



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2542

DATE FILMED 6/3/88 CAMERA NO. 2

CAMERAMAN K.A.U.

88040704161

87L-4



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

FEB 18 1987

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF THE COMMITTEE FOR THE 100th CONGRESS

This is a referral of the Committee for the 100th Congress ("the Committee"). The Committee failed to file the 1986 12 Day Pre-General Report by Election Day, November 4, 1986. In addition, the Committee received two (2) contributions from organizations which are not registered with the Commission totalling \$1,000; four (4) apparent contributions from corporations totalling \$3,000; and a \$5,000 apparent excessive contribution from a partnership. Upon notification by the Reports Analysis Division ("RAD"), the Committee refunded \$2,500 of the apparent corporate contributions.

One of the unregistered organizations, ASCAP, was referred to your office on June 6, 1986 for failure to register and report (see 86L-6).

If you have any questions on this matter, please contact Joseph Rawson at 376-2480.

Attachment

88040704162

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 18 February 1987

ANALYST: Joseph Rawson

I. COMMITTEE: Committee for the 100th Congress
(C00198523)
George A. Dalley, Treasurer
1706 Crestwood Drive, N.W. 1/
Washington, DC 20011

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(B)
11 CFR 104.5(c)(3)(ii)
2 U.S.C. §441a(f)
11 CFR 102.5
2 U.S.C. 441b(a)

III. BACKGROUND:

A. Failure to File the 12 Day Pre-General Report by Election Day
2 U.S.C. §434(a)(4)(B)
11 CFR 104.5(c)(3)(ii)

The Committee for the 100th Congress ("the Committee") failed to file the 1986 12 Day Pre-General Report by Election Day, November 4, 1986. The Committee was notified on September 29, 1986 that the 1986 12 Day Pre-General Report was due on October 23, 1986 (Attachment 2).

On November 11, 1986 Pat Bradley, a representative of the Committee, contacted the Reports Analysis Division ("RAD") analyst in order to discuss filing requirements for the upcoming election period (Attachment 3). The RAD analyst explained that a 12 Day Pre-General Report was required to be filed by all monthly filers and was due on October 23, 1986.

On November 14, 1986 a Non-Filer Notice was sent to the Committee, informing it of the failure to file the 1986

1/ The Committee's 1986 April Quarterly Report changed the Committee's address from 1420 16th Street, N.W., Washington, DC, 20036 to the above address; however, all correspondence from the Commission was sent to the previous address and apparently forwarded to the current address.

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COMMITTEE FOR THE 100th CONGRESS
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

Pre-General Report (Attachment 4). On November 20, 1986 the Committee filed a report covering the period from October 1, 1986 to October 31, 1986 (Attachment 5). This report contained the activity for the 12 Day Pre-General reporting period. On December 4, 1986 the Committee filed a 12 Day Pre-General Report covering the period from October 1, 1986 to October 15, 1986 (Attachment 6).

B. Receipt of Apparent Prohibited and Excessive Contributions

1. Receipt of Apparent Impermissible Funds From Unregistered Organizations
2 U.S.C. §441b(a)
11 CFR 102.5

The Committee's 1986 July Quarterly Report disclosed a \$500 contribution on May 21, 1986, from Hirschfeld '86 Lt. Governor, an organization which is not registered as a political committee with the Commission (Attachment 7).

An Informational Notice ("IN") referencing the 1986 July Quarterly Report was sent to the Committee on September 10, 1986 (Attachment 8). The IN requested that the Committee clarify whether the contribution from the unregistered political organization was permissible. If the contribution was not permissible, then the Commission recommended that the Committee refund the contribution or transfer the funds, with the donor's consent, to an account not used to influence federal elections.

The Committee's 1986 Year End Report disclosed a \$500 contribution on December 6, 1986 from the American Society of Composers, Authors & Publishers, an organization which is not registered as a political committee with the Commission (Attachment 19).

An IN referencing the 1986 Year End Report was sent to the Committee on January 30, 1987 (Attachment 20). The IN requested that the Committee clarify whether the contribution from the unregistered political organization was permissible. If the contribution was not permissible, then the Commission recommended that the Committee refund the contribution or transfer the funds, with the donor's consent, to an account not used to influence federal elections.

As of this date, no response concerning the receipts from the unregistered organizations has been received.

2. Receipt of Apparent Prohibited Contributions
2 U.S.C. 441b(a)

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COMMITTEE FOR THE 100th CONGRESS
REPORTS ANALYSIS OGC REFERRAL
PAGE 3

The Committee's 1986 July Quarterly Report disclosed the receipt of four (4) apparent corporate contributions totalling \$3,000. The report disclosed two (2) \$500 contributions received on June 23, 1986 from Bear, Stearns & Co. and Cain Brothers, Shattuck & Co. (Attachments 9 and 10). The report also disclosed a \$1,000 contribution received on May 29, 1986 from Charmer Industries, Inc. and a \$1,000 contribution received on June 23, 1986 from Glickenhau & Co. (Attachments 10 and 11).

A Request for Additional Information ("RFAI") was sent to the Committee on September 10, 1986. The RFAI advised the Committee to either refund the apparent corporate contributions or transfer the funds, with the donors' consent, to an account maintained for non-federal activity (Attachment 8). A Second Notice for failure to respond was sent to the Committee on October 2, 1986 (Attachment 12).

On November 13, 1986, the Committee submitted a response which disclosed a November 10, 1986 \$500 refund check to Bear, Stearns & Co., a November 10, 1986 \$1,000 refund check to Glickenhau & Co. and a November 10, 1986 \$1,000 refund check to Charmer Industries, Inc. (Attachment 13). The response did not address the apparent corporate contribution from Cain Brothers, Shattuck & Co.

Schedule B of the Committee's 1986 30 Day Post-General Report itemized the refund of the three (3) contributions addressed in the Committee's November 13, 1986 response (Attachment 14).

As of this date, no further response concerning the receipt of the apparent corporate contribution has been received to the Second Notice.

3. Receipt of Apparent Excessive Contributions
2 U.S.C. 441a(f)

The 1986 September Monthly Report (8/1/86-8/31/86)^{2/} disclosed two \$5,000 contributions on August 7, 1986, from two partnerships: Fener Realty Co. and Renef Realty Co.

^{2/} The Committee changed its filing frequency from Quarterly to Monthly as of the August Monthly Report (7/1/86-7/31/86)

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COMMITTEE FOR THE 100th CONGRESS
REPORTS ANALYSIS OGC REFERRAL
PAGE 4

(Attachment 15). The similarity in names indicated that the two partnerships might be related. A RFAI was sent to the Committee on November 5, 1986 asking the Committee to clarify the contributions from the two partnerships (Attachment 16). If it had received a contribution in excess of \$5,000 then the Commission recommended that the Committee refund the excess amount or transfer it, with the donor's consent, to an account not used to influence federal elections.

An amendment to the September Monthly Report was filed with the Commission on November 21, 1986. However, the response did not address the relationship between the two aforementioned partnerships (Attachment 17).

On November 26, 1986 a Second Notice was sent to the Committee asking it to clarify for the public record the relationship between Fener Realty and Renef Realty Co. (Attachment 18). The Second Notice advised the Committee that if it discovered that Fener Realty and Renef Realty were not separate entities, that the contribution amount in excess of \$5,000 should be refunded.

As of this date, no further response has been received to the Second Notice, concerning the relationship between the partnerships.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

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FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (85-86)DATE 13FEB87
PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
COMMITTEE FOR THE 100TH CONGRESS CONNECTED ORGANIZATION: NONE				NON-PARTY QUALIFIED		ID #C00198523
1985	STATEMENT OF ORGANIZATION YEAR-END	0	0	22OCT85 22OCT85 -31DEC85	2	85FEC/390/1477 2 86FEC/400/0157
1986	MISCELLANEOUS REPORT			4SEP86 FROM FEC	1	87FEC/455/1073
	APRIL QUARTERLY	31,400	6,337	1JAN86 -31MAR86	8	86FEC/411/0743
	APRIL QUARTERLY - AMENDMENT	31,400	6,337	1JAN86 -31MAR86	2	86FEC/429/1967
	REQUEST FOR ADDITIONAL INFORMATION			1JAN86 -31MAR86	2	86FEC/416/3593
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN86 -31MAR86	3	86FEC/418/4545
	JULY QUARTERLY	-	-	1APR86 -30JUN86	22	86FEC/429/1944
	JULY QUARTERLY - AMENDMENT	87,250	10,992	1APR86 -30JUN86	2	86FEC/429/1971
	JULY QUARTERLY - AMENDMENT	86,250	10,992	1APR86 -30JUN86	27	86FEC/444/2202
	NOTICE OF FAILURE TO FILE			1APR86 -30JUN86	1	86FEC/426/3552
	REQUEST FOR ADDITIONAL INFORMATION			1APR86 -30JUN86	11	86FEC/430/1632
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR86 -30JUN86	16	86FEC/432/3771
	AUGUST MONTHLY	38,325	40,870	1JUL86 -31JUL86	12	86FEC/429/1974
	AUGUST MONTHLY - AMENDMENT	38,325	40,870	1JUL86 -31JUL86	16	86FEC/444/2229
	REQUEST FOR ADDITIONAL INFORMATION			1JUL86 -31JUL86	4	86FEC/430/1644
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL86 -31JUL86	1	86FEC/432/3787
	SEPTEMBER MONTHLY	116,756	60,298	1AUG86 -31AUG86	23	86FEC/441/5302
	SEPTEMBER MONTHLY - AMENDMENT	116,756	60,298	1AUG86 -31AUG86	28	86FEC/444/4278
	SEPTEMBER MONTHLY - AMENDMENT	116,756	60,298	1AUG86 -31AUG86	3	86FEC/447/1215
	NOTICE OF FAILURE TO FILE			1AUG86 -31AUG86	1	86FEC/436/1874
	REQUEST FOR ADDITIONAL INFORMATION			1AUG86 -31AUG86	6	86FEC/443/4497
	REQUEST FOR ADDITIONAL INFORMATION			1AUG86 -31AUG86	1	86FEC/445/0457
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1AUG86 -31AUG86	2	86FEC/445/1499
	OCTOBER MONTHLY	29,966	71,990	1SEP86 -30SEP86	14	86FEC/441/5326
	OCTOBER MONTHLY - AMENDMENT	-	-	1SEP86 -30SEP86	3	86FEC/444/4275
	OCTOBER MONTHLY - AMENDMENT	30,966	71,990	1SEP86 -30SEP86	16	86FEC/445/0003
	REQUEST FOR ADDITIONAL INFORMATION			1SEP86 -30SEP86	4	86FEC/443/4504
	PRE-GENERAL	17,285	41,248	1OCT86 -15OCT86	11	86FEC/450/4238
	NOTICE OF FAILURE TO FILE			1OCT86 -15OCT86	1	86FEC/444/1492
	NOVEMBER MONTHLY	34,508	105,120	1OCT86 -31OCT86	21	86FEC/445/0020
	NOVEMBER MONTHLY - AMENDMENT	17,223	64,372	16OCT86 -31OCT86	14	86FEC/450/4250
	POST-GENERAL	34,551	22,595	1NOV86 -24NOV86	13	86FEC/450/4372
	DECEMBER MONTHLY	4,770	0	25NOV86 -30NOV86	5	86FEC/452/1086
	YEAR-END	8,000	20,030	1DEC86 -31DEC86	9	87FEC/455/2300
	1ST LETTER INFORMATIONAL NOTICE			1DEC86 -31DEC86	3	87FEC/458/0592
	TOTAL	385,526	0 338,732	0	310	TOTAL PAGES

All reports have been reviewed.
Outstanding debts owed by the committee as of 12/31/86: \$0
Ending cash-on-hand as of 12/31/86: \$46,790.70

ATTACHMENT 1

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

September 29, 1986

WHO MUST FILE THE PRE-GENERAL ELECTION REPORT

ALL COMMITTEES that file monthly reports must file the pre-general election report due October 23, 1986.

All COMMITTEES that file quarterly that have made contributions or expenditures (including independent expenditures and coordinated party expenditures) in connection with the general election must file a pre-election report, if such activity has not previously been reported. See below for post-general filing information.

WHAT MUST BE REPORTED

Quarterly filers must disclose all financial activity from the close of books of the last report, or from the date of registration* (whichever is later), through October 15, 1986. (Monthly filers must disclose all financial activity from October 1 or from the date of registration* (whichever is later), through October 15, 1986.) For more detailed instructions, consult your campaign guide.

WHEN TO FILE

Pre-general election reports sent registered or certified mail must be postmarked no later than midnight October 20, 1986. Reports hand delivered or mailed first class must be received no later than close of business October 23, 1986.

WHO MUST FILE THE POST-GENERAL ELECTION REPORT

ALL COMMITTEES must file the post-general election report due December 4, 1986, regardless of election activity.

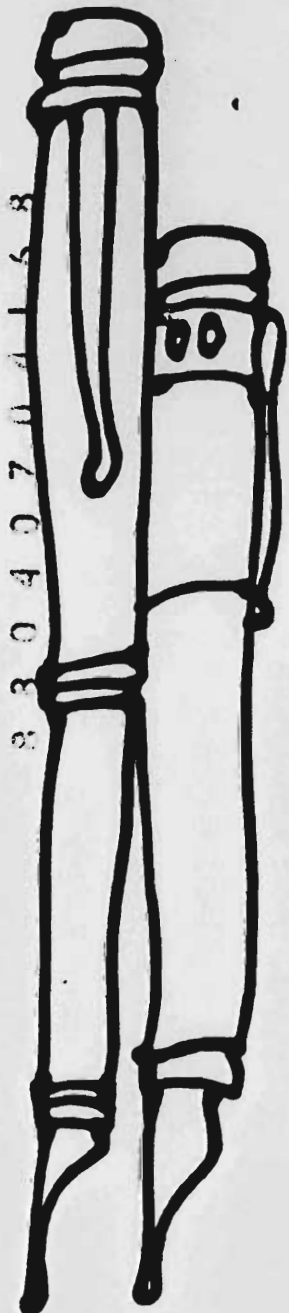
WHAT MUST BE REPORTED

The report must disclose all financial activity from the close of books of the last report, or the date of registration* (whichever is later), through November 24, 1986.

WHEN TO FILE

Post-general election reports sent by registered or certified mail must be postmarked no later than midnight December 4, 1986. Reports hand delivered or mailed first class must be received no later than close of business December 4, 1986.

*The first report filed by a committee shall include all amounts received or disbursed prior to becoming a political committee, even if such amounts were not received or disbursed during the current reporting period. See 11 CFR 104.3(a) and (b).



QUARTERLY FILERS

<u>Name of Report</u>	<u>Period Covered</u>	<u>Reg./Cert. Mailing Date</u>	<u>Filing Date</u>
Oct. Quarterly	07/01 ¹ - 09/30	10/15/86	10/15/86
Pre-General	10/01 - 10/15	10/20/86	10/23/86
Post-General ²	10/16 - 11/24	12/04/86*	12/04/86*
Year-End	11/25 - 12/31	01/31/87	01/31/87

MONTHLY FILERS

<u>Name of Report</u>	<u>Period Covered</u>	<u>Reg./Cert. Mailing Date</u>	<u>Filing Date</u>
Oct. Monthly	09/01 ¹ - 09/30	10/20/86	10/20/86
Pre-General	10/01 - 10/15	10/20/86	10/23/86
Post-General	10/16 - 11/24	12/04/86*	12/04/86*
Year-End	11/25 - 12/31	01/31/87	01/31/87

*Follow these dates for mailing and filing the post-general report. Disregard dates shown on the October Quarterly Report Notice dated September 19, 1986.

INDEPENDENT EXPENDITURES

Any independent expenditure aggregating \$1,000 or more and made between 2 and 20 days before an election must be reported within 24 hours after the expenditure is made. See 11 CFR 104.4(c)(2) and (3) for information concerning where to file.

WHERE AND HOW TO FILE

Committees should consult the instructions on the enclosed FEC Form 3X, for details.

COMPLIANCE

Political committees are fully liable for failure to file any report required under the Act. Failure to file in a timely fashion is also a serious violation. Offending committees are subject to enforcement action. Committees must also submit legible reports which can be clearly reproduced. Illegible reports and reports submitted on non-FEC forms will not be accepted, and committees filing such documents will be required to refile.

1/Or from date of registration, or the close of books of the last report filed, whichever is later.

2/Reports filed by committees that did not file the pre-general election report should cover all financial activity from the closing date of the last report or from the date of registration (whichever is later), through November 24, 1986. See the footnote on the reverse side.

FOR INFORMATION CALL: Information Services Division
800/424-9530 or 202/376-3120

89040704169

TELECON

ANALYST: Joseph Rawson

CONVERSATION WITH: Pat Bradley, Representative for the Committee
For the 100th Congress

COMMITTEE: Committee For the 100th Congress (C00198523)

DATE: November 11, 1986

SUBJECT(S): Non-Filing of the 12 Day Pre-General Report

I explained that all monthly filers were required to file a 12 Day Pre-General Election Report regardless of their activity. The 12 Day Pre-General Election Report covered the period 10/1/86-10/15/86 and was due on October 23, 1986. The 30 Day Post General Election Report covered the period from 10/16/86-11/24/86 and was due on December 4, 1986.

88040704170



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

BQ-7

November 14, 1986

George A. Dalley, Treasurer
Committee for the 100th Congress
1420 16th Street, NW
Washington, DC 20036

Identification Number: C00198523

Reference: 12 Day Pre-General Report (10/1/86-10/15/86)

Dear Mr. Dalley:

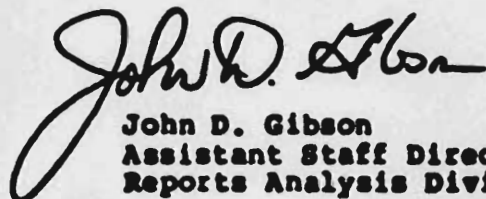
It has come to the attention of the Federal Election Commission ("the Commission") that you may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent state officer. See 2 U.S.C. §439.

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Joseph Rawson on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,


John D. Gibson
Assistant Staff Director
Reports Analysis Division

17-1047082

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

RECEIVED AT THE FEC

1. Name of Committee On Form

Committee for the 100th Congress

Address (Number and Street)

1706 Crestwood Drive, NW

City, State and ZIP Code

Washington, D. C. 20011

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C00198523

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (Month)

4. TYPE OF REPORT (Check appropriate boxes)

86 NOV 21 P12: 08
(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report☐ July 15 Quarterly Report ☐ January 31 Year End Report☐ July 31 Mid Year Report (Non-Election Year Only)☒ Monthly Report for 10/1/86-10/31/86☐ Twelfth day report preceding _____ (Month) of Election

election on _____ in the State of _____

☐ Thirtieth day report following the General Election

on _____ in the State of _____

☐ Termination Report

(b) Is this Report an Amendment?

☐ YES☒ NO

SUMMARY

5. Covering Period 10/1/86 through 10/31/86

6. (a) Cash on hand January 1, 1986

(b) Cash on hand at Beginning of Reporting Period

(c) Receipts (from Line 18)

(d) Total (sum of Lines 6(b) and 6(c) for Column A and

Lines 6(b) and 6(c) for Column B)

7. Total Disbursements (from Line 28)

8. Cash on hand at Close of Reporting Period (subtract Line 7 from Line 6(d))

9. Debts and Obligations Owed TO The Committee
(Itemize all on Schedule C or Schedule D)10. Debts and Obligations Owed BY the Committee
(Itemize all on Schedule C or Schedule D)

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

George A. Dalley

Type or Print Name of Treasurer

SIGNATURE OF TREASURER

11/20/86

Date

For further information contact:

Federal Election Commission

555 E Street, NW

Washington, D.C. 20463

Tel. (202) 456-6530

Local (202) 574-7120

NOTE: Submission of false or misleading information may subject the person signing this report to the penalties of 2 U.S.C. § 637g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3X (3/86)

2890407004172

HAND DELIVERED

REPORT OF RECEIPTS AND DISBURSEMENTS

For a Political Committee Other Than an Authorized Committee

(Summary Page) - AT THE FEC

ALIGN AREA 1. Name of Committee (No Full) Committee for the 100th Congress Address (Number and Street) 1706 Crestwood Drive, NW City, State and ZIP Code Washington, DC 20011 ☐ Check here if address is different than previously reported. 2. FEC Identification Number C00198523 3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____	ALIGN AREA 4. TYPE OF REPORT (Check appropriate boxes) REG 5 All ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report ☐ July 15 Quarterly Report ☐ January 31 Year End Report ☐ July 31 Mid Year Report (Non-Election Year) ☐ Monthly Report for _____ ☒ Twelfth day report preceding _____ election on 11/6/86 in the State of _____ ☐ Thirtieth day report following the General Election on _____ in the State of _____ ☐ Termination Report (b) Is this Report an Amendment? ☐ YES ☒ NO
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SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u>10/1/86</u> through <u>10/15/86</u>		
6 (a) Cash on hand January 1, 19 <u>86</u>			\$ ---
(b) Cash on Hand at Beginning of Reporting Period		\$ 113,208.96	
(c) Total Receipts (from Line 18)		\$ 17,285.00	\$ 320,983.34
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 130,493.96	\$ 320,983.34
7. Total Disbursements (from Line 28)		\$ 41,248.29	\$ 231,737.67
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 89,245.67	\$ 89,245.67
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)		\$ NONE	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)		\$ NONE	

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

George A. Dalley

Type or Print Name of Treasurer

SIGNATURE OF TREASURER

Date

For further information contact:

Federal Election Commission

Toll Free 800-424-9530

Local 202-573-4088

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 632g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3a (3/80)

SCHEDULE A

ITEMIZED RECEIPTS

1986 July Quarterly Report

Page 3 of 3
 (c)
 This schedule (Schedule A) for each
 category of the Receipts
 Summary Page

Any information copied from cash 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 cash contributors.

Name of Committee (in Full)
Committee for the 100th Congress

A. Full Name, Mailing Address and ZIP Code Goldman Sachs PAC 1825 Eye Street, NW #450 Washington, DC 20006 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period		
	Occupation	6/23/86	2,500.00		
	Aggregate Year-to-Date—\$		2,500.00		
B. Full Name, Mailing Address and ZIP Code Goldome PAC One Fountain Plaza Buffalo, NY 14203-1499 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period		
	Occupation	6/5/86	500.00		
	Aggregate Year-to-Date—\$		500.00		
C. Full Name, Mailing Address and ZIP Code Hirschfeld '86 Lt. Governor Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period		
	Occupation	5/21/86	500.00		
	Aggregate Year-to-Date—\$		500.00		
D. Full Name, Mailing Address and ZIP Code Home Life Insurance Co. PAC 253 Broadway New York, NY 10007 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period		
	Occupation	5/13/86	500.00		
	Aggregate Year-to-Date—\$		500.00		
E. Full Name, Mailing Address and ZIP Code E.F. Hutton Group PAC Seven Hanover Square New York, NY 10004 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period		
	Occupation	4/19/86	1,000.00		
	Aggregate Year-to-Date—\$		1,000.00		
F. Full Name, Mailing Address and ZIP Code ILGWU Campaign Committee 1710 Broadway New York, NY 10019 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period		
	Occupation	5/29/86	5,000.00		
	Aggregate Year-to-Date—\$		5,000.00		
G. Full Name, Mailing Address and ZIP Code Irving Bank Corp. Cmte for Responsible Gov't. 1 Wall Street New York, NY 10005 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period		
	Occupation	6/23/86	500.00		
	Aggregate Year-to-Date—\$		500.00		
SUBTOTAL of Receipts This Page (optional)			10,500.00		
TOTAL This Period (last page this line number only)					

0930407043174



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

EQ-2

SEP 10

George A. Dalley, Treasurer
Committee for the 100th Congress
1420 16th Street, NW
Washington, D.C. 20036

Identification Number: C00198523

Reference: July Quarterly Report (4/1/86-6/30/86)

Dear Mr. Dalley:

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:

-On Schedule A supporting Line 11a of the Detailed Summary Page, your report disclosed contributions from individuals which omit the mailing addresses. Please amend your report by supplying the information. 11 CFR 104.3(a)(4)(i).

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

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

-You have received contributions from what appear to be unincorporated proprietorships or partnerships (pertinent portions attached). Generally, these types of contributions are to be attributed to each person based on their percentage ownership in the firm, however, any other accepted formula may be used. Each person who has contributed in excess of \$200 since

3 8 9 3 4 0 3 7 0 1 4 6 1 3 7 5

January 1 should be identified by name, address, occupation, name of employer, amount of contribution, and aggregate total on Schedule A. 11 CFR 110.1(e).

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

-Your report discloses an apparent contribution(s) from a corporation(s) (pertinent portion attached). You are advised that a contribution from a corporation is prohibited by the Act, unless made from a separate segregated fund established by the corporation. (2 U.S.C. §441b(a)) If you have received a corporate contribution(s), the Commission recommends that you refund the full amount to the donor(s) in accordance with 11 CFR 103.3(b). If you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor(s) of your intent and provide the contributor(s) with the option of receiving a refund. Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In addition, the disbursement should be disclosed on a supporting Schedule B for Line 26 or 27 of your next report.

If the contribution(s) in question was incorrectly reported and/or you have additional information, you may wish to submit documentation for the public record.

Although the Commission may take further legal steps concerning the acceptance of a prohibited contribution, prompt action by your committee to refund or transfer-out the amount will be taken into consideration.

-Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) from an organization(s) which is not a political committee registered with the Commission. Under 11 CFR 102.5(b), organizations which are not political committees under the Act must either: 1) establish a separate account which contains only those funds permitted under the Act, or 2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

3 5 7 34403701 4 13 7 6

[Handwritten signature]

Please clarify whether the contribution(s) received from the referenced organization(s) is permissible, as required by 11 CFR 102.5(a). To the extent that your committee has received funds which are not permissible, the Commission recommends that you refund the impermissible amount(s) to the donor(s) in accordance with 11 CFR 103.3(b). If you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor(s) of your intent and provide the contributor(s) with the option of receiving a refund. Please inform the Commission in writing and provide a photocopy of your check(s) for the refund(s) or transfer(s)-out. Contributions which are refunded should be disclosed on Schedule B for Line 26a of your next report; those which are transferred-out should be disclosed on Schedule B for Line 20 or Line 27, as appropriate.

-Your committee has filed a report which contains financial activity which has been disclosed on a subsequent report. Please amend this report by including only the financial transactions that occurred between 4/1/86 and 6/30/86. 2 U.S.C. 5434(b).

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Joseph Rawson

Joseph Rawson
Reports Analyst
Reports Analysis Division

388040370164177

SCHEDULE A

ITEMIZED RECEIPTS

1986 OCTOBER QUARTERLY REPORT

Page 1 of 11
 (Last Page)
 (See instructions for use
 of this Schedule for use
 with Form 1040)
 (Summary Page)

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.

Name of Committee (in Full)
Committee for the 100th Congress

A. Full Name, Mailing Address and ZIP Code Robert S. Andursky 1 Citicorp Center 153 E. 53rd St. NYC 10022	Name of Employer Occupation Attorney	Date (month, day, year) 6/23/86	Amount of Each Receipt This Period \$500.
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—\$ 500.		
B. Full Name, Mailing Address and ZIP Code Chris Andersen 15 Beekman Road Summit, NJ 07901	Name of Employer Drexel Burnham Lambert Occupation Managing Director	Date (month, day, year) 6/27/86	Amount of Each Receipt This Period \$500.
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—\$ 500.		
C. Full Name, Mailing Address and ZIP Code George L. Ball 199 Water Street NYC 10292	Name of Employer Prudential Bache Securities Occupation Chairman	Date (month, day, year) 6/23/86	Amount of Each Receipt This Period \$500.
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—\$ 500.		
D. Full Name, Mailing Address and ZIP Code John F. Barna 11 Hummingbird Lane Darien, CT 06820	Name of Employer Peat Marwick, Mitchell Occupation Partner	Date (month, day, year) 5/21/86	Amount of Each Receipt This Period \$500
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—\$ 500.		
E. Full Name, Mailing Address and ZIP Code Bear, Stearns & Co. 55 Water Street New York, NY 10041	Name of Employer Occupation	Date (month, day, year) 6/23/86	Amount of Each Receipt This Period \$500
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—\$ 500.		
F. Full Name, Mailing Address and ZIP Code James J. Bell Jr. 56 Dorothy Drive Morristown, NJ 07960	Name of Employer Carroll & Bell Occupation Investment Advisor	Date (month, day, year) 6/23/86	Amount of Each Receipt This Period \$1,000
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—\$ 1,000		
G. Full Name, Mailing Address and ZIP Code Brown & Wood One World Trade Center NYC 10048	Name of Employer Occupation Attorney	Date (month, day, year) 6/27/86 6/17/86	Amount of Each Receipt This Period \$100 \$100
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—\$ 200		
SUBTOTAL of Receipts This Page (addition)			
TOTAL This Period (add page totals and number of pages)			

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SCHEDULE A

1986 OCTOBER QUARTERLY REPORT

ITEMIZED RECEIPTS

ATTACHMENT TO

2 11

Page 2 of 2 for
Linda Johnson - 11-1-86
Also include schedule for each
category of the Receipts
(Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of collecting 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)			
committee for the 100th Congress			
A. Full Name, Mailing Address and ZIP Code Jackson B. Browning, Jr. 25 E. 9th Street-Apt 3A NYC 10003	Name of Employer Occupation Attorney	Date (month, day, year) 6/27/86	Amount of Each Receipt This Period \$500.
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date-\$ 500		
B. Full Name, Mailing Address and ZIP Code Cain Brothers, Shattuck & Co. 101 Park Avenue-Suite 4430 NYC 10178	Name of Employer Occupation	Date (month, day, year) 6/23/86	Amount of Each Receipt This Period \$500
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date-\$ 500		
C. Full Name, Mailing Address and ZIP Code Hugh L. Carey 425 Park Avenue NYC 10022	Name of Employer Finley, Kumble, Wagner, et al Occupation Attorney	Date (month, day, year) 6/25/86	Amount of Each Receipt This Period \$500
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date-\$ 1,000		
D. Full Name, Mailing Address and ZIP Code Charm Industries 19-50 48th Street Astoria, NY 11105	Name of Employer Occupation	Date (month, day, year) 5/29/86	Amount of Each Receipt This Period \$1000
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date-\$ 1,000		
E. Full Name, Mailing Address and ZIP Code Richard Chirls 1211 Ave. of the Americas NYC 10036	Name of Employer Orrick Herrington & Sutcliffe Occupation Attorney	Date (month, day, year) 6/25/86	Amount of Each Receipt This Period \$500
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date-\$ 500.		
F. Full Name, Mailing Address and ZIP Code Everette P. Coppedge, III 550 W. 12th Street-Penthouse A NYC 10014	Name of Employer Goldman Sachs & Co. Occupation Investment Banker	Date (month, day, year) 6/27/86	Amount of Each Receipt This Period \$250
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date-\$ 250		
G. Full Name, Mailing Address and ZIP Code Allen Counts 55 E. 93rd Apt 5C NYC 10128	Name of Employer Pryor Eovan, Counts Occupation Investment Banker	Date (month, day, year) 6/25/86	Amount of Each Receipt This Period \$250
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date-\$ 500		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

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SCHEDULE A

FINANCIAL DISCLOSURE

1986 OCTOBER QUARTERLY REPORT

Any information sought from each receipt or statement may not be used or used by any person for the purpose of influencing contributions or for commercial purposes, other than when the receipt and statement of any political committee are used to obtain contributions from such committee.

Name of Committee to Which
Committee for the 100th Congress

A. Full Name, Mailing Address and ZIP Code Ernest Ginsberg 32 Lakeview Drive Myckoff, NJ 07481	Name of Employer Republic National Bank of NY	Date (month, day, year) 5/21/86	Amount of Cash Receipts This Period \$500
Receipts For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Banker & Lawyer Aggregate Year-to-Date—\$ 500		
B. Full Name, Mailing Address and ZIP Code Glickenhau & Co. 6 East 43rd Street NYC 10017	Name of Employer Occupation	Date (month, day, year) 6/23/86	Amount of Cash Receipts This Period \$1000
Receipts For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—\$ 1,000		
C. Full Name, Mailing Address and ZIP Code George J. Grumbach Jr. 322 Central Park West NYC 10025	Name of Employer Occupation Attorney	Date (month, day, year) 4/25/86	Amount of Cash Receipts This Period \$1000
Receipts For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—\$ 1000		
D. Full Name, Mailing Address and ZIP Code Charles M. Harmon Jr. 4 Colonial Drive New Vernon, NJ 07976	Name of Employer Goldman Sachs & Co	Date (month, day, year) 6/27/86	Amount of Cash Receipts This Period \$500
Receipts For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—\$ 500		
E. Full Name, Mailing Address and ZIP Code Carol Haussamen 40 Central Park South New York, NY 10019	Name of Employer 40 Central Park So. Inc.	Date (month, day, year) 5/21/86	Amount of Cash Receipts This Period \$500
Receipts For: ☐ Primary ☐ General ☐ Other (specify):	Occupation President Aggregate Year-to-Date—\$ 500		
F. Full Name, Mailing Address and ZIP Code Walter W. Hess, Jr. 650 Park Avenue NYC 10021	Name of Employer L.F. Rothschild, Unterberg, Towbin, Inc.	Date (month, day, year) 6/25/86	Amount of Cash Receipts This Period \$500
Receipts For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—\$ 500		
G. Full Name, Mailing Address and ZIP Code Harry A. Jacobs Matthiessen Park Irvington, NY 10555	Name of Employer Prudential-Bache Securities	Date (month, day, year) 6/23/86	Amount of Cash Receipts This Period \$500
Receipts For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Senior Director Aggregate Year-to-Date—\$ 500		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (Sum page 61a line number only)			

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

BQ-3

October 2, 1986

George A. Dalley, Treasurer
Committee for the 100th Congress
1420 16th Street, N.W.
Washington, DC 20036

Identification Number: C00198523

Reference: July Quarterly (4/1/86-6/30/86) and August Monthly
(7/1/86-7/31/86)

Dear Mr. Dalley:

This letter is to inform you that as of October 1, 1986, the Commission has not received your response to our requests for additional information dated September 10, 1986. Those notices 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). Copies of our original requests are 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 Joseph Rawson 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

Enclosures

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Committee for the 100th Congress
2020 Allen Plaza, N.W., Washington, D.C. 20001

ATTACHMENT 13
(Page 1 of 4)

Richard A. Brown
Treasurer

November 12, 1986

Mr. Joseph Rawson
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D. C. 20463

Identification Number: C00198323

Reference: July Quarterly Report (4/1/86-6/30/86)

Dear Mr. Rawson:

This letter is in response to the Commission's preliminary review of the report referenced above.

Attached is an amended report for this period which reflects mailing addresses, occupation and name of employer where this information had previously been omitted. Please be advised that the committee feels it has exercised "best efforts" to obtain the occupation and name of employer and I am attaching a copy of the solicitation which was used to obtain this information. In addition, this amended report reflects the deletion of certain information which was disclosed on a subsequent report.

As it relates to those contributions which appear to be from unincorporated proprietorships or partnerships, attached is a copy of the committee's solicitation to obtain this information. As soon as the committee receives responses to our inquiries, we will further amend our report.

Further, I am attaching copies of correspondence transmitting refunds of those contributions which appear to have come from corporations. These refunds, of course, will be included in a subsequent report.

I do hope this amendment and other pertinent information satisfies the request of the Federal Election Commission.

Sincerely,

Richard A. Brown
RICHARD A. DALLEY
Treasurer

GAD:p
Attachments

Committee for the 100th Congress
3030 Allen Pl. N.W., Washington, D.C. 20008

Richard A. Brown
Chairman

November 10, 1986

Beas, Stearns & Co.
25 Water Street
New York, New York 10041

Dear Friends:

The Committee for the 100th Congress is deeply grateful to you for your generous contribution to our efforts to secure the endorsement of the Democratic majority in the U.S. House of Representatives.

The Federal Election Commission has raised a question about our filing of the report of your contribution, however, and we request that we must return your contribution as it appears to have emanated from

- ☐ (a). a labor organization;
- ☒ (b). a corporation;
- ☐ (c). a national bank
- ☐ (d). an organization that is not a political committee registered with the Federal Election Commission;
- ☐ (e). a foreign national.

Contributions from (b) are prohibited under the Federal Election Act (2 U.S.C. Sec. 441b) unless made from a separate segregated fund established by the organization.

It may be that we have misunderstood the source of your contribution and thus incorrectly reported it to the Federal Election Commission. In that event, please return the contribution to us along with information on the fund from which your contribution to our Committee was derived.

I regret the possible inconvenience caused you by this request and thank you for your cooperation and prompt response. Please call us at (202) 722-5184 if you have any questions.

Sincerely,

George A. Bailey
GEORGE A. BAILEY
Treasurer

CAD:p
Enclosure

THE COMMITTEE FOR THE 100TH CONGRESS 3030 ALLEN PL. N.W. WASHINGTON, D.C. 20008		1352
November 10, 1986		25-7807
PAY TO THE ORDER OF Beas, Stearns & Co.		\$ 300.00
Five hundred and no/100-----		DOLLARS
FEDERAL SAVINGS BANK of Washington, D.C. 20008		<i>George A. Bailey</i> Treasurer
FOR refund of contribution		
#001352# -@: 254070077#		0193 00323#

82 3 3 4 9 7 0 2 1 28-3

Committee for the 100th Congress
2000 Allen Plaza, N.W., Washington, D.C. 20009

Richard A. Bailey
Treasurer

November 10, 1986

Cherner Industries
19-30 48th Street
Astoria, New York 11105

Dear Friends:

The Committee for the 100th Congress is deeply grateful to you for your generous contribution to our efforts to secure the enhancement of the Democratic majority in the U.S. House of Representatives.

The Federal Election Commission has raised a question about our filing of the report of your contribution, however, and we regret that we must return your contribution as it appears to have originated from

- ___ (a). a labor organization;
- ___ (b). a corporation;
- ___ (c). a national bank
- ___ (d). an organization that is not a political committee registered with the Federal Election Commission;
- ___ (e). a foreign national.

Contributions from (b) are prohibited under the Federal Election Act (2 U.S.C. Sec. 441b) unless made from a separate segregated fund established by the organization.

It may be that we have misunderstood the source of your contribution and thus incorrectly reported it to the Federal Election Commission. In that event, please return the contribution to me along with information on the fund from which your contribution to our Committee was derived.

I regret the possible inconvenience caused you by this request and thank you for your cooperation and prompt response. Please call me at (202) 722-3184 if you have any questions.

Sincerely,

Richard A. Bailey
RICHARD A. BAILEY
Treasurer

CAD:p
Enclosure

THE COMMITTEE FOR THE 100TH CONGRESS		1986
2000 ALLEN PL. N.W. WASHINGTON D.C. 20009		
November 10, 1986		
PAY TO THE ORDER OF	Cherner Industries, Inc.	\$ 1,000.00
One thousand and no/100		DOLLARS
INDEPENDENT FEDERAL SAVINGS BANK of Washington, D.C. 20009		
FOR contribution refund		
⑈008353⑈ ⑈254070077⑈		0193 00123⑈

Committee for the 100th Congress
2000 Allen Pl. N.W., Washington, D.C. 20009

Richard A. Brown
Chairman

November 10, 1986

Clickenhaus & Co.
6 East 43rd Street
New York, New York 10017

Dear Friends:

The Committee for the 100th Congress is deeply grateful to you for your generous contribution to our efforts to secure the enhancement of the Democratic majority in the U.S. House of Representatives.

The Federal Election Commission has raised a question about our filing of the report of your contribution, however, and we regret that we must return your contribution as it appears to have originated from

- ☐ (a). a labor organization;
- ☒ (b). a corporation;
- ☐ (c). a national bank
- ☐ (d). an organization that is not a political committee registered with the Federal Election Commission;
- ☐ (e). a foreign national.

Contributions from (b) are prohibited under the Federal Election Act (2 U.S.C. Sec. 441b) unless made from a separate segregated fund established by the organization.

It may be that we have misunderstood the source of your contribution and thus incorrectly reported it to the Federal Election Commission. In that event, please return the contribution to us along with information on the fund from which your contribution to our Committee was derived.

I regret the possible inconvenience caused you by this request and thank you for your cooperation and prompt response. Please call us at (202) 722-5184 if you have any questions.

George A. Bailey
George A. Bailey
Treasurer

GAB:p
Enclosure

THE COMMITTEE FOR THE 100TH CONGRESS 2000 ALLEN PL. N.W. WASHINGTON, D.C. 20009		1354
November 10, 1986		25-7007
PAY TO THE ORDER OF	Clickenhaus & Co.	\$ 1,000.00
One thousand and no/100-----		
FEDERAL SAVINGS BANK of Washington, D.C. 20009		
FOR contribution refund		
#001354# -#254070077#		0193 00373#

SCHEDULE B

ITEMIZED DISBURSEMENTS

Any information copied from each Report and attached may not be sold or used by any person for the purpose of making any contribution to or for any candidate for Federal office, other than that of the same and subject of any political committee to which contributions have been received.

NAME OF COMMITTEE TO FILE

Committee for the 100th Congress

A. Full Name, Mailing Address and ZIP Code Best Stearns & Co. 35 Water Street New York, NY 10041	Purpose of Disbursement contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 11/10/86	Amount of Each Disbursement This Period 300.00
B. Full Name, Mailing Address and ZIP Code Jean Rover 2125 Dumbarton Avenue, NW Washington, DC 10007	Purpose of Disbursement sect blocked Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 11/2/86	Amount of Each Disbursement This Period 500.00
C. Full Name, Mailing Address and ZIP Code Cherner Industries, Inc. 19-50 48th Street Astoria, NY 11105	Purpose of Disbursement contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 11/10/86	Amount of Each Disbursement This Period 1,000.00
D. Full Name, Mailing Address and ZIP Code Glickenhause & Co. 6 East 43rd Street New York, NY 10017	Purpose of Disbursement contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 11/10/86	Amount of Each Disbursement This Period 1,000.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

3,000.00

33040704384

SCHEDULE A

STANDARD FORM NO. 280-100

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATIONOFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D.C. 20530

Any information stated herein that is required by law to be withheld or that is exempt from disclosure under the provisions of the Freedom of Information Act, shall be so indicated by marking the appropriate box in the space provided for this purpose, other than using the name and address of any political committee to which contributions have been received.

NAME OF COMMITTEE (in Full)

Committee for the 100th Congress

1986, September Monthly Report

A. Full Name, Mailing Address and ZIP Code

Rae E. Dudley

Name of Employer

Occupation

Date (month, day, year)

8/21/86

Amount of Each Receipt this Period

250.00

Receipt For:

☒ Primary ☐ General☐ Other (specify):

Aggregate Year-to-Date > 8

250.00

B. Full Name, Mailing Address and ZIP Code

Anthony Lrexal Duke
3 Pound Hollow Road
Glen Head, NY 11545

Name of Employer

Occupation

Date (month, day, year)

8/21/86

Amount of Each Receipt this Period

250.00

Receipt For:

☒ Primary ☐ General☐ Other (specify):

Aggregate Year-to-Date > 8

250.00

C. Full Name, Mailing Address and ZIP Code

John H. Ellerman
555 Skokie Blvd.
Northbrook, IL 60062

Name of Employer

Occupation

Date (month, day, year)

8/21/86

Amount of Each Receipt this Period

5,000.00

Receipt For:

☒ Primary ☐ General☐ Other (specify):

Aggregate Year-to-Date > 8

5,000.00

D. Full Name, Mailing Address and ZIP Code

Fener Realty Co. (partnership)
Robert L. Pressman, Nancy A. Pressman,
Eugene Pressman, Elizabeth F. Pressman
Irvin A. Rosenthal

Name of Employer

Occupation

Date (month, day, year)

8/7/86

Amount of Each Receipt this Period

5,000.00

Receipt For:

☒ Primary ☐ General☐ Other (specify):

Aggregate Year-to-Date > 8

5,000.00

E. Full Name, Mailing Address and ZIP Code

Richard M. Furlaud
644 Pretty Brook Road
Princeton, NJ 08940

Name of Employer

Squibb Corporation

Occupation

Executive

Date (month, day, year)

8/21/86

Amount of Each Receipt this Period

1,000.00

Receipt For:

☒ Primary ☐ General☐ Other (specify):

Aggregate Year-to-Date > 8

1,000.00

F. Full Name, Mailing Address and ZIP Code

Robert B. Giese
1333 New Hampshire Avenue, NW #1110
Washington, DC 20036

Name of Employer

O'Neill & Athy

Occupation

Attorney

Date (month, day, year)

8/5/86

Amount of Each Receipt this Period

500.00

Receipt For:

☒ Primary ☐ General☐ Other (specify):

Aggregate Year-to-Date > 8

500.00

G. Full Name, Mailing Address and ZIP Code

Milton Gordon
716 Dill Road
Severna Park, MD 21146

Name of Employer

APG Ins.

Occupation

President

Date (month, day, year)

8/15/86

Amount of Each Receipt this Period

500.00

Receipt For:

☒ Primary ☐ General☐ Other (specify):

Aggregate Year-to-Date > 8

500.00

SUBTOTAL of Receipts This Page (optional):

12,500.00

TOTAL This Period (last page this line number only):

SCHEDULE A

ITEMIZED RECEIPTS

Any information copied from such Reports and Statements may not be sold or used by any person for any purpose other than the purpose for which it was furnished, except for the purpose of conducting research for the congressional purpose, other than using the name and address of any political committee to solicit contributions from such sources.

NAME OF COMMITTEE IN FULL

Committee for the 100th Congress

1986 September Monthly Report

A. Full Name, Mailing Address and ZIP Code

Michael F. Paden
3321 Longmont
Houston, TX 77056

Name of Employer

Date (month,
day, year)Amount of Each
Receipt this Period

Occupation

8/21/86

1,666.67

Receipt For: ☒ Primary ☐ General
☐ Other (specify):

Aggregate Year-to-Date > 8

1,666.67

B. Full Name, Mailing Address and ZIP Code

Lionel I. Pincus
466 Lexington Avenue, 10th Floor
New York, NY 10017

Name of Employer

Date (month,
day, year)Amount of Each
Receipt this Period

E.M. Warburg, Pincus
& Co., Inc.

8/21/86

500.00

Occupation

Venture Capitalist

Receipt For: ☒ Primary ☐ General
☐ Other (specify):

Aggregate Year-to-Date > 8

500.00

C. Full Name, Mailing Address and ZIP Code

Rensel Realty Co. (Partnership)
Robert L. Pressman, Nancy A. Pressman,
Eugene Pressman, Elizabeth F. Pressman
Fred Pressman

Name of Employer

Date (month,
day, year)Amount of Each
Receipt this Period

Occupation

8/7/86

5,000.00

Receipt For: ☒ Primary ☐ General
☐ Other (specify):

Aggregate Year-to-Date > 8

5,000.00

D. Full Name, Mailing Address and ZIP Code

Bob A. Rogers
5208 Airport Freeway
Fort Worth, TX 76117

Name of Employer

Date (month,
day, year)Amount of Each
Receipt this Period

Occupation

8/7/86

250.00

Receipt For: ☒ Primary ☐ General
☐ Other (specify):

Aggregate Year-to-Date > 8

250.00

E. Full Name, Mailing Address and ZIP Code

Marvin Rosenberg
2 West 67th Street
New York, NY 10023

Name of Employer

Date (month,
day, year)Amount of Each
Receipt this Period

Retired

8/13/86

500.00

Occupation

Receipt For: ☒ Primary ☐ General
☐ Other (specify):

Aggregate Year-to-Date > 8

500.00

F. Full Name, Mailing Address and ZIP Code

William F. Sadowski
7 Ponds Town Road
Watermill, NY 11976

Name of Employer

Date (month,
day, year)Amount of Each
Receipt this Period

Paine Webber

8/21/86

250.00

Occupation

Investment Banker

Receipt For: ☒ Primary ☐ General
☐ Other (specify):

Aggregate Year-to-Date > 8

250.00

G. Full Name, Mailing Address and ZIP Code

Arlene Schliefer
16 Snug Hill Ct.
Rockville, MD 20850

Name of Employer

Date (month,
day, year)Amount of Each
Receipt this Period

Occupation

8/5/86

250.00

Receipt For: ☒ Primary ☐ General
☐ Other (specify):

Aggregate Year-to-Date > 8

250.00

SUBTOTAL of Receipts This Page (optional)

8,416.67

TOTAL T is Period (last page this line number only)

(Page 1 of 3)



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

HQ-2

NOV 5 1986

George A. Dalley, Treasurer
Committee for the 100th Congress
1706 Crestwood Drive, N.W.
Washington, DC 20011

Identification Number: C00198523

Reference: September Monthly Report (8/1/86-8/31/86)

Dear Mr. Dalley:

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:

-The totals listed on Lines 6(c), 6(d), 8, 11(c), 11(d) and 18 of Column B appear to be incorrect. Please be advised that you should add the "Calendar Year-to-Date" totals from your previous report to the current "Total this Period" figures from Column A to derive the correct totals for Column B.

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

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

-You have received a contribution from Fener Realty Company, which appears to be an unincorporated proprietorship or partnership. Generally, these types of contributions are to be attributed to each person

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based on their percentage ownership in the firm, however, any other accepted formula may be used. Each person who has contributed in excess of \$200 since January 1 should be identified by name, address, occupation, name of employer, amount of contribution, and aggregate total on Schedule A. 11 CFR 110.1(e).

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

-Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from a person in excess of \$5,000 per calendar year. (2 U.S.C. §441a(f)) For your information, a partnership is included in the definition of "person" under 2 U.S.C. §431(11). If you have received a contribution that exceeds the limits, the Commission recommends that you refund the amount in excess of \$5,000 to the donor in accordance with 11 CFR 103.3(b). If you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor of your intent and provide the contributor with the option of receiving a refund. Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In addition, the disbursement of the amount in excess should be disclosed on a supporting Schedule B for Line 26 or 27 of your next report.

If the contribution(s) in question was incorrectly reported and/or you have additional information, you may wish to submit documentation for the public record.

Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), your prompt refund or transfer-out of the excessive amount will be taken into consideration.

-Your report discloses an apparent contribution(s) from a labor organization (pertinent portion attached). You are advised that contributions from labor organizations are prohibited by the Act, unless made from a separate segregated fund established by the labor organization.

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(2 U.S.C. §441b(a)) If you have received a labor contribution(s), the Commission recommends that you refund the full amount to the donor(s) in accordance with 11 CFR 103.3(b). If you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor(s) of your intent and provide the contributor(s) with the option of receiving a refund. Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In addition, the disbursement should appear on Schedule B supporting Line 26a or 27 of your next report.

If the contribution(s) in question was incorrectly reported and/or you have additional information, you may wish to submit documentation for the public record.

Although the Commission may take further legal steps concerning the acceptance of a prohibited contribution, prompt action by your committee to refund or transfer-out the amount will be taken into consideration.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Joseph Rawson

Joseph Rawson
Reports Analyst
Reports Analysis Division

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RECEIVED AT THE SEC.
 NOV 19 1986

COMMITTEE FOR THE 100th CONGRESS
 George A. Dalley, Treasurer
 1706 Crestwood Drive, NW
 Washington, D. C. 20011
 November 19, 1986

Mr. Joseph Rawson
 Reports Analyst
 Reports Analysis Division
 Federal Election Commission
 Washington, D. C. 20463

Identification Number: C00198523

Reference: September Monthly Report (8/1/86-8/31/86)

Dear Mr. Rawson:

This letter is in response to the Commission's preliminary review of the report referenced above.

Attached is an amended report for this period which reflects the corrections on the Summary Page and the Detailed Summary Page; the mailing addresses, occupation and name of employer where this information had previously been omitted. Please be advised that the committee feels it has exercised "best efforts" to obtain the occupation and name of employer and I am attaching a copy of the solicitation which was used to obtain this information.

As it relates to the contribution from the Fener Realty Company which is a partnership, the contribution should be attributed to the following individuals equally (\$1,000 per individual):

Robert L. Pressman
 1120 Fifth Avenue
 New York, NY 10028

Executive Vice President
 of Finances
 Barneys New York

Nancy A. Pressman
 11 Fifth Avenue
 New York, NY 10003

Assistant Buyer
 Barneys New York

Eugene Pressman
 209 Haomocks Road
 Larchmont, NY 10538

Executive Vice President
 of Merchandising
 Barneys New York

Elizabeth F. Pressman
 2 Fifth Avenue
 New York, NY 10003

Assistant Buyer
 Barneys New York

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Mr. Joseph Rawson
November 19, 1986
Page Two

Irvin A. Rosenthal
10 West 86th Street
New York, NY 10024

Vice President/Chief
Financial Officer

As it relates to the contribution from the Renef Realty Company which is a partnership, the contribution should be attributed to the following individuals equally (\$1,000 per individual):

Robert L. Pressman
1120 Fifth Avenue
New York, NY 10028

Executive Vice President
of Finances
Barneys New York

Nancy A. Pressman
11 Fifth Avenue
New York, NY 10003

Assistant Buyer
Barneys New York

Eugene Pressman
209 Haanocks Road
Larchmont, NY 10538

Executive Vice President
of Merchandising
Barneys New York

Elizabeth F. Pressman
2 Fifth Avenue
New York, NY 10003

Assistant Buyer
Barneys New York

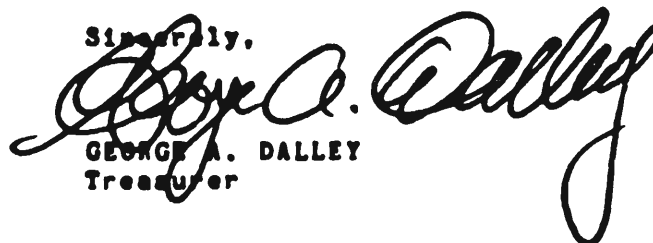
Fred Pressman
Osborne Road
Harrison, NY 10528

President
Barneys New York

The contribution from AFSCME, should have been attributed to AFSCME--AFL-CIO, Qualified Contributions Committee. I am attaching a copy of the check for your reference.

I do hope this amendment and other pertinent information satisfies the request of the Federal Election Commission.

Sincerely,


GEORGE A. DALLEY
Treasurer

GAD:p
Attachments

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FEDERAL ELECTION COMMISSION

WASHINGTON DC 20543

EQ-3

November 26, 1986

**George A. Dalley, Treasurer
Committee for the 100th Congress
1706 Crestwood Drive, NW
Washington, DC 20011**

Identification Number: C00198523

Reference: September Monthly Report (8/1/86-8/31/86;

Dear Mr. Dalley:

On November 5, 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 November 19, 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 your committee has received \$5,000 contributions from "Fener Realty Company" and "Renef Realty Company." You have indicated that each of these entities is a partnership. Please clarify for the public record whether "Fener" and "Renef" are separate entities. You may wish to provide the Commission with a copy of the contribution check(s) received from the contributor(s) and/or any other verification from the contributor(s) regarding their status as separate entities.

You are reminded that a partnership is included in the definition of "person" (2 U.S.C. §431(11)) and that your committee is precluded from receiving contributions from a person in excess of \$5,000 per year. If you determine that "Fener" and "Renef" are in fact the same entity, it would appear that your committee has accepted a contribution which exceeds this limit. In this event, the Commission recommends that you refund the amount in excess of \$5,000 to the donor. Please inform the Commission immediately in writing if a refund is necessary and, if so, provide a photocopy of your refund check. In addition, the disbursement of the excessive amount should be disclosed on Schedule B of your next report.

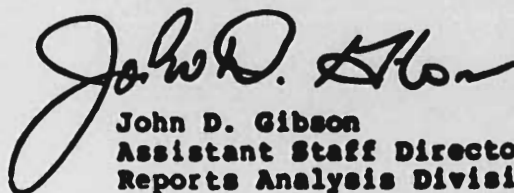
3 5 8 0 14 40 71 M 47 12 9 4

Although the Commission may take further legal steps concerning this matter, your prompt action will be taken into consideration.

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 Joseph Rawson 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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SCHEDULE A

ITEMIZED RECEIPTS

1986 YEAR END REPORT

Page 1 of 1
 Line Number 1176
 Also attach statement for each
 category of the Detailed
 Summary Page

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.			
Name of Committee (in Full) Committee for the 100th Congress			
A. Full Name, Mailing Address and ZIP Code American Society of Composers, Authors & Publishers One Lincoln Plaza New York, NY 10023	Name of Employer	Date (month, day, year) 12/6/86	Amount of Each Receipt This Period 500.00
	Occupation		
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date-\$ 500.00		
B. Full Name, Mailing Address and ZIP Code Bachs PAC 100 Gold Street New York, NY 10038	Name of Employer	Date (month, day, year) 12/6/86	Amount of Each Receipt This Period 500.00
	Occupation		
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date-\$ 2,000.00		
C. Full Name, Mailing Address and ZIP Code Drexel Burnham Lambert PAC 60 Broad Street New York, NY 10004	Name of Employer	Date (month, day, year) 12/6/86	Amount of Each Receipt This Period 1,000.00
	Occupation		
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date-\$ 3,000.00		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date-\$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date-\$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date-\$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date-\$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			2,000.00

Page 2)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

JUN 26 1987

George A. Dalley, Treasurer
Committee for the 100th Congress
1420 16th Street, N.W.
Washington, DC 20036

Identification Number: C00190523

Reference: Year End Report (12/1/86-12/31/86)

Dear Mr. Dalley:

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(s) attached) discloses a contribution(s) from an organization(s) which is not a political committee registered with the Commission. Under 11 CFR 102.5(b), organizations which are not political committees under the Act must either: 1) establish a separate account which contains only those funds permitted under the Act, or 2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

Please clarify whether the contribution(s) received from the referenced organization(s) is permissible, as required by 11 CFR 102.5(a). To the extent that your committee has received funds which are not permissible, the Commission recommends that you refund the impermissible amount(s) to the donor(s) in accordance with 11 CFR 103.3(b). If you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor(s) of your intent and provide the contributor(s) with the option of receiving a refund. Please inform the Commission in writing and provide a photocopy of your check(s) for the refund(s) or transfer(s)-out. Contributions which are refunded should be disclosed on Schedule B for Line 26a of your next report; those which are transferred-out should be disclosed on Schedule B for Line 20 or Line 27, as appropriate.

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For more information, please call the toll-free number, (800) 368-2828, or write to the FBI, 400 ...

Sincerely,

Joseph Rawson

Joseph Rawson
Reports Analyst
Reports Analysis Division

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

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SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: # 87L-4

STAFF MEMBER: Phillip L. Wise

SOURCE OF MUR:

I N T E R N A L L Y G E N E R A T E D

RESPONDENTS:

Committee for the 100th Congress
George A. Dalley, as treasurer

Hirschfeld '86 Lt. Governor

American Society of Composers, Authors &
Publishers

Bear, Stearns & Co.

Cain Brothers, Shattuck & Co.

Charmer Industries, Inc.

Glickenhauß & Co.

~~Fener~~ Realty Co.

~~Renef~~ Realty Co.

RELEVANT STATUTE:

2 U.S.C. § 434(a)(4)(B)
2 U.S.C. § 441a(f)
2 U.S.C. § 441b(a)
2 U.S.C. § 441a(a)(1)(C)
11 C.F.R. § 102.5(a)

INTERNAL REPORTS

CHECKED:

Disclosure Reports

FEDERAL AGENCIES

CHECKED:

NONE

I. GENERATION OF MATTER

The Committee for the 100th Congress ("the Committee") and George A. Dalley, as Treasurer, were referred to the Office of the General Counsel by the Reports Analysis Division for failure

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to file its 12 Day Pre-General Report by Election Day, for receipt of apparent impermissible funds from an unregistered organization, for receipt of apparent prohibited contributions, and for receipt of apparent excessive contributions.

Attachment 1.

II. FACTUAL AND LEGAL ANALYSIS

The Committee for the 100th Congress ("the Committee") failed to file its 1986 12 Day Pre-General Report by Election Day, November 4, 1986. The Committee was notified on September 29, 1986 that the 1986 12 Day Pre-General Report was due on October 23, 1986. Attachment 1(f).

On November 11, 1986 Pat Bradley, a representative for the Committee, contacted the Reports Analysis Division ("RAD") analyst in reference to filing requirements for the 1986 election period. The RAD analyst explained that a 12 Day Pre-General Report was required of all monthly filers and was due on October 23, 1986. Attachment 1(h).

On November 14, 1986 a Non-Filer Notice was sent to the Committee. Attachment 1(i). On November 20, 1986 the Committee filed a report covering the period from October 1, 1986 to October 31, 1986. Attachment 1(j). On December 4, 1986 the Committee filed a 12 Day Pre-General Report covering the period from October 1, 1986 to October 15, 1986. Attachment 1(k). Nevertheless, the required information had been received on November 20, 1986, making it twenty-eight (28) days late.

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The Committee's 1986 July Quarterly Report disclosed a \$500 contribution on May 21, 1986, from Hirschfeld '86 Lt. Governor, an organization which is not registered as a political committee with the Commission. Attachment 1(L). An Informational Notice ("IN") referencing the 1986 July Quarterly Report was sent to the Committee on September 10, 1986. The IN requested that the Committee clarify whether the contribution from the unregistered political organization was permissible. Attachment 1(O).

The Committee's 1986 Year End Report disclosed a \$500 contribution on December 6, 1986 from the American Society of Composers, Authors & Publishers, an organization which is not registered as a political committee with the Commission.^{1/} Attachment 1(hh). An IN referencing the 1986 Year End Report was sent to the Committee on January 30, 1987. The IN requested that the Committee clarify whether the contribution from the unregistered political organization was permissible. If the contribution was not permissible, then the Commission recommended that the Committee refund the contribution or transfer the funds, with the donor's consent, to an account not used to influence federal elections. Attachment 1(ii).

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The Committee's 1986 July Quarterly Report disclosed the receipt of four (4) apparent corporate contributions totalling \$3,000. The report disclosed two (2) \$500 contributions received on June 23, 1986 from Bear, Stearns & Co. and Cain Brothers, Shattuck & Co. The report also disclosed a \$1,000 contribution received on May 29, 1986 from Charmer Industries, Inc. and a \$1,000 contribution received on June 23, 1986 from Glickenhause & Co. Attachments 1(P), 1(Q), and 1(R).

A Request for Additional Information ("RFAI") was sent to the Committee on September 10, 1986. The RFAI advised the Committee to either refund the apparent corporate contributions or transfer the funds, with the donor's consent, to an account maintained for non-federal activity. A Second Notice for failure to respond was sent to the Committee on October 2, 1986.

On November 13, 1986, the Committee submitted a response which disclosed a November 10, 1986 \$500 refund check to Bear, Stearns & Co., a November 10, 1986 \$1,000 refund check to Glickenhause & Co. and a November 10, 1986 \$1,000 refund check to Charmer Industries, Inc. Attachments 1(t), 1(u), 1(v), and 1(w). The response did not address the apparent corporate contribution from Cain Brothers, Shattuck & Co.

Schedule B of the Committee's 1986 30 Day Post-General Report itemized the refund of the three (3) contributions addressed in the Committee's November 13, 1986 response. Attachment 1(x).

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No further response concerning the receipt of the corporate contribution from Cain Brothers, Shattuck & Co. has been received to date.

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The 1986 September Monthly Report (8/1/86-8/31/86)^{2/} disclosed two \$5,000 contributions on August 7, 1986, from two partnerships: Fener Realty Co. and Renef Realty Co. The similarity in names indicated that the two partnerships might be related. A RFAI was sent to the Committee on November 5, 1986 asking the Committee to clarify the contributions from the two partnerships. If it had received a contribution in excess of \$5,000 then the Commission recommended that the Committee refund the excess amount or transfer it, with the donor's consent, to an account not used to influence federal elections.

An amendment to the September Monthly Report was filed with the Commission on November 21, 1986. This response pointed out that Fener Realty Company is a partnership and the contribution should be attributed \$1,000.00 per individual to the following partners: Robert L. Pressman, Nancy A. Pressman, Eugene Pressman, Elizabeth F. Pressman, and Irvin A. Rosenthal. The response also asserted that Renef Realty Company is a partnership and the contribution should be attributed \$1,000 per individual to the following partners: Robert L. Pressman, Nancy A. Pressman,

^{2/} The Committee changed its filing frequency from Quarterly to Monthly as of the August Monthly Report (7/1/86-7/31/86)

Eugene Pressman, Elizabeth F. Pressman, and Fred Pressman.^{3/}
Attachment 1(dd), and 1(ee).

The above response in the opinion of this Office did address the relationship between the aforementioned partnerships. Nevertheless, on November 26, 1986 a second RFAI was sent to the Committee requesting clarification as to whether the partnerships are separate entities.^{4/} No response to this RFAI has been received.

Pursuant to 2 U.S.C. § 434(a)(4)(B), all political committees other than authorized committees of a candidate that choose a monthly schedule shall file monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed. This pre-general report shall be filed no later than the 12th day before any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 30th day before such election. 2 U.S.C. § 434(a)(2)(i). The Committee's filing of its 12 Day Pre-General report 28 days late is a violation of 2 U.S.C. § 434(a)(4)(B).

^{3/} The reports filed by the Committee do not show any other contributions by the individual partners.

^{4/} Pursuant to 2 U.S.C. § 431(11) person as defined under the Act includes partnership.

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In accordance with 2 U.S.C. § 441b(a) it is unlawful for any corporation or any labor organization, to make a contribution or expenditure in connection with any federal election or for any political committee knowingly to accept or receive any contribution prohibited by this section.

The acceptance of corporate contributions by the Committee, and the giving of such contributions by the named corporations, are violations of 2 U.S.C. § 441b(a). Hirschfeld '86 Lt. Governor is located in New York state, which allows unlimited labor union contributions and corporate contributions limited to an aggregate of \$5,000.00 per calendar year. There is the possibility that monies obtained from labor unions and corporations were included in the \$500.00 contribution from Hirschfeld '86 Lt. Governor. If such impermissible funds were contributed by Hirschfeld '86 Lt. Governor, and received by the Committee a violation of 2 U.S.C. § 441b(a) has occurred.

Pursuant to 2 U.S.C. § 441a(f), no candidate or political committee shall knowingly accept any contributions or make any expenditure in violation of the provisions of this section.

The Committee's acceptance of contributions from Fener Realty Company and Renef Realty Company are not violations of 2 U.S.C. § 441a(f) in that these appear to be separate entities, even though each has four partners who are common to both partnerships, Robert L. Pressman, Nancy A. Pressman, Eugene Pressman, and Elizabeth F. Pressman. The fifth partner in each

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partnership is a different person. The different partner in Fener Realty Company is Irvin A. Rosenthal, and in Renef Realty Company is Fred Pressman.

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

As information indicates that Fener Realty Co., and Renef Realty Co. are separate entities, the two \$5,000 contributions for the same election, one in the name of each, are not in violation of 2 U.S.C. § 441a(a)(1)(C).

Pursuant to 11 C.F.R. § 102.5(a)(1)(i) and (ii), all organizations which finance political activity in connection with both federal and non-federal elections are required; (1) to establish a separate federal account into which it is to deposit only funds subject to the prohibitions and limitations of the Act and to make disbursements in connection with federal elections from such account, or (2) to establish a political committee which shall receive only contributions subject to the prohibitions and limitations of the Act regardless of whether such contributions are for use in connection with federal or non-federal elections.

The Committee's deposit of impermissible funds into its account is a violation of 11 C.F.R. § 102.5(a).

III. RECOMMENDATIONS

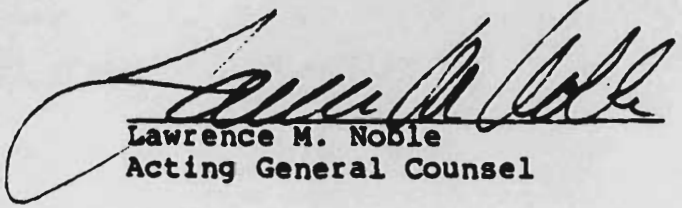
1. Open a MUR.

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2. Find reason to believe that the Committee for the 100th Congress and George A. Dalley, as treasurer violated 2 U.S.C. § 434(a)(4)(B), 2 U.S.C. § 441b(a), and 11 C.F.R. § 102.5(a).
3. Find reason to believe that the Hirschfeld '86 Lt. Governor violated 2 U.S.C. § 441b(a).
4. Find reason to believe that Bear, Stearns, & Co., Cain Brothers, Shattuck & Co., Charmers Industries, Inc., and Glickenhau & Co. violated 2 U.S.C. § 441b(a). ✓
5. Find no reason to believe that Fener Realty Co., and Renef Realty Co., violated 2 U.S.C. § 441a(a)(1)(C). ✓
6. Approve the attached letters and Factual and Legal Analyses. ✓

Date

9/25/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Referral Materials
2. Factual and Legal Analyses
3. Proposed Letters

88040704207

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee for the 100th Congress)
George A. Dalley, as treasurer)
Hirschfeld '86 Lt. Governor)
American Society of Composers,)
Authors & Publishers)
Bear, Stearns & Co.)
Cain Brothers, Shattuck & Co.)
Charmer Industries, Inc.)
Glickenhau & Co.)
Fener Realty Co.)
Renef Realty Co.)

RAD Referral 87L-4

Cmur 2542

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session on October 20, 1987, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions on the above-captioned matter:

1. Open a MUR.
2. Find reason to believe that the Committee for the 100th Congress and George A. Dalley, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), and 2 U.S.C. § 441b(a).
3. Take no action and close the file with regard to the Hirschfeld '86 Lt. Governor Committee.
4. Find reason to believe that Bear, Stearns & Co., Cain Brothers, Shattuck & Co., Charmers Industries, Inc., and Glickenhau & Co. violated 2 U.S.C. § 441b(a).
5. Find no reason to believe that Fener Realty Co., and Renef Realty Co., violated 2 U.S.C. § 441a(a)(1)(C).
6. Approve the appropriate letters and Factual and Legal Analyses attached to the First General Counsel's Report dated September 25, 1987.

83040704208

Federal Election Commission
Certification for RAD Referral 87L-4
October 21, 1987

Page 2

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

Attest:

Mary W. Dove
Mary W. Dove
Administrative Assistant

10-21-87

Date

88040704209

CCC#4831

DOW, LOHNES & ALBERTSON

ATTORNEYS AT LAW

1255 TWENTY-THIRD STREET

WASHINGTON, D. C. 20037

TELEPHONE (202) 857-2500

JOHN S. LOGAN

DIRECT DIAL NO.

857-2640

TELECOPIER (202) 659-0059

CABLE "DOWLA"

TELEX 425546

November 25, 1987

CONFIDENTIAL

Pursuant to

2 U.S.C. §§ 437g(a)(4)(B)
and 437g(a)(12)(a)

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

Attention: Phillip L. Wise, Esq.

Re: Charmer Industries, Inc.
MUR 2542
Request for Extension of Time

Dear Sir:

On behalf of our client Charmer Industries, Inc. ("Charmer"), I am writing to request an extension of time through and until December 18, 1987, to respond to the Commission's letter dated November 13, 1987, notifying Charmer of the finding of reason to believe a violation of the Federal Election Campaign Act had occurred.

Charmer's mail room received the Commission's letter (postmarked November 16) on Wednesday, November 18. The letter was reviewed by Charmer's in-house legal counsel on November 19, dispatched to the Company's regular corporate attorney, and received by the undersigned counsel on Monday, November 23.

Determined from the date of the Commission's letter, a response from Charmer would be due on November 30, 1987, the Monday following the upcoming Thanksgiving holidays. Charmer submits that good cause exists for the requested extension. The event described in the

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OFFICE OF GENERAL COUNSEL
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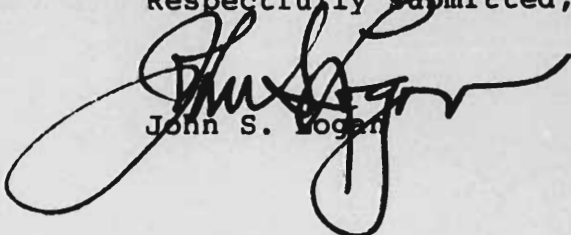
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Federal Election Commission
Page Two
November 24, 1987

Commission's MUR occurred in May, 1986. Completion of the Company's internal fact gathering and the preparation of a response with affidavit support are complicated by the holiday and the need to confirm with particular care events occurring more than one year ago. The requested additional time should be adequate for Charmer to submit a full response to the Commission's November 13 letter.

Concurrently herewith I also am transmitting to you Charmer's Statement of Designation of Counsel.

Respectfully submitted,


John S. Logan

Enclosure

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2542

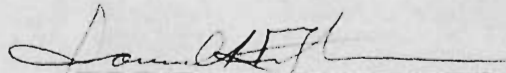
NAME OF COUNSEL: JOHN S. LOGAN

ADDRESS: DOW, LOHNES & ALBERTSON
1255 23rd Street, N.W. - SUITE 500
WASHINGTON D. C. 20037

TELEPHONE: (202) 857-2640

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

11/23/87
Date


Signature

RESPONDENT'S NAME: CHARMER INDUSTRIES INC.

ADDRESS: 19-50 48th Street
ASTORIA, NEW YORK 11105

HOME PHONE: CORPORATE RESPONDENT

BUSINESS PHONE: (718) 726-2500

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GCCA#4836

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

87 NOV 24 PM 2:27

George A. Dalley, Treasurer
Committee for the 100th Congress
1706 Crestwood Drive, N. W.
Washington, D. C. 20011

November 21, 1987

Hon. Scott E. Thomas
Chairman, Federal Election Commission
Washington, D. C. 20463

Re: MUR 2542

Dear Chairman Thomas:

I am responding to your letter of November 13, 1987 reporting that on October 20, 1987 the Federal Election Commission stated that there was reason to believe that the Committee for the 100th Congress and me as Treasurer of the Committee are in violation of 2 U.S.C. Sec. 434(a)(4)(B) and 2 U.S.C. Sec. 441 b(a), provisions of the Federal Election Campaign Act of 1971. In behalf of the Committee for the 100th Congress and in my personal capacity as Treasurer of the Committee, I deny the alleged violation of the Federal Election Campaign Act (the Act); I present the factual basis for this denial of culpability; and I formally request the scheduling of pre-probable cause conciliation to resolve this matter.

The factual and legal analysis accompanying your letter of November 13 identifies four matters referred to your Office of General Counsel for investigation:

- (1) failure to file the 12 day pre-election report required before the general election in 1986;
- (2) receipt of apparently impermissible funds from an unregistered organization;
- (3) receipt of apparently prohibited contributions; and
- (4) receipt of apparently excessive contributions.

The analysis eventually reaches the conclusion that there is no foundation for allegations (2) and (4) and no violation of the Act by the Committee in these instances. I therefore address only the contentions that the Committee failed to file its 12 day pre-general election report in 1986 in a timely manner and that we unlawfully accepted a corporate contribution from Cain Brothers, Shattuck, and company.

With reference to the timeliness of the 1986 pre-general election report, I admit the report was filed late. I submit that the late filing was caused by justifiable confusion over the rules governing pre-election filing requirements for committees reporting on a monthly basis, and urge in mitigation of the offense that the committee responded immediately to notice of the violation, filing the required report on November 20, 1986, within six days of the sending of a non-filer notice to the

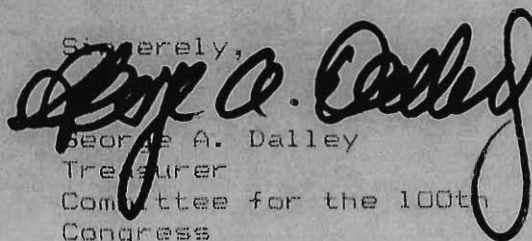
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committee by the Commission.

With reference to the contribution from Cain Brothers, Shattuck and company, we have determined that this firm is a partnership doing business at the Republic Bank building, 452 Fifth Avenue, New York City, New York 10018. The five hundred dollar (\$500) contribution to the committee on June 23, 1986 is attributed in the equal amount of one hundred and twenty five dollars (\$125) to partners James Cain, Daniel Cain, Barbara Shattuck, and Vinton Rollins.

I believe these facts demonstrate that no action should be taken against the Committee and me as its Treasurer. I request dismissal of the October 20, 1987 finding by the Commission either upon receipt and review of these facts or upon the convening of the requested conciliation conference.

Sincerely,


George A. Dalley
Treasurer
Committee for the 100th
Congress

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FEDERAL ELECTION COMMISSION

WASHINGTON DC 20461

13 November 1987

George A. Dalley, Treasurer
Committee for the 100th Congress
1706 Crestwood Drive, N.W.
Washington, DC 20011

RE: MUR 2542
Committee for the 100th
Congress, and George A.
Dalley, as treasurer

Dear Mr. Dalley:

On October 20, 1987, the Federal Election Commission found that there is reason to believe the Committee for the 100th Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), and 2 U.S.C. § 441b(a), provisions 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 the Committee and you, as treasurer. 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. Where appropriate, 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 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

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Letter to George A. Dalley, Treasurer
Page 2

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.

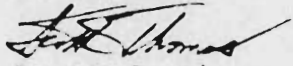
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Phillip L. Wise, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Scott E. Thomas
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Committee for the 100th Congress
George A. Dalley, as treasurer

MUR: 2542

The Committee for the 100th Congress ("the Committee") and George A. Dalley, as treasurer, were referred to the Office of the General Counsel by the Reports Analysis Division for failure to file its 12 Day Pre-General Report by Election Day, for receipt of apparent impermissible funds from an unregistered organization, for receipt of apparent prohibited contributions, and for receipt of apparent excessive contributions.

The Committee for the 100th Congress ("the Committee") failed to file its 1986 12 Day Pre-General Report by Election Day, November 4, 1986. The Committee was notified on September 29, 1986 that the 1986 12 Day Pre-General Report was due on October 23, 1986.

On November 11, 1986 Pat Bradley, a representative for the Committee, contacted the Reports Analysis Division ("RAD") analyst in reference to filing requirements for the 1986 election period. The RAD analyst explained that a 12 Day Pre-General Report was required of all monthly filers and was due on October 23, 1986.

On November 14, 1986 a Non-Filer Notice was sent to the Committee. On November 20, 1986 the Committee filed a report covering the period from October 1, 1986 to October 31, 1986. This report contained the information needed in the 12 Day Pre-General Report therefore making it Twenty-Eight (28) days late.

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The Committee's 1986 Year End Report disclosed a \$500 contribution on December 6, 1986 from the American Society of Composers, Authors & Publishers, an organization which is not registered as a political committee with the Commission. An IN referencing the 1986 Year End Report was sent to the Committee on January 30, 1987. The IN requested that the Committee clarify whether the contribution from the unregistered political organization was permissible. If the contribution was not permissible, then the Commission recommended that the Committee refund the contribution or transfer the funds, with the donor's consent, to an account not used to influence federal elections.

The Committee's 1986 July Quarterly Report disclosed the receipt of four (4) apparent corporate contributions totalling \$3,000. The report disclosed two (2) \$500 contributions received on June 23, 1986 from Bear, Stearns & Co. and Cain Brothers, Shattuck & Co. The report also disclosed a \$1,000 contribution received on May 29, 1986 from Charmer Industries, Inc. and a

\$1,000 contribution received on June 23, 1986 from Glickenhau & Co.

A Request for Additional Information ("RFAI") was sent to the Committee on September 10, 1986. The RFAI advised the Committee to either refund the apparent corporate contributions or transfer the funds, with the donor's consent, to an account maintained for non-federal activity. A Second Notice for failure to respond was sent to the Committee on October 2, 1986.

On November 13, 1986, the Committee submitted a response which disclosed a November 10, 1986 \$500 refund check to Bear, Stearns & Co., a November 10, 1986 \$1,000 refund check to Glickenhau & Co. and a November 10, 1986 \$1,000 refund check to Charmer Industries, Inc. The response did not address the apparent corporate contribution from Cain Brothers, Shattuck & Co.

Schedule B of the Committee's 1986 30 Day Post-General Report itemized the refund of the three (3) contributions addressed in the Committee's November 13, 1986 response.

No further response concerning the receipt of the corporate contribution from Cain Brothers, Shattuck & Co. has been received to date.

The 1986 September Monthly Report (8/1/86-8/31/86)^{1/} disclosed two \$5,000 contributions on August 7, 1986, from two partnerships: Fener Realty Co. and Renef Realty Co. The

1/ The Committee changed its filing frequency from Quarterly to Monthly as of the August Monthly Report (7/1/86-7/31/86)

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similarity in names indicated that the two partnerships might be related. A RFAI was sent to the Committee on November 5, 1986 asking the Committee to clarify the contributions from the two partnerships. If it had received a contribution in excess of \$5,000 then the Commission recommended that the Committee refund the excess amount or transfer it, with the donor's consent, to an account not used to influence federal elections.

An amendment to the September Monthly Report was filed with the Commission on November 21, 1986. This response pointed out that Fener Realty Company is a partnership and the contribution should be attributed \$1,000.00 per individual to the following partners: Robert L. Pressman, Nancy A. Pressman, Eugene Pressman; Elizabeth F. Pressman, and Irvin A. Rosenthal. The response also asserted that Renef Realty Company is a partnership and the contribution should be attributed \$1,000 per individual to the following partners: Robert L. Pressman, Nancy A. Pressman, Eugene Pressman, Elizabeth F. Pressman, and Fred Pressman.

Pursuant to 2 U.S.C. § 434(a)(4)(B), all political committees other than authorized committees of a candidate that choose a monthly schedule shall file monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general

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election report shall be filed. This pre-general report shall be filed no later than the 12th day before any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 30th day before such election. 2 U.S.C. § 434(a)(2)(i). The Commission determined that the Committee's filing of information required in its 12 Day Pre-General report 28 days late is a violation of 2 U.S.C. § 434(a)(4)(B). ←

In accordance with 2 U.S.C. § 441b(a) it is unlawful for any corporation or any labor organization, to make a contribution or expenditure in connection with any federal election or for any political committee knowingly to accept or receive any contribution prohibited by this section.

The Commission found that the acceptance of corporate contributions by the Committee is a violation of 2 U.S.C. § 441b(a). ←

Pursuant to 2 U.S.C. § 441a(f), no candidate or political committee shall knowingly accept any contributions or make any expenditure in violation of the provisions of this section. Pursuant to 2 U.S.C. § 441a(a)(1)(C) no person shall make contributions to any other political committee in any calendar year, which in the aggregate, exceed \$5,000.^{2/} The Committee's

^{2/} Pursuant to 2 U.S.C. § 431(11) person as defined under the Act includes partnerships.

acceptance of \$5,000 contributions from the two partnerships (Fener Realty Company and Renef Realty Company) which appear to be separate entities was not found to be a violation of 2 U.S.C. § 441a(f).

Pursuant to 11 C.F.R. § 102.5(a)(1)(i) and (ii), all organizations which finance political activity in connection with both federal and non-federal elections are required either to establish a separate federal account and deposit only funds subject to the prohibitions and limitations of the Act and make disbursements in connection with federal elections from such account, or establish a political committee which shall receive only contributions subject to the prohibitions and limitations of the Act regardless of whether such contributions are for use in connection with federal or non-federal elections.

As it appears that the Committee does not finance political activity in connection with both federal and non-federal elections the Commission found no violation of 11 C.F.R. § 102.5(a).

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Palumbo & Cerrell, Inc.

Public Affairs Counselors

1629 K Street, NW
Suite 1100
Washington, DC
20006
202 735 6705

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

87 NOV 24 AM 9:49

6CC#4824
To: Philip L. Wise
Re: MUR 2542
Committee for
the 100th Congress
from: George Dalley
November 20, 1987

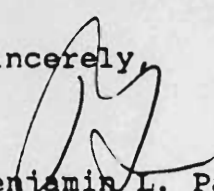
Mr. George Dalley
C/O The Honorable Charles B. Rangel
2330 Rayburn House Office Building
Washington, D.C. 20515

Dear George:

Enclosed is the legal opinion I promised. Note especially pages 4,5,6,7 and 8.

Best wishes.

Sincerely,


Benjamin L. Palumbo

BLP/gth
Enclosure

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OFFICE OF GENERAL COUNSEL
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May 14, 1984

American Society of Composers,
Authors and Publishers
One Lincoln Plaza
New York, New York 10023

Gentlemen:

8 8 0 4 0 7 0 4 2 2 4
We are providing you this opinion in response to your inquiries concerning how the American Society of Composers, Authors and Publishers ("ASCAP") might make contributions or expenditures in connection with federal elections, consistent with the Federal Election Campaign Act ("FECA"), 2 U.S.C. § 431 et seq., and the regulations and rulings of the Federal Election Commission ("FEC").

INTRODUCTION AND SUMMARY OF CONCLUSIONS

Our opinion is based on the following information provided to us by ASCAP. ASCAP is the oldest performing right licensing organization in the United States. It was founded in 1914 so that creators of music would be paid for the public performance of their works, and users of musical works would

comply with the federal copyright law. ASCAP is an unincorporated membership association organized under New York's General Associations Law. It currently has some 35,000 members who are composers, authors, and publishers of musical works. The almost 25,000 writer members are all individuals. The approximately 9,000 publisher members include individuals, corporations, partnerships, and other types of persons. A tiny fraction of the individuals are citizens and residents of other nations.

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ASCAP members elect a 24-person Board of Directors which is vested with the management of ASCAP's affairs. Twelve of the Directors must be writer members (composers and authors) and twelve must be publisher members. No more than one representative from any group of affiliated publisher members is eligible for election to the Board. The entire Board is elected for a two-year period. Voting rights of members are allocated according to the number of "performance credits" earned in the preceding fiscal survey year.¹ Voting rights of the publisher members may be adjusted to preclude the ten publisher members and their affiliates having the highest number of publisher votes from having more than 40.8 percent of the total publisher votes.

¹ Performance credits vary with the medium in which a performance takes place, the type of use, and the station (if not a live performance) airing the performance.

The Board meets once every month to plan, review, and set new policies. Nine members, of whom at least three must be writers and three publishers, constitute a quorum for transacting Board business, and the affirmative vote of two-thirds of a quorum is necessary to effect any act within the Board's power. The Board elects the officers of ASCAP annually. All officers, except for Counsel, are Board members. The President of ASCAP is its chief executive officer, with general supervision over its business and affairs and over its officers.

ASCAP acts as a clearing house for users who need access to the works of many copyright owners, and for members who wish to license numerous, widely scattered users. Each member enters into an agreement with ASCAP assigning ASCAP the non-exclusive right to license the member's works. Members pay annual dues of \$10 for writers and \$50 for publishers. ASCAP licenses its members' works and collects fees from its licensees. In addition, ASCAP receives payments from foreign societies for the performance of its members' works abroad.

The Board of Directors has control and power of disposition over all ASCAP funds, including dues, license fees, royalties, and payments from foreign societies. Members have no rights to the money ASCAP receives until such time as the Board decides to distribute it. Before making distributions,

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the Board deducts such amounts as it deems necessary to pay for ASCAP's operating expenses and for amounts due foreign societies. In addition, the Board may use a portion of the money to add to a reserve fund above operating expenses. Typically, the Board distributes the sums remaining after these deductions to members. Fifty percent is distributed to writer members for apportionment among them, and fifty percent to publisher members. Although not a nonprofit organization, ASCAP does not pay federal income tax on the amounts it distributes.

Based on this information and on our examination of the FECA and relevant regulations and rulings thereunder, we conclude that ASCAP may use its treasury funds² to make (a) direct contributions to or expenditures on behalf of federal candidates and political committees up to the caps on the amounts of such contributions and expenditures applicable to unincorporated associations under the FECA and regulations thereunder and (b) unlimited independent expenditures in connection with federal elections.³

² By "treasury funds," we mean the resources received by ASCAP in the normal course of business from license fees, interest, and dues.

³ We have reviewed ASCAP's Articles of Association and have determined that direct contribution and expenditure activity would not be ultra vires under the Articles.

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DISCUSSION

Section 441a(a)(1) of the FECA provides that, in general, any "person" may contribute \$1,000 per election to a candidate or his authorized committee, \$20,000 per calendar year to any national party committee, and \$5,000 per calendar year to any other political committee, with no ceiling on total contributions.⁴ The FECA does not limit the amount a "person" may spend on independent expenditures.⁵ The term "person" is defined in the FECA as "an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons."⁶ However, corporations, labor organizations, national banks, foreign nationals, and

⁴ 2 U.S.C. § 441a(a)(1); see also 11 C.F.R. § 110.1. A "contribution" is anything of value given to, or provided on behalf of, a candidate or political committee to influence a federal election. An "expenditure" is any purchase or payment made for the purpose of influencing a federal election; expenditures made in concert or cooperation with a candidate are deemed contributions to such candidates. 2 U.S.C. §§ 431(8)(A), (9)(A), 441a(a)(7)(B); 11 C.F.R. §§ 100.7(a), 100.8(a).

⁵ An "independent expenditure" is an expenditure for a communication that expressly advocates the election or defeat of a clearly identified candidate and is not made in cooperation with, with the consent of, or at the request or suggestion of a candidate or his agents. Independent expenditures are not treated as contributions. 2 U.S.C. § 431(17); 11 C.F.R. § 100.16.

⁶ 2 U.S.C. § 431(11) (emphasis added); see also 11 C.F.R. § 100.10.

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government contractors are prohibited by other provisions of the FECA from making contributions and expenditures at all.'

As an unincorporated membership association, ASCAP is a "person" entitled to make contributions and expenditures in connection with federal elections under section 441a(a)(1). ASCAP may therefore use its treasury funds to make otherwise lawful contributions to or expenditures on behalf of candidates and committees subject to the ceilings outlined above; and it may make unlimited independent expenditures (i.e., expenditures for communications that advocate a candidate's election or defeat, but that are not made in cooperation with any candidate or his representatives).

FEC practice makes it clear that ASCAP would not be deemed a corporation subject to the prohibition on corporate contributions and expenditures contained in section 441b of the FECA. The FEC has consistently taken a literal view of "corporation" and looks to state law to determine what entities are "corporations" under section 441b.* This approach has been approved by the Supreme Court.' Under applicable New York law,

' 2 U.S.C. §§ 441b, 441c, 441e.

* See, e.g., Advisory Opinion 1983-34 (status of "professional corporation" determined under applicable state law).

' California Medical Association v. FEC, 453 U.S. 182 (1981) (unincorporated association not a corporation for pur-

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ASCAP is not a corporation, but a voluntary unincorporated membership association, and thus is not subject to section 441b.

We are confident that this is a correct interpretation of the statute. Nonetheless, questions could be raised as to whether contributions and expenditures by ASCAP would be impermissible either because ASCAP's treasury funds include money received from corporations or because those funds include money from foreign nationals. In our opinion, neither of these issues affects ASCAP's legal right to make contributions and expenditures.

Corporations as Source of Treasury Funds. Section 441b of the FECA provides that corporations may not make direct or indirect contributions or expenditures in connection with federal elections. A contribution or expenditure by ASCAP would not be deemed an "indirect" corporate contribution or expenditure by virtue of the fact that ASCAP's treasury funds include some money from corporate sources -- namely, dues from corporate members and license fees from corporate licensees. Neither the FECA nor the FEC's regulations provide that an

[Footnote continued from preceding page]

poses of FECA). The Supreme Court most recently approved the state law approach in FEC v. National Right to Work Committee, 103 S. Ct. 552, 558 (1982), a unanimous decision construing section 441b.

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otherwise permissible contribution or expenditure from an unincorporated entity's funds is automatically tainted if such funds are derived from a corporate source. Such a taint should be found to exist only where there is reason to believe that the contribution or expenditure is made through the unincorporated entity as a subterfuge to evade the ban on corporate contributions and expenditures.¹⁰

8 8 0 4 0 7 0 4 2 3 1
There can be no concern here that the corporate members of ASCAP have created ASCAP as a subterfuge to allow them to use corporate funds to make contributions and expenditures to federal candidates.¹¹ ASCAP has been engaged in a bona fide business for decades, operating as an unincorporated

¹⁰ We have found no FEC Advisory Opinions on point. In Advisory Opinion 1981-56, the FEC ruled that Satellite Business Systems ("SBS"), a partnership composed of three corporations, could not make contributions in connection with federal elections "because the partners in this case are corporations, and because a contribution from a partnership is attributed to the partners." There are substantial questions as to whether that ruling correctly interprets the FECA and, if so, whether the FECA violates the First Amendment as so interpreted. SBS sued the FEC on these grounds, but voluntarily dismissed its suit before any ruling on the merits. In any event, the partnership attribution rule used as the basis of the decision in that Advisory Opinion is not applicable to ASCAP. We believe the SBS ruling does not govern the distinctly different ASCAP situation.

¹¹ This is not a situation where an unincorporated entity which was formed to engage in political, not commercial, activity derives its treasury funds from selling political items (advertisements, fundraising tickets) to corporations. Compare Advisory Opinion 1977-65.

association. That form of organization has never been used as a vehicle to channel corporate members' dues for political contributions and expenditures, and would not be an effective vehicle for that purpose in any event. The ASCAP Board of Directors, which makes decisions about distributions and other dispositions of ASCAP's funds, is not controlled by the corporate members. Less than one quarter of ASCAP's members are corporations, and their dues constitute only a tiny percentage of ASCAP's general treasury funds, which run annually in the millions of dollars. Thus, for example, if ASCAP makes \$250,000 in contributions in a year, that sum would represent only a small fraction of ASCAP's general treasury funds, and the amount even arguably allocable to corporate dues would be infinitesimal.

There should also be no concern that the corporate members of ASCAP would be making unlawful contributions and expenditures of their own funds by causing the Board to reduce their royalty distributions so that ASCAP has more treasury money to spend on political contributions and expenditures, or by a reduction of their distributions. This concern might be raised because in theory, under ASCAP's allocation system, a \$250,000 ASCAP contribution reduces the amount of money available for distribution to the publisher members of ASCAP, including corporations, by \$125,000. The concern would be

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unwarranted, for two reasons. First, the corporate members do not control ASCAP's Board, and therefore they could not cause the Board to adopt a particular course of action. Second, members have no rights to ASCAP's funds before the Board makes a distribution, and thus the notion that the corporate members would be "agreeing" to a reduction in their distributions is misplaced. As noted above, ASCAP may use its general treasury funds for any bona fide operating expenses, and members receive only those remaining amounts that the Board decides to distribute. If for any reason ASCAP's operating expenses consumed all of the treasury funds, there would be no distribution to members. In light of these facts, corporate members should not be deemed to be making an indirect and unlawful contribution of their money by virtue of the fact that the amount of ASCAP treasury funds theoretically available for them would be reduced by ASCAP contributions and expenditures.

There would also be no basis for concluding that ASCAP could be used as a vehicle for illegal campaign contributions by its corporate licensees, whose license fees are fixed by agreement or otherwise. These arrangements and the amounts of the license fees are established by commercial considerations, and there is plainly no agreement, understanding, or expectation that the fees will be used by ASCAP for contributions and expenditures.

It would be equally unrealistic to suggest that ASCAP could be used as a subterfuge for unlawful corporate political contributions and expenditures by distributing money from corporate licensees to its members, corporate or otherwise, who may then use that money to make contributions and expenditures (in the case of noncorporate members) or to support corporate political action committees. ASCAP members receive as distributions only those amounts of treasury funds that the Board decides to distribute. License fee arrangements do not provide for the pass-through of fees to members. Neither ASCAP nor its licensees have any control over what members do with amounts received as distributions. This operating structure does not support any "subterfuge" theory.

As the foregoing demonstrates, ASCAP is an independent business organization with a Board that exercises independent control over its treasury funds, and is not controlled by corporate interests. As such, ASCAP is not a channel for corporate contributions and expenditures. Moreover, ASCAP's own contributions and expenditures do not take on a corporate character by virtue of the fact that some (less than a majority) of its Board members represent corporate members. As explained above no corporation or group of corporations exercises decision-making power over ASCAP. In these circumstances, the statutory ban on "indirect" corporate contributions and expenditures is not applicable.

Foreign Nationals as Source of Treasury Funds. Section 441e of the FECA prohibits any "foreign national" from making any contribution "directly or through any other person" in connection with any election.¹² The question raised by this provision is whether contributions by ASCAP would be viewed as contributions by the foreign national members of ASCAP "through" ASCAP or by foreign societies through ASCAP. The answer is no, for two reasons.

First, as explained above, ASCAP's contributions would be made from its own treasury funds that it earns in bona fide business arrangements. Under these circumstances, no member or licensee of ASCAP would be making a contribution "through" ASCAP.

Second, in prior Advisory Opinions the FEC has ruled that a corporation that is wholly-owned by foreign nationals may form a PAC and pay for its administrative expenses provided no foreign nationals will exercise decision-making power over

¹² A "foreign national" is defined as including (a) a foreign government or political party, (b) a person outside the United States who is not a U.S. citizen with U.S. domicile or is not an entity organized under U.S. law, (c) a partnership, association, corporation, organization, or other combination of persons organized under foreign law or having its principal place of business in a foreign country, and (d) a noncitizen who is also not a permanent resident alien.

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the PAC and provided the PAC will not solicit or accept contributions from foreign nationals.¹³ The rationale of these rulings -- to prevent the PACs from becoming "vehicles for indirect contributions by foreign nationals"¹⁴ -- would apply with equal force to ASCAP contributions and expenditures of its treasury funds. Since no foreign national controls ASCAP and ASCAP's contribution or expenditure of its own treasury funds would not involve the solicitation or acceptance of foreign national contributions, the logic of these Advisory Opinions confirms our conclusion that ASCAP's use of its treasury funds would not violate section 441e.

Very truly yours,

Wilmer, Cutler & Pickering
WILMER, CUTLER & PICKERING

¹³ Advisory Opinions 1980-100; 1981-36.

¹⁴ Advisory Opinion 1981-36.

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600#4854
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

87 NOV 30 AM 11:05

CB
&CO
Cain Brothers, Shattuck & Company
Republic Bank Tower
452 Fifth Avenue
New York, New York 10018
212-869-5600

November 24, 1987

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

Re: MUR 2542
Cain Brothers, Shattuck & Company

87 NOV 27 PM 3:36

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARY'S OFFICE

Dear Mr. Thomas:

I am in receipt of your letter dated November 13, 1987 regarding a possible violation of the Federal Election Campaign Act of 1971. The possible violation arose from a \$500.00 check from Cain Brothers, Shattuck & Company to the Committee for the 100th Congress.

We do not believe that any violation occurred due to the fact that Cain Brothers, Shattuck & Company is not a corporation, but is a partnership. The contribution came equally from the four partners of the firm. I have enclosed a copy of the front page of our 1986 income tax return, indicating that we are a partnership.

If there are any further questions regarding this matter, please contact me at (212) 869-5600. I hope this matter will be quickly resolved.

Sincerely,

Barbara Shattuck

Barbara Z. Shattuck
Partner

BZS:maj
Enc.

300:3

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U.S. Partnership Return of Income

For calendar year 1986, or fiscal year beginning 1986, and ending 1986, and ending

OMB No. 1545-0046

1986

A Principal business activity Consultants	Use IRS label. Otherwise, please print or type.	Name Cain Brothers, Shattuck & Co.	D Employer identification number 13-3143546
B Principal product or service Debentures		Number and street (or P.O. Box number if mail is not delivered to street address) 101 Park Avenue	E Date business started 1982
C Business code number 6218		City or town, state, and ZIP code New York, New York 10017	F Enter total assets at end of tax year \$ 5,815,414

G Check accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other

H Check applicable boxes: (1) ☐ Final return (2) ☐ Change in address (3) ☐ Amended return

I Number of partners in this partnership **4**

	Yes	No
J Is this partnership a limited partnership (see the Instructions)?		X
K Is this partnership a partner in another partnership?	X	
L Are any partners in this partnership also partnerships?		X
M Does the partnership meet all the requirements shown in the Instructions for Question M?		X
N Was there a distribution of property or a transfer (for example, by sale or death) of a partnership interest during the tax year? If "Yes," see the Instructions concerning an election to adjust the basis of the partnership's assets under section 754		X

O At any time during the tax year, did the partnership have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? (See the Instructions for exceptions and filing requirements for Form TD F 90-22.1.) If "Yes," write the name of the foreign country.

Yes	No
	X

P Was the partnership the grantor of, or transferor to, a foreign trust which existed during the current tax year, whether or not the partnership or any partner has any beneficial interest in it? If "Yes," you may have to file Forms 3520, 3520-A, or 926

Yes	No
	X

Q Check this box if the partnership has filed or is required to file Form 8264, Application for Registration of a Tax Shelter ☐

R Check this box if this is a partnership subject to the consolidated partnership audit procedures of TEFRA ☐

Caution: 1986-87 Fiscal year partnerships see the Instructions for Form 1065 before completing page 1.

Income		Deductions	
1a Gross receipts or sales \$	1b Minus returns and allowances \$	Balance ▶	1c 5,000,513
2 Cost of goods sold and/or operations (Schedule A, line 7)			2
3 Gross profit (subtract line 2 from line 1c)			3 5,000,513
4 Ordinary income (loss) from other partnerships and fiduciaries (attach schedule)			4 (18,720)
5 Taxable interest and nonqualifying dividends			5 12,850
6a Gross rents \$	6b Minus rental expenses (attach schedule) \$		
c Balance net rental income (loss)		6c	
7 Net income (loss) from royalties (attach schedule)		7	
8 Net farm profit (loss) (attach Schedule F (Form 1040))		8	
9 Net gain (loss) (Form 4797, line 17)		9	
10 Other income (loss) See Statement #1		10	24,727
11 TOTAL income (loss) (combine lines 3 through 10)		11	5,019,370
12a Salaries and wages (other than to partners) \$	12b Minus jobs credit \$	Balance ▶	12c 668,096
13 Guaranteed payments to partners			13
14 Rent			14 157,241
15a Total deductible interest expense not claimed elsewhere on return (see Instructions)	15a		
b Minus interest expense required to be passed through to partners on Schedule K-1 (1065), 15a(1), 15a(2), and 15a(3)	15b		
c Balance		15c	
16 Taxes See Statement #2		16	146,028
17 Bad debts		17	
18 Repairs		18	14,204
19a Depreciation from Form 4562 (attach Form 4562) \$ 34,273	19b Minus depreciation claimed on Schedule A and elsewhere on return (including Schedules K-1) \$	Balance ▶	19c 34,273
20 Depletion (Do not deduct oil and gas depletion.)			20
21a Retirement plans, etc.		21a	53,648
b Employee benefit programs		21b	14,088
22 Other deductions (attach schedule) See Statement #2		22	751,332
23 TOTAL deductions (add amounts in column for lines 12c through 22)		23	1,838,910
24 Ordinary income (loss) (subtract line 23 from line 11)		24	3,180,460

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of general partner _____ Date _____

Paid Preparer's Use Only

Preparer's signature *David Hall* Date *4/30/87* Check if self-employed ☐ Preparer's social security no. *113-36-4084*

Firm's name (or yours, if self-employed) and address **PEAT MARWICK MAIN & CO.** E.I. No. _____
345 PARK AVE, NEW YORK, N.Y. 10114 ZIP code _____
13-6665207

**BEAR
STEARNS**

6cc 4843

HAND DELIVERED

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

87 NOV 27 AM 10:06

(212) 952-4131

November 25, 1987

Phillip L. Wise, Esq.
Federal Election Commission
Washington, D.C. 20463

RE: MUR 2542
Bear, Stearns & Co.

Dear Mr. Wise:

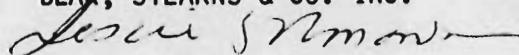
This letter will serve as Bear, Stearns & Co. Inc.'s response to your letter dated November 13, 1987. It would appear that on June 13, 1986, Bear, Stearns & Co. Inc. Political Campaign Committee made a \$500.00 contribution to Rep. Charles Rangel, Committee for the 100th Congress. This was not a contribution by a corporation, but, out of the Bear, Stearns & Co. Inc. Political Campaign Committee Account which is a registered PAC fund. I have enclosed a copy of the front and back of the check for your review.

We do not have any knowledge of a November 10, 1986 refund check in the amount of \$500.00. Our records indicate that no refund was received. However, if you have any additional information, we would be happy to make further investigations.

Please do not hesitate to contact the undersigned if we can be of any further assistance.

Very truly yours,

BEAR, STEARNS & CO. INC.



Leslie M. Solmonson, Esq.
Senior Securities Attorney

LMS:pd

Enclosure

cc: Nancy Lopez

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 NOV 27 PM 12:39

BEAR. STEARNS & CO.
POLITICAL CAMPAIGN COMMITTEE ACCOUNT
55 WATER STREET
NEW YORK, N.Y. 10041

852

1-23/210

PAY
TO THE
ORDER OF

Committee for the 100th Congress

6/13/86

10

\$ 500.00

Five Hundred and 00/100

JUL 31 1986

DOLLARS

Morgan Guaranty Trust Company
OF NEW YORK

S. PACK

FOR

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⑈021000238⑈

005 02 066⑈

⑈0000050000⑈

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7-27 PAY ANY BANK P.E.G. 7-27

65-02-58 052 00 0164 501540366

01384

AG 86 04

PROCESSED BY
MORGAN GUARANTY TRUST
COMPANY OF NEW YORK

RECEIVED
FOR THE
100TH CONGRESS
JUL 13 1986

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2542

NAME OF COUNSEL: Leslie M. Solmonson, Esq.

ADDRESS: 55 Water Street - 30th fl - (Cga)

Bea Starns + Co. Inc

NY NY 10041

TELEPHONE:

(212) 952-4131

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

11/25/57
Date

Leslie M. Solmonson
Signature

RESPONDENT'S NAME:

Bea Starns + Co

ADDRESS:

55 Water Street

NY NY 10041

HOME PHONE:

BUSINESS PHONE:

(212) 952-4131

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GLICKENHAUS & Co.

Six East 43rd Street
New York, New York 10017-4641
(212) 953-7800

November 30, 1987

QCC#4843
HAND DELIVERED
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FEDERAL ELECTION COMMISSION
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87 DEC -1 PM 10:35

-MVR 2542

FEDERAL EXPRESS

Phillip L. Wise, Esq.
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

RE: Glickenhause & Co.

Dear Mr. Wise:

In a letter dated November 13, 1987, the Federal Election Commission (the "Commission") notified Glickenhause & Co. that it had allegedly violated 2 U.S.C. S441b(a), a provision which prohibits any corporation or labor organization from making a contribution or expenditure in connection with a federal election. The contribution in question involved a \$1,000.00 donation by Glickenhause & Co. on June 23, 1986 to the Committee for the 100th Congress (the "Committee"). As indicated in the letter from the Commission, the alleged violation by Glickenhause & Co. is premised on the assumption that Glickenhause & Co. is a New York limited partnership.

Pursuant to 11 C.F.R. S115.3(b), the question of whether a professional organization is a corporation, and therefore subject to the restrictions of 2 Y.S.C. S441b(a), "is determined by the laws of the State in which the professional corporation exists." Under New York law, Glickenhause & Co. is a validly existing limited partnership. It was created under the laws of New York on April 26, 1961 and has operated with all the indicia of a limited partnership since that time. Upon request, we will supply you with documentary evidence to support this fact in the form of a certified copy of its Certificate of Limited Partnership and all amendments thereto. In addition, Glickenhause & Co. is not a federal contractor, and therefore, is not subject to the contribution restrictions of 11 C.F.R. S115.4(a).

Since Glickenhause & Co. is a limited partnership, and it made the contribution to the Committee as a partnership on behalf of its

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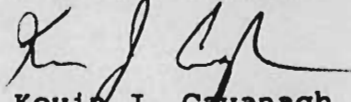
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PAGE 2

partners, we believe that such contribution was proper and not in violation of 2 U.S.C. S441b(a).

Accordingly, we request that the allegations against Glickenhau & Co. be dismissed pursuant to 11 C.F.R. S 11.18(d).

Very truly yours,


Kevin J. Cavanagh
Compliance Manager

KJC:cc

88040704243



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

01 December 1987

John S. Logan, Esquire
Dow, Lohnes & Albertson
Suite 500
Washington, D.C. 20037

RE: MUR 2542
Charmer Industries, Inc.

Dear Mr. Logan:

This is in response to your letter dated November 25, 1987, which we received on November 24, 1987, requesting an extension of 20 days until December 18, 1987, to respond to the reason to believe notification. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by close of business on December 18, 1987.

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

Sincerely,

Lawrence M. Noble
Acting General Counsel

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

BY: Lois G. Lerner
Associate General Counsel

83040704244

DOW, LOHNES & ALBERTSON

1255 TWENTY-THIRD STREET
WASHINGTON, D.C. 20037-1194

TELEPHONE (202) 857-2600
TELECOPIER (202) 859-0089
CABLE "DOWLA"
TELEX 428548

WRITER'S DIRECT DIAL NO.

(202) 857-2640

December 18, 1987

FAYETTE S. DOW (1881-1888) HORACE L. LOHNES (1887-1888)

WILLIAM P. BASS
RICHARD L. BRAUNSTEIN
JOHN A. BARTER
JOHN D. MATTHEWS
STANLEY D. BIER
S. DWIGHT PERRY
DANIEL W. TOOMEY
BERNARD J. LOHME, JR.
RALPH W. HARRY, JR.
WALTER H. ALLEN, II
WILLIAM S. SCHLESER**
WILLIAM J. MCKNIGHT, JR.**
CHARLES A. SIMMONS**
LEONARD J. BAXT
WILLIAM SILVERMAN
CHARLES J. MCGERRIS
CHARLES H. HELLEN
ALAN C. CAMPBELL
JAMES A. TREANOR, II
WERNER K. WATTEBERGER
BRENT N. RUSHFORTH
J. MICHAEL HINES
PHILIP C. THOMPSON
TERRENCE S. ADAMSON
JACK S. ALBANESE
HENRY M. RIVERA
DAVID A. HILDEBRANDT
R. KESBAN FEDERAL, JR.
JONATHAN S. VELL
PATRICK H. ALLEN
ARTHUR H. SILVERMAN
ROBERT J. BLACKWELL

J. DOMINO MORGAN
MARSHALL F. BERMAN
RICHARD D. MARRS
JOHN L. DAVIS
ARNOLD P. LUTZNER
MICHAEL S. GOLDSTEIN
JOHN R. FORD, JR.
LESLIE H. WISSENFELDER
KEVIN P. REED
ANDREW M. CRUSSE
RAYMOND S. BENDER, JR.
DAVID P. BARTLESON
JOSEPH F. KELLY, JR.
DORNA COLEMAN GREENG
STUART A. SHILOOH
MICHAEL A. PAGE
ALBERT N. TURNER
JOSEPH S. PRITTI
MARC J. PERK
ANNE E. MCKEY
ERIC DAHLBERG
JOYCE TRIMBLE GRINCE
KENNETH D. SALOMON
JEFFREY F. LAWRENCE
CURTIS A. RITTER
JOHN T. BYRNES, JR.
JOHN S. LOGAN
GAYLEN D. KEMP
JOHN C. JOSE
JOHN D. WARD
R. BRUCE BECHER

SUZANNE MEYER PERRY
JUDITH A. MATHER
MICHAEL D. HAYS
TODD D. GRAY
JOHN H. POMEROY
LINDA A. PRITS
NANDY L. WOLF
TIMOTHY J. KELLEY
PETER C. CAMPBELL
BLAIR S. BUTNER
J. CHRISTOPHER REDDING
LAWRENCE D. SHEAR, II
RICHARD P. MCHUGH
ELLIOT H. SHALLER
LOUIS A. DEJOE**
LARRY I. GLICK**
DAVID J. WITTENSTEIN
TIMOTHY J. O'DOOLKE
THOMAS J. WUTTON
DAVID D. WILD
CORINNE M. ANTLEY
MICHAEL P. HOUDE
RYAN T. TRAINER
MICHAEL P. FISHER
DAVID P. SMITH
JOHN A. HARRIS**
LAURIE JO EROGAN
CARIE A. BRON
HARVEY D. RUMELD
ANTHONY D. PADGETT
RICHARD A. WILHELM
JOHN W. WERTZ**
EDWARD J. O'CONNELL

WILLIAM H. COWPER
PAUL R. LANG
MICHAEL D. BASILE
SUSAN FORDOFF
FRITZ RICHTER, II
LESLIE S. PRICE
KELLY A. ROBERT
CAROLLA T. MONTESANO
KATHERINE R. SHERRIDAN
ANTHONY E. DIBETA
NANDY L. ALVAREZ
MICHAEL H. RUSH
GREGORY D. COOK
LUCILLE A. PAVCO
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ALAN H. BUTH**
PETER H. DOYLE
BARBARA S. WAPPELLO
SHELIA F. ANTHONY
JAMES A. DEMETRY
DANIEL S. ROSS
DANIEL P. DANIELLO
DAVID E. MILLS
MARSHALL H. ROSS
ELLEN M. GLENNER
LAURA M. PELLER
STEVEN A. BENNETT
LILIAN A. NEWBY

FRED W. ALBERTSON
VINCENT T. WABLENSO

OF COUNSEL

GARY S. GAROFALO

*MEMBER OF GEORGIA BAR ONLY
**MEMBER OF NEW YORK BAR ONLY

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 30463

Attention: Phillip L. Wise, Esq.

Re: Charmer Industries, Inc.
MUR 2542

Dear Sir:

Charmer Industries, Inc. ("Charmer"), by its attorneys, hereby responds to the letter of the Federal Election Commission dated November 13, 1987, notifying Charmer of a determination of reason to believe Charmer violated 2 U.S.C. § 441b(a) of the Federal Election Campaign Act of 1971. An extension of time was granted by the Office of General Counsel to permit a response on the date hereof.

The Factual and Legal Analysis Summary which formed the basis of the Commission's notice to Charmer stated that the Committee for the 100th Congress' July 1986 quarterly report disclosed the receipt of a \$1,000 contribution on May 29, 1986, from Charmer Industries, Inc. A \$1,000 refund

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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Lawrence M. Noble, Esq.

Page 2

December 18, 1987

check was given by the Committee for the 100th Congress to Charmer Industries, Inc. on November 10, 1986.

As supported by the affidavit of Mr. Charles Merinoff, attached hereto, no contribution to the Committee for the 100th Congress ever was authorized by Charmer Industries, Inc. While Charmer has been unable definitively to establish the circumstances under which the Committee received the check referred to by the Commission, it strongly appears that the check was delivered as the result of a mistake.

In May, 1986, Mr. Charles Merinoff, Vice President of Charmer Industries, Inc., received a solicitation from "Committee for the 100th Congress" requesting the purchase of tickets for a fund-raising dinner. Merinoff Affidavit at para. 2. Mr Merinoff determined that he would make a personal contribution by buying one ticket to an upcoming dinner as a "Sponsor" for the amount of \$1,000. Exhibit 1 to Mr. Merinoff's affidavit is a copy of the form he completed for delivery of his contribution to Committee for the 100th Congress. Id. As is obvious from Exhibit 1, there is no reference whatsoever to Charmer Industries, Inc.; the contributing party is clearly designated as Mr. Charles Merinoff.

In completing the form for return of his contribution to the Committee for the 100th Congress, Mr. Merinoff initialed the upper right-hand corner of the form and passed it to his secretary as an indication for her to handle the matter. Id. at para 3. Mr. Merinoff's secretary customarily handles some personal business for him. An account containing personal funds of Mr. Merinoff's was administered at Charmer. (Charmer Industries, Inc. is a closely held corporation controlled by the Merinoff family.)

While Mr. Merinoff is unable to recall precisely the instructions he gave to his secretary in this instance, he affirms in his affidavit there was no intention on his part to make an unlawful corporate contribution to the Committee for the 100th Congress. Apparently, Mr. Merinoff's contribution card was then inadvertently directed to the accounting department of Charmer Industries, Inc., where the check was mistakenly drawn on a corporate account.

The Committee for the 100th Congress later returned its own check to Charmer in the amount of \$1,000 as a contribution refund, together with a notification form (a

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Lawrence M. Noble, Esq.
Page 3
December 18, 1987

copy of which is attached as Exhibit 2 to Merinoff's affidavit). As Mr. Merinoff's affidavit indicates, the accounting department at Charmer apparently deposited the refund check under its normal routine; Mr. Merinoff was not made aware of the Committee's correspondence. Id. at para. 4.

Given the circumstances set forth above, Charmer Industries, Inc. submits that the Commission should take no further action in this matter and that the MUR proceeding should be closed. Charmer Industries, Inc. authorized no contribution to the Committee for the 100th Congress. The check in question was sent as a result of a chain of clerical errors, including the acceptance and cashing of the check by the Committee for the 100th Congress, notwithstanding the discrepancy between the payor of the check, clearly listed as a corporation, and the individual who clearly was listed as the contributor on the accompanying contribution slip. No effort was made to disguise the circumstances surrounding the contribution; the contribution itself was entirely inadvertent and was reported fully.

None of the actions involved here evince any intent to influence a federal election on the part of the corporation, and such an intent is necessary to a finding that a contribution has been made. See 2 U.S.C. § 431(8) (A). A corporation may "intend" an act only through the actions and intentions of those who have the authority to act on behalf of the corporation -- its officers and directors. Here, as Mr. Merinoff's affidavit demonstrates, Mr. Merinoff had no intention to make an unlawful corporate contribution.

Accordingly, Charmer Industries, Inc. submits that no action should be taken against the corporation by reason of the accidental delivery of a check to the Committee for the 100th Congress. Charmer Industries, Inc. remains ready to provide any additional information that would assist the

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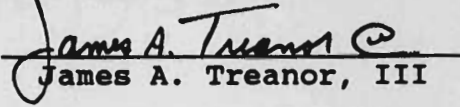
Lawrence M. Noble, Esq.
Page 4
December 18, 1987

Commission in disposing of this matter. Charmer Industries, Inc. hereby requests pursuant to 11 C.F.R. § 111.18(d) that the Commission enter into negotiations looking toward a conciliation agreement prior to further action in this matter.

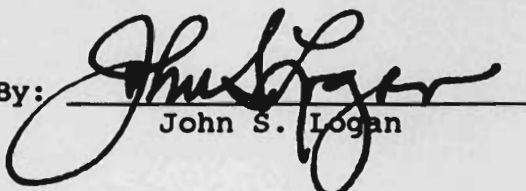
Respectfully submitted,

CHARMER INDUSTRIES, INC.

By:


James A. Treanor, III

By:


John S. Logan

Its Attorneys

JSL/jr

Enclosure

83040704248

88040704249

STATE OF NEW YORK)

) ss.:

COUNTY OF QUEENS)

Charles Merinoff II, having been first duly sworn, deposes and

1. I am Vice President of Charmer Industries, Inc. This Affidavit

2. In May 1986, I received a request to make a contribution to

3. My records show that I completed the contributor's information

EXHIBIT 1

83040704250

Richard A. Brown, Treasurer
"Committee For The 100th Congress"
2080 Allen Place, NW
Washington, DC 20009

Copy to [unclear]

Enclosed find my check for \$ 4,000 for 1 Sponsors Tickets @ \$1000.

Enclosed find my check for \$ _____ for _____ Tickets @ \$500.

I cannot attend but enclosed find my contribution for \$ _____
(Make check payable to "Committee For The 100th Congress")

Name Charles Mirasoff

Address 19-50 48 St

Astoria N.Y. 11105

Occupation _____

Paid for by the "Committee For The 100th Congress".

Richard A. Brown,
Treasurer

8804070425

EXHIBIT 2

88040704252

Committee for the 100th Congress
2030 Allen Place, N.W., Washington, D.C. 20009

Richard A. Brown
Treasurer

November 10, 1986

Charmer Industries
19-50 48th Street
Astoria, New York 11105

Dear Friends:

The Committee for the 100th Congress is deeply grateful to you for your generous contribution to our efforts to secure the enhancement of the Democratic majority in the U.S. House of Representatives.

The Federal Election Commission has raised a question about our filing of the report of your contribution, however, and we regret that we must return your contribution as it appears to have emanated from

- ☐ (a). a labor organization;
- ☒ (b). a corporation;
- ☐ (c). a national bank
- ☐ (d). an organization that is not a political committee registered with the Federal Election Commission;
- ☐ (e). a foreign national.

Contributions from (b) are prohibited under the Federal Election Act (2 U.S.C. Sec. 441b) unless made from a separate segregated fund established by the organization.

It may be that we have misunderstood the source of your contribution and thus incorrectly reported it to the Federal Election Commission. In that event, please return the contribution to me along with information on the fund from which your contribution to our Committee was derived.

I regret the possible inconvenience caused you by this request and thank you for your cooperation and prompt response. Please call me at (202) 722-5184 if you have any questions.

Sincerely,


GEORGE A. DALLEY
Treasurer

GAD:p
Enclosure

6 CC # 4972

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

87 DEC 21 AM 9:30

Mr 2542

GLICKENHAUS & Co.

MEMBER NEW YORK STOCK EXCHANGE

6 EAST 43RD STREET

NEW YORK, N. Y. 10017

(212) 953-7800

December 15, 1987

RECEIVED
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OFFICE OF GENERAL COUNSEL
87 DEC 21 PM 1:10

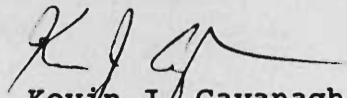
Phillip L. Wise, Esq.
Federal Election Commission
999 E. Street, N.W.
Washington, D. C. 20463

Dear Mr. Wise:

As per our telephone conversation this morning, enclosed please find a copy of the first page of our Partnership tax return. I hope this is all that is necessary in order for you to file requesting no action in this matter.

If you have any questions, please give me a call.

Sincerely,


Kevin J. Cavanagh

Enclosure

88040704254

Department of the Treasury
Internal Revenue ServiceFor Paperwork Reduction Act Notice, see Form 1065 Instructions.
For calendar year 1986, or fiscal year ending 1986, and ending

1986

A Principal business activity BROKER-DEALER	Use IRS label. Otherwise, please print or type.	Name GLICKENHAUS AND CO.	D Employer identification number 13-1936873
B Principal product or service SECURITIES		Number and street (or P.O. Box number if mail is not delivered to street address) 6 EAST 43RD STREET	E Date business started 2/20/61
C Business code number 6218		City or town, state, and ZIP code NEW YORK, NEW YORK 10017	F Enter total assets at end of tax year \$ 15,546,236.84

G Check accounting method: (1) ☐ Cash (2) ☒ Accrual (3) ☐ Other

H Check applicable boxes: (1) ☐ Final return (2) ☐ Change in address (3) ☐ Amended return

I Number of partners in this partnership **14**

J Is this partnership a limited partnership (see the Instructions)? ☒ Yes ☐ No

K Is this partnership a partner in another partnership? ☒ Yes ☐ No

L Are any partners in this partnership also partnerships? ☐ Yes ☒ No

M Does the partnership meet all the requirements shown in the Instructions for Question M? ☐ Yes ☒ No

N Was there a distribution of property or a transfer (for example, by sale or death) of a partnership interest during the tax year? If "Yes," see the Instructions concerning an election to adjust the basis of the partnership's assets under section 754 ☐ Yes ☒ No

O At any time during the tax year, did the partnership have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? (See the Instructions for exceptions and filing requirements for Form TD F 90-22.1.) If "Yes," write the name of the foreign country. ☐ Yes ☒ No

P Was the partnership the grantor of, or transferor to, a foreign trust which existed during the current tax year, whether or not the partnership or any partner has any beneficial interest in it? If "Yes," you may have to file Forms 3520, 3520-A, or 926 ☐ Yes ☒ No

Q Check this box if the partnership has filed or is required to file Form 8264, Application for Registration of a Tax Shelter ☐

R Check this box if this is a partnership subject to the consolidated partnership audit procedures of TEFRA ☒

Caution: 1986-87 Fiscal year partnerships see the instructions for Form 1065 before completing page 1.

Income	1a Gross receipts or sales \$	1b Minus returns and allowances \$	Balance ▶	1c	
	2 Cost of goods sold and/or operations (Schedule A, line 7)			2	
	3 Gross profit (subtract line 2 from line 1c)	NET TRADING GAINS		3	26,736,190
	4 Ordinary income (loss) from other partnerships and fiduciaries (attach schedule)	SCHEDULE 1 ATTACHED		4	389,189
	5 Taxable interest and nonqualifying dividends			5	12,186,984
	6a Gross rents \$	6b Minus rental expenses (attach schedule) \$		6c	
	c Balance net rental income (loss)			7	
	7 Net income (loss) from royalties (attach schedule)			8	
	8 Net farm profit (loss) (attach Schedule F (Form 1040))			9	
	9 Net gain (loss) (Form 4797, line 17)			10	21,101,259
	10 Other income (loss)	SCHEDULE 1 ATTACHED		11	67,413,622
11 TOTAL income (loss) (combine lines 3 through 10)			12c	12,949,512	
Deductions	12a Salaries and wages (other than to partners) \$	12b Minus jobs credit \$	Balance ▶	13	1,200,002
	13 Guaranteed payments to partners			14	858,385
	14 Rent			15a	17,415,432
	15a Total deductible interest expense not claimed elsewhere on return (see Instructions)			15b	5,744,198
	b Minus interest expense required to be passed through to partners on Schedule K-1 (1065), 15a(1), 15a(2), and 15a(3)			15c	11,671,234
	c Balance			16	2,857,287
	16 Taxes SCHEDULE 2 ATTACHED			17	
	17 Bad debts			18	
	18 Repairs			19a	631,902
	19a Depreciation from Form 4562 (attach Form 4562) \$	19b Minus depreciation claimed on Schedule A and elsewhere on return (including Schedules K-1) \$	Balance ▶	19c	192,811
	20 Depletion (Do not deduct oil and gas depletion.) SCHEDULE 2 ATTACHED			21a	833,578
	21a Retirement plans, etc.			21b	305,410
	b Employee benefit programs			22	9,022,439
22 Other deductions (attach schedule) SCHEDULE 3 ATTACHED			23	40,522,470	
23 TOTAL deductions (add amounts in column for lines 12c through 22)			24	19,891,152	
24 Ordinary income (loss) (subtract line 23 from line 11)					

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of general partner

Date

Paid Preparer's Use Only

Preparer's signature

Date

Check if self-employed ☐

Preparer's social security no.

Firm's name (or yours, if self-employed) and address

SEIDMAN & SEIDMAN - 15 COLUMBUS CIRCLE
NEW YORK, N.Y. 10023 I.D. #13-5381590

E.I. No.

ZIP code

SENSITIVE

FEDERAL
BEFORE THE FEDERAL ELECTION COMMISSION

CO JEN 20 11 3:42

In the Matter of)

Committee for the 100th Congress and)
George A. Dalley, as treasurer)

MUR 2542

Bear, Sterns & Co.)

Cain Brothers, Shattuck & Co.)

Glickenhause & Co.)

Charmer Industries, Inc.)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 20, 1987, the Federal Election Commission found that there is reason to believe the Committee for the 100th Congress and George A. Dalley, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), and 2 U.S.C. § 441b(a). The Commission also found reason to believe that Bear, Stearns & Co., Cain Brothers, Shattuck & Co., Glickenhause & Co., and Charmer Industries, Inc. violated 2 U.S.C. § 441b(a).

On November 24, 1987, the Committee for the 100th Congress and George A. Dalley, as treasurer, requested alternatively that the Commission dismiss this matter or that conciliation prior to a finding of probable cause to believe be instituted.

(Attachment 1). By letter dated November 25, 1987, the attorney for Bear, Stearns & Co. stated that the contribution was not given by the corporation, but by its political campaign committee. (Attachment 2). Enclosed with the letter was a copy of a check for \$500.00, made payable to the Committee for the

83040704256

100th Congress from the Bear, Stearns & Co. Political Campaign Committee Account. (Attachment 2(a)).

By letter dated November 24, 1987, Barbara Z. Shattuck, a partner of Cain Brothers, Shattuck & Company, contended that the company is a partnership, and not a corporation. (Attachment 3). As proof of this contention, Ms. Shattuck enclosed a copy of the front page from the company's 1986 Federal Income Tax return. (Attachment 3(a)).

In a letter dated November 30, 1987, Kevin J. Cavanagh, the Compliance Manager for Glickenhau & Co., alleged that their business was a limited partnership and not a corporation. (Attachment 4). On December 21, 1987, Mr. Cavanagh furnished the front page from the company's 1986 Federal Income Tax return, as proof of its partnership status. (Attachment 4(c)).

By letter dated November 25, 1987, Charmer Industries, Inc., through counsel, requested a 20 day extension of time to respond to the Commission's reason to believe notification. (Attachment 5). This extension was granted as requested until December 18, 1987. On December 18, 1987 counsel filed the response and requested to enter into pre-probable cause conciliation. (Attachment 6).

II. ANALYSIS

Pursuant to 2 U.S.C. § 441b(a) it is unlawful for any corporation to make a contribution or expenditure in connection

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with any federal election or for any political committee knowingly to accept or receive any contribution prohibited by this section.

Bear, Stearns & Co. have submitted evidence which shows that the \$500.00 contribution was made from their political campaign committee account, therefore it appears they may not have violated 2 U.S.C. § 441b(a). Both Cain Brothers, Shattuck & Co., and Glickenhause & Co. have submitted information indicating that they are a partnership, therefore, it appears they may have not violated 2 U.S.C. § 441b(a). Accordingly, the Office of the General Counsel has mailed its briefs with the appropriate recommendations to Bear, Stearns & Co., Cain Brothers, Shattuck & Co. and Glickenhause & Co. Upon receipt of responses from each of these entities, this Office will make a further report to the Commission.

Charmer Industries, Inc. is a corporation, therefore, its \$1,000 contribution is a violation of 2 U.S.C. § 441b(a). The acceptance of this contribution by the Committee for the 100th Congress is also a violation of 2 U.S.C. § 441b(a).

Pursuant to 2 U.S.C. § 434(a)(4)(B), all political committees other than authorized committees of a candidate that choose a monthly schedule shall file monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the

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last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed. This pre-general report shall be filed no later than the 12th day before any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 30th day before such election. 2 U.S.C. § 434(a)(2)(i). The Committee's filing of its 1986 12 Day Pre-General report 28 days late is a violation of 2 U.S.C. § 434(a)(4)(B).

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Enter into conciliation with the Committee for the 100th Congress and George A. Dalley, as treasurer, prior to a finding of probable cause to believe.
2. Enter into conciliation with Charmer Industries, Inc. prior to a finding of probable cause to believe.
3. Approve the attached proposed conciliation agreements.
4. Approve the attached letters.

Lawrence M. Noble
General Counsel

Date

1/28/88

BY:

Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Attachments

- 1 - Request for conciliation by George A. Dalley and Committee
- 2 - Response from Bear, Stearns, & Co.
- 3 - Response from Cain Brothers, Shattuck & Co.
- 4 - Response from Glickenhau & Co.
- 5 - Request for additional time by Charmer Industries, Inc.
- 6 - Request for conciliation by Charmer Industries, Inc.
- 7 - Proposed conciliation agreement with the Committee and George A. Dalley
- 8 - Proposed conciliation agreement with Charmer Industries, Inc.
- 9 - Letters to Respondents (2)

Staff Person: Phillip L. Wise

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Committee for the 100th Congress and
George A. Dalley, as treasurer

Bear, Sterns & Co.

Cain Brothers, Shattuck & Co.

Glickenhause & Co.

Charmer Industries, Inc.

MUR 2542

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on February 3,
1988, the Commission decided by a vote of 6-0 to take
the following actions in MUR 2542:

1. Enter into conciliation with the Committee for
the 100th Congress and George A. Dalley, as
treasurer, prior to a finding of probable
cause to believe.
2. Enter into conciliation with Charmer Industries,
Inc. prior to a finding of probable cause to
believe.
3. Approve the proposed conciliation agreements,
as recommended in the General Counsel's report
signed January 28, 1988.

(Continued)

4. Approve the letters, as recommended in the General Counsel's report signed January 28, 1988.

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

Attest:

2-3-88

Date

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

Received in the Office of Commission Secretary: Fri., 1-29-88, 2:42
Circulated on 48 hour tally basis: Mon., 2-01-88, 11:00
Deadline for vote: Wed., 2-03-88, 11:00

83040704263



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

88 FEB -2 AM 8:59

SENSITIVE

February 2, 1988

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *LMN*
General Counsel

SUBJECT: MUR #2542
Bear, Stearns, & Co., Cain Brothers, Shattuck &
Company, and Glickenhau & Co.

Attached for the Commission's review are briefs stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of no probable cause to believe was mailed on February 2, 1988. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

- 1-Briefs (3)
- 2-Letter to respondents (3)

88040704264



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 2, 1988

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Barbara Z. Shattuck
Cain Brothers, Shattuck & Company
Republic Bank Tower
New York, New York 10018

Re: MUR 2542
Cain Brothers, Shattuck & Co.

Dear Ms. Shattuck:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on October 20, 1987, found reason to believe that Cain Brothers, Shattuck & Co. violated 2 U.S.C. § 441b(a), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find no probable cause to believe that a violation has occurred.

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

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

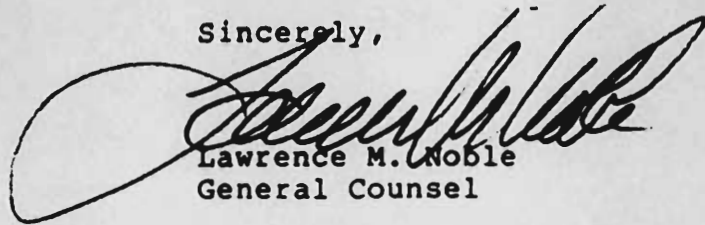
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Letter to Barbara Z. Shattuck
Page 2

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Lawrence M. Noble", is written over the typed name and title.

Lawrence M. Noble
General Counsel

Enclosure
Brief

88040704266

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Cain Brothers, Shattuck & Company)

MUR 2542)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

The Committee for the 100th Congress' ("the Committee") 1986 July Quarterly Report disclosed the receipt of a \$500 contribution on June 23, 1986 from Cain Brothers & Co. On October 20, 1987 the Federal Election Commission found that there is reason to believe that Cain Brothers, Shattuck & Company violated 2 U.S.C. § 441b(a). By letter dated November 24, 1987, Barbara Z. Shattuck, a partner of Cain Brothers, Shattuck & Company, contended that the company is a partnership, and not a corporation. As proof of this contention, Mr. Shattuck enclosed a copy of the front page from the company's 1986 Federal Income Tax return.

II. ANALYSIS

Pursuant to 2 U.S.C. § 441b(a) it is unlawful for any corporation to make a contribution or expenditure in connection with any federal election.

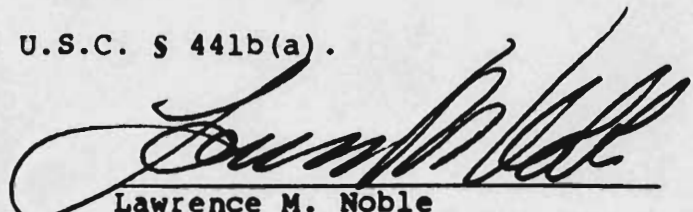
Cain Brothers, Shattuck & Company has submitted information indicating that it is a partnership, therefore, it appears not to have violated 2 U.S.C. § 441b(a).

III. GENERAL COUNSEL'S RECOMMENDATION

Find no probable cause to believe that Cain Brothers, Shattuck & Company violated 2 U.S.C. § 441b(a).

Date

1/29/88


Lawrence M. Noble
General Counsel

88040704267



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 2, 1988

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Kevin J. Cavanagh
Glickenhau & Co.
New York, New York 10017-4641

Re: MUR 2542
Glickenhau & Co.

Dear Mr. Cavanagh:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on October 20, 1987, found reason to believe that Glickenhau & Co. violated 2 U.S.C. § 441b(a), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find no probable cause to believe that a violation has occurred.

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

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

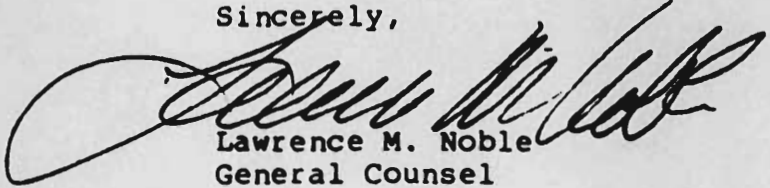
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Letter to Kevin J. Cavanagh
Page 2

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

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

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

88040704269

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Glickenhause & Co.

)
)
)
)
MUR 2542

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

The Committee for the 100th Congress' ("the Committee") 1986 July Quarterly Report disclosed the receipt of a \$1,000 contribution on June 23, 1986 from Glickenhause & Co.

On October 20, 1987, the Federal Election Commission found that there is reason to believe that Glickenhause & Co. violated 2 U.S.C. § 441b(a). By letter dated November 30, 1987 Kevin J. Cavanagh, the Compliance Manager for Glickenhause & Co., stated that their business was a limited partnership and not a corporation. On December 21, 1987, Mr. Cavanagh furnished the front page from the company's 1986 Federal Income Tax return, as proof of its partnership status.

II. ANALYSIS

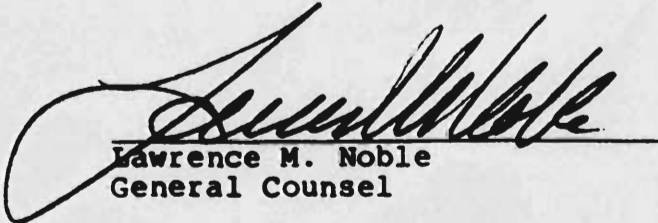
In accordance with 2 U.S.C. § 441b(a) it is unlawful for any corporation to make a contribution or expenditure in connection with any federal election.

Glickenhause & Co. has submitted information indicating that it is a partnership, therefore, it appears not to have violated 2 U.S.C. § 441b(a).

III. GENERAL COUNSEL'S RECOMMENDATION

Find no probable cause to believe that Glickenhause & Co., violated 2 U.S.C. § 441b(a).

1/29/88
Date


Lawrence M. Noble
General Counsel

88040704270



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 2, 1988

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Leslie M. Solmonson, Esquire
Bear, Stearns & Co., Inc.
55 Water Street
New York, New York 10041

Re: MUR 2542
Bear, Stearns & Co.

Dear Ms. Solmonson:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission on October 20, 1987, found reason to believe that Bear, Stearns & Co., violated 2 U.S.C. § 441b(a), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find no probable cause to believe that a violation has occurred.

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

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

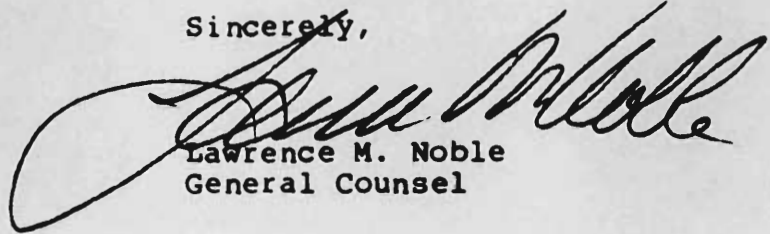
88040704271

Letter to Leslie M. Solmonson, Esquire
Page 2

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

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

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

83040704272

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Bear, Stearns & Co.

)
)
) MUR 2542
)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

The Committee for the 100th Congress' ("the Committee") 1986 July Quarterly Report disclosed the receipt of a \$500 contribution on June 23, 1986 from Bear, Stearns & Co. On November 13, 1986 information was received that a November 10, 1986 \$500 refund check was issued to Bear, Stearns & Co.

On October 20, 1987, the Federal Election Commission found that there is reason to believe that Bear, Stearns & Co. violated 2 U.S.C. § 441b(a). By letter dated November 25, 1987 the attorney for Bear, Stearns and Co. stated that the contribution was not given by the corporation, but by its political campaign committee. Enclosed with the letter was a copy of a check for \$500.00, made payable to the Committee for the 100th Congress from the Bear, Stearns & Co. Political Campaign Committee Account.

II. ANALYSIS

Pursuant to 2 U.S.C. § 441b(a) it is unlawful for any corporation to make a contribution or expenditure in connection with any federal election.

Bear, Stearns & Co. have submitted evidence which shows that the \$500.00 contribution was made from their political campaign account, therefore it appears they have not violated 2 U.S.C. § 441b(a).

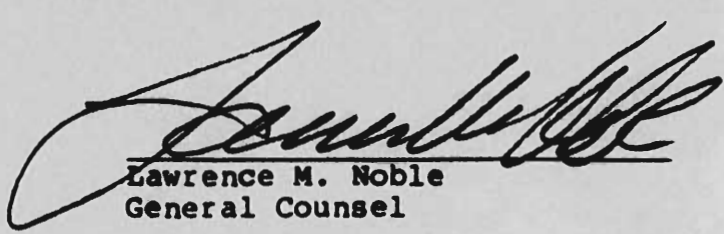
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III. GENERAL COUNSEL'S RECOMMENDATION

Find no probable cause to believe that Bear, Stearns & Co.,
violated 2 U.S.C. § 441b(a).

Date

1/29/88


Lawrence M. Noble
General Counsel

88040704274

GCC #8813

DOW, LOHNES & ALBERTSON

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

ATTORNEYS AT LAW

1255 TWENTY-THIRD STREET

WASHINGTON, D. C. 20037

88 MAR 17 PM 12:12

TELEPHONE (202) 857-2500

JAMES A. TREANOR, III

DIRECT DIAL NO.

857-2685

TELECOPIER (202) 659-0059

CABLE "DOWLA"

TELEX 425546

March 17, 1988

VIA HAND DELIVERY

Lawrence M. Nobel, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20001

Attn: Phillip L. Wise, Esq.

Re: Charmer Industries, Inc.
MUR 2542

Dear Mr. Wise:

Enclosed is a copy of the letter and conciliation agreement which I mailed to your office on March 9. Except for the fact that the letter was entrusted to the mail, I would say that its failure to reach you was inexplicable. As discussed, I have executed the conciliation agreement. I will call you when I get the \$250 check payable to the Federal Election Commission.

Sincerely,


James A. Treanor, III

JAT/ch
Enclosure

33040704275

88 APR 11 AM 9:58

Committee for the 100th Congress
1706 Connecticut Drive N.W.
Washington, D.C. 20011

April 7, 1988

The Federal Election Commission
Washington, D.C. 20463

88 APR 13 PM 3:32

Dear Mr. Wise,

As we discussed on the tele-

phone this morning, I am forwarding
a replacement check in the amount
of one thousand two hundred and seventy
five dollars (\$1,275.00) in satisfaction
of the fine imposed under the contribution
agreement reached between the Commission
and the Committee for the 100th Congress.

We appreciate your assistance.

Sincerely,
George A. Dooly
Treasurer

88040704276

THE COMMITTEE FOR
THE 100TH CONGRESS
1708 CRESTWOOD DR., N.W.
WASHINGTON, D.C. 20011

1690

PAY TO THE
ORDER OF

The Federal Election Commission

April 7th 1988 15-7007
2540 \$ *1,275.00*

One thousand two hundred and seventy five and 00/100 DOLLARS



FEDERAL SAVINGS BANK
of Washington, D.C. 20036

Glenn C. Seelye
TREASURER

FOR

⑈001690⑈ ⑆254070077⑆

0193 00323⑈

MEMORANDUM

CCA# 9048

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMIEW

CHECK NO. 1690 { A COPY OF WHICH IS ATTACHED } RELATING TO

OUR 2542 AND NAME Committee for the 100th Congress
(Wise)

WAS RECEIVED ON 4/13/88. PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

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

SIGNATURE Debra A. Trimiew

DATE 4/14/88

88 APR 13 PM 3:32

RECEIVED
FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

88 APR 21 PM 2:10

In the Matter of)
)
Committee for the 100th Congress)
and George A. Dalley, as treasurer)
)
Bear, Stearns & Co.)
)
Cain Brothers, Shattuck & Co.)
)
Glickenhau & Co.)
)
Charmer Industries, Inc.)

MUR 2542

SENSITIVE
EXECUTIVE SESSION
MAY 08 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 20, 1987, the Federal Election Commission found that there is reason to believe the Committee for the 100th Congress and George A. Dalley, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), and 2 U.S.C. § 441b(a). The Commission also found reason to believe that Bear, Stearns & Co., Cain Brothers, Shattuck & Co., Glickenhau & Co., and Charmer Industries, Inc. violated 2 U.S.C. § 441b(a).

By letter dated November 25, 1987, the attorney for Bear, Stearns & Co. stated that the contribution was not given by the corporation, but by its political campaign committee. Enclosed with the letter was a copy of a check for \$500.00, made payable to the Committee for the 100th Congress from the Bear, Stearns & Co. Political Campaign Committee Account.

By letter dated November 24, 1987, Barbara Z. Shattuck, a partner of Cain Brothers, Shattuck & Company, contended that the company is a partnership, and not a corporation. As proof of this contention, Ms. Shattuck enclosed a copy of the front page from the company's 1986 Federal Income Tax return.

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In a letter dated November 30, 1987, Kevin J. Cavanagh, the Compliance Manager for Glickenhause & Co., alleged that their business was a limited partnership and not a corporation. On December 21, 1987, Mr. Cavanagh furnished the front page from the company's 1986 Federal Income Tax return, as proof of its partnership status.

On February 2, 1988, the Office of the General Counsel mailed its briefs recommending no probable cause to believe to Bear, Stearns & Co., Cain Brothers, Shattuck & Co., and Glickenhause & Co.

On November 24, 1987, the Committee for the 100th Congress and George A. Dalley, as treasurer, requested alternatively that the Commission dismiss this matter or that conciliation prior to a finding of probable cause to believe be instituted. By letter dated November 25, 1987, Charmer Industries, Inc., through counsel, requested a 20 day extension of time to respond to the Commission's reason to believe notification. This extension was granted as requested until December 18, 1987. On December 18, 1987, counsel filed the response and requested to enter into pre-probable cause conciliation. On February 3, 1988, the Commission decided to enter into conciliation with both the Committee for the 100th Congress, and Charmer Industries, Inc., prior to a finding of probable cause to believe. The Commission approved conciliation agreements were mailed accordingly on February 12, 1988. On March 17, 1988 this Office received the signed and

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unchanged Commission approved conciliation agreement, and a check^{1/} in the full amount (\$1,275.00) from the Committee for the 100th Congress. (Attachment 1).

II. ANALYSIS

Pursuant to 2 U.S.C. § 441b(a) it is unlawful for any corporation to make a contribution or expenditure in connection with any federal election or for any political committee knowingly to accept or receive any contribution prohibited by this section.

^{1/} On April 4, 1988, this Office received notice that the check was returned for insufficient funds. On April 7, 1988, the treasurer informed this Office that sufficient funds were now in the account and a new check would be mailed to the Commission. On April 13, 1988, a new check in the amount of \$1,275.00 was received by the Commission.

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Bear, Stearns & Co., have submitted evidence which shows that the \$500.00 contribution was made from its political campaign committee account, therefore, it appears it did not violate 2 U.S.C. § 441b(a). Both Cain Brothers, Shattuck & Co., and Glickenhauß & Co. have submitted information indicating that they are partnerships, and, as such, could not have violated 2 U.S.C. § 441b(a). This Office therefore, recommends that the Commission find no probable cause to believe that Bear, Stearns & Co., Cain Brothers, Shattuck & Co., and Glickenhauß & Co. violated 2 U.S.C. § 441b(a). Further, this Office recommends that the Commission accept the signed Conciliation Agreement in settlement of this matter with the Committee for the 100th Congress and George A. Dalley, as treasurer, and accept the attached signed Conciliation Agreement and additional language at in settlement of this matter with Charmer Industries, Inc, and close the file.

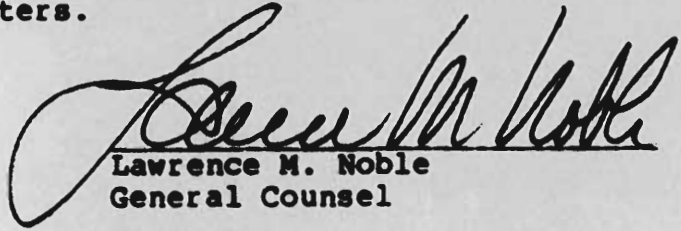
III. RECOMMENDATIONS

1. Find no probable cause to believe that Bear, Stearns & Co., Cain Brothers, Shattuck & Co., and Glickenhauß & Co. violated 2 U.S.C. § 441b(a).
2. Accept the attached signed Conciliation Agreement with additional language at in settlement of this matter with Charmer Industries, Inc.
3. Accept the attached signed Conciliation Agreement in settlement of this matter with the Committee for the 100th Congress and George A. Dalley, as treasurer.
4. Close the file.

5. Approve the attached letters.

Date

4/21/88


Lawrence M. Noble
General Counsel

Attachments

1. Signed Conciliation Agreement and \$1,275 check from the Committee for the 100th Congress.
2. Counteroffer by Charmer Industries, Inc.
3. Signed Conciliation Agreement by Charmer Industries, Inc.
4. Letters to respondents (5)

Staff person: Phillip L. Wise

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MUR 2542

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3. Accept the signed Conciliation Agreement in settlement of this matter with the Committee for the 100th Congress and George A. Dalley, as treasurer, as recommended in the General Counsel's report dated April 21, 1988.
4. Close the file.
5. Approve the letters attached to the General Counsel's report dated April 21, 1988.

Commissioners Aikens, Elliott, Josefiak, McGarry, and Thomas voted affirmatively for the decision; Commissioner McDonald was not present during the consideration of this matter.

Attest:

5/4/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1988

Leslie M. Solmonson, Esquire
Bear, Stearns & Co., Inc.
55 Water Street
New York, New York 10041

Re: MUR 2542
Bear, Stearns & Co.

Dear Ms. Solmonson:

This is to advise you that, on May 3, 1988, the Federal Election Commission found that there is no probable cause to believe that your client Bear, Stearns & Co., violated 2 U.S.C. § 441b(a). Accordingly, the file in this matter has been closed.

This matter will become part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

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

Sincerely,

Lawrence M. Noble (4/2)
Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 11, 1988

Kevin J. Cavanagh
Glickenhause & Co.
New York, New York 10017-4641

Re: MUR 2542
Glickenhause & Co.

Dear Mr. Cavanagh:

This is to advise you that on May 3, 1988, the Federal Election Commission found that there is no probable cause to believe that Glickenhause & Co. violated 2 U.S.C. § 441b(a). Accordingly, the file in this matter has been closed.

This matter will become part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

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

Sincerely,

Lawrence M. Noble (FF)
Lawrence M. Noble
General Counsel

88040704286



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1988

Barbara Z. Shattuck
Cain Brothers, Shattuck & Company
Republic Bank Tower
New York, New York 10018

Re: MUR 2542
Cain Brothers, Shattuck & Co.

Dear Ms. Shattuck:

This is to advise you that on May 3, 1988, the Federal Election Commission found that there is no probable cause to believe that Cain Brothers, Shattuck & Co. violated 2 U.S.C. § 441b(a). Accordingly, the file in this matter has been closed.

This matter will become part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

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

Sincerely,

Lawrence M. Noble (LMA)
Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1988

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

James A. Treanor, III, Esquire
Dow, Lohnes & Albertson
1255 Twenty-Third Street
Washington, D.C. 20037

RE: MUR 2542
Charmer Industries, Inc.

Dear Mr. Treanor:

On May 3, 1988, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

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

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

Sincerely,

Lawrence M. Noble (347)
Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

88040704298

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Charmer Industries, Inc.) MUR 2542

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 Charmer Industries, Inc. ("Respondent") violated 2 U.S.C. §441b(a).

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

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

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

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

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

1. Respondent, Charmer Industries, Inc., is a corporation within the meaning of 2 U.S.C. §441b.

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2. Respondent contributed \$1,000.00 to the Committee for the 100th Congress.

3. Respondent contends that an officer of the corporation intended to make a contribution from his personal account, but that the check was inadvertently drawn on a corporate account instead.

V. Respondent gave a \$1,000.00 contribution to the Committee for the 100th Congress, in violation of 2 U.S.C. § 441b(a).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Two Hundred and Fifty dollars (\$250.00), pursuant to 2 U.S.C. §437g(a)(5)(A).

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

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

IX. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to

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comply with and implement the requirements contained in this agreement and to so notify the Commission.

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

FOR THE COMMISSION:

Lawrence M. Noble (TH) May 11, 1988
Lawrence M. Noble Date
General Counsel

FOR THE RESPONDENTS:

James A. Treanor III March 17, 1988
James A. Treanor, III Date
Attorney for Respondent

88040704291



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1988

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

George A. Dalley, Treasurer
Committee for the 100th Congress
1706 Crestwood Drive, N.W.
Washington, D.C. 20011

RE: MUR 2542
Committee for the 100th Congress
and George A. Dalley, as treasurer

Dear Mr. Dalley:

On May 3, 1988, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. §§ 434(a)(4)(B) and 441b(a), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

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

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

Sincerely,

Lawrence M. Noble (4/7)
Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

88040704292

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee for the 100th Congress) MUR 2542
and George A. Dalley, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Committee for the 100th Congress and George A. Dalley, as treasurer ("Respondents") violated 2 U.S.C. § 441b(a) and 2 U.S.C. § 434(a)(4)(B).

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:

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

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

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

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

1. Respondent, Committee for the 100th Congress, is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Respondent, George A. Dalley, is the treasurer of the Committee for the 100th Congress.

3. Respondents accepted a \$1,000.00 contribution from a corporation.

4. Respondents were required to file their 1986 12 Day Pre-General Election Report by October 23, 1986. This report was filed on November 20, 1986, 28 days late.

V. Respondents accepted a \$1,000.00 contribution from Charmer Industries, Inc., in violation of 2 U.S.C. § 441b(a).

VI. Respondents failed to file their 1986 12 Day Pre-General Election Report in a timely manner in violation of 2 U.S.C. § 434(a)(4)(B).

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Two Hundred and Seventy-Five dollars (\$1,275.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or 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 (GP) May 11, 1988
Lawrence M. Noble Date
General Counsel

FOR THE RESPONDENTS:

George A. Dalley March 11, 1988
George A. Dalley Date
Treasurer

88040704295



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2542

DATE FILMED 6/3/88 CAMERA NO. 2

CAMERAMAN K.A.U.

88040704296



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

/ N 8.25.84

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 9542 .

88040712672

6CC#9320

DOW, LOHNES & ALBERTSON

ATTORNEYS AT LAW

1255 TWENTY-THIRD STREET

WASHINGTON, D. C. 20037

TELEPHONE (202) 857-2500

JAMES A. TREANOR, III

DIRECT DIAL NO.

857-2685

TELECOPIER (202) 659-0059

CABLE "DOWLA"

TELEX 428546

May 19, 1988

BY HAND

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

Attn: Phillip L. Wise, Esq.

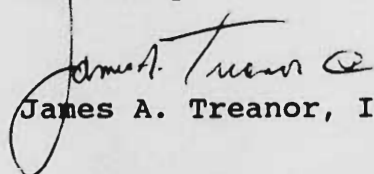
Re: Charmer Industries, Inc.
MUR 2542

Dear Mr. Wise:

Enclosed find a check in the amount of \$250 in payment of the civil penalty assessed in connection with the above matter. I understand that the December 18, 1987 response of Charmer Industries, Inc. (with Mr. Merinoff's affidavit and attachments thereto) will become a part of the public record. If this is not the case, I would like this material made part of the public record so that my client's explanation of this happenstance appears in the file with the Conciliation Agreement.

Please contact me if any additional matters come up with respect to this incident or Charmer Industries, Inc.

Sincerely,


James A. Treanor, III

JAT/ps

Enclosure

88 MAY 20 PM 3:16

RECEIVED
FEDERAL ELECTION COMMISSION

98040712673

Sent to OGC 5-20-88