



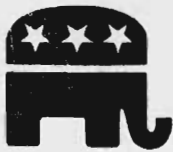
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3153

DATE FILMED 2/6/91 CAMERA NO. 4

CAMERAMAN AS

21040323351



The Republican Party of Kentucky

Capitol Avenue at Third Street ★ P.O. Box 1068 ★ Frankfort, Kentucky 40602

Phone (502) 875-5130 FAX (502) 223-5625

OGC 8474

MUR 3153

October 30, 1990

Mrs. Lee Ann Elliott
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

90 OCT 31 PM 12:23

Dear Madam Chairman:

This is a formal, sworn complaint, filed pursuant to 2 United States Code, section 437g(a)(1), which alleges that the Montgomery County (Kentucky) Democratic Party, through its Executive Committee and its Treasurer, Ms. Brenda J. Mapel, has violated the Federal Election Campaign Act ("the Act"), specifically 2 U.S.C. 441a(f), 2 U.S.C. 441d(a)(2) or d(a)(3) and 2 U.S.C. 441a(d).

It has come to my attention that the Montgomery County (Kentucky) Democratic Party, through its Treasurer and its Executive Committee, has raised "contributions" and made "expenditures," as those terms are defined in "the Act," in an effort to influence the November 6, 1990 general election in Kentucky on behalf of a clearly identified federal candidate, G. Harvey I. Sloane. The "contributions" raised and the "expenditures" made on behalf of the Sloane campaign are from funds derived outside of the strict "contribution" limits and public disclosure requirements imposed by "the Act."

Enclosed, as Exhibit "A", is an NAB form PB-10, filed by the Montgomery County (Kentucky) Democratic Party, through its Treasurer, purchasing commercial radio time for the period from October 26, 1990 to November 6, 1990. As indicated on the form, the purchase of this time was to influence the November 6, 1990 general election on behalf of the Democratic Party's nominee for U.S. Senate, Mr. G. Harvey I. Sloane.

Also enclosed, as Exhibit "B", is the text of several ads purchased by the Montgomery County (Kentucky) Democratic Party, through its Treasurer, from radio station WMST-FM. You will note from the text of these ads that all are clearly intended to benefit the Sloane campaign.

90 OCT 31 PM 12:42

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

Upon information and belief, the Montgomery County (Kentucky) Democratic Party has not registered with the Federal Election Commission as a "political committee," pursuant to 2 U.S.C. 431(4)(a), a fact confirmed by the Commission's Office of Public Disclosure on October 26, 1990.

Upon information and belief, the Montgomery County (Kentucky) Democratic Party has coordinated these "expenditures" with the Kentucky Democratic State Party, but has not allocated the cost of these "coordinated expenditures" to the Sloane campaign, as is required by 2 U.S.C. 441a(d).

Upon information and belief, the Montgomery County (Kentucky) Democratic Party has not employed the legally required "disclaimer" on these radio advertisements, as is required by 2 U.S.C. 441d(a)(2).

Upon information and belief, the Montgomery County (Kentucky) Democratic Party has raised "contributions" to purchase this radio time and made "expenditures" to prepare the ads and purchase the commercial time in violation of "the Act," as is prohibited by 2 U.S.C. 441a(f).

Because the 1990 general election will occur in less than one week, because these illegal radio advertisements are currently running in Kentucky, and because the campaign of Senate candidate G. Harvey I. Sloane is directly benefiting from these illegal "expenditures," I ask that the Commission undertake an immediate inquiry into these allegations and preclude the Sloane campaign and the Montgomery County (Kentucky) Democratic Party from continuing to air these illegal advertisements.

Sincerely,

Robert E. Gable

Bob Gable
State Chairman

enclosures (2)

Sworn to and subscribed before me this 30th day of October 1990.

Marion H. Noland

Notary Public

My Commission Expires: January 13, 1992



A

NAB FORM PB-10 APRIL 1980

AGREEMENT FORM FOR POLITICAL BROADCASTS

STATION and LOCATION WMST Mt. Sterling, Kentucky 1990
 I, Montgomery Co. Democratic Executive Committee ^(being) (on behalf of) Harvey Sloane

a legally qualified candidate of the Democratic political party for the office of U. S. Senator

in the General election to be held on Nov. 6, 1990, do hereby request station time as follows:

LENGTH OF BROADCAST	HOOR	DAYS	TIMES PER WEEK	TOTAL NO. WEEKS	RATE
30 Seconds	<i>Hourly</i>	Mon.-Sat.	<i>See Attached (90 Total)</i>	14	\$5.50 (Simo)

DATE OF FIRST BROADCAST	DATE OF LAST BROADCAST
October 26, 1990	November 6, 1990

Total Charges: \$495.00

The broadcast time will be used by Montgomery Co. Democratic Executive Committee
 I represent that the advance payment for the above-described broadcast time has been furnished by
Montgomery Co. Democratic Executive Committee, Brenda Mapel, Treasurer

and you are authorized to so describe that sponsor in your log and to announce the program as paid for by such person or entity. The entity furnishing the payment, if other than an individual person, is: () a corporation; (x) a committee; () an association; or () other unincorporated group. The names and offices of the chief executive officers of the entity are:

Brenda Mapel, Treasurer

It is my understanding that: If the time is to be used by the candidate himself within 45 days of a primary or primary runoff election, or within 60 days of a general or special election, the above charges represent the lowest unit charge of the station for the same class and amount of time for the same period; where the use is by a person or entity other than the candidate or is by the candidate but outside the aforementioned 45 or 60 day periods, the above charges do not exceed the charges made for comparable use of such station by other users.

It is agreed that use of the station for the above-stated purposes will be governed by the Communications Act of 1934, as amended, and the FCC's rules and regulations, particularly those provisions reprinted on the back hereof, which I have read and understand. I further agree to indemnify and hold harmless the station for any damages or liability that may ensue from the performance of the above-stated broadcasts. For the above-stated broadcasts I also agree to prepare a script or transcription, which will be delivered to the station at least before the time of the scheduled broadcasts; (note: the two preceding sentences are not applicable if the candidate is personally using the time).

Date: 10-25-90

B. J. Mapel
 (Candidate, Supporter or Agent)

Accepted }
 Rejected }

by

Veronica Bayless

Title

Staffer

This application, whether accepted or rejected, will be available for public inspection for a period of two years in accordance with FCC regulations (Sections 73.3526 and 73.1940).

21040323354

105.3 WMST FM

B P.2/4

 #495

Simo

Account Monty Co. Democratic Ex. Com.
 Address Brenda Maple, Treas.

Program ☐ CASH Length 30
 Rate Per Unit 5.50
 Co-op

Date First Broadcast Oct. 26, 1990

Date Last Broadcast Nov. 6, 1990

SUN.	MON.	TUES.	WED.	THUR.	FRI.	SAT.
					9	6
	9	10	10	10	10	6
	15	5				

Special Instructions:

Are you tired of the S and L mess in Washington? Are you concerned about the economy of our country? Are you worried about jobs, our Senior Citizens, and our children? Vote Nov. 6 for a U.S. Senator who will have the interest of working people. Vote for Harney Gleane! Vote Democratic!

PAID FOR BY MONTGOMERY CO. DEMOCRATIC EXECUTIVE COMMITTEE, BRENDA MAPLE, TREASURER.

We need Harney Gleane in Washington to fight for the interest of working people. Harney Gleane will work with Senator Wendell Ford — and not against him to help all Kentuckians.

23355
 10403
 #2

#3

we are all 4 equally
Run 10/26 - 11/6

P. 3/4

#1
Wake up Democrats! The Republican Party has protected the rich and put the tax burden on working people long enough. Mitch McConnell has been a part of this — as well as the S and L mess in Washington. It's time for a change! Vote for your interest! Vote for Harney Sloane for the U.S. Senate! Vote Democratic!

PAID FOR BY MONTGOMERY CO. DEMOCRATIC EXECUTIVE COMMITTEE, BRENDA MAPEL, TREASURER.

#2
Are you tired of the S and L mess in Washington? Are you concerned about the economy of our country? Are you worried about jobs, our Senior Citizens, and our children? Vote Nov. 6 for a U.S. Senator who will have the interest of working people. Vote for Harney Sloane! Vote Democratic!

PAID FOR BY MONTGOMERY CO. DEMOCRATIC EXECUTIVE COMMITTEE, BRENDA MAPEL, TREASURER.

#3
We need Harney Sloane in Washington to fight for the interest of working people. Harney Sloane will work with Senator Wendell Ford — and not against him to help all Kentuckians. It's time to stop the S and L

high gas prices and the "Republican
Economy"! Vote Democratic!
Vote Harney Glane on Nov. 6 for
U.S. Senate. PAID FOR BY MONTGOMERY
Co. DEMOCRATIC EXECUTIVE COMMITTEE, BRENDA MAPEL, TREASURER

Are you working harder to make
ends meet? Are you tired of
the rich getting richer — and
the working people of Kentucky getting
higher taxes and less benefits?
Vote for honesty in government and
the interest of all Kentuckians.
Vote Democratic! Vote for Harney
Glane on Nov. 6 for U.S. Senate
PAID FOR BY MONTGOMERY Co. DEMOCRATIC
EXECUTIVE COMMITTEE, BRENDA MAPEL, TREASURER

2154032337
#4



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1990

Bob Gable, Chairman
The Republican Party of Kentucky
Capitol Avenue of Third Street
P.O. Box 1068
Frankfort, KY 40602

RE: MUR 3153

Dear Mr. Gable:

This letter acknowledges receipt on October 31, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Montgomery County (Kentucky) Democratic Party, Brenda J. Mapel, as treasurer, Sloane for Senate Committee, Victoria Buster, as treasurer, Kentucky State Democratic Party, Richard Rankin, as treasurer and Harvey I. Sloane, M.D. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3153. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in black ink, appearing to be "L. G. Lerner", is written over the typed name of Lois G. Lerner.

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

91040323358



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 2, 1990

Brenda J. Mapel, Treasurer
Montgomery County (Kentucky)
Democratic Party
P.O. Box 640-C
Mount Sterling, KY 40353

RE: MUR 3153

Dear Ms. Mapel:

The Federal Election Commission received a complaint which alleges that the Montgomery County (Kentucky) Democratic Party and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3153. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(1)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. 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.

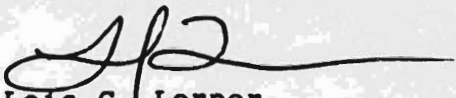
9104033359

If you have any questions, please contact Jeff Long, the staff member assigned to this matter at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

9104032330



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 2, 1990

Victoria Buster, Treasurer
Sloane for Senate Committee
835 W. Jefferson #105
Louisville, KY 40202

RE: MUR 3153

Dear Ms. Buster:

The Federal Election Commission received a complaint which alleges that the Sloane for Senate Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3153. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain 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 matter to be made public. 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.

210403331

If you have any questions, please contact Jeff Long, the staff member assigned to this matter at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

9104033362



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1990

**Richard Rankin, Treasurer
Kentucky State Democratic Party
Millville Road
P.O. Box 694
Frankfort, KY 40602**

RE: MUR 3153

Dear Mr. Rankin:

The Federal Election Commission received a complaint which alleges that the Kentucky State Democratic Party and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3153. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

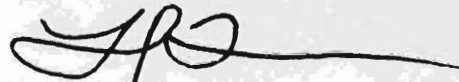
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

21040323363

If you have any questions, please contact Jeff Long, the staff member assigned to this matter at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

91340323364



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 2, 1990

Harvey I. Sloane, M.D.
1401 South Fourth Street
Louisville, Kentucky 40202

RE: MUR 3153

Dear Mr. Sloane:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3153. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

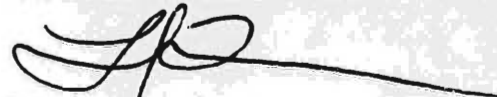
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

21040323365

If you have any questions, please contact Jeff Long, the staff member assigned to this matter at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

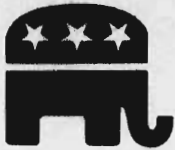


BY: Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

2104062336



The Republican Party of Kentucky

Capitol Avenue at Third Street ★ P.O. Box 1068 ★ Frankfort, Kentucky 40602
Phone (502) 875-5130 FAX (502) 223-5625

November 13, 1990

Mrs. Lee Ann Elliott
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20436

RE: MUR 3153

Dear Madam Chairman:

Recently, a complaint was filed which alleged that the Montgomery County (Kentucky) Democratic Party, through its Executive Committee and its Treasurer, Ms. Brenda J. Mapel violated the Federal Election Campaign Act.

Having been notified of the complaint, the Montgomery County (Kentucky) Democratic Chairman, Bill Terry was quoted in the *Mt. Sterling Advocate* saying that "the Democrats are doing nothing wrong, and will continue to run the ads."

Subsequently, we obtained a copy of an additional radio buy and the schedule (enclosed). Also enclosed is a copy of the text of the ads.

By copy of this letter, I would like to amend the complaint dated October 30, 1990 (MUR 3153) to include the additional purchase of radio ads that were clearly designed to influence the November 6, 1990 general election of federal candidate, G. Harvey I. Sloane.

Sincerely,

Bob Gable
State Chairman

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 20 PM 2:00
90 NOV 20 PM 3:42

Sworn to and subscribed before me this 14th day of November 1990.

Margaret A. Donaldson
Notary Public

My Commission Expires: February 13, 1992



91040323368

AGREEMENT FORM FOR POLITICAL BROADCASTS

STATION and LOCATION

KMST, Mt. Sterling, Ky. 11/1/1990
 1. Montgomery County Democratic Committee (being) Harvey Sloane
 (on behalf of)

a legally qualified candidate of the Democratic political party for the office of

U. S. Senator

in the General election to be held on Nov. 6, 1990, do hereby request station time as follows:

LENGTH OF BROADCAST	HOOR	DAYS	TIMES PER WEEK	TOTAL NO. WEEKS	RATE
30 sec.	Major	6	See attached	1 1/2 weeks	\$5.50 (S/MO)
	News		(54 total)		

DATE OF FIRST BROADCAST

Nov. 1, 1990

DATE OF LAST BROADCAST

Nov. 6, 1990

Total Charges: \$297.00

The broadcast time will be used by Montgomery County Democratic Committee
 I represent that the advance payment for the above-described broadcast time has been furnished by

Montgomery County Democratic Executive Committee,

Branda Mapel, Treasurer and you are authorized to so describe that sponsor in your log and to announce the program as paid for by such person or entity. The entity furnishing the payment, if other than an individual person, is: () a corporation; () a committee; () an association; or () other unincorporated group. The names and offices of the chief executive officers of the entity are:

Branda Mapel, Treasurer

It is my understanding that: If the time is to be used by the candidate himself within 45 days of a primary or primary runoff election, or within 60 days of a general or special election, the above charges represent the lowest unit charge of the station for the same class and amount of time for the same period; where the use is by a person or entity other than the candidate or is by the candidate but outside the aforementioned 45 or 60 day periods, the above charges do not exceed the charges made for comparable use of such station by other users.

It is agreed that use of the station for the above-stated purposes will be governed by the Communications Act of 1934, as amended, and the FCC's rules and regulations, particularly those provisions reprinted on the back hereof, which I have read and understand. I further agree to indemnify and hold harmless the station for any damages or liability that may ensue from the performance of the above-stated broadcasts. For the above-stated broadcasts I also agree to prepare a script or transcription, which will be delivered to the station at least before the time of the scheduled broadcasts; (note: the two preceding sentences are not applicable if the candidate is personally using the time).

Date: Nov. 1, 1990 Branda Mapel, Treas.
 (Candidate, Supporter or Agent)

Accepted
 Rejected

by Elda Hubbard

Title Sales Representative

105.5 **WMST** FM ☐ **WMST** 1150 ☐Simo ☒

Account

Monte C. Democrite

Address

*Executive Committee*Program ☐CA ☒

Length

30

Rate Per Unit

5.50

Co-op

Date First Broadcast

Nov. 1, 1990

Date Last Broadcast

Nov. 6, 1990

SUN.	MON.	TUES.	WED.	THUR.	FRI.	SAT.
<i>9</i>	<i>9</i>	<i>9</i>		<i>9</i>	<i>9</i>	<i>9</i>

Special Instructions:

Run 10/26 - 11/6

#1
Wake up Democrats! The Republican Party has protected the rich and put the tax burden on working people long enough. Mitch McConnell has been a part of this — as well as the S and L mess in Washington. It's time for a change! Vote for your interest! Vote for Harney Sloane for the U.S. Senate! Vote Democratic!

PAID FOR BY MONTGOMERY CO. DEMOCRATIC EXECUTIVE COMMITTEE, BRENDA MAPEL, TREASURER.

#2
Are you tired of the S and L mess in Washington? Are you concerned about the economy of our country? Are you worried about jobs, our Senior Citizens, and our children? Vote Nov. 6 for a U.S. Senator who will have the interest of working people. Vote for Harney Sloane! Vote Democratic!

PAID FOR BY MONTGOMERY CO. DEMOCRATIC EXECUTIVE COMMITTEE, BRENDA MAPEL, TREASURER.

#3
We need Harney Sloane in Washington to fight for the interest of working people. Harney Sloane will vote with Senator Wendell Ford — and not against him to help all Kentuckians. It's time to stop the S and L mess.

high gas prices and the "Republican Economy"! Vote Democratic!
Vote Harney Glane on Nov. 6 for
U.S. Senate! PAID FOR BY MONTGOMERY
Co. DEMOCRATIC EXECUTIVE COMMITTEE, BRENDA MAPEL, TREASURER

Are you working harder to make
ends meet? Are you tired of
the rich getting richer — and
the working people of Kentucky getting
higher taxes and less benefits?
Vote for honesty in government and
the interest of all Kentuckians.
Vote Democratic! Vote for Harney
Glane on Nov. 6 for U.S. Senate!
PAID FOR BY MONTGOMERY Co. DEMOCRATIC
EXECUTIVE COMMITTEE, BRENDA MAPEL, TREASURER

21040323372
#4

minities have veto power of administrative regulations?

Should the city classification system be repealed, giving cities more power to rule themselves?

With the zoning issue being voted separately from the general election, and no choices offered among local races, four amendments to the state constitution still may draw voters to the polls Nov. 6.

Until 1979, only two constitutional amendments could be offered at any general election. In a 1979 amendment to the constitution, the number was increased to four, but until this year, no more than two have been offered.

Two of the amendments this year were submitted by the House of Representatives, and two by the state Senate.

Amendment No. 1 was submitted by the house:

Do you favor allowing the General Assembly to call itself into special legislative session upon petition by two-thirds of the membership of the General Assembly?

Currently, only the governor can call a special legislative session in Kentucky.

However, 29 states now have a mechanism allowing the legislature to call itself into session.

Legislators argue the bill is needed to balance the power between the legislative and executive branches of government.

Under the amendment, the speaker

(Please see ELECTION PAGE 12A)

Charges filed against local Democratic party

By STEPHEN PYLES
Advocate staff writer

The state Republican party lodged a federal complaint against the Montgomery County Democratic party Oct. 30, because of the Democrats' radio advertising.

The complaint was filed with the Federal Election Commission in Washington and names county Democratic Treasurer Brenda Maple in the complaint.

According to a Republican party statement, "The ads clearly impact a federal election and the Montgomery County (Democratic) party is not registered as a federal committee as required by law."

The Republicans want the ads taken off the radio. "This is a clear violation of the law and to allow the ads to continue is simply grossly irresponsible," Republican party spokesperson Bob Gable said.

Montgomery County Democratic Chairman Bill Terry said the Democrats are doing nothing wrong, and will continue to run the ads.

The party commissioned 90 30-second ads last Friday, he said. "They're good commercials. There's no mud-slinging or [any]thing in them," Terry said.

RECYCLING — Tom Rumpke, center, diagram of the recycling plant proper family's landfill in Montgomery County Board. Operation Manager Steve Lane

Rumpke gets go

By STEPHEN PYLES
Advocate staff writer

Rumpke of Kentucky has been granted permission to expand its landfill operation to include a center.

Approval was given during a certification hearing by the Montgomery County Solid Waste (109) Board meeting on Oct. 25.

During the meeting, Tom Rumpke, who owns the landfill, said the recycling operation about 25 percent of the volume from the waste entering the landfill.

Rumpke said the company does its own and already has contracts for most material.

Finding buyers for the recyclable material the greatest priority in successful recycling, he said. "You can't recycle what you can't sell."

According to operation manager Steve Lane, about 25-60 tons of material a day will pass through the recycling center.

The landfill takes in about 200 tons of waste and that amount will need to pass through the center to make it viable, according to the law.



WATER FINALLY — Seated, from left, Terry Bailey and David Bailey of D & F Contractors and Leslie Smith, of Laurel Construction sign notice-to-proceed contracts with Judy Water Association, Oct. 19. Construction was due to begin by Oct. 29, and should be completed before July next year. Standing, from left,

are Judy water board members Bill Grayson, Larry Lee, Bobby Igo, Pat Dale and Larry Arnett. Charles Blankenship and Jimmy Hall from Farmers Home Administration, and Steve Hollar from Kenney Engineering are also pictured.

(Photo by Jeff Marshall)

Kr
col

After
tract,
strike
by 1
The
with
cial
ended
Since
work
tenta
nego
busin
Bentle
On
contr
feder
sent
The
emph

21040323373

06-C 8712
RECEIVED
FEDERAL ELECTION COMMISSION
LYNCH, COX, GILMAN & MAHAN P.S.C.

500 MEIDINGER TOWER
LOUISVILLE, KENTUCKY 40202
(502) 589-4315
Fax (502) 589-4894

90 NOV 21 AM 11:48

DONALD L. COX

November 20, 1990

ALSO ADMITTED U.S. PATENT OFFICE

INDIANA OFFICE:
521 E. 7TH STREET
JEFFERSONVILLE, INDIANA 47130
TELEPHONE
(812) 283-7838

EXPRESS MAIL

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 21 PM 3:41

210403374
Ms. Lois G. Lerner
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3153

Dear Ms. Lerner:

This is in response to the second complaint filed by the Kentucky Republican Party against the Sloane for Senate Campaign arising out of the Fall 1990 Kentucky senatorial election campaign. Like the several other complaints which the Republican Party has filed, this complaint is also without merit.

The first that Dr. Harvey I. Sloane or the Sloane Campaign learned of the expenditures in question was when the Kentucky Republican Party held a press conference and asserted that these expenditures were contrary to federal election laws. Since that time we have carefully investigated this matter and contacted the head of the Montgomery County, Kentucky Democratic Party and Ms. B. J. Mapel, the treasurer of the Montgomery County, Kentucky Democratic Party. (Please note that Ms. Mapel signed the "Agreement For for Political Broadcasts.") Both stated unequivocally that the expenditures in question were made without advance notification to or consultation with either the Sloane Campaign Committee or with Dr. Sloane, himself.

Given the fact that the expenditures in question were in the de minimis amount of approximately \$750, and that neither the Sloane Committee nor Dr. Sloane had absolutely any involvement of

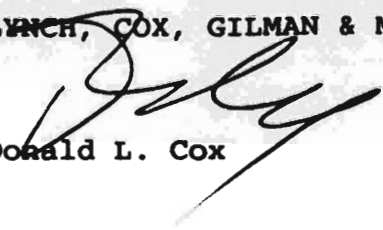
LYNCH, COX, GILMAN & MAHAN P.S.C.

Ms. Lois G. Lerner
November 20, 1990
Page Two

any type with these expenditures, it is submitted that the complaint against the Sloane Committee and Dr. Harvey I. Sloane should be dismissed.

Very truly yours,

LYNCH, COX, GILMAN & MAHAN, P.S.C.


Donald L. Cox

DLC/wc

g/sloane-4

21040323375



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 28, 1990

Robert E. Gable, Chairman
The Republican Party of Kentucky
Capitol Avenue at Third Street
P.O. Box 1068
Frankfort, Kentucky 40602

RE: MUR 3153

Dear Mr. Gable:

This letter acknowledges receipt on November 20, 1990, of the supplement to the complaint you filed on October 23, 1990, against the Montgomery County (Kentucky) Democratic Party and Brenda J. Mapel, as treasurer, Kentucky State Democratic Party and Richard Rankin, as treasurer, Sloane for Senate Committee and Victoria Buster, as treasurer, and Harvey I. Sloane, M.D. The respondents, will be sent copies of the supplement. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to be "Lois G. Lerner", is written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

2104033376



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 28, 1990

Brenda J. Mapel, Treasurer
Montgomery County (Kentucky)
Democratic Party
P.O. Box 640-C
Mount Sterling, KY 40353

RE: MUR 3153
Montgomery County (Kentucky)
Democratic Party and Brenda
J. Mapel, as treasurer

Dear Ms. Mapel:

On November 2, 1990, you were notified that the Federal Election Commission received a complaint from Robert Gable alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On November 20, 1990, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "L. Lerner", is written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

Enclosure

91040323377



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 28, 1990

Victoria Buster, Treasurer
Sloane for Senate Committee
835 W. Jefferson #105
Louisville, KY 40202

RE: MUR 3153
Sloane for Senate Committee
and Victoria Buster, as
treasurer

Dear Ms. Buster:

On November 2, 1990, you were notified that the Federal Election Commission received a complaint from Robert Gable alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On November 20, 1990, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to be "L. Lerner", is written over the typed name of Lois G. Lerner.

BY: Lois G. Lerner
Associate General Counsel

Enclosure

210403378



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 28, 1990

Richard Rankin, Treasurer
Kentucky State Democratic Party
Millville Road
P.O. Box 694
Frankfort, KY 40602

RE: MUR 3153
Kentucky State Democratic
Party and Richard Rankin, as
treasurer

Dear Mr. Rankin:

On November 2, 1990, you were notified that the Federal Election Commission received a complaint from Robert Gable alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On November 20, 1990, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to be "L. Lerner", is written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

Enclosure

910403379



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 28, 1990

Harvey I. Sloane, M.D.
1401 South Fourth Street
Louisville, KY 40202

RE: MUR 3153
Harvey I. Sloane, M.D.

Dear Mr. Sloane:

On November 2, 1990, you were notified that the Federal Election Commission received a complaint from Robert Gable alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On November 20, 1990, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in black ink, appearing to be "L. Lerner", is written over the typed name of Lois G. Lerner.

BY: Lois G. Lerner
Associate General Counsel

Enclosure

9104032330

210403331
MONTGOMERY COUNTY DEMOCRATIC EXECUTIVE COMMITTEE
P. O. BOX 640C
MT. STERLING, KENTUCKY 40353

06C 8802
90 NOV 30 AM 9:58

November 26, 1990

Lawrence M. Noble
General Counsel
Federal Election Commission
Washington, D. C. 20463

RE: MUR 3153

Dear Mr. Noble:

In answer to the above complaint, I want you to know that there was no intent to violate the election laws at any time by me or the Montgomery County Democratic Executive Committee. I can assure you that I make sure that everything is done "by the book". The book I am referring to is the instructions furnished to me by the Kentucky Registry of Election Finance. There is no mention in this book concerning state regulations ending and federal beginning.

The Montgomery County Democratic Executive Committee's intent was to support our Democratic Party and it's candidates with no intent what-so-ever to break any laws. Our radio station refused to remove the ads when approached by our local Republican Chairman saying that all rules and regulations were being met.

If I can be of further assistance, please contact me.

Sincerely,

Brenda J. Mapel

Brenda J. Mapel, Treasurer
Montgomery County Democratic Executive Committee

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
WASHINGTON, D.C.
90 NOV 30 AM 12:40

LAW OFFICES
MICHAEL T. McKINNEY

Attorney at Law
MICHAEL T. McKINNEY

TELEPHONE (606) 586-9955
FAX No. (606) 586-6937

P.O. BOX 688
2922 WASHINGTON SQUARE
BURLINGTON, KENTUCKY 41005-0688

November 27, 1990

Ms. Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

IN RE: MUR 3153

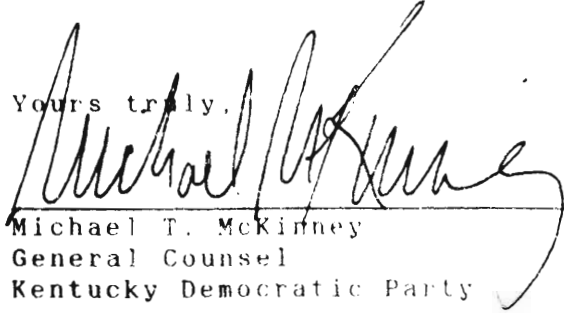
Dear Ms. Lerner:

In response to the Complaint filed with the FEC by the Republican Party of Kentucky, I wish to advise that the Complaint does not state a claim or cause of action against the State Democratic Party of Kentucky. The expenditures complained of by Mr. Gable, if in fact they were made, were done without the knowledge and authorization of the State Democratic Party. Mr. Gable states in his Complaint that these expenditures were coordinated with the Kentucky Democratic State Party. This is not the case. The State Democratic Party has neither authorized nor ratified these "expenditures".

I trust this information will be helpful to you.

Please advise if I may provide further information to you in this regard.

Yours truly,


Michael T. McKinney
General Counsel
Kentucky Democratic Party

MTM:trt

RECEIVED
FEDERAL ELECTION COMMISSION
90 DEC -4 AM 10:57

90 DEC -3 PM 12:57

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3153

NAME OF COUNSEL: Michael McKinney

ADDRESS: P.O. Box 688
Burlington, Kentucky 41005

TELEPHONE: (606) 586-9955

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

November, 1990
Date

Mary Ann Johnson
Signature Chairman
Kentucky Democratic Party

RESPONDENT'S NAME: Kentucky Democratic Party and

ADDRESS: Richard Rankin, its Treasurer
P.O. Box 694 Millville Road
Frankfort, Kentucky 40602

HOME PHONE: _____

BUSINESS PHONE: (502) 695-4828

2104032333

91 JAN -3 PM 4:51

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 3153
DATE COMPLAINT RECEIVED
BY OGC: October 31, 1990
DATE OF NOTIFICATION TO
RESPONDENTS: November 2, 1990
STAFF MEMBER: George F. Rishel
Jeffrey D. Long

COMPLAINANTS:

Robert Gable, Chairman,
Republican Party of Kentucky

RESPONDENTS:

Montgomery County Democratic
Executive Committee and Brenda J.
Mapel, as treasurer

Sloane for Senate Committee and
Victoria Buster, as treasurer

Kentucky State Democratic Central
Executive Committee and Richard
Rankin, as treasurer

RELEVANT STATUTES:

2 U.S.C. § 431(8)
2 U.S.C. § 434(b)
2 U.S.C. § 441a
2 U.S.C. § 441b
2 U.S.C. § 441d
11 C.F.R. § 102.5
11 C.F.R. § 104.13

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

None

I. GENERATION OF MATTER

This matter was generated by a complaint filed on October 31, 1990, by Robert Gable, chairman of the Republican Party of Kentucky. Mr. Gable filed a supplement to the complaint on November 20, 1990. The complaint stated that the Montgomery County Democratic Executive Committee ("Montgomery County Committee") paid for radio ads that expressly advocated the

91040323384

election of Dr. Harvey Sloane for the U.S. Senate. The complaint alleges that the Montgomery County Committee had not registered with the Commission as a political committee, had made these payments in coordination with the Kentucky State Democratic Central Executive Committee ("State Party"), did not include a proper disclaimer in the ads, and had used contributions not raised under the Federal Election Campaign Act of 1971, as amended ("the Act") to pay for these ads. Responses have been received from Dr. Harvey Sloane and the Sloane for Senate Committee ("Sloane Committee") on November 21, 1990; the Montgomery County Committee on November 30, 1990; and the State Party on December 4, 1990. A copy of the Montgomery County Committee's state report was received on December 21, 1990.

II. FACTUAL AND LEGAL ANALYSIS

A. The Act and Regulations

The Act defines "political committee" to include any local committee of a political party that makes exempt payments in excess of \$5,000 in a calendar year or makes contributions or expenditures aggregating in excess of \$1,000 in a calendar year. 2 U.S.C. § 431(4)(C). Such a local committee must register with the Commission and file periodic reports of its receipts and disbursements. 2 U.S.C. §§ 433 and 434. In such case, its receipts are subject to the limitations and prohibitions of the Act. See 2 U.S.C. §§ 441a and 441b. Commission regulations provide that an organization, including a party committee, that falls below the above thresholds to qualify as a political committee may either set up a separate account to finance federal

election activities into which only permissible funds are deposited or may demonstrate through a reasonable accounting method that it had sufficient permissible funds at the time of the federal expenditures. 11 C.F.R. § 102.5(b).

The Act defines "contribution" and "expenditure" to include any purchase, payment, advance, or gift of money or anything of value for the purpose of influencing a federal election.

2 U.S.C. §§ 431(8)(A) and 431(9)(A). The Act exempts from these definitions certain payments by state and local political party committees for activities on behalf of their federal candidates. See, e.g., 2 U.S.C. § 431(8)(B)(v) and (x). These exemptions, however, do not apply to the payments for communications through any broadcasting, such as radio, as well as other forms of general public political advertising. Such payments, instead, constitute contributions or expenditures under the Act.

The Act permits a federal candidate or his or her committee to accept contributions aggregating \$1,000 per election from any person and those aggregating \$5,000 per election from any multicandidate political committee. 2 U.S.C. § 441a(a)(1) and (2). For purposes of these limitations, the state committee of a political party and its subordinate local party committees are presumed affiliated and thus treated as if one committee.

11 C.F.R. § 110.3(b)(3). The Act also permits the state committee of a political party to make additional coordinated party expenditures on behalf of the party's House and Senate nominees. 2 U.S.C. § 441a(d)(3). A state committee may make such expenditures through any designated agent, if authorization

21040323386

is made in advance of the expenditure. Commission regulations provide that a party committee may not make independent expenditures on behalf of its nominees. 11 C.F.R. § 110.7(b)(4). Thus, any expenditures by a party committee on behalf of its federal candidates that do not qualify for exemption are either in-kind contributions to the candidate or coordinated party expenditures and should be reported as such. See also 11 C.F.R. §§ 104.13 and 106.1(a).

2 1 0 4 0 3 2 3 3 7
The Act further provides that any communication that expressly advocates the election or defeat of a clearly identified candidate and is made through any broadcasting or similar form of general public political advertising shall carry an appropriate disclaimer. 2 U.S.C. § 441d. This disclaimer shall state who paid for the communications and, if paid for by a committee other than the candidate's committee, shall state whether it was authorized or not authorized by such candidate. See also, 11 C.F.R. § 110.11. Because a party committee may not make independent expenditures on behalf of its candidates, its communications on behalf of its candidates are deemed to be authorized whether or not express authorization was obtained.

B. The Radio Ads

The complainant provided two forms entitled "Agreement Form for Political Broadcasts." One form shows that on October 25, 1990, Brenda Mapel, on behalf of the Montgomery County Committee, contracted with radio station WMST in Mt. Sterling, Kentucky, for a series of 30-second ads to be broadcast between October 26 and November 6, 1990, at a total cost of \$495. The second form shows

that on November 1, 1990, Ms. Mapel again contracted with WMST for broadcasting the same 30-second ads during major newscasts between November 1 and November 6, 1990, at a total cost of \$297. The aggregate costs for the two contracts was \$792.¹ The proposed ads all contained a political message and ended with the statements: "Vote for Harvey Sloane! Vote Democratic!". They carried a disclaimer that read: "Paid for by Montgomery County Democratic Executive Committee, Brenda Mapel, treasurer." Thus, the payments for these ads constituted contributions or expenditures under the Act.

The Montgomery County Committee is a local committee of a political party. It is not registered with the Commission as a federal political committee. The amount of the payments for the radio ads, however, remains below the threshold for qualifying as a political committee. Thus, the Montgomery County Committee did not have to register and report under the Act. Therefore, we recommend that the Commission find no reason to believe the Montgomery County Committee violated 2 U.S.C. §§ 433 and 434.

It would still need to show that it had sufficient permissible funds on hand at the time of its payments. See 11 C.F.R. § 102.5(b). We note that Kentucky prohibits corporate contributions but permits unlimited labor union contributions. The Montgomery County Committee has not demonstrated by either method set out in Section 102.5(b) that it had sufficient

1. The state report discloses two additional payments to WMST: one for \$148.50 on October 10 and one for \$22.80 on November 13. Including these payments, the aggregate amount paid to WMST is \$963.30.

permissible funds on hand at the time it made the payments for the radio ads. In her response, Ms. Mapel states that the Montgomery County Committee followed the instruction book provided by the Kentucky Registry of Election Finance, which has "no mention...concerning state regulations ending and federal beginning." The state report for the Montgomery County Committee covering the period from June 1, 1990, through November 30, 1990, discloses total receipts of \$5,312.00. Of this amount, \$3,112.00 was itemized as coming from individuals, \$1,205.00 was reported as cash receipts from 41 persons, and \$995.00 was reported as unitemized contributions (\$300 or less) from 18 persons. The report shows no contributions from labor unions. Therefore, we recommend that the Commission find no reason to believe the Montgomery County Committee violated 2 U.S.C. § 441b.

The State Party has registered a federal committee with the Commission. It has qualified as a multicandidate political committee. Thus, the State Party could make aggregate contributions of \$5,000 to the Sloane Committee with respect to the 1990 general election. In addition, the State Party could make \$138,772.80 in coordinated party expenditures on behalf of Dr. Harvey Sloane's candidacy. It could make these expenditures itself or through any designated agent.

At the present time the State Party has filed reports through November 26, 1990. These reports do not disclose any contributions to the Sloane Committee with respect to the 1990 general election. The State Party did disclose an aggregate of \$33,850.51 as coordinated party expenditures on behalf of Dr.

Sloane, but later amended the reports to treat these as operating expenditures.² There is no indication that the State Party authorized the Montgomery County Committee to make coordinated party expenditures. The State Party states that it did not know about these expenditures and did not authorize or ratify them. Therefore, there is no reason to believe the State Party has violated any provision of the Act on the basis of the complaint in this matter.

Therefore, the \$792 paid by the Montgomery County Committee for these ads would constitute in-kind contributions to the Sloane Committee. Because the Montgomery County Committee has not qualified as a political committee under the Act, its contributions to the Sloane Committee are not aggregated with any by the State Party. Advisory Opinion 1978-9. Thus, these payments do not appear to exceed the Act's limitations on contributions to the Sloane Committee. Therefore, there is no reason to believe the Montgomery County Committee violated 2 U.S.C. § 441a(a). Furthermore, because the payments are contributions and because a party committee's payments on behalf of its federal candidates are deemed to be authorized, the disclaimer on these radio ads should have said not only that they were paid for by the Montgomery County Committee but that they were authorized by the Sloane Committee. Therefore, there is reason to believe the Montgomery County Committee violated 2 U.S.C. § 441d. Because of the relative small amount involved,

2. This amendment is the subject of a RAD inquiry.

2104033390

we also recommend that the Commission take no further action on this finding.

Moreover, Commission regulations provide that a committee should report in-kind contributions as both a receipt and a disbursement. 11 C.F.R. § 104.13. Neither the Act nor the regulations place any affirmative duty on a party committee making expenditures on behalf of its federal nominees to inform the nominees' committees of such expenditures and their allocated portion. In its response, the Sloane Committee states that these payments "were made without advance notification to or consultation with either the Sloane Campaign Committee or with Dr. Sloane, himself." The Sloane Committee did receive notice of these radio ad payments through the filing of the complaint in this matter and, thus, had sufficient time to include their receipt and disbursement as in-kind contributions in its Post-General Election Report. That report does not include the Montgomery County Committee payments. Therefore, there is reason to believe the Sloane Committee violated 2 U.S.C. § 434(b) by not reporting the payments by the Montgomery County Committee for the radio ads as in-kind contributions. Because of the amount involved, we also recommend that no further action be taken on this finding.

Accordingly, we recommend that the Commission find reason to believe the Montgomery County Democratic Executive Committee and Brenda J. Mapel, as treasurer, violated 2 U.S.C. § 441d. We also recommend that the Commission find reason to believe the Sloane Committee violated 2 U.S.C. § 434(b). Given the relatively

91040323391

small amount involved, we recommend that the Commission take no further action on these alleged violations.

We further recommend that the Commission find no reason to believe (1) that the Montgomery County Democratic Executive Committee and Brenda J. Mapel, as treasurer, violated 2 U.S.C. §§ 433, 434, 441a(a), and 441b; (2) that the Sloane for Senate Committee and Victoria Buster, as treasurer, violated 2 U.S.C. § 441a(f); and (3) that the Kentucky State Democratic Central Executive Committee and Richard Rankin, as treasurer, violated any provision of the Act on the basis of the complaint in MUR 3153.

III. RECOMMENDATIONS

1. Find reason to believe that the Montgomery County Democratic Executive Committee and Brenda J. Mapel, as treasurer, violated 2 U.S.C. § 441d, and take no further action.
2. Find no reason to believe the Montgomery County Democratic Executive Committee and Brenda J. Mapel, as treasurer, violated 2 U.S.C. §§ 433, 434, 441a(a), and 441b.
3. Find no reason to believe that the Kentucky State Democratic Central Executive Committee and Richard Rankin, as treasurer, violated any provision of the Act on the basis of complaint in MUR 3153.
4. Find reason to believe that the Sloane for Senate Committee and Victoria Buster, as treasurer, violated 2 U.S.C. §§ 434(b) and take no further action.
5. Find no reason to believe that the Sloane for Senate Committee and Victoria Buster, as treasurer, violated 2 U.S.C. § 441a(f).
6. Approve the appropriate letters.

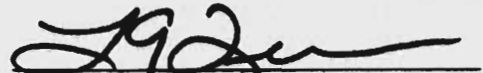
21040332

7. Close the file.

Lawrence M. Noble
General Counsel

Date 1/3/91

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Sloane Committee response
2. Montgomery County committee response
3. State Party response
4. Montgomery County Committee state report

91040323393

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Montgomery County Democratic
Executive Committee and Brenda J.
Mapel, as treasurer;
Sloane for Senate Committee and
Victoria Buster, as treasurer;
Kentucky State Democratic Central
Executive Committee and Richard
Rankin, as treasurer.

MUR 3153

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 9, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3153:

1. Find reason to believe that the Montgomery County Democratic Executive Committee and Brenda J. Mapel, as treasurer, violated 2 U.S.C. § 441d, and take no further action.
2. Find no reason to believe the Montgomery County Democratic Executive Committee and Brenda J. Mapel, as treasurer, violated 2 U.S.C. §§ 433, 434, 441a(a), and 441b.
3. Find no reason to believe that the Kentucky State Democratic Central Executive Committee and Richard Rankin, as treasurer, violated any provision of the Act on the Basis of complaint in MUR 3153.

(continued)

210403324

4. Find reason to believe that the Sloane for Senate Committee and Victoria Buster, as treasurer, violated 2 U.S.C. §§ 434(b) and take no further action.
5. Find no reason to believe that the Sloane for Senate Committee and Victoria Buster, as treasurer, violated 2 U.S.C. §§ 441a(f).
6. Approve the appropriate letters, as recommended in the General Counsel's Report dated January 3, 1991.
7. Close the file.

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

Attest:

Jan. 10, 1991
Date

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

Received in the Secretariat: Thurs., January 3, 1991 4:51 p.m.
Circulated to the Commission: Fri., January 4, 1991 12:00 p.m.
Deadline for vote: Wed., January 9, 1991 4:00 p.m.

dh

- 9154 082 3395
4. Find reason to believe that the Sloane for Senate Committee and Victoria Buster, as treasurer, violated 2 U.S.C. §§ 434(b) and take no further action.
 5. Find no reason to believe that the Sloane for Senate Committee and Victoria Buster, as treasurer, violated 2 U.S.C. §§ 441a(f).
 6. Approve the appropriate letters, as recommended in the General Counsel's Report dated January 3, 1991.
 7. Close the file.

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

Attest:

Jan. 10, 1991
Date

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

Received in the Secretariat: Thurs., January 3, 1991 4:51 p.m.
Circulated to the Commission: Fri., January 4, 1991 12:00 p.m.
Deadline for vote: Wed., January 9, 1991 4:00 p.m.

dh



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

January 22, 1991

CERTIFIED MAIL
RECEIPT REQUESTED

Robert E. Gable, Chairman
Republican Party of Kentucky
Capitol Avenue at Third Street
P.O. Box 1068
Frankfort, Kentucky 40602

RE: MUR 3153

Dear Mr. Gable:

This is in reference to the complaint you filed with the Federal Election Commission on November 5, 1990, concerning the Kentucky State Democratic Central Executive Committee and Richard Rankin, as treasurer ("Kentucky"), the Montgomery County Democratic Executive Committee and Brenda J. Mapel, as treasurer ("Montgomery"), and the Sloane for Senate Committee and Victoria Buster, as treasurer ("Sloane").

On January 9, 1991, the Commission found, based on your complaint, that there was reason to believe that Montgomery violated 2 U.S.C. § 441d, and that Sloane violated 2 U.S.C. § 434(b), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission determined to take no further action against Kentucky and Sloane on these violations.

On January 9, 1991, the Federal Election Commission found that on the basis of the information provided in your complaint, and information provided by the respondents, there is no reason to believe Montgomery violated 2 U.S.C. §§ 433, 434, 441a(a), and 441b, no reason to believe Sloane violated 2 U.S.C. § 441a(f), and no reason to believe Kentucky violated any provision of the Act based on the information provided in your complaint. Accordingly, on January 9, 1991, the Commission closed the file in this matter.

2104033396

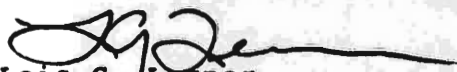
Robert E. Gable, Chairman
Page 2

This matter will become a part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

91040323397



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 22, 1991

Michael T. McKinney, Esquire
P.O. Box 688
2922 Washington Square
Burlington, Kentucky 41005-0688

RE: MUR 3153
Kentucky State Democratic
Central Executive Committee
and Richard Rankin, as
treasurer

Dear Mr. McKinney:

On November 28, 1990, the Federal Election Commission notified your clients, the Kentucky State Democratic Central Executive Committee and Richard Rankin, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On January 9, 1991, the Commission found that there is no reason to believe the Kentucky State Democratic Central Executive Committee and you, as treasurer, violated any provision of the Act on the basis of the complaint filed in this matter. Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
General Counsel

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

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

210403328



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 22, 1991

Brenda J. Mapel, Treasurer
Montgomery County Democratic
Executive Committee
P.O. Box 640C
Mt. Sterling, Kentucky 40353

RE: MUR 3153
Montgomery County Democratic
Executive Committee and
Brenda J. Mapel, as
treasurer

Dear Ms. Mapel:

On January 9, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Montgomery County Democratic Executive Committee ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 433, 434, 441a(a), and 441b, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). On January 9, 1991, the Federal Election Commission also found reason to believe that the Committee and you, as treasurer, violated 2 U.S.C. § 441d. However, after considering the circumstances of this matter, the Commission also determined to take no further action. Accordingly, the Commission closed its file in this matter. The General Counsel's Report is attached for your information.

The Commission reminds you that failure to place the proper and accurate disclaimer on radio ads appears to be a violation of 2 U.S.C. § 441d. You should take immediate steps to insure that this activity does not occur in the future.

This 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.

2104033399

Brenda J. Mapel, Treasurer
Page 2

If you have any questions, please direct them to Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



John Warren McGarry
Chairman

Enclosure
General Counsel's Report

91040323400



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 22, 1991

Donald L. Cox, Esquire
Lynch, Cox, Gilman & Mahan P.S.C.
500 Meidinger Tower
Louisville, Kentucky 40202

RE: MUR 3153
Sloane for Senate Committee
and Victoria Buster, as
treasurer

Dear Mr. Cox:

On January 9, 1991, the Commission found, on the basis of the information in the complaint, that there is no reason to believe that your clients, Sloane for Senate Committee ("Committee") and Victoria Buster, as treasurer, violated 2 U.S.C. § 441(a)f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Also on January 9, 1991, the Federal Election Commission found reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 434(b). However, after considering the circumstances of this matter, the Commission also determined to take no further action. Accordingly, the Commission closed its file in this matter. The General Counsel's Report is attached for your information.

The Commission reminds you that the failure to report payments by the Montgomery County Committee for radio advertising as in-kind contributions appears to be a violation of 2 U.S.C. § 434(b). Your clients should take immediate steps to insure that this activity does not occur in the future.

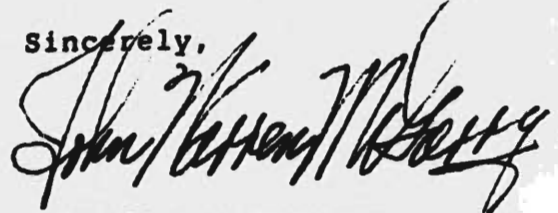
The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

21040323401

Donald L. Cox, Esquire
Page 2

If you have any questions, please direct them to Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Warren McGarry", written in a cursive style.

John Warren McGarry
Chairman

Enclosure
General Counsel's Report

91040323402



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3153

DATE FILMED 2/6/91 CAMERA NO. 4

CAMERAMAN AS

91040323403



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 3153.

21040325492



Kentucky Registry of Election Finance
1804 Louisville Road
Frankfort, Kentucky 40601
(502) 584-2226

ELECTION FINANCE STATEMENT

COVER PAGE

1. Candidate Name

Office Sought/Dist. No.

County of Residence

Political Party

2. Committee Name Montgomery County
Supporting Democratic Ex. Comm

Office Sought/Dist. No.

RECEIVED
K.R.E.F.
DEC 11 1 02 PM '90

06C 9167
OFFICE USE ONLY

3. Candidate/Committee Mailing Address

P.O. Box 640C
Mt. Sterling, KY 40353

Area Code/Phone 606 498-8703

4. Treasurer's Name and Mailing Address

Brenda J. Mapel
P.O. Box 640C
Mt. Sterling, KY 40353

Area Code/Phone 606 498-8703

5. This Statement Covers

From June 1, 1990
Mo. Day Yr.
To Nov. 30, 1990
Mo. Day Yr.

TYPE OF STATEMENT

6a. ☐ Pre-election (Quarterly Preceding)

b. ☐ Pre-election (32nd day preceding)

c. ☐ Pre-election (12th day preceding)

d. ☒ Post Election (30th day following)

e. ☐ Post Election Supplemental (60th day following)

f. ☐ Quarterly (Permanent Committee)

g. ☐ Semi-annual Supplemental (Opposed candidate in last election)

h. ☐ Annual Supplemental (Unopposed candidate in last election)

i. ☐ Termination _____
Mo. Day Yr.

j. ☐ Amendment - check one of the items above to indicate which statement is being amended.

Pre-election, Post Election or Supplemental
statement relates to:

☐ Primary ☒ General ☐ Special

Date of Election

November 6, 1990
Mo. Day Yr.

Tax check off funds included.

7. Verification: Certify that all reasonable diligence was used in the preparation of this Statement and attached schedule (if any) and to the best of my/our knowledge and belief the contents are true, accurate and complete.

Treasurer

Type or Print Name

Brenda J. Mapel

Signature

Brenda J. Mapel

Date

Mo.

Day

Yr.

12.10-90

RECEIVED
FEDERAL ELECTION COMMISSION
91 JAN -2 AM 8:18

2 6 4 5 2 5 0 4 0 1 0

SUMMARY PAGE

Candidate/Committee Mont. Co. Democratic Ex. Comm.

Period From June 1, 1990 to November 30, 1990

RECEIPTS

COLUMN I
THIS
PERIOD

COLUMN II
CUMULATIVE
THIS ELECTION

1. CONTRIBUTIONS:

a. Itemized by check or written instrument (Schedule 1, Item 7a)

+\$ 2412.00

b. Other receipts (Schedule 1, Item 7b)

+\$ 500.00

c. Receipts in currency (Number of people 41)

+\$ 1205.00

Individual cash contribution limit is \$100

d. Unitemized contributions (Number of people 18)

+\$ 995.00

Contributions by check of \$300 or less.

2. TOTAL RECEIPTS

=\$ 5312.00

\$ _____

DISBURSEMENTS

3. TOTAL DISBURSEMENTS (Schedule 2, Item 7)

\$ _____

\$ _____

BALANCE STATEMENT

4. Ending balance of last report (Enter (-0-) if no report has been filed)

+\$ 465.90

5. Amount received during reporting period (Line 2, Column 1)

+\$ 5312.00

6. Sub-Total (Add Lines 4 and 5)

=\$ 5777.90

7. Amount disbursed during reporting period (Line 3, Column 1)

-\$ 5032.16

8. ENDING BALANCE (Subtract Line 7 from Line 6)

=\$ 745.74

9. Debts and Obligations owed BY: (Schedule 5, Item 11)

\$ - 0 -

10. Debts and Obligations owed TO: (Schedule 5, Item 11)

\$ - 0 -

THIS
PERIOD

CUMULATIVE
THIS ELECTION

11. In-Kind Contributions Received (Schedule 3, Item 7)

\$ - 0 -

\$ _____

12. Fund Raisers (Schedule 4, Item 10)

\$ 40825494



Kentucky Registry of Election Finance
1804 Louisville Road
Frankfort, Kentucky 40601
(502) 584-2228

ITEMIZED RECEIPTS SCHEDULE 1

1. Name of Candidate		2. Committee Name		3. This Statement Covers			
		Mont. Co. Democratic Ex. Comm.		From <u>6-1-90</u> Mo. Day Yr. To <u>11-30-90</u> Mo. Day Yr.			
4a. Name and Address from whom received Enter age if not 18 by date of General Election.	4b. AGE	5. Type of Contribution or Other Receipt	6. Date of Receipt	AMOUNT		8. Cumulative for election	9. Contributor Occupation (Be Specific)
				7a. Contributions Check or Written Instrument	7b. Other Receipts		
A. E. Walker Apperson Hgts Mt Sterling, KY 40353		Contributions: ☐ Candidate Direct ☐ Candidate Loan ☒ Direct from a person or authorized entity Other Receipts: ☐ Interest ☐ Loan from lending institution ☐ Misc. (Specify) _____	8-23-90	500.00	500.00	500.00	President Contracting Company
Sidney Lansdale Camargo Road Mt. Sterling, KY 40353		Contributions: ☐ Candidate Direct ☐ Candidate Loan ☒ Direct from a person or authorized entity Other Receipts: ☐ Interest ☐ Loan from lending institution ☐ Misc. (Specify) _____	8-31-90	1000.00		1000.00	President Cartage Company
Kelly Combs Maysville Road Mt. Sterling, KY 40353		Contributions: ☐ Candidate Direct ☐ Candidate Loan ☒ Direct from a person or authorized entity Other Receipts: ☐ Interest ☐ Loan from lending institution ☐ Misc. (Specify) _____	9-10-90	1000.00		1000.00	President Gas & Oil Distributing Co.
Rodney Jones Home Avenue Mt. Sterling, KY 40353		Contributions: ☐ Candidate Direct ☐ Candidate Loan ☒ Direct from a person or authorized entity Other Receipts: ☐ Interest ☐ Loan from lending institution ☐ Misc. (Specify) _____	10-12-90	500.00		500.00	Surveyor
Tax Check off funds		Contributions: ☐ Candidate Direct ☐ Candidate Loan ☐ Direct from a person or authorized entity Other Receipts: ☐ Interest ☐ Loan from lending institution ☒ Misc. (Specify) <u>Tax Check off</u>	8-23-90	112.00			
		Contributions: ☐ Candidate Direct ☐ Candidate Loan ☐ Direct from a person or authorized entity Other Receipts: ☐ Interest ☐ Loan from lending institution ☐ Misc. (Specify) _____					

Subtotal This Page

2612.00 500.00

Total This Period (only on last page of this schedule)

2612.00 500.00



Kentucky Registry of Election Finance
1804 Louisville Road
Frankfort, Kentucky 40601
(502) 564-2226

**DISBURSEMENTS
SCHEDULE 2**

1. Name of Candidate

2. Committee Name

Mont. Co. Democratic
Ex. Comm

3. This Statement Covers

From 6-1-90
Mo. Day Yr.
To 11-30-90
Mo. Day Yr.

4. Name and Address of person to whom paid (if over \$25.00, disbursement must be made by check. Persons transporting voters to the polls must be paid by check).

U.S. Postmaster - Mt. Sterling

5. Purpose (be specific, \$25.00 or less show purpose, date and amount only).

Postage

6. Date

9-25-90

7. Amount
Disbursed

55.00

Tickets

10-2-90

15.90

Printed Checks

9-17-90

22.90

Bauman Paper Co. - Lexington, KY

Paper Products for Democratic Rally

10-4-90

502.25

Mt. Sterling Office Supply - Mt. Sterling

Name Badges

10-8-90

72.65

Food Lion - Mt. Sterling, KY

Food for Democratic Rally

10-13-90

1486.78

Kerns Bakery - Mt. Sterling, KY

Food for Democratic Rally

10-9-90

198.00

Krogers - Mt. Sterling, KY

Food for Democratic Rally

10-9-90

79.70

Subtotal This Page

2433.18

9 6 7 5 2 0 0 0 Total This Period (only on last page of this schedule)



Kentucky Registry of Election Finance
1604 Louisville Road
Frankfort, Kentucky 40601
(502) 564-2226

**DISBURSEMENTS
SCHEDULE 2**

1. Name of Candidate		2. Committee Name	3. This Statement Covers	
		Mont. Co. Democratic Ex. Comm	From <u>6-1-90</u> Mo. Day Yr.	
			To <u>11-30-90</u> Mo. Day Yr.	
4. Name and Address of person to whom paid (if over \$25.00, disbursement must be made by check. Persons transporting voters to the polls must be paid by check).	5. Purpose (be specific, \$25.00 or less show purpose, date and amount only).	6. Date	7. Amount Disbursed	
W.M.S.T. - mt. Sterling, KY	Advertising	10-10-90	148.50	
Montgomery Traders Bank- mt. Sterling, KY	Door Prize	10-12-90	500.00	
	Flowers	10-16-90	5.95	
Community Education - mt. Sterling, KY	Bldg. Rent for Democratic Rally	10-19-90	300.00	
John A. Crockett - mt. Sterling, KY	Frame Awards for Rally	10-19-90	69.00	
Bob's Food Service - mt. Sterling, KY	Food for Democratic Rally	10-19-90	560.07	
Bill Terry - mt. Sterling, KY	Reim. for name badges & tickets for Rally	10-24-90	40.28	
W.M.S.T. - mt. Sterling, KY	Advertising	10-25-90	495.00	
			Subtotal This Page	
			2118.80	

7 4 0 3 2 5 4 9 7 (Total This Period (only on last page of this schedule))



Kentucky Registry of Election Finance
1804 Louisville Road
Frankfort, Kentucky 40601
(502) 544-2226

**DISBURSEMENTS
SCHEDULE 2**

1. Name of Candidate		2. Committee Name		3. This Statement Covers	
		Mont. Co. Democratic Ex. Comm		From 6-1-90 Mo. Day Yr. To 11-30-90 Mo. Day Yr.	
4. Name and Address of person to whom paid (if over \$25.00, disbursement must be made by check. Persons transporting voters to the polls must be paid by check).	5. Purpose (be specific, \$25.00 or less show purpose, date and amount only).	6. Date	7. Amount Disbursed		
W.M.S.T. - Mt. Sterling, KY	Advertising	11-1-90	297.00		
Ky Breaktime. - Lexington, KY	coffee for Democratic Rally	11-12-90	136.00		
McCormick Lumber - Mt. Sterling, KY	lumber for signs	11-12-90	24.38		
W.M.S.T. - Mt. Sterling, KY	Advertising	11-13-90	22.80		

Subtotal This Page 480.18

8 6 4 5 2 0 0 7 Total This Period (only on last page of this schedule)

5032.16

Enter this total on line
3 of Summary Page



Kentucky Registry of Election Finance
1804 Louisville Road
Frankfort, Kentucky 40601
(603) 584-2228

**IN-KIND
SCHEDULE 3**

1. Name of Candidate

2. Committee Name

Mont. Co Democratic
Ex. Comm.

3. This Statement Covers

From 6-1-90
Mo. Day Yr.
To 11-30-90
Mo. Day Yr.

4a. Name and Address from whom received Enter age if not 18 by date of General Election	4b. AGE	5. Describe in-kind contribution or independent expenditure	6. Date of Receipt	AMOUNT		8. Cumulative for election	9. Contributor Occupation (Be Specific)
				7. This Period	8. From Prior Periods		

Subtotal This Page

-0-

Total This Period (only on last page of this schedule)

6642

Enter this total on page
11 of Summary Page

Kentucky Registry of Election Finance
1904 Louisville Road
Frankfort, Kentucky 40601
(502) 564-2226

FUND RAISERS SCHEDULE 4

1. Name of Candidate	2. Committee Name	3. This Statement Covers
	Mont. Co. Democratic Ex. Comm	From 6-1-90 Mo. Day Yr. To 11-30-90 Mo. Day Yr.

[illegible]

NOTE: Individual Entries on this schedule recap information reported in other schedules being filed. This schedule is not to be filed separately but must be included with the Election Finance Statement covering the period in which the fund raising activity took place.

10. Total

- 0 -



Kentucky Registry of Election Finance
1804 Louisville Road
Frankfort, Kentucky 40601
(502) 564-2226

DEBTS AND OBLIGATIONS

SCHEDULE 5

1. Name of Candidate	2. Committee Name Mont. Co Democrat.c Ex. Comm	3. This Statement Covers From 6-1-90 Mo. Day Yr. To 11-30-90 Mo. Day Yr.
----------------------	--	--

4. This Schedule itemizes:
(Check either (a) or (b) Do not mix (a) and (b) on same page. Use this page for only the one checked.)

(a). ☐ Debts and obligations owed by committee/candidate

8

(b). ☐ Debts and obligations owed to committee/candidate

[illegible]

This schedule must be filed with every Campaign Statement up to and including the period in which all debts are repaid or otherwise satisfied.

Subtotal This Page**Total This Period (Complete only on last page of this schedule)**

Page 9 of 9

1 0 4 0 3 2 5 5 0 1

Enter this total on Line 9 "Dead By" or Line 10 "Dead If" on the Summary Page.