently, Respondents requested conciliation prior to a finding of probable cause to believe. On June 7, 1988, the Commission declined to enter into conciliation prior to a finding of probable cause to believe with Respondents and instead approved interrogatories and a request for documents.

On July 7, 1988, this Office received a response from Respondents. (Attachment 1). While the information received raised a new legal issue, the response failed to attach documents discussed in the response and requested by the Commission.

Respondents were contacted and submitted the missing documents on August 2, 1988.

The documents submitted on August 2, 1988, however, were not legible and did not identify the accounts in question. The Office of General Counsel, therefore, requested that Respondents submit clearer copies properly identifying the documents by account number (1-4). Respondents submitted duplicate copies of the documents on August 22, 1988. 1/ (Attachment 2).

II. ANALYSIS

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The issue in this matter is whether Mrs. Carolene Marks violated 2 U.S.C. § 441a(a)(1)(A) by making a loan that exceeded the contribution limits of the Act. The facts indicate that securities in four accounts were used to collateralize a \$265,000 loan to the Marks Committee. The accounts in the names of Mr. and Mrs. Marks yielded \$5,000 and \$10,000, respectively (account \$1 - \$5,000 and account \$2 - \$10,000). The accounts in Mrs. Marks name alone yielded \$100,000 and \$150,000 (accounts \$3 and \$44). Respondents have contended that the securities in the two accounts in Mrs. Marks name alone were community property under California law. Pursuant to former 11 C.F.R. 110.10(b)(1), Mr. Marks would have a one-half ownership interest in any assets that are determined to be community property. Thus, Mr. Marks may also have a one-half interest in the two accounts (\$3 and \$4) in Mrs. Marks name alone.

Based on the foregoing, the Commission sent interrogatories and a request for documents to Respondents. The interrogatories

^{1/} Respondents sent the best copies available of the form T-4 (extension of credit) on August 22, 1988. Since the amounts in question were not entirely legible for one account, this office verified the amounts with Respondents.

and request for documents explored the status of the securities in the four accounts as separate and community property as well as the value and amount of the securities (accounts 1-4) pledged to secure the loan in question.

A. Separate or Community Property

As noted, <u>supra</u>, two of the accounts (3-4) that yielded \$250,000 were in the name of Mrs. Marks alone, thus raising the issue of whether accounts #3 and #4 were separate property of Mrs. Marks or the community property of Mrs. and Mrs. Marks.

Though Mr. and Mrs. Mark were married in 1955, Respondents' state that the securities at issue initially came from the separate property of Mrs. Marks. (Attachment 1, page 1). The sworn statement of Mrs. Marks indicates that she inherited the securities from a cousin in 1982. (Attachment 1, page 4). Nonetheless, Respondents contend that "Mrs. Marks treatment of the securities accounts and statements 'transmuted' the property from separate property to community property when the loans were made." (Attachment 1, page 1). Respondents' note that though the transmutation need not be in writing, earlier letters to the Commission and Mrs. Marks sworn statements constitute written evidence of transmutation.

Mrs. Marks' response to the interrogatories explains that she had just left the hospital several days before she received the inherited securities and, therefore, did not have time to establish new accounts in her name and that of Mr. Marks.

(Attachment 1, Page 4). Furthermore, Mrs. Marks states that she and Mr. Marks treated the two accounts in her name "as community"

property and have treated the securities and income from the accounts as assets available to meet all of [their] needs regardless of the basis for the need. (Attachment 1, page 4).

According to Mrs. Marks, the four accounts were at Pflueger Baerwald, Inc., when the loans were made. (Attachment 1, page 4). Later the accounts were transferred to Bear, Stearns & Co. Subsequently, according to Mrs. Marks, the four accounts were consolidated and transferred to Van Kasper & Company. Presently, Mr. Marks maintains an account in his name (of no value) at Bear, Stearn & Co. and Mr. & Mrs. Marks maintain two joint accounts at Van Kasper & Company.

Under California law there is a presumption that all property acquired during the marriage is community property.

(Cal. Civ. Code § 5110). However, an exception to this presumption exists for property acquired during the marriage by gift, bequest, devise, or descent, etc. (Cal. Civ. Code § 5107). Such property is considered separate property of the wife, and its status as separate property is fixed in character until it is changed in some manner recognized by law, such as by agreement of the parties. Mears v. Mears, 180 Cal. 2d 484, 4 Cal. Rptr. 618 (1960).

Since Mrs. Marks inherited the securities in question, it is clear and undisputed that the securities were originally separate property of Mrs. Marks. Respondents contend, however, that the property was transmuted from separate property into community property.

The rule of transmutation has existed in California for many years. Walter v. Walter, 57 Cal. App. 3d 802, 129 Cal. Rptr.

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351 (1976). Estate of Nelson v. King, 224 Cal. App.2d 138, 36 Cal. Rptr. (1964), summarizes the law of transmutation in California stating:

The separate property of one spouse can be converted into community property by mere oral agreement (Woods v. Security-First Nat. Bank, 46 Cal.2d 697 at 701, 299 P.2d 657; Tomaier v. Tomaier, 23 Cal. 2d 754, 757, 146 P.2d 905; Estate of Sears, 182 Cal.App. 2d 525, 6 Cal.Rptr. 148). This transmutation may be proved by the acts of the parties and their conduct in dealing with the property (Estate of Raphael, 91 Cal.App.2d 931, 939, 206 P.2d 391). No express or formal agreement is required (Long v. Long, 88 Cal. App. 2d 544, 549, 199 P. 2d 47) if it may be fairly inferred from the circumstances and evidence that a community interest was intended by the parties (Linville v. Linville, 132 Cal. App. 2d 800, 802, 283 P. 2d 34).

Consequently, under California law, the separate property of the wife may be converted at anytime into community property by oral agreement of the spouses. 2/ No special words are necessary to convert separate property into community property and it makes no difference if the property is held in one spouse's name or the other. Estate of Sears, 182 Cal. App.2d 525, 6 Cal. Rptr. 148 (1960).

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Here, we have securities held in two accounts in the name of Mrs. Marks alone. The transaction in question occurred in 1982 and was referred to this office in 1986. Correspondence from the Respondents during that time period indicates that Respondents

^{2/} With the purpose of increasing certainty in the determination of whether a transmutation has in fact occurred, California Civ. Code § 5110.730, effective January 1985, was added to the Civil Code and as such overrules existing case law. Pursuant to Cal. Civ. Code § 5110.730, transmutations of property must be made in writing. The transmutation in this matter, however, occurred prior to the effective date of the new law.

would have established the accounts in both their names.

Moreover, as counsel for Respondent points out, Mrs. Marks'

statements with regard to the transmutation of her separate

property into community property limits her rights to dispose of

the property by will and in any marital dissolution. (Attachment

1, Page 1). Thus, as noted by counsel, Mrs. Marks' statements

are not "merely self-serving" as they affect property interests

outside of the context of this matter. Id.

needs. According to Mrs. Marks, but for her having left the

hospital several days before she received the securities, she

As noted, transmutation of separate property into community property is informal in nature and, consequently, must be inferred from the circumstances. Based on the evidence submitted, it appears that the securities in the two accounts in Mrs. Marks name alone are community property of Mr. and Mrs. Marks. Thus, Mr. Marks can claim as personal funds a one-half ownership interest in all four accounts.

B. Valuation of the Property in Accounts 1-4.

In response to the Commission's interrogatories and requests for documents, Respondents submitted the T-4 forms (extension of credit form) on the loans secured by each of the four accounts (Attachment 2). The T-4 forms identify the account and list the

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total market value of the securities in each account at the time the transaction occurred. Additionally, Mrs. Marks' sworn response indicates that the full value of the securities in each account was pledged as collateral for the loans. The chart below identifies each account, the total market value of the account, Mr. Marks one-half interest in the asset, the loan amount, and the amount that appears to exceed Mr. Marks one-half ownership interest and thus was contributed by Mrs. Marks.

그 그리고 그러워 살아가 그렇게 되었다. 그 그는 바람이 아니는 아이들은 아이들은 아이들은 아이들은 아이들은 아이들은 아이들은 아이들은	Account \$		Half Collat	of Loan Mr. ceralized Hal curities Int	that Exceeds Marks One- If Ownership terest 411.00 ,050.81	ı
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The total amount in all four accounts that exceeded Mr.

Marks' one-half ownership interest is \$18,204.31. Therefore,

Mrs. Marks contribution to the Marks Committee is \$18,204.31

minus \$1,000 permitted for individual contributions under the

Act. Thus, Mrs. Marks contribution to the Marks Committee

exceeded the limits in violation of 2 U.S.C. \$ 441a(a)(1)(A) by

\$17,204.31. Additionally, the Marks Committee accepted an

excessive contribution in violation of 2 U.S.C. \$ 441a(f). The

Respondents have requested pre-probable cause conciliation.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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IV. RECOMMENDATIONS

- Enter into conciliation prior to a finding of probable cause to believe with Milton Marks Friends and Charles Duck, Jr., as treasurer; and Carolene Marks.
- 2. Approve the attached proposed conciliation agreements and letter.

Lawrence M. Noble General Counsel

Date

By:

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Associate General Counsel

Attachments

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- 1. Response of Respondents
- 2. Supplemental Response
- 3. Conciliation Agreements and Letter

Staff Person: Deborah Curry



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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM			
TO:	LAWRENCE M. NO GENERAL COUNSE		
FROM:	MARJORIE W. EM COMMISSION SEC	MONS/JOSHUA MCFADI RETARY	DED M
DATE:	DECEMBER 2, 19	988	14 17 17
SUBJECT:	OBJECTIONS TO	MUR 2417 - Genera Signed	l Counsel's Report November 29, 1988
The above-	captioned document	was circulated to	the
Commission on	Wednesday, November	r 30, 1988 4:00 p.	m .
Objection(s) have been receiv	red from the Commis	ssioner(s)
as indicated by	the name(s) checke	ed below:	
Commi	ssioner Aikens	X	
Commi	ssioner Elliott	X	
Commi	ssioner Josefiak		
Commi	ssioner McDonald		
Commi	ssioner McGarry		
Commi	ssioner Thomas		
This matte	g will be placed on	the meeting agend	da

Please notify us who will represent your Division before the Commission on this matter.

for____December 6, 1988

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Milton Marks' Friends and Charles) MUR 2417
Duck, Jr., as treasurer and)
Carolene Marks)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of January 10, 1989, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2417:

- Enter into conciliation prior to a finding of probable cause to believe with Milton Marks' Friends and Charles Duck, Jr., as treasurer; and Carolene Marks.
- 2.

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

Attest:

Date

Marjorie W. Emmons Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 23, 1989

David J. Hodge, Esquire Chickering & Gregory Two Embargo Center Seventh Floor San Francisco, CA 94111

RE: MUR 2417
Milton Marks' Friends and
Charles Duck, Jr., as
treasurer and Carolene
Marks

Dear Mr. Hodge:

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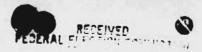
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On May 19, 1987, the Federal Election Commission found reason to believe that Carolene Marks violated 2 U.S.C. § 441a(a)(1)(A) and that Milton Marks' Friends and Charles Duck, Jr., as treasurer, violated 2 U.S.C. § 441a(f). At your request, on January 10, 1989, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact

David J. Hodge, Esquire Page 2 Deborah Curry, the attorney assigned to this matter, at (202) 376-8200. Sincerely, Lawrence M. Noble General Counsel Lois G. Lerner Associate General Counsel BY: Enclosure Conciliation Agreement 0 10 10 C 4 C α



BEFORE THE FEDERAL ELECTION COMMISSION 89 MAY 15 PH 12: 21

In the Matter of
)
Milton Marks' Friends and
Charles Duck, Jr., as treasurer
and Caroline Marks
)

SENSITIVE

GENERAL COURSEL'S REPORT

I. BACKGROUND

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On May 19, 1987, the Federal Election Commission found reason to believe that Caroline Marks violated 2 U.S.C.

\$ 441a(a)(1)(A) by making an excessive contribution to Milton Marks' Friends ("Marks Committee"). The Commission also found reason to believe the Marks Committee and its treasurer violated 2 U.S.C. \$ 441a(f) by accepting the excessive contribution. On January 13, 1989, the Commission entered into conciliation with Carolene Marks and the Marks Committee and its treasurer, prior to a finding of probable cause to believe. On February 21, 1989, the Commission received a counteroffer from the Respondents. (Attachment 1).

II. ANALYSIS OF RESPONDENTS' COUNTERPROPOSAL

III. RECOMMENDATIONS Accept the counteroffer of Milton Marks' Friends and Charles Duck, Jr., as treasurer, and Carolene Marks. Approve the attached letter and proposed conciliation 2. agreement. Lawrence M. Noble General Counsel George F. Rishel Acting Associate General 0 Counsel 10 Attachments 3 1. Respondents' Counteroffer 2. Proposed Conciliation Agreement and Letter 10 10 Staff Person: Debby Curry 1 0 CF 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Milton Marks' Friends and) MUR 2417

Charles Duck, Jr., as treasurer)
and Caroline Marks)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 17, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2517:

- Accept the counteroffer of Milton Marks'
 Friends and Charles Duck, Jr., as treasurer,
 and Carolene Marks, as recommended in the
 General Counsel's report signed May 15, 1989.
- 2. Approve the letter and proposed conciliation agreement, as recommended in the General Counsel's report signed May 15, 1989.

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

Attest:

may 17, 1989

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Marjorie W. Emmons

Secretary of the Commission

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Received in the Office of Commission Secretary:Mon., 5-15-89, 12:21 Circulated on 48 hour tally basis: Mon., 5-15-89, 4:00 Deadline for vote: Wed., 5-17-89, 4:00

FEDERAL ELECTION COMMISSION

MORRIS & MASINO

ATTOEMETS AT LAW

89 JUN -5 PM 12: 47

160 SPEAR STREET, SUITE 1200 SAN FRANCISCO, CALIFORNIA 94105

TELEPHONE (415) 978-2640

May 31, 1989

Deborah Curry, Esq.
Office of the General Counsel
Federal Elections Commissions
Washington, D. C. 20463

Re: Milton Mark's Friends, MUR 2417

Dear Ms. Curry:

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(415) 882-4980

Enclosed is the executed original of the Conciliation Agreement that contains the changes upon which we agreed, along with a check for \$3,000. Please note that it was sent to my prior address, which caused a delay in my receiving it. Thank you for assisting in resolving this MUR.

Sincerely,

David J/ Hodge

Enclosures

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cc: Senator and Mrs. Marks (w/encl.)
 Charles Duck (w/encl.)

15:21 Hd 8-NDF 68





BEFORE THE FEDERAL ELECTION COMM PS-18-23 PM (2: 36

In the Matter of

Milton Marks' Friends and Charles
Duck, Jr., as treasurer and
Carolene Marks

MUR 2417

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by David J. Hodge on behalf of Milton Marks' Friends and Charles Duck, Jr., as treasurer and Carolene Marks.

The attached agreement contains no changes from the agreement approved by the Commission on May 17, 1989. A check for the civil penalty (\$3,000) has been received.

II. RECOMMENDATIONS

- Accept the attached conciliation agreement with Milton Marks' Friends and Charles Duck as treasurer and Carolene Marks.
- 2. Close the file.
- 3. Approve the attached letter.

Lawrence M. Noble General Counsel

6-22-89

BY:

Date

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Lois G. Lerder
Associate General Counsel

Attachments

- 1. Conciliation Agreement
- 2. Letter to Respondent

Staff Assigned: Debby Curry

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Milton Marks' Friends and Charles

Duck, Jr., as treasurer and
Carolene Marks

MUR 2417

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 28, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2417:

- Accept the conciliation agreement with Milton Marks' Friends and Charles Duck as treasurer and Carolene Marks, as recommended in the General Counsel's report signed June 22, 1989.
- 2. Close the file.
- 3. Approve the letter, as recommended in the General Counsel's report signed June 22, 1989.

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

Attest:

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Marjorie W. Emmons

Secretary of the Commission

Received in the Office of Commission Secretary:Fri., 6-23-89, 12:36 Circulated on 48 hour tally basis: Mon., 6-26-89, 11:00 Deadline for vote: Wed., 6-28-89, 11:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 5, 1989

David J. Hodge, Esquire Morris & Masino 160 Spear Street, Suite 1200 San Francisco, CA 94105

RE: MUR 2417

Milton Marks' Friends and

Charles Duck, Jr., as

treasurer, and Carolene Marks

Dear Mr. Hodge:

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On June 28, 1989, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 2 U.S.C. \$\$ 441a(a)(1)(A) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your clients. 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 30 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 Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble General Counsel

, BY: Lois G. Lerner

Associate General Counsel

Enclosure
Conciliation Agreement

REFORE THE PEDERAL ELECTION COMMISSION In the Matter of MUR 2417 Milton Marks' Friends and Charles Duck, Jr., as treasurer and Carolene Marks 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 Milton Marks' Friends and its treasurer (hereinafter "Marks Committee" or "Respondents") violated 2 U.S.C. § 441f by accepting an excessive 3 contribution from Carolene Marks. The Commission also found 10

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the Marks Committee.

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

reason to believe that Carolene Marks ("Respondent") violated

2 U.S.C. § 44la(a)(1)(A) by making an excessive contribution to

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondents enter voluntarily into this agreement with the Commission.

The pertinent facts in this matter are as follows: IV. The Marks Committee is the principal campaign committee for Milton Marks. The Marks Committee is registered with the Federal Election Commission. Peter Burns was treasurer of the Marks Committee 2. at the time of the transactions in question. 3. Charles Duck, Jr., is currently treasurer of the Marks Committee. Carolene Marks is the wife of Milton Marks. 0 2 U.S.C. § 431(8)(A) states that the term 1 "contribution" includes "any gift, subscription, loan, advance, 69 or deposit of money or anything of value made by any person for LA. the purpose of influencing any election for federal office." 10 6. An individual may not make contributions to a candidate for federal office in excess of \$1,000 per election. 2 U.S.C. \$ 441a(a)(1)(A). 7. Additionally, the Act makes unlawful the acceptance of excessive contributions by candidates and political committees. 2 U.S.C. § 441a(f). Pursuant to 11 C.F.R. § 110.10(a), a candidate may 8. make unlimited expenditures from personal funds. 9. Personal funds were defined at former section 110.10(b)(l) as follows: any assets to which at the time he or she became a candidate, the candidate had legal and rightful title or with respect to which the candidate had the right of beneficial enjoyment, under applicable state law, and which the candidate had legal right of access to or control over, including funds from immediate family members....

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Thousand Dollars (\$3,000), pursuant to 2 U.S.C. \$ 437g(a)(5)(A). 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. This agreement shall become effective as of the date M that all parties hereto have executed same and the Commission has 10 approved the entire agreement. In Respondents shall have no more than thirty (30) days IX. from the date this agreement becomes effective to comply with and 0 implement the requirements contained in this agreement and to so notify the Commission. 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

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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 General Counsel

By:

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Lois G. Lerner

Associate General Counsel

Date 5, 1989

FOR THE RESPONDENTS:

David J. Hodge

Counsel for Respondents

May 30, 1989



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FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 24/7

DATE FILMED 2/2/19 CAMERA NO. 4

CAMERAMAN A.S.