



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2805

DATE FILMED 2/17/89 CAMERA NO. 3

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

19 September 1988

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SUBINA
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF THE ALLEGHENY COUNTY REPUBLICAN
CAMPAIGN COMMITTEE FEDERAL

This is a referral of the Allegheny County Republican Campaign Committee Federal ("ALLCO") for receiving apparent impermissible contributions from three (3) unregistered organizations totalling \$8,500 and an apparent \$750 excessive contribution from an individual contributor during the 1987 Year End reporting period. ALLCO transferred the entire amount into its non-federal account

If you have any questions regarding this matter, please contact Tamara K. Kapper at 376-2480.

Attachment

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 19 September 1988

ANALYST: Tamara K. Kapper

I. COMMITTEE: Allegheny County Republican Campaign
Committee Federal (C00174771)
Charles L. Engstrom, Treasurer
Westin William Penn Hotel, Suite 366/Box 110
Pittsburgh, PA 15219

II. RELEVANT STATUTE: 2 U.S.C. §441a(f)
11 CFR 102.5(a)(1)(i)

III. BACKGROUND:

Receipt of Apparent Impermissible and Excessive Contributions

The Allegheny County Republican Campaign Committee Federal ("ALLCO") received apparent impermissible contributions from three (3) unregistered organizations totalling \$8,500 and an apparent \$750 excessive contribution from an individual contributor during the 1987 Year End reporting period. ALLCO transferred the entire amount to its non-federal account, but not within sixty (60) days of its receipt.

The 1987 Year End Report filed by ALLCO disclosed the following contributions from unregistered organizations: \$3,000 from Judicial Merit Selection Committee on September 30, 1987, \$500 from O'Brien for Judge Committee on October 29, 1987, and \$5,000 from Committee to Elect Barbara Hafer on October 29, 1987 (Attachment 2).

The 1987 Year End Report filed by ALLCO also disclosed three (3) contributions totalling \$5,750 from an individual, Elsie H. Hillman (Attachment 3). On September 15, 1987, ALLCO received \$1,000, then on October 21, 1987, ALLCO received \$3,000 and on October 27, 1987, ALLCO received \$1,750 from Ms. Hillman. The third contribution resulted in the receipt of an apparent excessive contribution of \$750.

On April 13, 1988, a Request for Additional Information ("RFAI") was sent that asked ALLCO to clarify the permissibility of the contributions received from the

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ALLEGHENY COUNTY REPUBLICAN CAMPAIGN
COMMITTEE FEDERAL
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

unregistered organizations. If the contributions were not permissible, the RFAI recommended that ALLCO refund the amounts to the donors, and/or transfer the amounts to its non-federal account. The RFAI also informed ALLCO that the Act precludes a committee from receiving contributions from a person in excess of \$5,000 per calendar year. The RFAI advised ALLCO to refund or transfer-out the excessive amount, with the donor's consent, to an account not used to influence federal elections (Attachment 4).

On April 25, 1988, Mr. Jim Massare, Executive Director for ALLCO, contacted the Reports Analysis Division ("RAD") analyst and stated that he was unaware of the prohibitions and limitations regarding contributions deposited into the federal account. Mr. Massare also stated that he would send a response in as soon as possible (Attachment 5).

On April 28, 1988, ALLCO filed an Amended 1987 Year End Report. In a cover letter attached to the Amended 1987 Year End Report dated April 27, 1988, ALLCO stated that, "Simply put, we had mistakenly put the cited contributions and transfer into our Federal Account. We did not understand the restrictions involved in depositing funds in a Federal Account" (Attachment 6). The cover letter also stated:

Transfer checks have been made out to our non-federal Executive Committee representing the Judicial Merit Selection Committee \$3,000, the O'Brien for Judge Committee \$500, and the \$750 excess amount of Elsie Hillman. The Hafer Committee \$5,000...will be transferred as soon as the Federal Account has sufficient funds in it.

On the Amended 1987 Year End Report, ALLCO disclosed photocopies of three (3) checks dated April 27, 1988, to its non-federal account totalling \$4,250.

On May 5, 1988, a Second Notice was sent to ALLCO for failure to provide all the requested information. The Second Notice noted ALLCO's intent to transfer-out the impermissible funds and requested that ALLCO inform the Commission immediately in writing and provide a photocopy of the check for the transfer-out. The Second Notice also advised ALLCO that the Commission may take further legal steps concerning the acceptance of impermissible contributions (Attachment 7).

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ALLEGHENY COUNTY REPUBLICAN CAMPAIGN
COMMITTEE FEDERAL
REPORTS ANALYSIS OGC REFERRAL
PAGE 3

On May 19, 1988, ALLCO filed a response to the Second Letter dated May 5, 1988. In a cover letter attached to an Amended 1987 Year End Report, ALLCO stated:

In keeping with our pledge to transfer out, as soon as possible, the improper deposits in our Federal Account, we have been able...to transfer out to our non-federal Executive Committee Account...\$1,000 of the Hafer Committee \$5,000 on 5/12/88; and another \$3,000 transfer check per Hafer on 5/17/88. (Check copies attached). The remaining debt of \$1,000 should be taken care of in the next few days.

ALLCO's Amended 1987 Year End Report included photocopies of the checks to its non-federal account totalling \$4,781 and disclosed a \$5,781 debt owed to its non-federal account for the purpose of "Non-Federal Funds deposited in error." The checks were dated May 11, May 12 and May 17, 1988 (Attachment 8).

On May 27, 1988, the Commission received a letter from ALLCO that stated, "...we are now able to transfer out from our Federal Account to our Executive Account the remaining \$1,000 of the previously discussed Hafer Contribution (check copy enclosed)" The \$1,000 check was dated May 24, 1988 (Attachment 9).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

FEDERAL ELECTION COMMISSION
1987-1988
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 12SEP88

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
ALLEGHENY COUNTY REPUBLICAN CAMPAIGN COMMITTEE FEDERAL CONNECTED ORGANIZATION: ALLEGHENY COUNTY EXECUTIVE COMMITTEE				ID #C00174771 PARTY NON-QUALIFIED		
1987	MID-YEAR REPORT	4.019	0	1JAN87 -30JUN87	4	87FEC/480/4988
	YEAR-END	15.623	15.988	1JUL87 -31DEC87	10	88FEC/502/3167
	YEAR-END - AMENDMENT	15.623	15.988	1JUL87 -31DEC87	8	88FEC/523/5036
	YEAR-END - AMENDMENT	15.623	15.988	1JUL87 -31DEC87	4	88FEC/526/0261
	YEAR-END - AMENDMENT	-	-	1JUL87 -31DEC87	3	88FEC/528/1350
	YEAR-END - AMENDMENT	-	-	1JUL87 -31DEC87	5	88FEC/529/3223
	REQUEST FOR ADDITIONAL INFORMATION			1JUL87 -31DEC87	8	88FEC/518/2095
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL87 -31DEC87	2	88FEC/524/3996
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL87 -31DEC87	2	88FEC/528/3164
1988	MISCELLANEOUS REPORT TO FEC			16MAY88	2	88FEC/525/2629
	MISCELLANEOUS REPORT TO FEC			16MAY88	5	88FEC/525/2422
	APRIL QUARTERLY	1.307	1.349	31DEC87 -11APR88	5	88FEC/520/3492
	1ST LETTER INFORMATIONAL NOTICE			31DEC87 -11APR88	2	88FEC/542/4539
	REQUEST FOR ADDITIONAL INFORMATION			31DEC87 -11APR88	1	88FEC/545/1958
	JULY QUARTERLY	10.572	11.126	11APR88 -30JUN88	9	88FEC/538/5316
	REQUEST FOR ADDITIONAL INFORMATION			11APR88 -30JUN88	1	88FEC/545/1962
	REQUEST FOR ADDITIONAL INFORMATION			11APR88 -30JUN88	2	88FEC/543/2375
	TOTAL	31.521	0 28.463 0		73	TOTAL PAGES

All reports have been reviewed.

Ending cash on hand as of 6/30/88: \$3,069.57

Debts owed BY the committee as of 6/30/88: \$0

Debts owed TO the committee as of 6/30/88: \$0

SCHEDULE A

1987 Year End

ITEMIZED RECEIPTS

Attachment 2

Use separate schedule (a) for each category of the Detailed Summary Page

PAGE 4 OF 19
FOR LINE NUMBER 11B

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

NAME OF COMMITTEE (in Full)

Allegheny County Republican Campaign Federal Committee

A. Full Name, Mailing Address and ZIP Code
**Judicial Merit Selection Comm.
of Allegheny County 15219
420 Grant Bldg. PCH, PA.**

Name of Employer

N/A

Date (month, day, year)

9-30-87

Amount of Each Receipt this Period

3,000.00

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

Occupation

Aggregate Year-to-Date > \$ 3,000.00

B. Full Name, Mailing Address and ZIP Code
**O'BRIEN FOR Judge Committee
4511 LAWNVIEW DR.
PITTSBURGH, PA. 15227**

Name of Employer

N/A

Date (month, day, year)

10-29-87

Amount of Each Receipt this Period

500.00

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

Occupation

Aggregate Year-to-Date > \$

C. Full Name, Mailing Address and ZIP Code
**COMMITTEE TO ELECT
BARBARA ITAFER
P.O. Box 2242
PITTSBURGH, PA. 15230**

Name of Employer

N/A

Date (month, day, year)

10-29-87

Amount of Each Receipt this Period

5,000.00

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

Occupation

Aggregate Year-to-Date > \$

D. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

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

Occupation

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

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

Occupation

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

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

Occupation

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

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

Occupation

Aggregate Year-to-Date > \$

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

8,500.00

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SCHEDULE A

1987 Year End
ITEMIZED RECEIPTS

Attachment 3

Use separate schedule(s)
for each category of the
Detailed Summary Page

PAGE 3 OF 5
FOR LINE NUMBER 11A

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

NAME OF COMMITTEE (in Full)

Allegheny County Republican Campaign Federal Committee

A. Full Name, Mailing Address and ZIP Code ELSIE H. HILLMAN MOREWOOD HEIGHTS PITTSBURGH, PA. 15213 Receipt For ☐ Primary ☒ General ☐ Other (specify):	Name of Employer N/A Occupation HOUSEWIFE Aggregate Year-to-Date > \$	Date (month, day, year) 9-15-87	Amount of Each Receipt this Period 1,000.00
B. Full Name, Mailing Address and ZIP Code ELSIE H. HILLMAN MOREWOOD HEIGHTS PITTSBURGH, PA. 15213 Receipt For ☐ Primary ☒ General ☐ Other (specify):	Name of Employer N/A Occupation HOUSEWIFE Aggregate Year-to-Date > \$	Date (month, day, year) 10-21-87	Amount of Each Receipt this Period 3,000.00
C. Full Name, Mailing Address and ZIP Code ELSIE H. HILLMAN MOREWOOD HEIGHTS PITTSBURGH, PA. 15213 Receipt For ☐ Primary ☒ General ☐ Other (specify):	Name of Employer N/A Occupation HOUSEWIFE Aggregate Year-to-Date > \$	Date (month, day, year) 10-27-87	Amount of Each Receipt this Period 1,750.00
D. Full Name, Mailing Address and ZIP Code Receipt For ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

5,750.00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BQ-2

APR 13 1988

Charles L. Engstrom, Treasurer
Allegheny County Republican Campaign
Committee Federal
Suite 366 - Box 110
Pittsburgh, PA 15219

Identification Number: C00174771

Reference: 1987 Year End Report (7/1/87-12/31/87)

Dear Mr. Engstrom:

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.

If your committee does not finance non-federal activity, the receipt of the referenced contribution(s) may violate the limitations and prohibitions of the Act. (2 U.S.C. §§441a(f) and 441b) If your committee engages in both federal and non-federal activity, either through a separate non-federal account, or one account that finances activity in connection with both federal and non-federal elections, your committee may be in violation of 11 CFR 102.5(a).

Please clarify whether the contribution(s) received from the referenced organization(s) is permissible. 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). Alternatively, if you choose to transfer the funds to an account not used to

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Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In the best interests of the committee, all refunds, reattributions and transfers-out should be

made within sixty days of the treasurer's receipt of the contribution. See 11 CFR 103.3(b). Refunds and transfers-out should be disclosed on a supporting Schedule B for Line 26 or 20 of the report covering the period during which they are made. Reattributions are reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received.

Although the Commission may take further legal steps regarding the acceptance of an excessive contribution(s), prompt action by you to refund, seek reattribution and/or transfer-out the excessive amount will be taken into consideration.

-Schedule B supporting Line 19 reflects payments for "Canvassing & Literature distribution" and "Printing Slate Cards". Payments for this type of activity are exempt from the definition of a contribution or expenditure if certain conditions are met. The conditions are that no public advertising may be used including distribution by direct mail; all funds used for the activity must be permitted under the Act; none of the funds used may have been designated for a particular candidate; and finally, payments for the activity may not be made from transfers-in from the national committee to specifically fund the activity. (See 11 CFR 100.7(b)(15) and (17) and Pages 11 and 12 of the Campaign Guide for Party Committees.)

Please clarify the nature of the transfers-in and subsequent payments for "Canvassing & Literature distribution" and "Printing Slate Cards". If the activity disclosed on your report does not meet the definition of "exempt" activity as described above, and a portion or all of the expenditures were made on behalf of specifically identified candidates, the activity must be disclosed on Schedule B or F for Line 21 or 23 of the Detailed Summary Page, as appropriate.

-Your report discloses a transfer made to the Republican Executive Committee of Allegheny County which appears to be the non-federal account of your committee. Please note that if any portion of such transfers/payments represents reimbursements of administrative expenses pursuant to 11 CFR 106.1, such reimbursements should be reported on Schedule B supporting Line 19 of the Detailed Summary Page for Operating Expenditures. Administrative expenses are those day-to-day expenses of operating the committee, including rent, utilities, salaries, office supplies and other miscellaneous costs. The federal account must pay its share of such costs.

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If these transfers do not represent reimbursements of administrative expenses, please be advised that you must allocate such expenses between your federal and non-federal accounts in proportion to the amount of funds expended on federal and non-federal elections, or on another reasonable basis. 11 CFR 106.1(e) and 102.5(a)(1).

If your organization has incurred such administrative costs and your non-federal account has paid for all such costs, your federal account must reimburse the non-federal account for its portion of the expenses. The amount incurred by the federal account should be disclosed as a debt or obligation owed to the non-federal account on Schedule D supporting Line 10 of the Summary Page. When payments are made toward the debt, they should be reported on Schedule B supporting Line 19 of the Detailed Summary Page and the debt should be reduced by a corresponding amount.

-Schedule A of your report discloses a receipt of \$781 from the Republican Executive Committee of Allegheny County (pertinent portion(s) attached). Please clarify whether this transfer is from an account maintained by your committee for non-federal activity. If so, be advised that such transfer is prohibited by 11 CFR 102.5(a)(1)(i) and the full amount of the transfer should be returned to the non-federal account. Please inform the Commission immediately in writing and provide a photocopy of your check for the transfer-out. In addition, the transfer-out should be disclosed on a supporting Schedule B for Line 20 of your next report.

If, however, this transaction represents an "internal transfer" of funds from one federal account to another, and the source(s) of such funds has been identified in previous reports of receipts and disbursements, please note that such transfers should not be itemized as doing so inflates total receipts and cash on hand. If this is the case, please amend your report accordingly.

Although the Commission may take further legal action regarding the acceptance of funds from a non-federal account, your prompt transfer-out of the funds in question, or clarification of the transaction, will be taken into consideration.

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A written response or 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,

Tammy Rollins

Tammy Rollins
Reports Analyst
Reports Analysis Division

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TELECON

COMMITTEE: ALLEGHENY COUNTY REPUBLICAN CAMPAIGN COMMITTEE FEDERAL (C00174771)

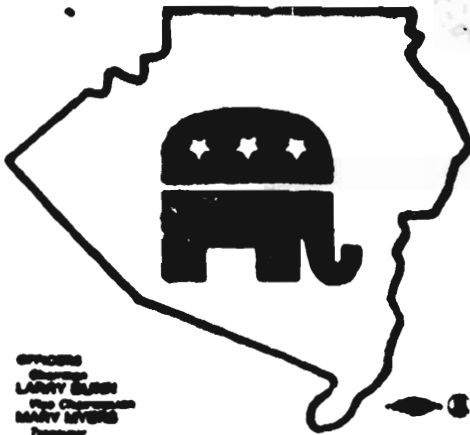
CONTACT: JIM MASSARE, EXECUTIVE DIRECTOR

DATE: APRIL 25, 1988

ANALYST: TAMARA K. KAPPER

SUBJECT(S): RECEIPTS OF IMPERMISSIBLE CONTRIBUTIONS

Mr. Jim Massare called in response to the RFAI sent to the committee regarding the 1987 Year End Report. Mr. Massare stated that he was unaware of the prohibitions and limitations regarding contributions deposited into the federal account. I stated that only federally permissible funds were allowed to be used by the federal account. I advised Mr. Massare that he should ascertain whether the contributions from the unregistered organizations were made up of permissible funds and if they were not then he should either refund the money or seek the original donor's consent to transfer the money to the non-federal account. He stated that he understood and would take care of the matter as quickly as possible. I also stated that he needed to address the receipt of the apparent excessive contribution. He stated that he would get in touch with the individual and take care of the matter. I stressed to Mr. Massare that these matters needed to be resolved as quickly as possible and then advised him that further legal action was possible concerning these matters. He stated that he understood and would get a response in the mail as soon as possible.



Allegheny County Republican Executive Committee

Suite 206 - Box 110 • Westin Wm. Penn Hotel • Pittsburgh, PA 15210

Phone: (412) 281-8748

April 27, 1988

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MAILED
FEB 2 1988
U.S. DEPT. OF JUSTICE

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LARRY BLANK
Vice Chairman
MARY MYERS
Treasurer
CHARLES L. ENGBLOM
Assistant Treasurer
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Asst. Secretary
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Advisory Board
BERT L. BYER
Deputy Secretary
MARY BREATHE
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LAWSON JOHNSON
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WILLIAM T. SIMMONS
M. J. KAPLAN
Finance Committee Chairman
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Advisory Board Chairman
GEORGE F. POTT SR.
Advisory Board Co-Chairman
LAURET HALL
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ORIS CARSON WILLIAMS
National Groups Council Chair
RONCO BERNARDIC
Local Republican Chairman
GEORGE ROSS
Republican Women's Chairman
CHARLES J. LEBERTH
The Federation of Allegheny County
Council of Republican Women
President
ANNA P. LAWRENCE
Young Republican Chairman
MARY BREATHE
Republican National Committee
ELSIE HILLMAN
DREW LEWIS
State Republican Chairman
EARL M. BAKER
Deputy State Chairman
DORIS CARSON WILLIAMS
Southwestern PA Council Chairman
CHARLES LEWIS
State Committee Delegation Chair
LARRY CLUNE
City of Pittsburgh Chairman
ROBERT J. BISHOP JR.
City Task Force Chairman
ELMER A. MC CLUNG
ELECTED OFFICIALS
U.S. Senators
JOHN MCINTZ
ARIEN SPECTER
Att. Gen. Justice
LEROY S. ZIMMERMAN
County Commissioner
BARBARA HAER
City Councilman
JANE MC MULLEN
City Councilman
MICHAEL FISHER
FRANK A. BECORA
City Councilman
RAYMOND T. BOOK
EDWARD J. CESSAR
EDWARD J. FARMER
ALICE LANGTRY
TERENCE F. MC VERRY
HEADQUARTERS STAFF
Executive Director
M. MASSARE
Manager
HELEN MYERS
Executive Coordinator
MARIE DEZI

Federal Election Commission
 999 East Street N.W.
 Washington, D. C. 20463

Dear Tammy,

Simply put, we had mistakenly put the cited contributions and transfer into our Federal Account. We did not understand the restrictions involved in depositing funds in a Federal Account. Thinking that we could put any contribution in the Federal Account we had put money solely intended for Allegheny County election efforts in there and then used said money to help Republican Party endeavors here in Allegheny County. None of these contributions put into our Federal Account were in any way intended and/or used to influence a Federal Election.

We admit that we should have learned the FEC regulations, particularly the restrictions pertaining to a Federal Account. Since the cited contributions and transfers were intended for and used in local Allegheny County election efforts, we should have put them in our non-federal Headquarters Account to begin with.

Permission has been obtained from the following Treasurers: Les Zittrain of Judicial Merit Selection Committee, R. E. McCarthy of O'Brien for Judge Committee, Warren Wentworth of Committee to Elect Barbara Hafer, and from Elsie Hillman for us to transfer the improperly placed contributions to our non-federal Headquarters Account.

In regard to the Judicial Merit Selection Committee contribution, it was mutually understood by them and us that the money was to be used for our Election Day slate cards that had the names of Allegheny County Judges - who were up for retention - printed on them. That is what it was spent on. Again this was for local - Allegheny County election efforts.

In regard to the O'Brien for Judge Committee contribution, this was mutually understood by them and us that this money was to be used to help pay for Republican County slate cards and to further the election prospects of Terry O'Brien for the Allegheny County Court of Common Pleas.

In regard to the question of the Hafer Committee contribution, "Canvassing and literature distribution" involved having the individuals who were listed on page 6 for line 19 recruiting others who worked at getting to county voters the candidate brochures, informational hand outs, Election Day material, and people to "work the polls" on Election Day for County Commissioner Candidate Barbara Hafer.

In regard to the transfer of \$1,020 - listed on page 8 (for line 20) - this was taken from our Federal Account and put in our non-Federal Headquarters Account for the purpose of meeting our Allegheny County general election expenses. Again, it was used for local - Allegheny County Republican Party efforts. It was not for the Federal Account's share of Administrative expenses.

Transfer checks have been made out to our non-federal Executive Committee representing the Judicial Merit Selection Committee \$3,000, the O'Brien for Judge Committee \$500, and the \$750 excess amount of Elsie Hillman.

The Hafer Committee \$5,000 and the \$781 from our own Executive Committee will be transferred as soon as the Federal Account has sufficient funds in it.

In regard to our \$781 transfer (listed on page 5) it was, as were all the rest of these cited Federal Committee receipts mistakenly put into the Federal Account from our non-federal account in order to meet our local Party financial needs.

We will owe this amount to our non-federal Account and make the transfer as soon as the Federal Account has the money to cover it. All this will be duly reported on our subsequent F.E.C. reports.

Charles Kinghorn, Treasurer
Albert B. Moore, Controller
James Moore, Exec. Director
(preparer)

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ALLEGHENY COUNTY
REPUBLICAN CAMPAIGN COMMITTEE
210 STANDARD LIFE BLDG.
PITTSBURGH, PA 15222

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APR. 27, 1988

REPUBLICAN EXECUTIVE COMMITTEE

PAY TO THE ORDER OF \$ 500.00

RECEIVED \$ 500.00 cts DOLLARS

First Federal of Pittsburgh
WILLIAM PIERCE OFFICE
PITTSBURGH, PA 15222

Albert S. Meier

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ALLEGHENY COUNTY
REPUBLICAN CAMPAIGN COMMITTEE
210 STANDARD LIFE BLDG.
PITTSBURGH, PA 15222

558

APR. 27, 1988

REPUBLICAN EXECUTIVE COMMITTEE

PAY TO THE ORDER OF \$ 750.00

RECEIVED \$ 750.00 cts DOLLARS

First Federal of Pittsburgh
WILLIAM PIERCE OFFICE
PITTSBURGH, PA 15222

Albert S. Meier

⑆243073658⑆3 4860022518⑆ 0558

ALLEGHENY COUNTY
REPUBLICAN CAMPAIGN COMMITTEE
210 STANDARD LIFE BLDG.
PITTSBURGH, PA 15222

559

APR. 27, 1988

REPUBLICAN EXECUTIVE COMMITTEE

PAY TO THE ORDER OF \$ 3,000.00

RECEIVED \$ 3,000.00 cts DOLLARS

First Federal of Pittsburgh
WILLIAM PIERCE OFFICE
PITTSBURGH, PA 15222

Albert S. Meier

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

BQ-3

May 5, 1988

Charles L. Engstrom, Treasurer
Allegheny County Republican Campaign
Committee Federal
Suite 366 - Box 110
Pittsburgh, PA 15219

Identification Number: C00174771

Reference: Year End Report (7/1/87-12/31/87)

Dear Mr. Engstrom:

On April 13, 1988 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 April 17, 1988 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.

-The Commission notes your intent to transfer out the impermissible funds totalling \$5,781.00. Please inform the Commission immediately in writing and provide a photocopy of your check for the transfer-out. Refunds and transfers-out should be disclosed on a supporting Schedule B for Line 26 or 20 of the report covering the period during which they are made. Until such time as the transfer is made please disclose this as a debt on Schedule D and on Line 10 of the Summary Page.

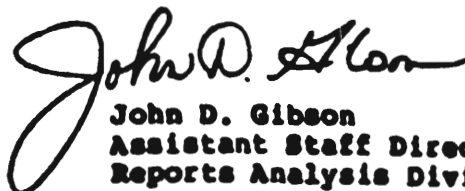
Although the Commission may take further legal steps concerning the acceptance of prohibited contributions, prompt action by your committee in transferring-out the amounts will be taken into consideration.

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.

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If you should have any questions related to this matter, please contact Tammy Rollins 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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REPORT OF RECEIPTS AND DISBURSEMENTS AND DEBITS

For Other Than An Authorized Committee

(Summary Page)

Amendment #2

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) Allegheny County Republican Campaign Federal Committee 1987		6B1111 11:39 C00174771 840411
ADDRESS (number and street) ☐ Check if different than previously reported Suite 366 - Box 1106 WESTIN William Penn Hotel		2. FEC IDENTIFICATION NUMBER
CITY, STATE and ZIP CODE PITTSBURGH, PA. 15219		3. ☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report☐ July 15 Quarterly Report☐ October 15 Quarterly Report☐ January 31 Year End Report☐ July 31 Mid Year Report (Non-election Year Only)☐ Termination Report

Monthly Report Due On

☐ February 20☐ June 20☐ October 20☐ March 20☐ July 20☐ November 20☐ April 20☐ August 20☐ December 20☐ May 20☐ September 20☐ January 31☐ Twelfth day report preceding _____

(Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____

in the State of _____

(b) Is this Report an Amendment?



YES

☐ NO

SUMMARY

		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period <u>Jul. 1, 1987</u> through <u>Dec. 31, 1987</u>		
6	(a) Cash on Hand January 1, 19 <u>87</u>		\$ 10.56
	(b) Cash on Hand at Beginning of Reporting Period	\$ 4,030.03	
	(c) Total Receipts (from Line 18)	\$ 15,623.15	\$ 19,642.67
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 19,653.18	\$ 19,653.18
7	Total Disbursements (from Line 28)	\$ 15,928.75	\$ 15,928.75
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 3,664.43	\$ 3,664.43
9	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$ -	
10	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$ 5,781.00	

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

Type or Print Name of Treasurer

CHARLES L. LANGSTON

Signature of Treasurer

Date

5/17/88

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

FEC FORM 3X

(Revised 4-87)

SCHEDULE D
(Revised 3/80)

DEBTS AND OBLIGATIONS
Excluding Loans

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

1987 Year End Amendment

#3 of Attachment 8

Name of Committee (in Full)	Outstanding Balance Beginning This Period	Amount Incurred This Period	Payment This Period	Outstanding Balance at Close of This Period
ALLEGHENY COUNTY REPUBLICAN CAMPAIGN FEDERAL COMMITTEE 1987				
A. Full Name, Mailing Address and Zip Code of Debtor or Creditor: Republican Executive Committee OF ALLEGHENY COUNTY WESTIN WILLIAM PENN BOX 110 PITTSBURGH PA. 15219		5,781.00		5,781.00
Nature of Debt (Purpose): Non-Federal Funds deposited in CRBOR				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
1. SUBTOTALS This Period This Page (optional)				
2. TOTAL This Period (last page this line only)				5,781.00
3. TOTAL OUTSTANDING LOANS from Schedule C (last page only)				
4. ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only)				5,781.00

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ALLEGHENY COUNTY
REPUBLICAN CAMPAIGN COMMITTEE
210 STANDARD LIFE BLDG.
PITTSBURGH, PA 15222

560

May 11, 1988 8-7385/2428

PAY TO THE
ORDER OF REPUBLICAN EXECUTIVE COMMITTEE

\$ 781.00

781 cts DOLLARS

First Federal of Pittsburgh
WILLIAM PENN OFFICE
PITTSBURGH PA 15222

Albert S. Meier

⑆243073658⑆3 4860022568⑈ 0560

ALLEGHENY COUNTY
REPUBLICAN CAMPAIGN COMMITTEE
210 STANDARD LIFE BLDG.
PITTSBURGH, PA 15222

562

May 12, 1988 8-7385/2428

PAY TO THE
ORDER OF REPUBLICAN EXECUTIVE COMMITTEE

\$ 1,000.00

cts DOLLARS

First Federal of Pittsburgh
WILLIAM PENN OFFICE
PITTSBURGH PA 15222

Albert S. Meier

⑆243073658⑆3 4860022568⑈ 0562

ALLEGHENY COUNTY
REPUBLICAN CAMPAIGN COMMITTEE
210 STANDARD LIFE BLDG.
PITTSBURGH, PA 15222

563

May 17, 1988 8-7385/2428

PAY TO THE
ORDER OF REPUBLICAN EXECUTIVE COMMITTEE

\$ 3,000.00

cts DOLLARS

First Federal of Pittsburgh
WILLIAM PENN OFFICE
PITTSBURGH PA 15222

Albert S. Meier

⑆243073658⑆3 4860022568⑈ 0563

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ALLEGHENY COUNTY
REPUBLICAN CAMPAIGN COMMITTEE
210 STANDARD LIFE BLDG.
PITTSBURGH, PA 15222

564

May 24, 1988

0-728/2428

REPUBLICAN EXECUTIVE COMMITTEE

PAY TO THE
ORDER OF

\$ 1,000.00

One Thousand and 00/100 DOLLARS



First Federal of Pittsburgh
WILLIAM PIERCE OFFICE
PITTSBURGH, PA 15222

Albert G. Meier

⑆243073658⑆3 4860022518⑈ 0564

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

RECEIVED
FEDERAL ELECTION COMMISSION
88 NOV 23 AM 11:06

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral: 88L-22
Staff Member: Beverly Kramer

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

RESPONDENTS: Allegheny County Republican Campaign Committee
Federal and Charles L. Engstrom, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 441a(f)
11 C.F.R. § 102.5(a)

EXECUTIVE SESSION

DEC 08 1988

INTERNAL REPORTS CHECKED: Referral Materials
Public Record

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Allegheny County Republican Campaign Committee Federal ("ALLCO") to the Office of the General Counsel on September 19, 1988 (Attachment 1). The matter concerns apparent violations of 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.5(a) resulting from ALLCO's acceptance of an excessive contribution and its deposit of impermissible contributions in its separate account maintained to finance political activity in connection with federal elections.

II. FACTUAL AND LEGAL ANALYSIS

A. The Facts

The facts, in brief, are these: ALLCO is a subordinate committee of a state party committee and a political committee under the Act. ALLCO maintains a separate federal account to finance political activity in connection with federal elections.

ALLCO also maintains a second account to finance activity in connection with State and local elections.

Within the last four months of 1987, ALLCO received and deposited into its separate federal account apparent impermissible contributions from three unregistered organizations totalling \$8,500. Specifically, ALLCO deposited \$3,000 from the Judicial Merit Selection Committee on September 30, 1987, \$500 from the O'Brien for Judge Committee, and \$5,000 from the Committee to Elect Barbara Hafer on October 29, 1987. The contributions were disclosed in ALLCO's 1987 Year End Report.

Additionally, ALLCO disclosed in its 1987 Year End Report the receipt of three contributions totalling \$5,750 from an individual, Elsie H. Hillman, which exceeded the Act's contribution limits by \$750.

Upon being notified by RAD that the above-referenced contributions appeared to be impermissible, the treasurer responded:

Simply put, we had mistakenly put the cited contributions and transfers into our Federal account. We did not understand the restrictions involved in depositing funds in a Federal Account. Thinking that we could put any contribution in the Federal Account we had put money solely intended for Allegheny County election efforts in there and then used said money to help Republican Party endeavors here in Allegheny County.

On April 27, 1988, ALLCO transferred to its non-federal account amounts equal to the contributions received from two out of the three unregistered committees and an amount equal to the

excess portion of the individual's contribution. The treasurer claimed that ALLCO did not have sufficient funds at that time to make the transfer of the remaining \$5,000 received from the third unregistered committee. As the funds became available ALLCO made additional transfers totalling \$5,000 to its non-federal account. The final transfer was made on May 24, 1988.

B. Analysis

To ensure that prohibited monies are not used in connection with federal elections, Commission Regulation 11 C.F.R. § 102.5 prescribes certain requirements for organizations that intend to finance both federal and non-federal political activity. An organization that is a political committee under the Act has two available alternatives pursuant to 11 C.F.R. § 102.5(a): (1) it may establish a single account for both federal and non-federal activity, with such an account containing only contributions subject to the prohibitions and limitations of the Act, or (2) it may establish a separate federal account for federal activity and a second account for State and local election activity. In the latter case, the federal account alone is considered a political committee with registration and reporting obligations under the Act. Only funds subject to the prohibitions and limitations of the Act may be deposited in the separate federal account. See also, 2 U.S.C. § 441b(a) and 2 U.S.C. § 441a(a). In addition, only contributions meeting the following conditions may be deposited in the federal account: (1) contributions designated for the federal account, (2) contributions that result from a

solicitation which expressly states that the contribution will be used in connection with a federal election, and (3) contributions from contributors who are informed that all contributions are subject to the prohibitions and limitations of the Act. See 11 C.F.R. § 102.5(a)(2).

Section 441a(a)(1)(C) of the Act limits individual contributions to a political committee to no more than \$5,000 in any calendar year. Pursuant to section 441a(f) of the Act, no candidate or political committee may knowingly accept any contribution which exceeds the contribution limits of 2 U.S.C. § 441a(a)(1)(C).

In this matter it appears that ALLCO deposited in its separate federal account impermissible contributions from three unregistered political committees in violation of 2 U.S.C. § 102.5(a). The contributions from the three unregistered committees appear to be impermissible in two respects. First, they may not meet the conditions of 11 C.F.R. § 102.5(a)(2) as they do not appear to have been designated or solicited for the federal account, but rather were intended to support county election efforts in the State of Pennsylvania. Second, they may have contained funds that were not subject to the limitations of the Act as there is no limit on the amount a person may contribute to state and local political committees under Pennsylvania law. 1/

1/ Pennsylvania law does, however, prohibit corporate and labor union contributions.

Additionally, it appears that ALLCO violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from Elsie H. Hillman.

Based on the foregoing, the Office of the General Counsel recommends that the Commission open a matter under review and find reason to believe that the Allegheny County Republican Campaign Committee Federal and Charles L. Engstrom, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.5(a). 2/

III. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the Allegheny County Republican Campaign Committee Federal and Charles L. Engstrom, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.5(a).
3. Approve the attached letter and factual and legal analysis.

Lawrence M. Noble
General Counsel

11-22-88
Date

By: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Letter and Factual and Legal Analysis

Staff member: Beverly Kramer

2/ It appears that the three unregistered committees never intended for their contributions to be deposited in the federal account but that they were mistakenly deposited in such account by ALLCO. Accordingly, we make no recommendation with regard to the three unregistered committees.



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/CANDACE M. JONES *cmj*
COMMISSION SECRETARY

DATE: NOVEMBER 28, 1988

SUBJECT: OBJECTION to RAD Referral 88L-22 - First General
Counsel's Report Signed November 22, 1988

The above-captioned document was circulated to the
Commission on Wednesday, November 23, 1988 at 4:00 P.M..

Objection(s) have been received from the Commissioner(s)
as indicated by the name(s) checked below:

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

This matter will be placed on the meeting agenda
for Tuesday, December 6, 1988.

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

MISSION
(THUR 2805)

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1. Open a Matter Under Review (MUR).

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

Jan. 13, 1989
Date

Date _____

Margene W. Emmons
Margerie W. Emmons

✓ Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

January 27, 1989

Charles L. Engstrom, Treasurer
Allegheny County Republican Campaign
Committee Federal
Westin William Penn Hotel
Suite 366 - Box 110
Pittsburgh, Pennsylvania 15219

RE: MUR 2805
Allegheny County
Republican Campaign
Committee Federal and
Charles L. Engstrom, as
treasurer

Dear Mr. Engstrom:

On January 11, 1989, the Federal Election Commission found reason to believe that the Allegheny County Republican Campaign Committee Federal ("Committee") and you, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.5(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

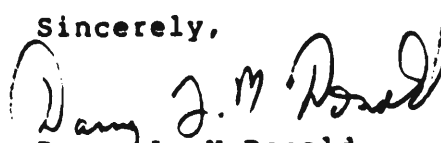
The Commission reminds you that the acceptance of an excessive contribution appears to be a violation of 2 U.S.C. § 441a(f) and that the deposit of impermissible contributions into your federal account appears to be a violation of 11 C.F.R. § 102.5(a). You should take immediate steps to insure that this activity does not occur in the future.

The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

Charles L. Engstrom, Treasurer
Page 2

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

Sincerely,


Danny L. McDonald
Chairman

Enclosure
Factual and Legal Analysis

8 3 7 4 0 7 3 4 2 0 4



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2805

DATE FILMED 2/12/89 CAMERA NO. 3

CAMERAMAN AS

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