FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

PRE-MUR

THIS IS THE BEGINNING OF MUR # 238/MUR 3188
MUR 3046 merged with MUR 3188

DATE FILMED 11/9/95 CAMERA NO. 2

CAMERAMAN EES

9504369226444

MUR 2645

MUR 5727

THE ARIZONA REPUBLIC
120 East Van Buren Street • Phoenix, Arizona 85004
(602) 271-8000

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 MAR 19 AM 11:19

March 13, 1990

Larry Noble
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

90 MAR 19 PM 2:23

Dear Mr. Noble:

Enclosed is a Nov. 12, 1989 article by our newspaper outlining evidence that Emerald Homes, a California corporation, illegally reimbursed one or more of its employees for campaign contributions to Sen. Dennis DeConcini, D-Ariz.

The article clearly identifies the employees, dates and amounts, all from FEC records.

Following publication of that article, Sen. DeConcini notified your office of the circumstances of the contributions and provided you with supporting documents, including a copy of the William P. Junge letter which indicated that his contribution was reimbursed by his employer.

Mr. Fred Eiland of the FEC told us January that no inquiry would be undertaken into the contribution because Sen. DeConcini declined to make a formal, sworn complaint. The senator returned the contribution to Mr. Junge and the matter was apparently dropped.

I recently had an opportunity to review commission rules and discovered that any person could submit a signed, sworn complaint. Since we raised the issue to begin with, we will now provide you this signed, sworn statement so that you can initiate an inquiry.

We look forward to your response.

Sincerely,

Richard R. Robertson
Investigations Editor

OFFICIAL SEAL
ANGELA D. FREEMAN
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Expires June 30, 1993

Angela D. Freeman

State of Arizona
County of Maricopa

Phoenix Newspapers, Inc. • P.O. Box 1950 • Phoenix, Arizona 85001

FINAL EDITION

THE ARIZONA REPUBLIC

$1.25

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Sunday, November 12, 1989 ★★ Phoenix, Arizona G 100th year, No. 1[illegible]

DeConcini contributor's note hints firm illegally gave funds

By Jerry Kammer and Andy Hall
The Arizona Republic

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Campaign contributions from at least one home-building executive to Sen. Dennis DeConcini may have been illegally funded by his employer, Emerald Homes, documents indicate.

Federal Election Commission records show that William P. Junge was one of five Emerald executives in the Phoenix-based firm's northern California office who, on May 7, 1987, contributed $600 each to the Arizona senator's campaign fund.

However, a note from Junge to DeConcini two months ago — a copy of which was obtained by *The Arizona Republic* — says that Emerald "actually made this contribution."

DeConcini notified the election commission of Junge's note on Nov. 1 after an inquiry by *The Republic*.

Under federal election laws, it is illegal for a corporation to make political contributions or to reimburse a contributor in order to, in effect, hide the true source of the funds. Penalties can include negotiated agreements, fines of up to

— See DECONCINI, page A8

Edwin Gray / Five senators dispute his statement that they sought to negotiate favorable treatment for Lincoln Savings at an April 1987 meeting.

FBI probing 5 senators

Keating links focus — thrift regulator could be ousted

Republic Wire Services

WASHINGTON — The FBI has begun an investigation of the role five senators played in intervening with regulators in 1987 in behalf of controversial Arizona financial executive Charles H Keating Jr., according to sources who were questioned.

And in an interview published Saturday, President Bush, commenting on the Lincoln Savings and Loan scandal for the first time, said that he is considering whether to remove M. Danny Wall as the nation's chief thrift regulator in the wake of a congressional investigation.

FBI agents interviewed Edwin Gray, former head of the Federal Home Loan Bank Board, and several of his top aides, the sources said, providing the first indication that the Justice Department is inquiring about the conduct of the five senators. An FBI spokesman declined to comment Saturday.

The senators being investigated [illegible] Dennis DeConcini and John M[illegible] of Arizona, Alan Cranston of C[illegible] nia, John Glenn of Ohio and D[illegible] Riegle of Michigan. All are D[illegible] crats except McCain, who [illegible] Republican. The Senate Ethics C[illegible] mittee has asked the senato[illegible] respond to complaints that [illegible] intervention was "prompted [illegible]

— See FBI, p[illegible]

9 5 0 4 3 6 9 2 6 4 6

DeConcini contributor's note hints firm illegally gave funds

— [illegible], from page A1

$25,000 and up to a year in prison.

Emerald officials denied any impropriety and said all contributions from employees were their own and were not reimbursed.

Besides the California contributors, four Phoenix-based Emerald executives gave $1,000 each during 1987. An additional $3,000 was contributed by Philip J. Polich, Emerald's president and chief executive officer, and his wife, Cynthia.

Emerald, with operations in the Phoenix, Houston, San Diego and San Francisco areas, was identified in a $1.1 billion federal racketeering lawsuit as participating with Charles H Keating Jr. and others in fraudulent real-estate transactions involving Keating's Lincoln Savings and Loan.

Ethics questions

Keating's campaign contributions to DeConcini and four other U.S. senators are the subject of a preliminary Senate Ethics Committee investigation. The committee is attempting to determine whether the contributions prompted the senators to intervene in April 1987 in Keating's behalf in a battle against federal thrift regulators. Lincoln, a California thrift, has been placed in federal receivership in what apparently is the nation's worst thrift failure.

Emerald's largest transaction with Lincoln was in September 1987, when the company paid $9.6 million for 580 acres in Keating's master-planned community of Estrella, 20 miles southwest of Phoenix. On the same day that it made the purchase, Emerald received a $25 million line of credit from Lincoln.

Once known as Dietz-Crane, the firm was bought in 1982 by a group of Dietz-Crane executives led by Philip Polich. They changed the name to Emerald and in 1986 made it a master limited partnership.

Emerald's vice president and chief financial officer, Eugene L. Baker, said, "On a regular basis, we do request our executive officers to make contributions to political officials, but those are not required contributions, and they are not tied to reimbursements in any way."

'Not making any comment'

But DeConcini spokesman Bob Maynes, said Junge's note "raises the question of whether or not the law was broken" by Emerald.

Junge declined last week to discuss his contribution or explain his note.

"Maybe I'll talk to somebody with some authority if they want to press the issue, (but) I'm not making any comment to the newspaper," said Junge, who resigned from Emerald in May and now operates his own development company in the San Francisco Bay area.

Junge's note was written on a form letter mailed by DeConcini's office to contributors in early summer explaining that DeConcini's campaign treasurer, Thomas F. Karlsen, apparently had embezzled funds and that they could request a partial refund.

Karlsen was indicted in October by a federal grand jury in Phoenix on five counts of mail fraud stemming from the theft of about $500,000 from DeConcini's election funds since 1982.

The form asked contributors to check a box indicating whether they wished to receive a refund, did not desire a refund or wanted to contribute additional money.

Junge marked the box indicating he wanted no refund and wrote in capital letters on the "Comments" line: "I am no longer with Emerald Homes — the company that actually made this contribution." He underlined the word "actually."

'Under confidential cover'

Maynes said that 1,276 forms were returned in July and August and that campaign workers apparently overlooked Junge's note until *The Republic* asked for a copy.

DeConcini's staff then retrieved the note from their files and sent it on Nov. 1 to the Federal Election Commission with a letter from DeConcini saying it "raises questions that I find necessary and advisable to call to your attention."

FEC press officer Fred Eiland said he could not comment on the DeConcini request for a probe of the Junge contribution.

"If someone writes to the commission indicating there may have been a violation of the law, that could turn into . . . an enforcement action," Eiland said.

"By law, that would be under confidential cover until the commission was completed with it."

CONTRIBUTIONS TO DECONCINI

1987 contributions to DeConcini from Emerald officials based in northern California.

Neil Anzalone	May 7	$600
Curtis J. Henderson	May 7	$600
William P. Junge	May 7	$600
Tom A. Mendelke (spouse)	May 7	$600
Sam Vanderpool	May 7	$600

1987 contributions to DeConcini from Emerald officials based in Phoenix.

Eugene L. Baker	May 7	$1,000
Philip J. Polich	May 18	$1,000
James F. Wolvenmuller	May 27	$1,000
Jon M. James	May 28	$1,000
Randall P. Birdwell	June 5	$1,000
Cynthia Polich	Dec. 31	$1,000
Philip J. Polich	Dec. 31	$1,000

Emerald's Baker said the company asked its California employees to contribute to an Arizona senator because "it's an Arizona-based company and we just feel that, in general, Mr. DeConcini has been favorable toward Arizona-based companies in terms of trying to assist those companies in generating legislation which is positive for the Arizona economy, and we were trying to ensure that Mr. DeConcini was re-elected."

DeConcini, a Democrat, was elected to a third Senate term last November.

Senator 'very helpful'

Baker said Emerald supported DeConcini out of gratitude for his efforts in behalf of a "builder bonds" program that helped home builders provide low-cost mortgages in the early 1980s, during a time of high interest rates.

Baker said the program "was very instrumental back in the early '80s in getting the housing business going here in Arizona again."

"Mr. DeConcini was very helpful in that regard. As a result, we felt he was good for Arizona and good for Emerald Homes," Baker said.

Another contributor, Curtis J. Henderson, the head of Emerald's northern California operations, said he "made a contribution to a politician who was supportive of our industry." He refused to say whether he had been reimbursed for his $600 contribution.

Neil Anzalone, also a $600 contributor, said he had not been reimbursed.

"I resent anybody asking about my political contributions," he said hastedly.

Tom A. Mendelke, who also contributed $600 and is shown in FEC records as an Emerald employee, said that he does not work for Emerald but that his wife, Cherel, does. She would not comment.

Tom Mendelke said that his wife has received bonuses but that he does not believe they constituted reimbursement for the contribution.

Mendelke said that he thinks he made the contribution to DeConcini at the suggestion of Emerald officials, even though he and his wife knew little about DeConcini.

"I know who he is and the fact he's the senator from Arizona," Mendelke said.

"I'm not sure exactly of anything else about him. I know Emerald Homes does a lot of business in Arizona."

The fifth California contributor, Sam Vanderpool, did not return phone calls.

Contributing to this article were researchers John Doherty and Philip Curdy of *The Arizona Republic*.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 22, 1990

Richard R. Robertson
Investigations Editor
The Arizona Republic
120 East Van Buren Street
Phoenix, Arizona 85004

Dear Mr. Robertson:

This is to acknowledge receipt on March 19, 1990, of your letter dated March 13, 1990. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint be sworn to and signed in the presence of a notary public and notarized. Although your letter was notarized, there is no indication by the notary that your complaint was sworn to and signed in her presence.

You must swear before a notary that the contents of your complaint are true to the best of your knowledge, and the notary must represent as part of the jurat that such swearing occurred. The preferred form is as follows: "Subscribed and sworn before me on this _____ day of _____, 1990." In the alternative, a statement by the notary that the complaint was sworn to and subscribed before her will be sufficient. We are sorry for the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

cc: Emerald Homes
William Junge
DeConcini '88 Committee

9504369268

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 22, 1990

Emerald Homes
5333 North 7th Street
Suite 310
Phoenix, AZ 85014

Dear Sir or Madam:

On March 19, 1990, the Federal Election Commission received a letter alleging that Emerald Homes violated sections of the Federal Election Campaign Act of 1971, as amended. As indicated from the copy of the enclosed letter addressed to the complainant, those allegations do not meet certain specified requirements for the proper filing of a complaint. Thus, no action will be taken on this matter unless the allegations are refiled meeting the requirements. If the matter is refiled, you will be notified at that time.

This matter will remain confidential for 15 days to allow for the correction of the defects. If the defects are not cured and the allegations are not refiled, no additional notification will be provided and the file will be closed.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
Copy of Improper Complaint
Copy of letter to the Complainant

9504369249

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

March 22, 1990

Lynda Schmitz, Treasurer
DeConcini '88 Committee
5039 N. 19th Avenue, #3
Phoenix, AZ 85015

Dear Ms. Schmitz:

On March 19, 1990, the Federal Election Commission received a letter alleging that the DeConcini '88 Committee ("Committee") and you, as treasurer, violated sections of the Federal Election Campaign Act of 1971, as amended. As indicated from the copy of the enclosed letter addressed to the complainant, those allegations do not meet certain specified requirements for the proper filing of a complaint. Thus, no action will be taken on this matter unless the allegations are refiled meeting the requirements. If the matter is refiled, you will be notified at that time.

This matter will remain confidential for 15 days to allow for the correction of the defects. If the defects are not cured and the allegations are not refiled, no additional notification will be provided and the file will be closed.

If you have any questions, please do not hesitate to call me at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
Copy of Improper Complaint
Copy of letter to the Complainant

9504369265O

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 22, 1990

William P. Junge
2320 Corte De La Lara
Pleaston, California 94568

Dear Mr. Junge:

On March 19, 1990, the Federal Election Commission received a letter alleging that you violated sections of the Federal Election Campaign Act of 1971, as amended. As indicated from the copy of the enclosed letter addressed to the complainant, those allegations do not meet certain specified requirements for the proper filing of a complaint. Thus, no action will be taken on this matter unless the allegations are refiled meeting the requirements. If the matter is refiled, you will be notified at that time.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
Copy of Improper Complaint
Copy of letter to the Complainant

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OGC 5870

THE ARIZONA REPUBLIC
120 East Van Buren Street • Phoenix, Arizona 85004
(602) 271-8000

RECEIVED
FEDERAL ELECTION COMMISSION
MAR - 9 PM
90 APR -9 AM 9:56

MUR 3046

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 APR -9 PM 4:02

April 4, 1990

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

Dear Mr. Noble:

I am receipt of your March 22 letter, written by Lois G. Lerner of your staff, in which she indicates that the words I used in my March 13 letter saying that I was providing a sworn statement, weren't sufficient. She said my letter has to contain specific swearing language — which she kindly provided — and that a notary has to swear that swearing occurred.

Therefore, you will find attached the same letter I sent to you on March 13, but this time containing the statutorily required swearing.

I trust that this will now allow you to proceed.

Sincerely,

Richard R. Robertson
Investigations Editor

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Phoenix Newspapers, Inc. • P.O. Box 1950 • Phoenix, Arizona 85001

THE ARIZONA REPUBLIC
120 East Van Buren Street • Phoenix, Arizona 85004
(602) 271-8000

April 4, 1990

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

Dear Mr. Noble:

Enclosed is a Nov. 12, 1989, article by our newspaper outlining evidence that Emerald Homes, a California corporation, illegally reimbursed one or more of its employees for campaign contributions to Sen. Dennis DeConcini, D-Ariz.

The article clearly identifies the employees, dates and amounts, all from FEC records.

Following publication of that article, Sen. DeConcini notified your office of the circumstances of the contributions and provided you with supporting documents, including a copy of the Mr. William P. Jung letter, which indicated that his contribution was reimbursed by his employer.

Mr. Fred Eiland of the FEC told us in January that no inquiry would be undertaken into the contributions because Sen. DeConcini declined to make a formal, sworn complaint. The senator returned the contribution to Mr. Jung, the senator's spokesman told us, and the matter was apparently dropped.

I recently had an opportunity to review commission rules and discovered that any person could submit a signed, sworn complaint. Since we raised the issue to begin with, we will now provide you with this signed, sworn statement so that you can initiate an inquiry.

I swear this statement and the attached article are true to the best of my knowledge.

We look forward to your response.

Sincerely,

Richard R. Robertson
Investigations Editor

Subscribed and sworn before me on this 4th day of April, 1990.

OFFICIAL SEAL
ANGELA R. FREEMAN
NOTARY PUBLIC - STATE OF ARIZONA
MARICOPA COUNTY
My Comm. Expires March 30, 1993

Angela R. Freeman
My Commission Expires
June 30, 1993

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FINAL EDITION

THE ARIZONA REPUBLIC

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Sunday, November 12, 1989 ★★ Phoenix, Arizona G

DeConcini contributor's note hints firm illegally gave funds

By Jerry Kammer and Andy Hall
The Arizona Republic

© Copyright, 1989 The Arizona Republic

Campaign contributions from at least one home-building executive to Sen. Dennis DeConcini may have been illegally funded by his employer, Emerald Homes, documents indicate.

Federal Election Commission records show that William P. Junge was one of five Emerald executives in the Phoenix-based firm's northern California office who, on May 7, 1987, contributed $400 each to the Arizona senator's campaign fund.

However, a note from Junge to DeConcini two months ago — a copy of which was obtained by *The Arizona Republic* — says that Emerald "actually made this contribution."

DeConcini notified the election commission of Junge's note on Nov. 1 after an inquiry by *The Republic*.

Under federal election laws, it is illegal for a corporation to make political contributions or to reimburse a contributor in order to, in effect, hide the true source of the funds. Penalties can include negotiated agreements, fines of up to

— See DECONCINI, *page A8*

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DeConcini contributor's note hints firm illegally gave funds

— DECONCINI, *from page A1*

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'Not making any comment'

But DeConcini spokesman Bob Maynes, said Junge's note "raises the question of whether or not the law was broken" by Emerald.

Junge declined last week to discuss his contribution or explain his note.

"Maybe I'll talk to somebody with some authority if they want to press the issue, (but) I'm not making any comment to the newspaper," said Junge, who resigned from Emerald in May and now operates his own development company in the San Francisco Bay area.

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FEC press officer Fredi Eiland said he could not comment on the DeConcini request for a probe of the Junge contribution.

"If someone writes to the commission indicating there may have been a violation of the laws, that could turn into . . . an enforcement action," Eiland said.

"By law, that would be under confidential cover until the commission was completed with it."

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"I'm not sure exactly of anything else about him. I know Emerald Homes does a lot of business in Arizona."

The fifth California contributor, Sam Vanderpool, did not return phone calls.

Contributing to this article were researchers John Doherty and Philip Curdy of *The Arizona Republic*.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

Richard R. Robertson
Investigations Editor
The Arizona Republic
120 East Van Buren Street
Phoenix, Arizonia 85004

RE: MUR 3046

Dear Mr. Robertson:

This letter acknowledges receipt on April 9, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Emerald Homes, and the eleven individuals mentioned in your article. 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 3046. 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

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

9504369226556

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

Mr. Philip J. Polich
President
Emerald Homes
5333 North 7th Street
Suite 310
Phoenix, Arizona 85014

RE: MUR 3046
Emerald Homes and Philip J. Polich, as President

Dear Mr. Polich:

The Federal Election Commission ("the Commission") received a complaint which alleges that Emerald Homes and you, as President, may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On the same date the Commission received your letter dated April 6, 1990, which discussed the results of your internal investigation of the same matter. We hereby acknowledge receipt of your submission and enclose a copy of the complaint. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 additional 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 Office of the General Counsel, must be submitted within 15 days of receipt of this letter. If no further 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.

If you have any questions, please contact Jim Brown, the

9504369265 7

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

9504369226558

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

William P. Junge
2320 Corte De La Lara
Pleasanton, CA 94568

RE: MUR 3046

Dear Mr. Junge:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

9504369265 9

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

95043369226 60

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

Sam Vanderpool
148 Pebble Place
San Ramon, CA 94583

RE: MUR 3046

Dear Mr. Vanderpool:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

9504369266 1

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

9504369226622

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

Curtis J. Henderson
5541 Blackbird Drive
Pleasanton, CA 94565

RE: MUR 3046

Dear Mr. Henderson:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

9504336922663

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

9504336922664

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

Jon M. James
7020 E. Ludlow
Scottsdale, AZ 85254

RE: MUR 3046

Dear Mr. James:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

9504369266 5

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

95043692666

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

Randall P. Birdwell
8196 E. Del Platino Drive
Scottsdale, AZ 85258

RE: MUR 3046

Dear Mr. Birdwell:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

9504369226677

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

9504136926688

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

Eugene L. Baker
9201 N. Concho Lane
Phoenix, AZ 85028

RE: MUR 3046

Dear Mr. Baker:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

9504369226 69

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

95043692670

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

Cynthia Polich
8920 N. 23rd Avenue
Phoenix, AZ 85069

RE: MUR 3046

Dear Ms. Polich:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

9504336926711

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

9504136926772

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

Philip J. Polich
8920 N. 23rd Avenue
Phoenix, AZ 85069

RE: MUR 3046

Dear Mr. Polich:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

9504369267 3

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

9504369226174

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

Neil Anzalone
2508 Toltec Circle
San Ramon, CA 94583

RE: MUR 3046

Dear Mr. Anzalone:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

9504369267 5

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

9504136926776

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

James F. Wehmueller
4516 W. Purdue
Glendale, AZ 85302

RE: MUR 3046

Dear Mr. Wehmueller:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

9504369267 7

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

9504369226778

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1990

Cheryl Mendelke
131 Pebble Place
San Ramon, CA 94583

RE: MUR 3046

Dear Ms. Mendelke:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

9504136926779

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

95043692680

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

May 2, 1990

POSTMASTER
Scottsdale, AZ
85258

RE: MUR 3046

Dear Sir or Madam:

Pursuant to 39 C.F.R. § 265(d)(1), we request that you provide us with the present address of Randall P. Birdwell. According to our records, the address of Mr. Birdwell was 8196 E. Del Platino Drive, Scottsdale, AZ, 85258 as of June 5, 1987.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Thank you for your assistance.

Sincerely,

Jim Brown

Jim Brown
Attorney

Enclosure
Envelope

9504369261

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 2, 1990

POSTMASTER
Phoenix, AZ
85069

RE: MUR 3046

Dear Sir or Madam:

Pursuant to 39 C.F.R. § 265(d)(1), we request that you provide us with the present address of Cynthia Polich. According to our records, the address of Ms. Polich was 8920 N. 23rd Avenue, Phoenix, AZ as of December 31, 1987.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Thank you for your assistance.

Sincerely,

Jim Brown

Jim Brown
Attorney

Enclosure
Envelope

9504369268 2

OGC 6121

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 MAY -4 AM 10:01

UNIQUE PROPERTIES

April 26, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY -4 AM 11:39

James Brown
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3046

Dear Mr. Brown,

This letter is in response to complaint that alleges I violated the Federal Election Campaign Act of 1971.

The Arizona Republic in the article printed that James F. Wehmueller was an official of Emerald Homes and that I contributed $1,000.00 to Dennis DeConcini. I did infact contribute to Dennis DeConcini $1,000. but am not nor was ever employed by Emerald Homes and was not reimbursed for the contribution. I am in the Real Estate business and have owned my own company since 1975.

I swear that this statement is true to the best of my knowledge.

Respectfully,

James F. Wehmueller
President
Unique Properties

Subscribed and sworn before me on this 30th day of April 1990.

OFFICIAL SEAL
MARY ANN VILLA
NOTARY PUBLIC STATE OF ARIZONA
MARICOPA COUNTY
My Comm. Expires June 30, 1993

Mary Ann Villa

5333 NORTH 7TH STREET • SUITE 224 • PHOENIX, ARIZONA 85014 • (602) 230-0771

OGC 6139

LAW OFFICES
O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION

PHOENIX OFFICE
SUITE 1100
ONE EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85012-1656

TELEPHONE (602) 263-2400
FAX (602) 263-2900
TELEX 165-171 OCC-LAW

TUCSON OFFICE
SUITE 2300
ONE SOUTH CHURCH AVENUE
TUCSON, ARIZONA 85701-1611
FAX (602) 624-0564

SUN CITY OFFICE
SUITE B
13250 NORTH DEL WEBB BOULEVARD
SUN CITY, ARIZONA 85351-2053
FAX (602) 933-3100

OF COUNSEL
KENNETH L. TODD

90 MAY -3 AM 8:15
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

May 4, 1990

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

VIA FAX AND U.S. MAIL

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

Re: MUR 3046

Dear Ms. Lerner:

Emerald Homes, Inc. has asked us to represent the Company, Phillip J. Polich, Curtis J. Henderson, Eugene L. Baker, Cheryl Mendelke, Neil Anzalone and Sam Vanderpool in responding to the above captioned MUR.

I spoke with Mr. James Brown of your office this morning with regard to our need for a fifteen (15) day continuance to respond to your letter of April 20, 1990. This request for continuance is necessitated by a number of factors. While your letter was received by Emerald Homes, Inc. on April 24, 1990, we were unaware of its existence until late in the afternoon of May 2, 1990. Additionally, as you can appreciate, there may be conflicts of interest which need to be discussed and waived by Emerald Homes, Inc. and the individuals we have been asked to represent. Obviously this is an important consideration for all parties involved and since many of them are located in Northern California, we simply need additional time to fulfill our responsibilities as attorneys. Lastly, we learned yesterday afternoon that Mr. Curtis J. Henderson was leaving on vacation early this morning and will not return until the morning of May 14, 1990. Under these circumstances, we hope you will grant an extension until May 24, 1990 to respond.

9504136922684

When I spoke with Mr. Brown this morning he indicated that Statements of Designation of Counsel needed to be filed. I will not be able to have executed statements until early next week because of the logistical problems and the conflict of interest issue. However, I did want to submit this request for an extension to you as soon as possible.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl

cc: Emerald Homes, Inc.
Phillip J. Polich
Curtis Henderson
Eugene L. Baker
Cheryl Mendelke
Neil Anzalone
Sam Vanderpool

0504369 2685

OGC 6133

Curtis J. Henderson
5541 Blackbird Drive
Pleasanton, CA 94566

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 MAY -8 AM 11:53

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY -8 AM 11:54

May 3, 1990

Mr. James Brown
Associate General Counsel
Federal Elections Commission
Washington, D.C. 20463

Re: MUR 3046

Dear Mr. Brown:

I am in receipt of the F.E.C. April 20, 1990 letter requesting a response from me within 15 days of receipt of the letter, which I received an April 24th. This letter was signed by associate counsel Ms. Lois C. Lerner.

Obviously, those of us who received your letter passed it on to our superiors. They were to have responded to me on May 2nd but no later than May 3rd and I have not heard definitive word.

The reason for this letter is to request an extension until May 15th. The reason for this extension is I will be out of the country from 5/4 to 5/14 and unable to learn what advice they have to give.

Thank you very much for your cooperation in this matter.

Very truly yours,

Curtis J. Henderson

Curtis J. Henderson

9504369266

OGC 6217

LAW OFFICES
O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION
SUITE 1100
ONE EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85012-1656

TELEPHONE (602) 263-2400 FAX (602) 263-2900
TELEX 165-171 OCC-LAW

PHOENIX OFFICE
JAMES H. O'CONNOR (1928-1979)

TUCSON OFFICE
SUITE 2200
ONE SOUTH CHURCH AVENUE
TUCSON, ARIZONA 85701-1621
FAX (602) 624-8864

SUN CITY OFFICE
SUITE B
13250 NORTH DEL WEBB BOULEVARD
SUN CITY, ARIZONA 85351-2083
FAX (602) 933-3100

OF COUNSEL
KENNETH I. TODD

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

May 8, 1990

90 MAY 14 PM 3:11
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 MAY 14 AM 10:27

950043692687

VIA FAX AND U.S. MAIL

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

Re: MUR 3046

MUR 2677

Dear Ms. Lerner:

As I mentioned in my letter to you of May 4, 1990, we have been asked by Emerald Homes, Inc. to represent it and certain of its current and former employees in connection with MUR 3046.

Last Friday's letter requested an extension of time to respond to your request for information until May 24, 1990. You have indicated to me that I need to file with your office Statements of Designation of Counsel before that extension will be granted.

Enclosed please find Statements of Designation of Counsel for Emerald Homes, Inc., Philip J. Polich, Eugene L. Baker, Neil Anzalone, Cherel Mandelke and Sam Vanderpool.

We have also been asked by the Company to represent Mr. Curtis J. Henderson. Mr. Henderson is on vacation. However, I understand he wrote to Mr. Brown on May 3, 1990 requesting an extension until May 15, 1990. A copy of that letter is attached.

LAW OFFICES
O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION

When Mr. Henderson returns from vacation I will discuss with him whether he would like us to represent him in this matter as well.

I would appreciate your letting me know whether we have the extension until May 24, 1990 to respond to your letters as soon as possible.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl
cc: Mr. James Brown
Emerald Homes, Inc. (w/o enclosures)
Philip J. Polich (w/o enclosures)
Eugene Baker (w/o enclosures)
Neil Anzalone (w/o enclosures)
Cherel Mandelke (w/o enclosures)
Sam Vanderpool (w/o enclosures)
Curtis J. Henderson (w/o enclosures)

9504369268 8

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3046

NAME OF COUNSEL: Paul J. Roshka, Jr.

ADDRESS: O'Connor, Cavanagh, Anderson,
Westover, Killingsworth & Beshears
One E. Camelback Rd., Suite 1100
Phoenix, Arizona 85012-1656

TELEPHONE: (602) 263-2558

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.

5-4-90
Date

Signature

RESPONDENT'S NAME: EUGENE L. BAKER

ADDRESS: 6149 E. HEARN ROAD
SCOTTSDALE, ARIZONA 85254

HOME PHONE: (602)998-1759

BUSINESS PHONE: (602)837-8272

9504369269

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3046

NAME OF COUNSEL: Paul J. Roshka, Jr.

ADDRESS: O'Connor, Cavanagh, Anderson
~~Westover, Killingsworth & Beshears~~
~~One E. Camelback, Suite 1100~~
Phoenix, Arizona 85012-1656

TELEPHONE: (602) 263-2558

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.

5-7-90
Date

Neil Anzalone
Signature

RESPONDENT'S NAME: Neil Anzalone

ADDRESS: 6575 Clark Ave #101
Dublin, Calif.
94568

HOME PHONE: 707-421-2660

BUSINESS PHONE: 415-828-9100

9504369269O

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3046

NAME OF COUNSEL: Paul J. Roshka, Jr.

ADDRESS: O'CONNOR, CAVANAGH, ANDERSON,
WESTOVER, KILLINGSWORTH & BESHEARS
One E. Camelback, Rd., Suite 1100
Phoenix, Arizona 85012-1656

TELEPHONE:

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.

5/7/90
Date

Cheryl Mandelbe
Signature

RESPONDENT'S NAME: Cheryl MANDELKE

ADDRESS: 6325 Clark Ave #101
Dublin, Ca. 94568

HOME PHONE: (415) 829-9738

BUSINESS PHONE: (415) 828-9100

9504369269 1

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3046

NAME OF COUNSEL: Paul J. Roshka, Jr.

ADDRESS: O'Connor, Cavanagh, Anderson,
Westover, Killingsworth & Beshears
One E. Camelback, Suite 1100
Phoenix, Arizona 85012-1656

TELEPHONE: (602) 263-2558

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.

5/7/90
Date

Sam Vanderpool
Signature

RESPONDENT'S NAME: Sam Vanderpool

ADDRESS: 148 Pebble Place
San Ramon Ca 94583

Business Address 6375 Clark Ave #101 Dublin Ca 94568

HOME PHONE: 415) 829-2562

BUSINESS PHONE: 415) 828-9100

9504369269 2

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3046

NAME OF COUNSEL: Paul Roshka, Jr - O'Connor, Cavanagh, et al

ADDRESS: One East Camelback
Suite 1100
Phoennix, Arizona 85012

TELEPHONE: (602) 263-2400

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.

May 7, 1990
Date

Signature

RESPONDENT'S NAME: Philip J. Polich

ADDRESS: C/O Emerald Homes
5333 N. 7th Street, Suite 310
Phoenix, Arizona 85014

HOME PHONE: (602) 955-9486

BUSINESS PHONE: (602) 995-9100

9504369269 3

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3046

NAME OF COUNSEL: Paul Roshka, Jr. - O'Connor, Cavanagh, et al

ADDRESS: One East Camelback
Suite 1100
Phoenix, Arizona 85012

TELEPHONE: (602) 263-2400

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.

May 7, 1990
Date

Signature

RESPONDENT'S NAME: Emerald Homes, by Philip J. Polich, President

ADDRESS: 5333 No. 7th Street, Suite 310
Phoenix, Arizona 85014

HOME PHONE:

BUSINESS PHONE: (602) 995-9100

9504336926994

OGC 619
RECEIVED
FEDERAL ELECTION COMMISSION
90 MAY 10 AM 8:22
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY 10 AM 8:23

May 07, 1990

Office of the General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 3046

Gentlemen:

I have received your letter of April 20, 1990, concerning a campaign contribution made by me to Senator Dennis DeConcini.

Please note that I was instructed by Mr. Curtis J. Henderson, Executive Vice President and General Manager of Emerald Homes, to buy tickets to a DeConcini dinner. I was also told that I would be reimbursed by Emerald for my expense. I complied with my supervisor's instructions, wrote the check, and was reimbursed accordingly.

I hope that the Commission finds no reason to believe that I am in violation of the Federal Election Campaign Act, but merely followed instructions.

Very truly yours,

William P. Jungé

9504336922695

OGC 621

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 MAY 14 AM 11:13

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 MAY 14 PM 3:10

May 9,1990

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

RE: MUR 3046

Dear Mr. Noble:

I am in receipt of your letter alleging that I may have violated sections of the Federal Election Campaign Act of 1971.

Emerald Homes did not reimburse to me any of the $1,000 that I contributed to the DeConcini campaign.

Please let me know if you need any further information. My new address is 9340 N. 92nd Street #207, Scottsdale, Az. 85258

Sincerely,

Jon M. James

9504369226996

OGC6230

(830)

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 MAY 14 AM 9:57

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 2, 1990

POSTMASTER
Scottsdale, AZ
85258

RE: MUR 3046

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY 14 AM 9:10

Dear Sir or Madam:

Pursuant to 39 C.F.R. § 265(d)(1), we request that you provide us with the present address of Randall P. Birdwell. According to our records, the address of Mr. Birdwell was 8196 E. Del Platino Drive, Scottsdale, AZ, 85258 as of June 5, 1987.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Thank you for your assistance.

Sincerely,

Jim Brown

Jim Brown
Attorney

Enclosure
Envelope

Carrie has been on Rt. for three years — has no knowledge of this party living there — or moving.

9504369269?

OGC6240

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 MAY 15 AM 10:32

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 2, 1990

POSTMASTER
Phoenix, AZ
85069

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 MAY 15 AM 11:50

RE: MUR 3046

Dear Sir or Madam:

Pursuant to 39 C.F.R. § 265(d)(1), we request that you provide us with the present address of Mr. Philip J. Polich. According to our records, the address of Mr. Polich was 8920 N. 23rd Avenue, Phoenix, AZ, 85069 as of December 31, 1987.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Thank you for your assistance.

Sincerely,

Jim Brown

Jim Brown
Attorney

Enclosure
Envelope

This is A BUSINESS ADDRESS — ZIP 85021 (85069 would be a P.O. Box, zip #)

this party unknown in LAST 3 YEARS.

J. Allebey 85021-49 5-10-90

95043692698

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
90 MAY 15 AM 10:32

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 2, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY 15 AM 11:

POSTMASTER
Phoenix, AZ
85069

RE: MUR 3046

Dear Sir or Madam:

Pursuant to 39 C.F.R. § 265(d)(1), we request that you provide us with the present address of Cynthia Polich. According to our records, the address of Ms. Polich was 8920 N. 23rd Avenue, Phoenix, AZ as of December 31, 1987.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Thank you for your assistance.

Sincerely,

Jim Brown

Jim Brown
Attorney

Enclosure
Envelope

This is a BUSINESS ADDRESS. This party unknown in last 3 years — to check for forward would need BUSINESS NAME — No forward on "Polich." Forwards are only retained a couple years — only good for 12 mo.
E. Hollen 8502149 5/10/90

95043692699

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 14, 1990

Paul J. Roshka, Jr.
O'Connor, Cavanagh, Anderson, Westover,
Killingsworth & Beshears
One East Camelback Road, Suite 1100
Phoenix, Arizona 85012-1656

RE: MUR 3046
Emerald Homes, Inc.
Phillip J. Polich
Eugene L. Baker
Cheryl Mendelke
Neil Anzalone
Sam Vanderpool

Dear Mr. Roshka:

This is in response to your letter dated, and received on May 4, 1990, requesting an extension of 15 days until May 24, 1990, to respond to the Commission notification letter of April 20, 1990. Subsequently, on May 8, 1990, you forwarded Designation of Counsel forms for the respondents listed above. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on May 24, 1990.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9504369270 00

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 14, 1990

Curtis J. Henderson
5541 Blackbird Drive
Pleasanton, CA 94566

RE: MUR 3046
Curtis J. Henderson

Dear Mr. Henderson:

This is in response to your letter dated May 3, 1990, and received on May 8, 1990, requesting an extension until May 15, 1990, to respond to the Commission notification letter of April 20, 1990. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on May 15, 1990.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9504369201

OGC 6294

LAW OFFICES
O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION

PHOENIX OFFICE
JAMES H. O'CONNOR (1922-1978)
HARRY J. CAVANAGH
JOHN W. WESTOVER
ROBERT S. BESHEARS
GERALD L. JACOBS
EDWARD M. MITCHELL
RICHARD E. MITCHELL
MAYOR SHANNEN
JOLYON GRANT
HANKINS B. CLINE
STEVEN D. SMITH
R. DAVID LIEBNER
HENRY L. THIMMERMAN
DONALD E. SHERMAN
REDFIELD T. BAUM
MICHAEL W. CARNAHAN
LARRY L. SMITH
JEFFREY H. VERBIN
CHARLES J. SUCHMORE
JOHN S. FURMAN
CAROL R. CURR
SCOTT A. BRAMON
STEVEN L. LIEBER
BRIAN E. KELLEY
JOHN E. BERKLEY
RICHARD M. LORENZEN
GILBERT L. RUDOLPH
JEAN E. HARRIS
MAX R. BOYER
DAVID L. RUNTZ
STEPHEN E. RICHMAN
PAUL J. GIANCOLA
NEIL D. GERRARD
MICHELLE S. HOMBEREZ
NICHOLAS J. MILLMORR
SUSAN E. SELLS-SHAPIRO
BRADLEY J. STEVENS
ALAN A. MEDA
DAVID L. LANDRY
CHRISTINA L. HAMILTON
NORMAN L. MILLER
VICKI J. ROSENTHAL
MICHELLE R. O'CONNOR
CARMEN A. CHENAL
JAMES L. MARVIN
LUCAS J. NARWOOD
CHRISTOPHER ROBBINS
J. MATTHEW DERSTINE
LORI L. HEROS
TONY J. RUSSIAN
GAIL R. LANDE
WILLIAM A. CARNAHAN
JOHN E. CHARLAND
TIMOTHY F. BOLDEN
TROY B. FRODERMAN
THERESE R. MCELHEE
PAUL G. SCHMIDT
WILBERT G. ANDERSON
JOHN M. KILLINGSWORTH
RALPH D. HUNSAKER
THOMAS A. BUSHNELL, JR.
RICHARD J. SHORE
ARTHUR P. ALLINGHAM
JEFFREY B. SMITH
LAWRENCE H. LIEBERMAN
RICHARD C. SMITH
ROBERT S. MANT
J. VICTOR STEFFEN
MICHAEL E. WOOLF
PHILLIP C. BERARD
FRANKLIN M. BACHER
CALVIN L. RAUP
CHARLES L. FINE
MARSHALL W. ANSTANDIG
DAVID W. BARL
CHARLES F. MYERS
SCOTT A. RIGGS
RICHARD B. STARR
PETER C. BUILD
PAUL J. ROSHKA, JR.
GLENN M. FELDMAN
JEFFREY E. BUCHANAN
DAVID B. BELL
MARK KIMBERLY
DANIEL W. PETERS
MICHAEL R. PERRY
DAVID A. VAN ENGELHOVEN
ROBERT A. BOHN
PAMELA M. OVERTON
RICHARD M. WEINROTH
FRANK M. FEIN
J. DANIEL CAMPBELL, III
MARK S. HERRNOT
RAYMOND S. HEYMAN
LISA M. GOMEZ
MICHAEL R. ALTAFFER
GEORGE H. FOSTER, JR.
TERESA D. PERRY
CHRISTINE M. ARDEN
ROBERT J. ITH
NINA A. ENTEEN
JANET E. KORNBLATT
LEWIS A. KAPLAN
DIANE BONNER
KAREN L. LIEPMANN
STEVEN M. RUDNER
DIANE M. BEAR
D. SCOTT PEHRMAN
STEVEN S. BOSNIK
MARC J. DEPODESTA
DAVID I. GOLDBERG
PAUL A. BANDER

TELEPHONE (602) 263-2400
FAX (602) 263-2900
SUITE 1100
ONE EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85012-1656
TELEX 165-171 OCC-LAW

TUCSON OFFICE
DONALD L. CROSS
ROBERT J. HOOKER
THOMAS M. PACE
TED A. SCHMIDT
B. ANN HOWEY
BRUCE R. HEVERLIN
TERRY A. BRIER
JAMES S. TOURTILLOTT
SCOTT S. BARNARD
PETER ARMANINO
STEPHEN E. HENNEKKAR
GREGORY J. KUYKENDALL
MARTIN R. JANELLO
SUITE 2300
ONE SOUTH CHURCH AVENUE
TUCSON, ARIZONA 85701-1621
FAX (602) 624-0564

SUN CITY OFFICE
WILLIAM W. SON CARLOS
WILLIAM C. WEAL, JR.
SUITE B
13250 NORTH DEL WEBB BOULEVARD
SUN CITY, ARIZONA 85351-3063
FAX (602) 933-3100

OF COUNSEL
KENNETH I. TODD

May 14, 1990

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

950043692702

Mr. Jim Brown, Attorney
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3046

Dear Mr. Brown:

Thank you for granting me an extension in the above captioned matter until May 24, 1990.

Mr. Phillip J. Polich's home address is 15903 Harwick Drive, Spring, Texas 77379.

I you have any questions, please do not hesitate to contact me.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jr
H:\JRL\EMERALD.SI

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY 21 PM 4:34

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 MAY 21 AM 10:49

006312

LAW OFFICES
O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION
SUITE 1100
ONE EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85012-1656

TELEPHONE (602) 263-2400 FAX (602) 263-2900
TELEX 165-171 OCC-LAW

PHOENIX OFFICE
JAMES H. O'CONNOR (1962-1976)

TUCSON OFFICE
SUITE 2300
ONE SOUTH CHURCH AVENUE
TUCSON, ARIZONA 85701-1621
FAX (602) 624-0564

SUN CITY OFFICE
SUITE B
13250 NORTH DEL WEBB BOULEVARD
SUN CITY, ARIZONA 85351-2063
FAX (602) 933-3100

OF COUNSEL
KENNETH L. TODD

May 18, 1990

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

90 MAY 23 PM 3:27
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

VIA FAX AND U.S. MAIL

Mr. Jim Brown, Attorney
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3046

Dear Mr. Brown:

As I indicated in our telephone conversation this morning, we have had an opportunity to speak with Mr. Jerry Henderson of Emerald Homes', Dublin, California office. Mr. Henderson would like us to represent him in responding to the above captioned matter.

Accordingly, we are hereby requesting that Mr. Henderson also be granted an extension until May 24, 1990 to respond to this matter.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl
H:\JRL\EMERALD.S

90 MAY 23 AM 9:13
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

9504369207 03

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3046

NAME OF COUNSEL: Paul J. Roshka, Jr.

ADDRESS: O'Connor, Cavanagh, et al.
One E. Camelback, Suite 1100
Phoenix, Arizona 85012-1656

TELEPHONE: (602) 263-2558

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.

May 16, 1990
Date

Curtis J. Henderson
Signature

RESPONDENT'S NAME: CURTIS J. HENDERSON

ADDRESS: Emerald Homes
6375 Clark Ave Suite 101
Dublin, California 94568

HOME PHONE: (415) 846-6652

BUSINESS PHONE: (415) 828-9100

9504336922/004

DGC 6355

LAW OFFICES
O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION

PHOENIX OFFICE

SUITE 1100
ONE EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85012-1656

TELEPHONE (602) 263-2400 FAX (602) 263-2900
TELEX 165-171 OCC-LAW

TUCSON OFFICE
SUITE 2300
ONE SOUTH CHURCH AVENUE
TUCSON, ARIZONA 85701-1611
FAX (602) 624-0564

SUN CITY OFFICE
SUITE B
13250 NORTH DEL WEBB BOULEVARD
SUN CITY, ARIZONA 85351-2063
FAX (602) 933-3100

OF COUNSEL
KENNETH F. TODD

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY 29 PM 3:50

May 24, 1990

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

VIA FAX AND AIRBORNE EXPRESS

Mr. James Brown, Attorney
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
90 MAY 29 AM 11:

Re: MUR 3046

Dear Mr. Brown:

We represent Emerald Homes ("Emerald"), Messrs. Phillip J. Polich, Curtis J. Henderson, Neil Anzalone, Sam Vanderpool, Eugene L. Baker, and Ms. Cherel Mandelke in connection with the matter designated as MUR 3046. We understand that reporters for the Arizona Republic ("the Republic") originally attempted to file a complaint in this matter with the Federal Election Commission ("FEC") on or about March 13, 1990. However, due to their failure to submit the matter under oath, the Staff declined to consider it at that time. The Republic resubmitted the complaint in apparently proper form on or about April 4, 1990. On April 6, 1990, prior to learning of the resubmission, Mr. Polich, Emerald's President, wrote to Ms. Lois G. Lerner, Associate General Counsel, in an attempt to explain the situation. (Attachment 1). Emerald learned that the Republic had filed a complaint with your agency, so Mr. Polich also contacted the newspaper directly and explained the situation to it. (Attachment 2). Shortly thereafter Ms. Lerner wrote our clients to advise them of the complaint and to solicit their responses. This letter and its attachments are our clients' responses to MUR 3046.

9504369270 5

On November 12, 1989, the Republic carried a story which reported that a former Emerald Vice President, Mr. William P. Junge, who was based in its Northern California Division, had written a note on a form mailed by Senator DeConcini's office to contributors to his re-election campaign. The purpose of the letter was to inform contributors that the Senator's campaign treasurer had embezzled funds and to notify them that they could request a refund. The form apparently asked contributors to check one of three boxes indicating whether they wished to receive a refund, did not desire a refund or wanted to contribute additional money. Mr. Junge was reported to have marked the box indicating that he did not want a refund. Although we have never seen the form, he was reported to have written on a "comments line" that he was no longer with Emerald and that the Company had actually made his contribution.

Emerald's Directors held their regularly scheduled Board Meeting the following Thursday, November 16, 1989. The Board was obviously concerned about the article and the suggestion of impropriety on its part and by its employees. At that meeting, the Board passed a resolution authorizing this law firm to conduct an internal review of the situation.

The review was conducted by Mr. Raymond S. Heyman and myself. We examined the expense accounts for each of the current and former Emerad employees who the paper reported had made contributions to Senator DeConcini. In addition, we reviewed expense accounts of other officers to be certain that the Republic had identified every contribution to the Senator. With the exception of Mr. Junge, each of the employees and former employees were interviewed in person. Mr. Junge would not make himself available for an interview, but did reluctantly discuss the situation with us by telephone. There were additional follow-up conversations with the employees as needed during the course of our review. The members of the Board were also interviewed.

Our review showed that in late spring, 1987, Mr. Polich was asked by another home builder to assist with a fundraiser for Senator DeConcini. We were told that this fundraiser was sponsored by home builders who felt that Senator DeConcini had been sensitive to their concerns in the early 1980's regarding "builder bonds". These instruments apparently provided low cost mortgages during a time of high interest rates. It was also our understanding that the builders were grateful for the Senator's concern during the enactment of the Tax Reform Act of 1986. Consequently, a fund-raiser was scheduled for June 5, 1987 in San Diego, California to support the Senator's re-election campaign.

During the course of his efforts to raise funds for this dinner, Mr. Polich spoke by telephone with Mr. Curtis J. Henderson, who was the Vice President in charge of Emerald's Northern California Division. Mr. Polich explained to Mr. Henderson that he was attempting to raise funds for Senator DeConcini in appreciation for his sensitivity to the issues mentioned above. Having agreed to be Co-Chairman, Mr. Polich established a personal goal of raising $10,000 for this event and was, at the time of his conversation with Mr. Henderson, $3,000 short of this goal. While Mr. Henderson was not that familiar with Senator DeConcini and unfamiliar with his positions on the building industry issues, Mr. Henderson agreed to help after Mr. Polich explained the Senator's support. Mr. Henderson said he would speak to his employees about raising the additional $3,000. Mr. Henderson believed he discussed reimbursing the employees with Mr. Polich. Mr. Polich did not recall a conversation on the subject.

Mr. Henderson then called Messrs. Vanderpool, Anzalone, Junge and Ms. Mandelke into his office. He explained the situation to them and asked each to contribute $600, which along with his check, would total $3,000. Mr. Henderson also explained that the Company was requesting that they contribute because of Senator DeConcini's support of various industry issues. Since his "political contribution" budget did not have adequate funds in it to reimburse the entire $3,000, he told the employees to submit reimbursement requests for auto repairs and other items. He felt that by proceeding this way he could reimburse the employees without any type of administrative transfers within the budget. Ms. Mandelke, who was the office controller, asked how the reimbursements should be handled. Mr. Henderson told her to spread them over various accounts. All basic accounting for the Northern California office, including expense reimbursement, was handled within the office itself. There was no review of the Northern California expense accounts in the Phoenix office prior to disbursement of the checks.

Each of the Northern California employees made a $600 contribution. Their checks were dated May 7, 1987 as the Republic article reported. They were unaware that reimbursement of campaign contributions was prohibited by the Federal Election Campaign Act ("FECA").

Ms. Mandelke prepared a reimbursement request on May 8, 1987 in the amount of $600. She indicated on her disbursement request that it was for a political contribution as there were adequate funds in this account for only one reimbursement. (Attachment 3).

9504369270

Mr. Vanderpool submitted a reimbursement request on May 8, 1987 for a number of items including invoices that had been paid by him for towing and replacement of the rear axle differential on his pick-up truck. (Attachment 4).

On May 8, 1990 Mr. Anzalone submitted an expense reimbursement for $600 in repairs to the power steering of a Company car. Mr. Anzalone was unaware this item was administratively charged to legal expenses. (Attachment 5).

Mr. Henderson submitted a voucher for legal expenses on May 8, 1987. (Attachment 6).

On May 8, 1987 Mr. Junge submitted a request for reimbursement for attendance at a Real Estate and Economic Symposium at the Fairmont Hotel in San Francisco, some cassette tapes and attendance at a BIA Management Seminar in Concord, California. Mr. Junge told us he did not attend any of those sessions or receive the cassette tapes. (Attachment 7).

We could find no evidence that any of the Phoenix based employees were reimbursed. Our conclusion was based upon reviewing their expense accounts as well as personal interviews with the employees. The Northern California employees were under the mistaken impression that all employees who contributed to Senator DeConcini were reimbursed by Emerald.

Our report was completed in January, 1990. However, because of changes that were occurring at Emerald and in the membership of its Board, we were not able to make a final presentation to the Board until March 29, 1990. As a result, the Board resolved that in the future Company employees were not to involve themselves in political contribution activities on the Company's premises. (Attachment 8). On March 30, 1990 Mr. Polich sent Mr. Henderson a memo requesting that the employees return the funds that were reimbursed. (Attachment 9). Those monies were returned to the Company in early April, 1990. (Attachment 10). Senator DeConcini's office was notified of the problem. On April 10, 1990 the Senator's office sent Mr. Polich, as President of Emerald, a check in the amount of $2,400 which represented the funds contributed by the employees. This check was returned on or about April 11, 1990 with instructions that the contributions should be returned directly to the employees as Emerald had not been a donor to the DeConcini campaign noting that it had been brought to the Company's attention that the employees had incorrectly charged these items to their expense accounts. (Attachment 11). It is our understanding that the contributions have been returned to the individual employees. Mr. Junge's

contribution was returned by Senator DeConcini in December, 1989. Mr. Junge returned that money to the Company in mid-January, 1990. (Attachment 12).

In an effort to be certain that this situation did not reoccur, on April 17, 1990 Mr. Polich sent a memo to all employees regarding political contributions. In that memo he made it clear that it would be the responsibility of General Managers to review all expense accounts to be certain that employees were not being improperly reimbursed for political contributions. The memo also made it clear that such reimbursements were illegal and would not be tolerated by Emerald. (Attachment 13).

We have attached statements from Messrs. Polich and Baker attesting to the fact that they were not reimbursed for their contributions. (Attachment 14).

In summary, this has been a very unfortunate situation for Emerald and its employees. The Company has received substantial adverse publicity. The expense of the internal review and representation before your agency have been considerable. The Northern California employees, who mistakenly thought they were following Company policy, have experienced a very stressful and emotional six months since the November 12, 1989 article was published. We believe that Emerald's Board responded properly and effectively in ordering an independent review of this situation. We also believe that the Board and Management took the appropriate steps to correct the reimbursements by notifying Senator DeConcini's office and having the employees return the contributions to the Company. Each of these contributions have been returned by Senator DeConcini to the employees. We believe that the Company acted properly in notifying all employees that reimbursement of political contributions will not be tolerated and ensuring that General Managers understand it is their responsibility in reviewing expense accounts to keep this situation from reoccurring.

In view of the foregoing, it is our opinion that Messrs. Polich and Baker have not violated any provision of FECA or the rules and regulations promulgated thereunder. On behalf of Emerald, Messrs. Henderson, Anzalone, Vanderpool and Ms. Mandelke we are requesting that the matter be handled through pre-probable cause conciliation. We look forward to discussing this matter further with you at your earliest convenience.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl
cc: Emerald Homes
Phillip J. Polich
Curtis J. Henderson
Neil Anzalone
Sam Vanderpool
Cherel Mandelke
Eugene L. Baker

H:\JRL\EMERALD\S.I.\BROWNL004

9504369271 8

Firm admits improper election role

By Andy Hall and Jerry Kammer
The Arizona Republic

Emerald Homes, a Phoenix-based builder, has retracted earlier denials and now acknowledges that it may have violated federal election laws by improperly reimbursing five executives for 1987 contributions to Sen. Dennis DeConcini, D-Ariz.

Emerald President Philip J. Polich said Thursday that an internal investigation has determined that the executives were reimbursed a total of $3,000 after submitting falsified expense accounts.

It is illegal for corporations to fund political contributions.

The Arizona Republic disclosed in November that there was at least one possibly illegal contribution, but Emerald denied any impropriety. Polich said Thursday, however, that the article prompted Emerald's internal investigation. The Federal Election Commission also has launched an inquiry.

Polich said company attorneys have

— See HOME BUILDER, *page A10*

Home builder admits improper campaign role

— HOME BUILDER, *from page A1*

advised him that election laws may have been violated in this case.

"We hope we don't get fined," Polich said. "But if we do, that's what happens when you goof up. I hope that by being straightforward and not trying to hide anything and doing the investigation ourselves that would be considered."

If violations are found, penalties can include negotiated agreements, fines of up to $25,000 and up to a year in prison, said Scott Moxley, an election-commission spokesman.

He declined to comment specifically on the case.

5 gave $600 each

The five executives, all in Emerald's office in Dublin, Calif., near San Francisco, each contributed $600 to DeConcini on May 7, 1987, commission records show.

Polich said the contributions came in response to his request that the workers come up with $3,000 for DeConcini.

Brian Donnelly, an Emerald spokesman, said that executives at first responded, "'We don't even know who DeConcini is,'" but they contributed after Polich assured them the senator had aided the home-building industry.

Emerald builds homes in the Phoenix, Houston, San Diego and San Francisco areas. Polich was a co-chairman of a June 1987 fund-raiser for DeConcini held in San Diego.

"We screwed up," Polich said Thursday. "It was not the employees' fault. It was the fault of myself and this company that they were not properly educated as to what they could properly do."

However, Polich was unable to explain why, if the executives believed they were acting properly, four of them falsified their expense accounts, hiding their donations under such items as a business seminar and videotapes.

The fifth employee listed the $600 expense as a political contribution, but it was overlooked by company officials, Polich said.

He said that Curtis J. Henderson, general manager of Emerald's Dublin office, who made a contribution with four others in that office, apparently was aware of the expense-account falsifications but thought that the matter had been handled as the company wanted. Henderson did not return calls Thursday.

Polich provided *The Republic* copies of personal checks from the executives to show that they repaid the company last week for the improper use of the expense accounts.

DeConcini, in turn, is returning the money to all five contributors, said Mike Crusan, the senator's Arizona director.

Note said firm gave money

While probing the contributions last fall, *The Republic* obtained a note written by a former Emerald employee to DeConcini saying that Emerald "actually made this contribution."

DeConcini notified the Federal Election Commission of the note from William P. Junge on Nov. 1 after an inquiry by the newspaper. The commission decided not to investigate the matter because DeConcini declined to file a formal complaint.

However, *The Republic* this month filed a formal complaint, triggering an automatic review by the commission.

In an April 6 letter to the commission, Polich wrote, "We now realize that our corporate enthusiasm for Sen. DeConcini, who has been a real champion for Arizona, may have sent the wrong message to our executives."

Polich said DeConcini was one of the most active members of the Senate in supporting a program that in the early 1980s helped home builders provide low-cost mortgages.

EXHIBIT 2

(3)

EMERALD HOMES
DUBLIN, CALIFORNIA

001655

Vendor : 99042 Cheral Ainsalike 05/3/37 01095

DATE	INVOICE NO	PROJ	ACCT NOS	DESCRIPTION	AMOUNT
5/3/37	disc req		0151	Politi[illegible] contribution	600.00

Total Amount of Check:

DETACH AND RETAIN THIS PORTION FOR YOUR RECORDS

EMERALD HOMES
6775 CLARK AVE #101 • P.O. BOX 2218
DUBLIN, CALIFORNIA 94568 • (415) 828-9100

SECURITY PACIFIC NATIONAL BANK
333 South Hope
Los Angeles
GENERAL ACCOUNT

PAY SIX HUNDRED DOLLARS ONLY****** $600.00

TO THE ORDER OF

CHERAL AINSALIKE

EXHIBIT 3

NOT NEGOTIABLE

Authorized Signature

001655

"001655" 1:1210003641: 950436927112

FILE

EMERALD HOMES

DUBLIN, CAL

DISBURSEMENT REQUEST

Check #16952

Date 5/8/87

Issue Check To: Cherel Mandelke

Amount of Check: ..... $ 600.00

Explanation: POLITICAL CONTRIBUTION

Acct. No. 0151

Unit

Requested By:

Date Paid

Approved By:

Check No.

Return to:

Total amount of check:	$600.00

DETACH AND RETAIN THIS PORTION FOR YOUR RECORDS

EMERALD HOMES

6775 CLARK AVE #101 • PO BOX 2518
DUBLIN CALIFORNIA 94568 • (415) 829-8100
LIC #460325

SECURITY PACIFIC NATIONAL BANK
333 South Hope St.
Los Angeles, CA 90071
GENERAL ACCOUNT

16-4
1220

001695
CHECK NUMBER

DATE
5/8/87

PAY SIX HUNDRED DOLLARS ONLY********** $600.00**********

TO THE ORDER OF

CHEREL MANDELKE

NOT-NEGOTIABLE

EXHIBIT 3

001695

FILE

⑈001695⑈ ⑆122000043⑆01⑈16358⑈

9504369 2/13

11 24/520
1210(9)

Wells Fargo Bank

2345

DUBLIN OFFICE 7745 AMADOR VALLEY BLVD DUBLIN, CA 94568

5-7-1987

Pay to the order of DE Cancini '88 Dinner Committee $600.00

Six Hundred Dollars + NO/100 Dollars

TOM A. MANDELKE
CHERYL A. MANDELKE
[redacted]

MEMO Political Contribution

Tom A. Mandelke

EXHIBIT 3

9504369214

Deposit Only
National Bank
DeCandia 88
Dinner Committee
2033-8441

EXHIBIT 3

(4)

DUBLIN CALIFORNIA

001697

Vendor # 99293 San Vanderpool 03-08-87 01697

DATE	INVOICE NO	PROJ	ACCT NOS.	W/ NUMBERS DESCRIPTION	AMOUNT
3/8/87	0135 E9C		0161	Allen Thompson-2a Service wk.	10.54
			0161	Film for service work	11.36
			0131	Lunch: Joe Biren CSD.S.	27.04

Total amount of check: [illegible].51

DETACH AND RETAIN THIS PORTION FOR YOUR RECORDS

EMERALD HOMES
5875 CLARK AVE #101 • PO BOX 2510
DUBLIN CALIFORNIA 94568 • (415) 829-8100
LIC #489126

SECURITY PACIFIC NATIONAL BANK
333 South Hope St.
Los Angeles, CA 90071
GENERAL ACCOUNT

001697

16-4
1220

5/8/87

PAY SIX HUNDRED NINTY SIX DOLLARS AND [illegible] $696.51********

TO THE ORDER OF

SAN VANDERPOOL

EXHIBIT 4

NOT-NEGOTIABLE

[illegible]

FILE COPY

SAM VANDERPOOL
JOANNE VANDERPCOL

[redacted]

284

5/7 1987

PAY TO THE ORDER OF De Crescente 88 Democratic Committee $ 600.00

Six hundred and no/100 DOLLAR

Homestate Savings
and Loan Association

For Political Contribution Sam Vanderpool

[redacted]

0504369271 9

EXHIBIT 4

EMERALD AMERICAN CORP.

EXPENSES

For the Month of: 5/8/87 Approved by:

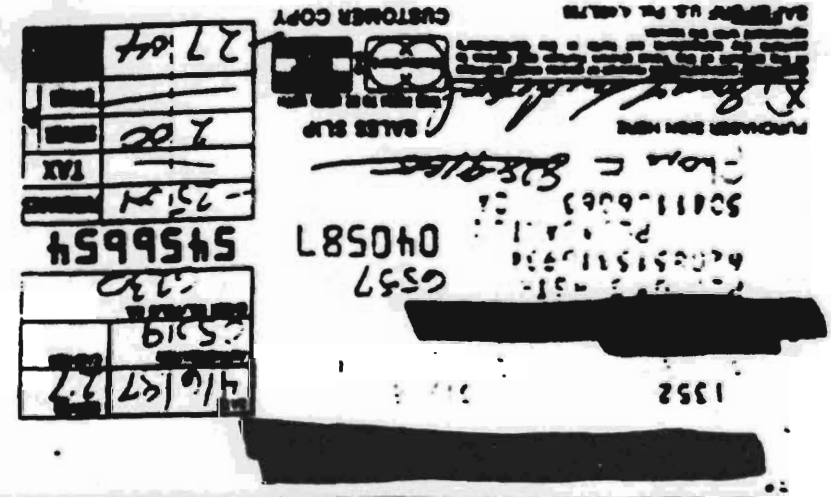
Date	Description	Auto & Travel	Meetings & Entertainment	Supplies	Misc
5-7-87	Lunch at Thompson Re: Service work for Cind arrowood Fed		$10 54 - Oil		
5-7-87	Yelm Service work for Cind tract 3796 arrowood Financial			[redacted]	
3-25-87	Oil service Invoice	$45.00	118		
4-4-87	Replace Oil near gate	$77.57	118		
4-6-87	Lunch w/ Bill Birch C.D.S. Re: TR5593 Fed		$37.04	002	
	SUB-TOTALS	$622.57	$37.58	$36.36	

TOTAL AMOUNT TO BE REFUNDED $ 696.51

Signature of Employee: [signature] Date: 5/8/87

EXHIBIT 4

9504369 2/18



IMPORTANT: RETAIN THIS COPY FOR YOUR RECORDS.

CUSTOMER COPY

SALES SLIP

[redacted]

5968527 0000

filed for service work for flat arrowood $3798 [redacted]

[redacted]
[redacted] DRIVE 234
[redacted] CA
[redacted]-2562

QTY	CLASS	DESCRIPTION	PRICE	AMOUNT
		Trust Music		
DATE 5-7-87			SUB TOTAL	33 36
			TAX	2 36
				36 36

SALES SLIP
THIS FORM TO BE USED WITH [redacted]
SAFEWAY U.S. Pat. 4,408,700

CUSTOMER COPY

IMPORTANT: RETAIN THIS COPY FOR YOUR RECORDS.

LL Pontiac
$10.51
5-7-87

EXHIBIT 4

9504369 2/19

ENDO'S AUTO SERVICE, INC.

16285 E. 14th Street
San Leandro, Calif. 94578
278-2022
E.A.R. REG. #AA092628

24860

NAME Sam Vang Enterprises DATE 3-22-97

ADDRESS 145 Pebble Pl San Ramon CITY

MAKE OF CAR	YEAR	LICENSE	MILEAGE	AGENCY
Chev. Cl.		1466540	E-1	

DRIVER'S LICENSE NO.		
BRIDGE		
CAR OVER BANK		
CAR OVERTURN		
DEAD BATTERY		
DOLLY TOW		
LABOR		
PAID OUT		
REMOVE DRIVE SHAFT		
STORAGE		
STUCK IN MUD		
TOWING Hesperian & Lewelling Blvd SB	45.00	
REMOVE AXLE		
STAND BY TIME		
MILES TOWED Kaiser Hospital Hes		
MILES ON VEHICLE		
VIN NO.		
NAME:		
P.O.		
SUB-TOTAL		
SALES TAX		
TOTAL	45.00	

1184-02813 NORICA CA AAA CITY

95043692720

EXHIBIT 4

9504369272

GOLDEN GATE TRANSMISSIONS, INC.

3687 Old Santa Rita Rd. #13 — Ph. (415) 463-2700
Pleasanton, California 94566-3411
Reg. No. AA 115100

05685

TRANSMISSION REPAIR ORDER

NAME Sam VanDerpool — DATE 9-4-87

ADDRESS — RES. PHONE [redacted]

CITY — BUS. PHONE 828-7100 — ORDER RECEIVED BY

MAKE [redacted] — MODEL — YEAR — PHONE WHEN READY ☐ YES ☐ NO — LICENSE NO. [redacted] — SPEEDOMETER 21446

ROAD CHECK & DIAGNOSIS:

OUTSIDE/SUBLET REPAIRS

TOTAL SUBLET REPAIRS

VACUUM / FLOW	PARTS		OPER. NO.	LABOR	AMOUNT
ROAD CHECK (NOT POSSIBLE) / TOWED BY	1 U-Diff. (Brand)	400.00			
FLUID LEVEL & CONDITION	1 U-V-Joint	24.95			
DETENTS		424.95		R&R Diff.	125.00
ANCARNOW / SPECIMEN TO FUNCTIONING					

ESTIMATE

TIME _____ DATE _____
BY WHOM _____

① ESTIMATE AMOUNT $ Call us
② REVISED ESTIMATE ____ BY ____ $ ____
③ REVISED ESTIMATE ____ BY ____ $ ____

[redacted]

Joe

IMPORTANT NOTICE:

THE PRICE OF INSTALLING AN EXCHANGE REBUILT TRANSMISSION AND TORQUE CONVERTER IN YOUR VEHICLE, EXCLUDING OTHER HARD PARTS, IS $ _____. THE PRICE OF THE SAME SERVICE IF WE REBUILD YOUR OWN TRANSMISSION IS $ _____.

FREQUENTLY SOME PARTS DO NOT NEED TO BE REPLACED. THE PURPOSE OF THE TEARDOWN AND INSPECTION IS TO DETERMINE WHAT (IF ANY) PARTS ARE NEEDED.

YOU HAVE A RIGHT TO:

(A) THE RETURN OF YOUR REPLACED PARTS UNLESS YOU ARE NOT ORDERED OTHERWISE.
(B) KNOW THE MAXIMUM TIME IN WHICH THE REPAIR SHOP MUST REASSEMBLE AND REINSTALL YOUR TRANSMISSION IF YOU DO NOT AUTHORIZE THE SERVICE THE SHOP RECOMMENDS.
(C) HAVE YOUR TRANSMISSION REASSEMBLED AND INSTALLED FOR THE PRICE OF THE TEARDOWN.
(D) KNOW THE PARTS, TERMS, AND CONDITIONS OF ALL WARRANTIES, IF ANY.

CHECK THE APPROPRIATE BOXES BELOW:

☐ YES — SAVE MY PARTS FOR DISPOSITION OR RETURN UPON RECEIPT OF THE VEHICLE OR FOR ____ DAYS THEREAFTER.
☐ NO — I DO NOT WANT TO INSPECT MY PARTS.
☐ YES — I UNDERSTAND THAT MY TRANSMISSION WILL BE REASSEMBLED AND INSTALLED IN MY CAR WITHIN ____ DAYS OF THE DATE SHOWN BELOW IF I SIGNED HERE TO AUTHORIZE THE SERVICE THE SHOP RECOMMENDS THAT WILL BE DONE FOR $ _____, THE PRICE OF THE TEARDOWN.

X

TOTAL LABOR	125.00
TOTAL PARTS	424.95
SUBLET REPAIRS	
TOTAL BEFORE TAX	
TAX	37.62
TOTAL →	587.57

The Estes Co.

William A. Estes, Jr.
President

June 17, 1987

Mr. Sam Vanderpool
148 Pebble Place
San Ramon, CA 94583

Dear Mr. Vanderpool:

I recently received your generous contribution to Senator Dennis DeConcini and wanted to thank you. The Senator is a real friend of business and is worthy of our support.

I'm sorry you were unable to attend the dinner in San Diego on June 5. It was a very successful event and I know you would have enjoyed it.

Thanks anyway for the check.

Sincerely,

William A. Estes, Jr.

WAEJR/lb

EXHIBIT 4

9504369272

EMERALD HOMES
DUBLIN, CALIFORNIA

(5)

001700

Service [illegible] Mail Locations 05-03-87

DATE	INVOICE NO.	PROJ / ACCT NO'S	LOT NUMBERS/DESCRIPTION	AMOUNT
5/3/87	Expenses	0150	Legal expenses	600.00

Total amount of check: $600.00

DETACH AND RETAIN THIS PORTION FOR YOUR RECORDS

EMERALD HOMES
[illegible]

SECURITY PACIFIC NATIONAL BANK
[illegible]
Los Angeles CA 90071
GENERAL ACCOUNT

001700
[illegible]

DATE 5/3/87

PAY SIX HUNDRED DOLLARS ONLY********** $600.00**********

[illegible]

000843

NOT-NEGOTIABLE

EXHIBIT 5

[illegible]

FILE COPY

950436927123

44100 +

DISBURSEMENT REQUEST

Date 5/2/87

Issue Check To Mike Hernandez

Amount of Check $ 600.00

Explanation Attorney Fees Reimbursement

Acct No 015b

Unit

Requested By

Date Paid

Approved By

Check No

Return to

	Sub Totals				

TOTAL AMOUNT TO BE REFUNDED $600.00

Signature of Employee Neil Gonzales

EXHIBIT 5

000844

95043692724

EMERALD HOMES INC

EXPENSES

For the Month of May Approved by

Date	Description	Auto & Travel	Meetings & Entertainment	Supplies	Misc
5/4	Repair Power Steering in Company Car	$ 600			
	Sub Totals				

TOTAL AMOUNT TO BE REFUNDED $600.00

Signature of Employee Neil Cruzalese

EXHIBIT 5

000845

95043692/25

(6)

EMERALD HOMES
DUBLIN, CALIFORNIA

001699

Vendor # 09033 Curtis Henderson 5/3/37

DATE	INVOICE NO.	PROJ	ACCT NO(S)	LOT NUMBERS, DESCRIPTION	AMOUNT
05-03-87	misc exp		3136	Legal expense	$500.00
				Total amount of check:	$500.00-

DETACH AND RETAIN THIS PORTION FOR YOUR RECORDS

EMERALD HOMES

SECURITY PACIFIC NATIONAL BANK
GENERAL ACCOUNT

001699

DATE 05/03/87

PAY SIX HUNDRED DOLLARS AND 00/100********** $ 600.00********

TO THE ORDER OF

CURTIS HENDERSON

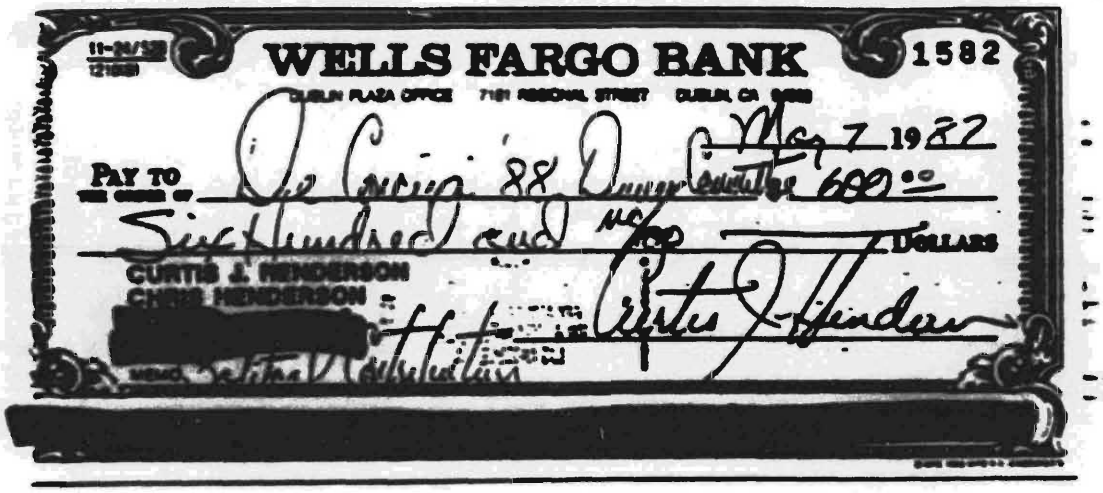
NOT-NEGOTIABLE

EXHIBIT 6

001517

FILE COPY

95043692/28



WELLS FARGO BANK 1582

DUBLIN PLAZA OFFICE 7101 REGIONAL STREET DUBLIN, CA 94568

May 7 1982

PAY TO THE ORDER OF De Carlo '88 Denver Committee 600.00

Six Hundred and no/100 DOLLARS

CURTIS J. HENDERSON
CHRIS HENDERSON
[redacted]

MEMO [redacted]

Curtis J. Henderson

For Deposit Only
Valley National Bank
DeConcini '88
Republic Committee
2033-043

PAY ANY BANK
VALLEY NATIONAL BANK
PHOENIX, ARIZONA

PROCESSED

PAY ANY BANK

EXHIBIT 6

EQUAL HOMES INC

EXPENSES

For the Month of April - May '87 Approved by

Date	Description	Auto & Travel	Meetings & Entertainment	Supplies	Misc
5/4	Retainer, Legal Services Trial Review Strategy - Ed Davis re. Related litigation				6[illegible]
	Sub Totals				

TOTAL AMOUNT TO BE REFUNDED 6[illegible]

Signature of Employee

EXHIBIT 6

001518

9504369 27 28

(7)

EMERALD HOMES INC

EXPENSES

For the Month of MAY 87 Approved by CH

Date	Description	Auto & Travel	Meetings & Entertainment	Supplies	Misc.
5-8-87	MEMBERSHIP FEE: REAL ESTATE AND ECONOMICS SYMPOSIUM, FAIRMONT HOTEL SAN FRANCISCO.		195.00		
	CASETTE TAPE SET			120.00	
3-8-87	BIA MANAGEMENT SEMINAR CONCORD, CA.		225.00	60.00	
	EXHIBIT 7				
	Sub Totals		420.00	180.00	

TOTAL AMOUNT TO BE REFUNDED $600.00

Signature of Employee

9504369272 9

EMERALD HOMES
DUBLIN, CALIFORNIA

001696

Member # 33731 William Junge 3/3/37

INVOICE NO.	PROJ	ACCT NO(S)	LOT NUMBERS/DESCRIPTION	AMOUNT
3/3/37 dlbo reg		0132	membership fees	$600.00

Total amount of check: $600.00

DETACH AND RETAIN THIS PORTION FOR YOUR RECORDS

EMERALD HOMES
6975 CLARK AVE • 101 • P.O. BOX 2616
DUBLIN, CALIFORNIA 94568 • (415) 828-7722
LIC #463335

SECURITY PACIFIC NATIONAL BANK
333 South Hope St
Los Angeles, CA 90071
GENERAL ACCOUNT

16-4
1220

001693

DATE 3/8/37

PAY SIX HUNDRED DOLLARS ONLY********** $ 600.00*******

TO THE ORDER OF

001608

WILLIAM JUNGE

EXHIBIT 7

NOT-NEGOTIABLE

Alice Kaufman

⑈001693⑈ ⑆122000043⑆ 00 6⑈ 7 68 358⑈

FILE COPY

9504369270

8

RESOLVED, that in the future, Company employees will not involve themselves in political contribution activities on the Company's premises.

The next order of business was a general discussion regarding the recent acquisition of certain Company assets by Verit Industries. At this time, no actions were required relating to this matter.

Next, approval of all Unanimous Consents subsequent to the prior Board Meeting was waived by the Board of Directors at this time.

There being no further business to come before the Board, upon motion duly made and seconded the meeting was adjourned at 5:00 p.m.

Philip J. Polich
Acting Chairman of the Board

Attest: Secretary
Anthony W. Hall

/march29.90/mav

EXHIBIT 8

95043692737

EMERALD HOMES
LISTED ON NEW YORK STOCK EXCHANGE

TO: Jerry Hendereon

FROM: Phil Polich

DATE: March 30, 1990

By action of the Board of Directors of Emerald L.P., I have been instructed to strongly request that the following employees return to Emerald Homes L.P. all monies which were charged to Emerald and, subsequently, contributed to Dennis DeConcini's campaign:

Jerry	- $600.00
Sam	- $600.00
Cheryl	- $600.00
Neil	- $600.00

Immediate attention to this matter by you and your staff is necessary.

EXHIBIT 9

5333 North 7th Street • Suite 310 • Phoenix, Arizona 85014 • (602) 995-9100 • FAX (602) 241-3250

NEIL ANZALONE
ANN ANZALONE
[redacted]

3761 WHILEY CIR.
FAIRFIELD, CA,
94533

2217

4-4 19 90

PAY TO THE ORDER OF Emerald Homes — $ 600.00

Six Hundred Dollars and 00/100

Bank of America
San Ramon Branch 1088
2401 Village Parkway
San Ramon, CA 94583

Remodel per agreement for Kitchen

Neil Anzalone

TOM A. MANDELKE
CHERYL A. MANDELKE
151 FERRELL PL.
SAN RAMON, CA 94583

Pay to the order of Emerald Homes

$ 600.00

Six Hundred and 00/100 Dollars

Golden Pacific Bank

For Kitchen

1780

April 4, 90

Emerald Homes

$ 600.00

Six Hundred and 00/100 Dollars

[redacted]

For New Kitchen

Jan Vanderpool

FROM THE GOOD NEWS

11-24/1220

CURTIS & HENDERSON
[redacted]

2916

415-846-6652

April 3 1990

PAY TO THE ORDER OF Emerald Homes

$ 600.00

Six Hundred and 00/100 DOLLARS

DUBLIN PLAZA OFFICE
WELLS FARGO BANK
7324 REGIONAL STREET DUBLIN, CA 94568

MEMO Reimbursement for non-allowable expenses

Curtis J. Henderson

EXHIBIT 10

(11)

DENNIS
DeCONCINI
U.S. SENATOR

P.O. Box 36337, Phoenix, Arizona 85069 / (602) 433-7772

RECEIVED
APR 1 - 1990

April 10, 1990

Mr. Philip J. Polich
President
EMERALD HOMES
5333 North 7th Street
Suite 310
Phoenix, Arizona 85014

Dear Mr. Polich:

Enclosed please find a check from the DeConcini '88 Committee for $2,400 representing funds contributed to this committee from employees of Emerald Homes. Since, as you indicated, these funds actually came from Emerald Homes and not the individuals, Mr. Larry Noble, General Counsel of the Federal Election Commission, has advised us to return the money directly to Emerald Homes.

Sincerely,

Lynda S. Schmitz

LYNDA S. SCHMITZ
Treasurer
DeConcini '88 Committee

Enc: ck 1046

EXHIBIT 11

Contributions to this political committee are not tax-deductible.
Paid for by the DeConcini '88 Committee

2020 N. 16TH AVE. #3 439-1776
PHOENIX, ARIZONA 85015

1046

91-1
1221

April 10 19 90

Pay to the Order of Emerald Homes $ 2,400.00

Two Thousand Four Hundred Dollars Dollars

First Interstate Bank

"001046" "122100011" 0308160721"

EXHIBIT A

01/02/90 10:00 FAX 602 274 0174 VEUIT O'CONNOR CAVANAG P.001

EMERALD HOMES
LISTED ON NEW YORK STOCK EXCHANGE

April 11, 1990

Ms. Lynda S. Schmitz
Treasurer
DeConcini '88 Committee
P.O. Box 39337
Phoenix, Arizona 85069

Dear Ms. Schmitz:

This will acknowledge receipt of your letter of April 10, 1990, which also enclosed a check made payable to Emerald Homes in the amount of $2400.00.

Emerald Homes was not a doner to the DeConcini campaign. Recently it was brought to our attention that several employees incorrectly charged these political contributions totaling $2400.00 on their monthly expense reimbursement.

Upon determining this fact, we have required the employees to return the improper reibursements to Emerald, which has been done (a copy of said checks is attached).

I suggest that if you want to return funds, you reimburse these doners directly, at the following location:

Neil Anzolone, Sam Vanderpool, Curtis Henderson & Cherel Mandelke

C/O Emerald Homes, Inc.
6375 Clark Avenue, Suite 101
Dublin, California 94568

I am returning the check issued to Emerald Homes from the DeConcini 88 Debt Retirement Account in the amount of $2400.00, which is enclosed with this letter.

Sincerely,

EMERALD HOMES, INC.

Philip J. Polich
President

EXHIBIT 11

cc: Mr. Lawrence Noble - Federal Election Commission
Ms. Lois Lerner - Federal Election Commission

95043692738

(12)

January 12, 1990

Mr. Philip Polich
Emerald Homes
5333 North 7th Street
Phoenix, Arizona 85014

Dear Mr. Polich,

Enclose please find Senator DeConcini's check for $600.00, payable to me, and further endorsed to Emerald Homes for your disposition.

Very truly yours,

William P. Junge

95043692739

EXHIBIT 12

DENNIS DE CONCINI
UNITED STATES SENATOR
ARIZONA

UNITED STATES SENATE
WASHINGTON, D.C. 20510
202-224-4521

2525 E. BROADWAY, STE. 111
TUCSON, ARIZONA 85716

EXPLANATION	AMOUNT

81-2
1221

3986

PAY AMOUNT OF Six Hundred and 00/xx Dollars

CHECK AMOUNT $ 600.00

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
12/11/85	William P. Junge	Contribution Refund	3986

VALLEY NATIONAL BANK of Arizona Downtown Tucson Office
2 EAST CONGRESS STREET TUCSON, ARIZONA 85701

DENNIS DE CONCINI

Dennis De Concini

⑈003986⑈ ⑆122100024⑆ 2000⑈5386⑈

9 5 0 4 3 6 9 2 7 3 8

01:44 PM P02

13

EMERALD HOMES
LISTED ON NEW YORK STOCK EXCHANGE

TO: All Emerald Employees

FROM: Phil Polich

RE: Political Contributions/Code of Conduct

DATE: April 17, 1990

It is against most Federal and State election laws for a corporation, or in Emerald's case an MLP, to contribute to any political candidates. This includes contributions made by employees and reimbursed by Emerald.

In the case of Dennis DeConcini, contributing employees were reimbursed for contributions via expense reimbursements, which in all but one instance, were categorized as expense reimbursements for items other than political contributions. This is <u>not permitted.</u>

From now on it will be the responsibility of the General Managers' to review all expense reports to ascertain to the best of their ability, if employees are being improperly reimbursed for political contributions. All such contribution reimbursements will be disallowed.

0504369 2/39

EXHIBIT 13

January 12, 1990

Mr. Philip Polich
Emerald Homes
5333 North 7th Street
Phoenix, Arizona 85014

Dear Mr. Polich,

Enclose please find Senator DeConcini's check for $600.00, payable to me, and further endorsed to Emerald Homes for your disposition.

Very truly yours,

William P. Junge

9504369274 0

EXHIBIT 13

DENNIS DE CONCINI
UNITED STATES SENATOR
ARIZONA

UNITED STATES SENATE
WASHINGTON, D.C. 20510
202-224-4521

2525 E. BROADWAY, STE. 111
TUCSON, ARIZONA 85716

ORGANIZATION	AMOUNT

81-2
1221

3986

PAY AMOUNT OF six hundred and 00/xx DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
12/11/85	William P. Junge	Contribution Refund	3986

CHECK AMOUNT $ 600.00

DENNIS DE CONCINI

Dennis De Concini

VALLEY NATIONAL BANK of Arizona Downtown Tucson Office
2 EAST CONGRESS STREET TUCSON, ARIZONA 85701

⑈003986⑈ ⑆122100024⑆ 2000⑈5386⑈

9 5 0 4 3 6 9 2 7 4

EXHIBIT 13

(14)

State of California)
) ss. AFFIDAVIT OF PHILIP J. POLICH
County of Alameda)

I, Philip J. Polich, being first duly sworn upon my oath, depose and say:

1. On May 18, 1987, I made a campaign contribution to Senator DeConcini of $1,000.

2. This contribution was made by me out of my own personal funds. A copy of my personal check is attached hereto.

3. Emerald Homes did not and has not reimbursed me for my contribution or refund any portion thereof.

Further affiant sayeth not.

Philip J. Polich

Subscribed and sworn to before me this 23rd day of May, 1990.

Karen A. Dekker
Notary Public

My Commission expires:
May 25, 1991

OFFICIAL SEAL
KAREN A. DEKKER
NOTARY PUBLIC-CALIFORNIA
ALAMEDA COUNTY
MY COMM. EXP. MAY 25, 1991

EXHIBIT 14

0504369274

PHILIP J. POLICH

562

[redacted]

PAY TO THE ORDER OF Alfa Laval '88 Allison Gasoline $ [redacted]

One Thousand and no/100 DOLLARS

UNITED BANK OF ARIZONA

[redacted]

EXHIBIT 44

9504369243

State of Arizona)
) ss. AFFIDAVIT OF EUGENE L. BAKER
County of Maricopa)

I, Eugene L. Baker, being first duly sworn upon my oath, depose and say:

1. On May 9, 1987, I made a campaign contribution to Senator DeConcini of $1,000.

2. This contribution was made by me out of my own personal funds. A copy of my personal check is attached hereto.

3. Emerald Homes did not and has not reimbursed me for my contribution or refund any portion thereof.

Further affiant sayeth not.

Eugene L. Baker

Subscribed and sworn to before me this 23rd day of May, 1990.

Notary Public

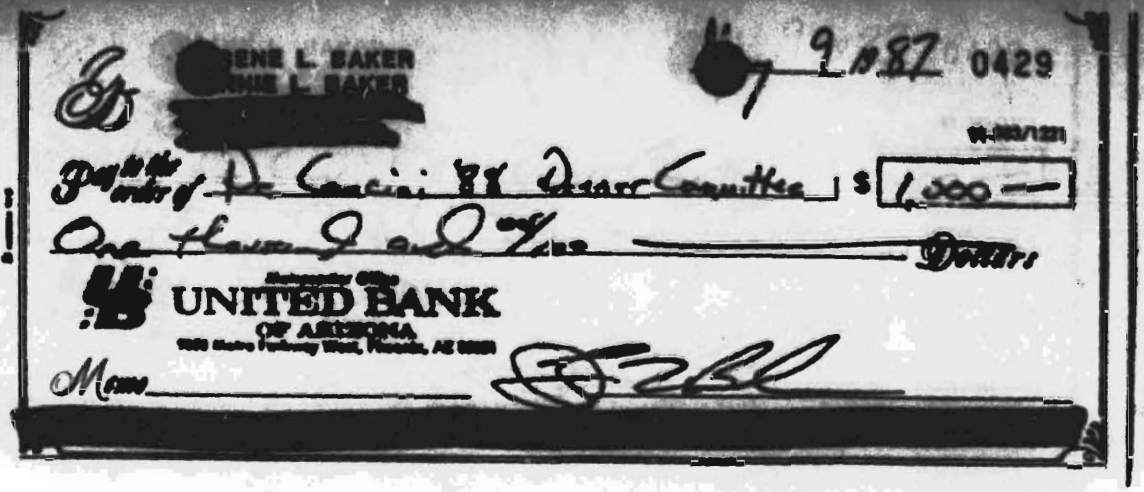
My commission expires:

OFFICIAL SEAL
CAROLE D GOGEL
NOTARY PUBLIC STATE OF ARIZONA
MARICOPA COUNTY
My Comm. Expires July 22, 1991

Baker.Aff

EXHIBIT 14

9504369274



JE W 04 P

EXHIBIT

00C6429

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 JUN -4 PM 12:06

Randall P. Birdwell
38 North Brokenfern Drive
The Woodlands, Texas 77380
(713) 367-9304

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 JUN -5 AM 11:09

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

ATTN: Office of the General Counsel

RE: MUR 3046

Dear Mr. Noble:

Pursuant to your letter dated April 20, 1990, enclosed please find a statement regarding the complaint your office received.

At this time, I do not intend to be represented by counsel in this matter, but I reserve the right to be represented in the future.

If you have any questions, please feel free to call.

Sincerely,

Randall P. Birdwell

9504369274 6

Federal Election Committee

RE: MUR 3046

I, Randall Patrick Birdwell, do state the following for the confidential record of the Federal Election Commission pursuant to a letter dated April 20, 1990, from said Commission, and received at my office in Houston, Texas, on May 25, 1990.

I did not receive reimbursement for the One Thousand Dollars and xx/100 ($1,000.00) that I contributed to Senator DeConcini from any entity including Emerald Homes.

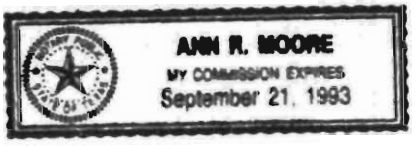
I swear this statement is true.

Randall Patrick Birdwell

Notary Public in and for the
State of Texas

ANN R. MOORE
Notary's Name (printed)

9-21-93
Notary's Commission Expires:



9504369227447

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DeConcini '88 Committee
Thomas F. Karlsen
Treasurer
4350 E. Camelback
Phoenix, AZ 85018

June 19, 1990

RE: MUR 3046
DeConcini '88 Committee and
Thomas F. Karlsen, as
treasurer

Dear Mr. Karlsen:

The Federal Election Commission received a complaint which alleges that the DeConcini '88 Committee ("the Committee") and you, as treasurer, may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3046. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200. For your

9504136927 48

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

cc: The Honorable Dennis DeConcini
3202 East 3rd Street
Tucson, AZ 85716

95043692749

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

June 20, 1990

DeConcini '88 Committee
Lynda S. Schmitz
Treasurer
5039 N 19th Avenue #3
Phoenix, AZ 85015

RE: MUR 3046
DeConcini '88 Committee and
Lynda S. Schmitz, as
treasurer

Dear Ms. Schmitz:

The Federal Election Commission received a complaint which alleges that the DeConcini '88 Committee ("the Committee") and you, as treasurer, may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Office of the General Counsel was recently informed that a former committee treasurer was notified by error. For this reason, we are sending you this letter and enclosing a copy of the complaint. We have numbered this matter MUR 3046. 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 Office of the General Counsel, 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.

9504369275O

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

cc: The Honorable Dennis DeConcini
328 SHOB
Washington, D.C.
20510-0302

95043692751

DENNIS DeCONCINI
ARIZONA

COMMITTEES:
APPROPRIATIONS
JUDICIARY
VETERANS' AFFAIRS
INDIAN AFFAIRS
RULES AND ADMINISTRATION
INTELLIGENCE

COMMISSION ON
SECURITY AND COOPERATION
IN EUROPE/CHAIRMAN

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

United States Senate

WASHINGTON, DC 20510

WASHINGTON OFFICE:
328 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-4521

PHOENIX OFFICE:
3225 WEST ROOSEVELT #C-100
PHOENIX, AZ 85009
(602) 261-6750

SOUTHERN ARIZONA OFFICE:
2424 EAST BROADWAY
TUCSON, AZ 85716
(602) 629-6631

EAST VALLEY OFFICE:
45 NORTH CENTER STREET #150
MESA, AZ 85211
(602) 261-4997

93 JUL 13 PM 4:55
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

June 28, 1990

MUR 3046 ?

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

Dear Mr. Noble:

This letter is in response to your letter of June 19, 1990. There is no allegation in the April 4, 1990, affidavit of Richard R. Robertson that our campaign may have violated sections of the Federal Election Campaign Act of 1971, as amended.

In response to the subtance of your June 19, 1990, letter, let me state as follows: On November 1, 1989, the Arizona Republic through its reporters Jerry Kammer and Andy Hall called to the attention of the DeConcini Senate office that a contribution from William P. Junge in the amount of $600 to the DeConcini '88 campaign may have been improper.

Based on the information provided by the Arizona Republic reporters, I notified the FEC on November 1, 1989 (letter enclosed), calling to their attention the Junge document.

I received a letter back from the FEC dated November 13, 1989 (copy enclosed), advising me that the FEC could not proceed unless a sworn notarized complaint were filed. The DeConcini '88 campaign determined that it did not have sufficient facts to file a complaint and, therefore, elected not to do so.

It was suggested to reporters Jerry Kammer and Andy Hall that, since they had more facts available than did the DeConcini '88 campaign, if they felt there was an impropriety, they should file a complaint with the FEC which was apparently done.

Gene Karp, my Administrative Assistant/Legal Counsel, conducted an investigation and determined there was sufficient question as to the Junge contribution and it was, therefore, determined after seeking the advice of the staff of the FEC to return the contribution to Junge which was thereafter done on or about December 1989.

2504369275 2

On April 6, 1990, Philip J. Polich, president of Emerald Homes, in a letter stated that five Emerald Homes employees had made contributions of $600 each to the DeConcini re-election campaign in May 1987 and that said amounts had been in fact reimbursed by Emerald Homes (copy enclosed).

Upon receiving the letter, Gene Karp spoke with Larry Noble, General Counsel of the FEC, asking his advice and thereafter the DeConcini '88 campaign sent a check in the amount of $2400 to Emerald Homes.

On April 11, 1990, Emerald Homes sent the $2400 back to the DeConcini '88 campaign stating it had already been reimbursed by the employees and so it had been made whole. Nonetheless, the DeConcini campaign sent four checks, each in the amount of $600, to Neil Anzalone, Curtis Henderson, Cheryl Mendelke, and Sam Vanderpool, to reimburse them for their clouded contribution. At no time prior to the notification by the Arizona Republic reporters in the fall of 1989 was the DeConcini '88 campaign aware that there was any question concerning the legality of the 1987 contributions by the Emerald Homes employees.

Lastly, your original letter in June 1990 was addressed to Thomas F. Karlsen, treasurer of the DeConcini '88 campaign. Mr. Karlsen was removed as treasurer of the DeConcini '88 committee on April 20, 1989. I appreciate the fact that a subsequent letter was sent correctly to Lynda Schmitz, the present treasurer of the DeConcini '88 campaign.

Sincerely,

Dennis DeConcini

DENNIS DeCONCINI
United States Senator

DDC/GKJ

9504369275 3

#06C4457

DENNIS DeCONCINI
ARIZONA

APPROPRIATIONS
JUDICIARY
VETERANS' AFFAIRS
INDIAN AFFAIRS
RULES AND ADMINISTRATION
INTELLIGENCE

COMMISSION ON
SECURITY AND COOPERATION
IN EUROPE/ CHAIRMAN

RECEIVED
FEDERAL ELECTION COMMISSION

89 NOV 3 AM 10 32

United States Senate

WASHINGTON, DC 20510

WASHINGTON OFFICE
328 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-4521

PHOENIX OFFICE
323 WEST ROOSEVELT #9-100
PHOENIX, AZ 85003
(602) 261-6768

SOUTHERN ARIZONA OFFICE
1434 EAST BROADWAY
TUCSON, AZ 85719
(602) 622-6231

EAST VALLEY OFFICE
40 NORTH CENTER STREET #110
MESA, AZ 85211
(602) 261-4060

November 1, 1989

Mr. Danny McDonald
Chairman
Federal Election Commission
999 E Street, N. W.
Washington, D. C. 20463

Attention: Larry Noble

Dear Mr. McDonald:

In July of this year after it was determined that the treasurer of my campaign had misappropriated campaign funds, I sent a letter to contributors of my 1988 campaign telling them that funds had been taken and asking if they wanted a pro rata refund from my personal funds.

There was a form attached to my letter with the request that the form be returned to my campaign. The letter was sent to thousands of my contributors, including William P. Junge, who contributed $600 in May of 1987. One of the return forms I received is attached hereto. The form raises questions that I find necessary and advisable to call to your attention.

If I can be of further assistance, please do not hesitate to contact me concerning this matter.

Sincerely,

Dennis DeConcini

DENNIS DeCONCINI
United States Senator

DDC/GKJ

Enclosure

cc: Mr. William P. Junge
2320 Corte de la Jara
Pleasanton, California 94566

Mr. Philip Polich
Emerald Homes
5333 N. 7th
Suite 310
Phoenix, Arizona 85014

[redacted]

95044369277554

DeCONCINI CAMPAIGN COMMITTEE
Post Office Box 39337
Phoenix, AZ 85069
Phone (602) 433-1776

☐ Dennis, please return, from your personal funds, my pro rata share of the funds embezzled from Campaign '88.

☒ Dennis, I do not wish a pro rata refund of the embezzled funds.

☐ Dennis, I understand the problems you and the Committee face and wish to make a contribution to DeConcini '94 to help meet the administrative costs of accounting and legal fees and to pay unpaid bills which resulted from the theft of the campaign funds.

Enclosed find a check in the amount of $_____ payable to the DeCONCINI '94 COMMITTEE.

William P. Lake
Your Name (please print)

Spouse's Name (please print)

Address: 2320 Corte De La Jara
(street)
Pleasanton, CA 94566
(city) (state) (ZIP)

Phone(s): _____
(business) (home)

Comments: I am no longer with Emerald Homes - the company that actually made this contribution.

William P. Lake
Your Signature

Spouse's Signature

9504369275 5

Contributions to this political committee are not tax deductible.
Paid for by the DeConcini '94 Committee.

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 13, 1989

The Honorable Dennis DeConcini
United States Senate
328 Hart Senate Office Building
Washington, D.C. 20510

Dear Mr. DeConcini:

We have received your letter of November 1, 1989, regarding the applicability of the Federal Election Campaign Act of 1971, as amended ("the Act") to a contribution made to your 1988 campaign.

As you may know, the 1976 amendments to the Act and Federal Election Commission regulations require that a complaint meet certain specific requirements before it can be addressed by the Commission. Because your letter does not meet these requirements, the Commission can take no action at this time to investigate this matter.

If you desire the Commission to look into the matter discussed in your letter to determine if the Act has been violated, you may file a formal complaint as described in 2 U.S.C. § 437g(a)(1). Requirements of this section of the law, and Commission regulations at 11 C.F.R. § 111.4, which are a prerequisite to Commission action, are detailed below:

(1) A complaint must be in writing. (2 U.S.C. § 437g(a)(1)).

(2) Its contents must be sworn to and signed in the presence of a notary public and shall be notarized. (2 U.S.C. § 437g(a)(1)).

(3) A formal complaint must contain the full name and address of the person making the complaint. (11 C.F.R. § 111.4).

(4) A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. (11 C.F.R. § 111.4).

(5) A formal complaint should identify the source of information upon which the complaint is based. (11 C.F.R. § 111.4).

9504369275 6

(6) A formal complaint should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction. (11 C.F.R. § 111.4).

(7) A formal complaint should be accompanied by supporting documentation if known and available to the person making the complaint. (11 C.F.R. § 111.4).

Finally, please include your telephone number, as well as the full names and addresses of all respondents.

Enclosed is a copy of Commission regulations, and your attention is directed to 11 C.F.R. §§ 111.4 through 111.10 that deal with preliminary enforcement procedures. Also enclosed is a compilation of Federal Election Campaign laws on which these regulations are promulgated. I trust these materials will be helpful to you should you wish to file a legally sufficient complaint with the Commission. The file regarding this correspondence will remain confidential for a 15 day time period during which you may file an amended complaint as specified above.

If we can be of any further assistance, please do not hesitate to contact me at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
Excerpts
Procedures

9504369275 7

OOC 6974

LAW OFFICES
O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION

PHOENIX OFFICE
SUITE 1100
ONE EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85012-1656

TELEPHONE (602) 263-2400 FAX (602) 263-2900

TELEX 165-171 OCC-LAW

TUCSON OFFICE
SUITE 2300
ONE SOUTH CHURCH AVENUE
TUCSON, ARIZONA 85701-1621
FAX (602) 624-9564

SUN CITY OFFICE
SUITE B
13250 NORTH DEL WEBB BOULEVARD
SUN CITY, ARIZONA 85351-2563
FAX (602) 933-3100

OF COUNSEL
KENNETH I. TODD

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

July 13, 1990

VIA FAX AND U.S. MAIL

Mr. James Brown, Attorney
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3046

Dear Mr. Brown:

We have been asked to represent Ms. Cynthia Polich in connection with MUR 3046.

Attached is an affidavit from Ms. Polich indicating that she has never been reimbursed for a contribution to Senator DeConcini.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl
Enclosure
cc: Ms. Cynthia Polich

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 JUL 17 PM 3:09

90 JUL 17 AM 10:59

9504369275 8

State of Arizona)
) ss. AFFIDAVIT OF CYNTHIA POLICH
County of Maricopa)

I, Cynthia Polich, being first duly sworn, upon my oath depose and say:

1. I have never been reimbursed by Emerald Homes or anyone else for a contribution to Dennis DeConcini.

Further affiant sayeth not.

Cynthia Polich
CYNTHIA POLICH

Subscribed and sworn to before me this 13 day of July, 1990.

Judith R Lowry
Notary Public

My Commission Expires:
12-28-90

95043692759

AGC 5893
Pre MUR 228

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 APR 10 AM 10:57
HAND DELIVERED
90 APR 10 PM 1:46

EMERALD® HOMES
LISTED ON NEW YORK STOCK EXCHANGE

April 6, 1990

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

Dear Ms. Lerner:

On November 12, 1989 I was first informed that several Emerald employees were accused, in print, by one of our local newspapers of breaking federal campaign laws. The newspaper article stated that five (5) Emerald employees contributed to a candidate running for re-election for federal office, and then were reimbursed by Emerald Homes.

At the time this story appeared in print Emerald's Board of Directors initiated an investigation into the findings described in the newspaper article. The investigation has now been completed.

On Friday, March 30, 1989, after many hours of research with many individuals, we did determine that five (5) Emerald employees (Neil Anzalone, Curtis Henderson, William Junge, Cheryl Mendelke and Sam Vanderpool who were working in our California division) did contribute $600.00 each to the re-election campaign of Senator Dennis DeConcini in May, 1987. These five employees then included that specific amount in their Emerald expense report for payment. These expense reports are reviewed only by northern California division management. Consequently, the error was not noticed at the corporate level until Emerald's investigation, subsequent to the DeConcini matter surfacing in November, 1989 (see newspaper article dated November 12, 1989).

We have instructed each employee involved to return to us immediately the $600.00 reimbursed to them erroneously (see memo dated March 30, 1990) and we have informed Senator DeConcini of the situation.

We now realize that our corporate enthusiasm for Senator DeConcini, who has been a real champion for Arizona, may have sent the wrong message to our employees. As the "cheerleader" for the corporate team, I do accept full responsibility for the actions of our California employees. I can assure you that no other Emerald employee has never been reimbursed by this corporation for any political contributions.

5333 North 7th Street • Suite 310 • Phoenix, Arizona 85014 • (602) 985-9100 • FAX (602) 241-3250

9504369276O

If you have any questions concerning any of the above, or if you need to talk to me personally, please do not hesitate to call me.

Office - (602) 995-9100 or (602) 274-0076
Phoenix Residence - (602) 955-9486

In my absence Brian Donnelly will be available to assist you at your request.

Sincerely,

EMERALD HOMES, INC.

Philip J. Polich
President

PJP/vt

Enclosures (2)

9504369270 1

9 5 0 4 3 6 9 2 7 6 2

FINAL EDITION

THE ARIZONA REPUBLIC

$1.25

© Copyright 1989, The Arizona Republic

Sunday, November 12, 1989 ★★ Phoenix, Arizona C 100th year, No. 1[illegible]

DeConcini contributor's note hints firm illegally gave funds

By Jerry Kammer and Andy Hall
The Arizona Republic

© Copyright, 1989 The Arizona Republic

Campaign contributions from at least one home-building executive to Sen. Dennis DeConcini may have been illegally funded by his employer, Emerald Homes, documents indicate.

Federal Election Commission records show that William P. Junge was one of five Emerald executives in the Phoenix-based firm's northern California office who, on May 7, 1987, contributed $600 each to the Arizona senator's campaign fund.

However, a note from Junge to DeConcini two months ago — a copy of which was obtained by *The Arizona Republic* — says that Emerald "actually made this contribution."

DeConcini notified the election commission of Junge's note on Nov. 1 after an inquiry by *The Republic*.

Under federal election laws, it is illegal for a corporation to make political contributions or to reimburse a contributor in order to, in effect, hide the true source of the funds. Penalties can include negotiated agreements, fines of up to

— *See* DECONCINI, *page A8*

Edwin Gray / Five senators dispute his statement that they sought to negotiate favorable treatment for Lincoln Savings at an April 1987 meeting.

FBI probing 5 senators

Keating links focus — thrift regulator could be ousted

Republic Wire Services

WASHINGTON — The FBI has begun an investigation of the role five senators played in intervening with regulators in 1987 in behalf of controversial Arizona financial executive Charles H Keating Jr., according to sources who were questioned.

And in an interview published Saturday, President Bush, commenting on the Lincoln Savings and Loan scandal for the first time, said that he is considering whether to remove M. Danny Wall as the nation's chief thrift regulator in the wake of a congressional investigation.

FBI agents interviewed Edwin Gray, former head of the Federal Home Loan Bank Board, and several of his top aides, the sources said, providing the first indication that the Justice Department is inquiring about the conduct of the five senators. An FBI spokesman declined to comment Saturday.

The senators being investigated [illegible] Dennis DeConcini and John [illegible] of Arizona, Alan Cranston of Cali[illegible]nia, John Glenn of Ohio and [illegible] Riegle of Michigan. All are [illegible]crats except McCain, who is a Republican. The Senate Ethics Committee has asked the senators to respond to complaints that their intervention was "prompted" by

— *See* FBI, *page* [illegible]

DeConcini contributor's note hints firm illegally gave funds

— DECISION, from page A1

$25,000 and up to a year in prison.

Emerald officials denied any impropriety and said all contributions from employees were their own and were not reimbursed.

Besides the California contributors, four Phoenix-based Emerald executives gave $1,000 each during 1987. An additional $3,000 was contributed by Philip J. Polich, Emerald's president and chief executive officer, and his wife, Cynthia.

Emerald, with operations in the Phoenix, Houston, San Diego and San Francisco areas, was identified in a $1.1 billion federal racketeering lawsuit as participating with Charles H. Keating Jr. and others in fraudulent real-estate transactions involving Keating's Lincoln Savings and Loan.

Ethics questions

Keating's campaign contributions to DeConcini and four other U.S. senators are the subject of a preliminary Senate Ethics Committee investigation. The committee is attempting to determine whether the contributions prompted the senators to intervene in April 1987 in Keating's behalf in a battle against federal thrift regulators. Lincoln, a California thrift, has been placed in federal receivership in what apparently is the nation's worst thrift failure.

Emerald's largest transaction with Lincoln was in September 1987, when the company paid $9.6 million for 500 acres in Keating's master-planned community of Estrella, 20 miles southwest of Phoenix. On the same day that it made the purchase, Emerald received a $25 million line of credit from Lincoln.

Once known as Dieta-Crane, the firm was bought in 1982 by a group of Dieta-Crane executives led by Philip Polich. They changed the name to Emerald and in 1986 made it a master limited partnership.

Emerald's vice president and chief financial officer, Eugene L. Baker, said, "On a regular basis, we do request our executive officers to make contributions to political officials, but those are not required contributions, and they are not tied to reimbursements in any way."

'Not making any comment'

But DeConcini spokesman Bob Maynes, said Junge's note "raises the question of whether or not the law was broken" by Emerald.

Junge declined last week to discuss his contribution or explain his note.

"Maybe I'll talk to somebody with some authority if they want to press the issue, (but) I'm not making any comment to the newspaper," said Junge, who resigned from Emerald in May and now operates his own development company in the San Francisco Bay area.

Junge's note was written on a form letter mailed by DeConcini's office to contributors in early summer explaining that DeConcini's campaign treasurer, Thomas F. Kachan, apparently had embezzled funds and that they could request a partial refund.

Kachan was indicted in October by a federal grand jury in Phoenix on five counts of mail fraud stemming from the theft of about $308,000 from DeConcini's election funds since 1982.

The form asked contributors to check a box indicating whether they wished to receive a refund, did not desire a refund or wanted to contribute additional money.

Junge marked the box indicating he wanted no refund and wrote in capital letters on the "Comments" line: "I am no longer with Emerald Homes — the company that actually made this contribution." He underlined the word "actually."

'Under confidential cover'

Maynes said that 1,276 forms were returned in July and August and that campaign workers apparently overlooked Junge's note until *The Republic* asked for a copy.

DeConcini's staff then retrieved the note from their files and sent it on Nov. 1 to the Federal Election Commission with a letter from DeConcini saying it "raises questions that I find necessary and advisable to call to your attention."

FEC press officer Fred Eiland said he could not comment on the DeConcini request for a probe of the Junge contribution.

"If someone writes to the commission indicating there may have been a violation of the law, that could turn into . . . an enforcement action," Eiland said.

"By law, that would be under confidential cover until the commission was completed with it."

CONTRIBUTIONS TO DECONCINI

1987 contributions to DeConcini from Emerald officials based in northern California.

Hall Anneken	May 7	$600
Curtis J. Henderson	May 7	$600
William P. Junge	May 7	$600
Tom A. Mendelke (spouse)	May 7	$600
Sam Vanderpool	May 7	$600

1987 contributions to DeConcini from Emerald officials based in Phoenix.

Eugene L. Baker	May 7	$1,000
Philip J. Polich	May 18	$1,000
James F. Wehmueller	May 27	$1,000
Jon M. Jones	May 28	$1,000
Randall P. Richard	June 5	$1,000
Cynthia Polich	Dec. 31	$1,000
Philip J. Polich	Dec. 31	$1,000

Emerald's Baker said the company asked its California employees to contribute to an Arizona senator because "it's an Arizona-based company and we just feel that, in general, Mr. DeConcini has been favorable toward Arizona-based companies in terms of trying to assist those companies in generating legislation which is positive for the Arizona economy, and we were trying to ensure that Mr. DeConcini was re-elected."

DeConcini, a Democrat, was elected to a third Senate term last November.

Senator 'very helpful'

Baker said Emerald supported DeConcini out of gratitude for his efforts in behalf of a "builder bonds" program that helped home builders provide low-cost mortgages in the early 1980s, during a time of high interest rates.

Baker said the program "was very instrumental back in the early '80s in getting the housing business going here in Arizona again."

"Mr. DeConcini was very helpful in that regard. As a result, we felt he was good for Arizona and good for Emerald Homes," Baker said.

Another contributor, Curtis J. Henderson, the head of Emerald's northern California operations, said he "made a contribution to a politician who was supportive of our industry." He refused to say whether he had been reimbursed for his $600 contribution.

Hall Anneken, also a $600 contributor, said he had not been reimbursed.

"I cannot imagine anybody asking about my political contributions," he said blandly.

Tom A. Mendelke, who also contributed $600 and is shown in FEC records as an Emerald employee, said that he does not work for Emerald but that his wife, Cheryl, does. She would not comment.

Tom Mendelke said that his wife has received bonuses but that he does not believe they constituted reimbursement for the contribution.

Mendelke said that he thinks he made the contribution to DeConcini at the suggestion of Emerald officials, even though he and his wife knew little about DeConcini.

"I know who he is and the fact he's the senator from Arizona," Mendelke said.

"I'm not sure exactly of anything else about him. I know Emerald Homes does a lot of business in Arizona."

The fifth California contributor, Sam Vanderpool, did not return phone calls.

Contributing to this article were researchers John Doherty and Phillip Curdy of *The Arizona Republic*.

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EMERALD®
HOMES
LISTED ON NEW YORK STOCK EXCHANGE

TO: Jerry Henderson

FROM: Phil Polich

DATE: March 30, 1990

By action of the Board of Directors of Emerald L.P., I have been instructed to strongly request that the following employees return to Emerald Homes L.P. all monies which were charged to Emerald and, sebsequently, contributed to Dennis DeConcini's campaign:

Jerry - $600.00

Sam - $600.00

Cheryl - $600.00

Neil - $600.00

Immediate attention to this matter by you and your staff is necessary.

9504369276 4

5333 North 7th Street • Suite 310 • Phoenix, Arizona 85014 • (602) 995-9100 • FAX (602) 241-3250

OGC 5925

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 APR 13 AM 10:33

HAND DELIVERED

EMERALD® HOMES
LISTED ON NEW YORK STOCK EXCHANGE

April 11, 1990

Ms. Lynda S. Schmitz
Treasurer
DeConcini '88 Committee
P.O. Box 39337
Phoenix, Arizona 85069

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 APR 13 PM 3:26

Dear Ms. Schmitz:

This will acknowledge receipt of your letter of April 10, 1990, which also enclosed a check made payable to Emerald Homes in the amount of $2400.00.

Emerald Homes was not a doner to the DeConcini campaign. Recently it was brought to our attention that several employees incorrectly charged these political contributions totaling $2400.00 on their monthly expense reimbursement.

Upon determining this fact, we have required the employees to return the improper reibursements to Emerald, which has been done (a copy of said checks is attached).

I suggest that if you want to return funds, you reimburse these doners directly, at the following location:

Neil Anzolone, Sam Vanderpool, Curtis Henderson & Cherel Mandelke

C/O Emerald Homes, Inc.
6375 Clark Avenue, Suite 101
Dublin, California 94568

I am returning the check issued to Emerald Homes from the DeConcini 88 Debt Retirement Account in the amount of $2400.00, which is enclosed with this letter.

Sincerely,

EMERALD HOMES, INC.

Philip J. Polich
President

cc: Mr. Lawrence Noble - Federal Election Commission
Ms. Lois Lerner - Federal Election Commission

9504369276 5

5333 North 7th Street • Suite 310 • Phoenix, Arizona 85014 • (602) 995-9100 • FAX (602) 241-3250

DECONCINI
U.S. SENATOR

P.O. Box 39337, Phoenix, Arizona 85069 / (602) 271-1486

433-1776

April 10, 1990

Mr. Philip J. Polich
President
EMERALD HOMES
5333 North 7th Street
Suite 310
Phoenix, Arizona 85014

Dear Mr. Polich:

Enclosed please find a check from the DeConcini '88 Committee for $2,400 representing funds contributed to this committee from employees of Emerald Homes. Since, as you indicated, these funds actually came from Emerald Homes and not the individuals, Mr. Larry Noble, General Counsel of the Federal Election Commission, has advised us to return the money directly to Emerald Homes.

Sincerely,

Lynda S. Schmitz

LYNDA S. SCHMITZ
Treasurer
DeConcini '88 Committee

Enc: ck 1046

9504369276 6

Contributions to this political committee are not tax-deductible
Paid for by the DeConcini '88 Committee

DECONCINI 88 DEBT RETIREMENT ACCOUNT
9036 N. 19TH AVE. #3 433-1776
PHOENIX, ARIZONA 85015

1046

91-1
1221

April 10 19 90

Pay to the Order of Emerald Homes $ 2,400.00

Two Thousand Four Hundred Dollars ---------- Dollars

First Interstate Bank

First Interstate Bank of Arizona, N.A. [illegible] 000

[illegible]

⑈001046⑈ ⑆122100011⑆ 0308160?2⑈

NEIL ANZALONE
ANN ANZALONE
[redacted]

2217

4-4 19 90 11-35/1210

Pay to the order of Emerald Homes — $ 600 00/100

Six Hundred Dollars & no/100 Dollars

Bank of America
San Ramon Branch 1082
9451 Village Parkway
San Ramon, CA 94583

Reimbursement for non allowable expenses

[redacted]

Neil Anzalone

SAM VANDERPOOL
JOANNE VANDERPOOL
[redacted]

1780

April 4 90 99-7108/3211

Pay to the order of Emerald Homes $ 600.00

Six Hundred & Dollars

OLD STONE S
of California
[redacted]

Memo Reimb. for non allow. Exp.

Sam Vanderpool

TOM A. MANDELKE
CHEREL A. MANDELKE
131 PEBBLE PL. 838-9738
SAN RAMON, CA 94583

Pay to the Order Of Emerald Homes

Six hundred & no/100

WELLS FARGO BANK

Reimbursement for non allowable expenses

[redacted]

GOLDEN RETRIEVERS 4350

600 00

4/3/90

FROM THE ACCOUNT OF

11-24/528
1210(6)

CURTIS J. HENDERSON
[redacted]

2916

April 3 1990

PAY TO THE ORDER OF Emerald Homes $ 600 00

Six Hundred and no/100 DOLLARS

DUBLIN PLAZA OFFICE
WELLS FARGO BANK
7391 REGIONAL STREET DUBLIN, CA 94568

Curtis J. Henderson

MEMO Reimbursement for non-allowed expenses

[redacted]

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR #3046 and Pre-Mur 228
DATE COMPLAINT RECEIVED
BY OGC: April 9, 1990
DATE OF NOTIFICATION
TO RESPONDENTS: April 20, 1990
STAFF MEMBER: Cheryl S. Kornegay

RECEIVED
FEDERAL ELECTION COMMISSION
90 NOV 26 AM 9:08

COMPLAINANT: Richard R. Robertson

RESPONDENTS: Emerald Homes, Inc. and
Phillip J. Policn, as President

Neil Anzalone
Ann Anzalone
Eugene L. Baker
Randall P. Birdwell
Curtis J. Henderson
Chris Henderson
Jon M. James
William P. Junge
Linda Junge
Cherel Mendelke
Tom Mendelke
Phillip J. Polich
Cynthia Polich
Sam Vanderpool
Joann Vanderpool
James F. Wehmueller
DeConcini '88 Committee, and
Lynda S. Schmitz, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441b
2 U.S.C. § 441f

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On April 9, 1990, the Commission received a complaint from Richard Robertson, Investigations Editor for The Arizona Republic, (Republic), a Phoenix based newspaper. The complaint alleged that Emerald Homes, ("Emerald"), a California home building corporation, illegally reimbursed one or more of its employees for

9504369276 9

campaign contributions to Senator Dennis DeConcini. The complaint was based on an article which named the employees involved and the date and amount of their contribution.

The Commission received a sua sponte submission from Emerald Homes' President, Phillip J. Polich, on April 6, 1990. According to Mr. Polich, an internal investigation had revealed that five Emerald employees in the company's California division each contributed $600 to the DeConcini campaign for which they were reimbursed. The company reported that it had notified Senator DeConcini of the situation and instructed each of the employees to return the $600.00 they had been reimbursed to the company.

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended (the "Act"), "no person shall knowingly accept a contribution made by one person in the name of another or knowingly permit his name to be used to effect such a contribution." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any

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contribution prohibited by this section.

On November 12, 1989, The Arizona Republic reported that Commission records showed that William P. Junge was one of five Emerald Northern California employees who, on May 7, 1987, contributed $600 each to Senator Dennis DeConcini. The Republic also listed seven (7) additional $1,000 contributions that were given to Senator DeConcini during 1987 by individuals closely associated with Emerald. In response to a form letter mailed by Senator DeConcini's office to contributors explaining that DeConcini's campaign treasurer apparently had embezzled funds and that contributors could thus request a refund, Mr. Junge marked a box indicating he wanted no refund and wrote in capital letters on the "Comments" line: "I am no longer with Emerald Homes--the company that actually made this contribution."

As noted above, Emerald's own internal investigation, conducted in response to the newspaper reports, found that five employees were actually reimbursed through inflated expense reports for contributions to Senator DeConcini. Emerald's response to the complaint attributes the beginning of the chain of error to a conversation the company's president, Phillip Polich, had with Curtis Henderson, a company vice president. Mr. Polich indicated in the conversation that he was $3,000 short of the $10,000 goal he had set for a DeConcini fundraising event. Mr. Henderson agreed to help and said he would speak to his employees about raising the additional $3,000. Mr. Henderson even believes that he specifically discussed reimbursing the employees with Mr. Polich, although Mr. Polich does not recall a conversation on the subject. Nevertheless, it appears that high

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level Emerald management was directly involved in the events that led up to the illegal contributions.

Emerald admits further that because Mr. Henderson's "political contribution" budget did not have adequate funds in it to reimburse the entire $3,000, he advised the employees to make a $600 DeConcini contribution and submit reimbursement requests for auto repairs and other items. Accordingly, Cherel Mandelke, Emerald's office controller, submitted a reimbursement request of $600 for political contributions as there were adequate funds in the account for that amount. Employee Sam Vanderpool submitted a reimbursement request on May 8, 1987 for towing and vehicle repairs. Neil Anzalone submitted an expense reimbursement for $600 in repairs to a company car that was administratively charged to legal expenses by the company. Curtis Henderson submitted a voucher for legal expenses and William Junge submitted a request for reimbursement for attendance at a Real Estate and Economic symposium, some cassette tapes and attendance at a management seminar.

Emerald asserts that its involvement is mitigated by the fact that the employee expense reports upon which reimbursement was based were reviewed only by the company's northern California division management, and thus not noticed at Emerald's corporate level until the internal investigation. Emerald has presented no precedent for its assertion that the Company can be disassociated from the actions of its California branch office. The suggestion to employees by Emerald management to make campaign contributions, coupled with guaranteed reimbursement of contributions and the condoning of the concealment of reimbursed funds amongst bogus

9504369277 2

expense account entries is the exact type of corporate interference and influence that Sections 441f and 441b were intended to eliminate. Therefore, there is reason to believe that Emerald violated 2 U.S.C. §§ 441f and 441b and that the reimbursed Emerald employees violated 2 U.S.C. § 441f.

Emerald vice-president Curtis J. Henderson admits he was reimbursed for making a $600 DeConcini contribution in violation of 2 U.S.C. §§ 441b and 441f. In addition, Mr. Henderson recalls having discussed employee reimbursement with Emerald President Phillip J. Polich. Attachment 1, page 3. Emerald's response indicates that Mr. Polich initiated the conversation with Henderson regarding DeConcini contributions, although Mr. Polich claims to have no recollection that the two discussed reimbursing Emerald employees for contributions. Given Henderson's recollection of the conversation, coupled with the uncontradicted portions of the conversation appearing in the company's response, this Office recommends that the Commission find reason to believe that Mr. Polich and Mr. Henderson violated 2 U.S.C. § 441b by consenting to contributions by the corporation. This Office also recommends that the Commission find reason to believe that Mr. Polich violated 2 U.S.C. § 441f by assisting the corporation in making contributions in the name of another. See FEC v. Rodriguez, Case No. 86-687-Civ-T-10 (B) (D.Fla., Order dated December 5, 1986); See also 11 C.F.R. § 110.4(b)(1)(iii).[1]

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1. The information submitted in response to the complaint indicates that Phillip Polich was was not reimbursed for his contribution to the DeConcini Campaign. This office notes however, that Phillip Polich contributed $1,000.00 to the DeConcini Campaign Committee on May 18, 1987 and another $1,000.00 on December 31, 1987. The Committee's reports reveal that the first contribution was designated entirely to the primary

Furthermore, the General Counsel's Office recommends that the Commission find reason to believe that Curtis Henderson violated 2 U.S.C. § 441f by allowing his name to be used to make a corporate contribution and by assisting in the making of corporation contributions in the names of others.

With respect to the contributions of $1,000 by Eugene Baker, James F. Wehmueller, Jon M. James, Randall P. Birdwell, and Cynthia Polich, each individual has filed a response to the Commission's complaint indicating that he or she was not reimbursed for DeConcini campaign contributions. Respondent James Wehmueller also stated that he was never employed by Emerald. It is recommended that the Commission find no reason to believe that these individuals violated 2 U.S.C. § 441f on the basis of the complaint in this matter.

Finally, there is no evidence that Senator DeConcini or his committee encouraged or participated in the making of any of the Emerald contributions. In fact, once the article appeared in the Republic, DeConcini's staff retrieved the Junge note from their files, and on November 1, 1989, sent it to the Commission with a letter from DeConcini saying "it raises questions that I find necessary and advisable to call to your attention." Senator DeConcini subsequently returned Junge's contribution and the contributions of the other Emerald employees. It is recommended that the Commission find no reason to believe that the Senator DeConcini '88 Committee, and Lynda S. Schmitz, as treasurer

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(Footnote 1 continued from previous page)
election. The second contribution was reported as $500.00 to the primary election and $500.00 to the general election. Given that Polich could contribute $1,000.00 total per election, this office makes no recommendation regarding the designation issue.

violated 2 U.S.C. §§ 441b(a) or 441f.

A review of disclosure reports on file with the Commission revealed that contributions of $2,500 each were made by Curtis J. Henderson, Chris Henderson, William P. Junge, Linda Junge, Cherel A. Mendelke, Tom Mendelke, Sam Vanderpool, Joann Vanderpool, Neil Anzalone and Ann Anzalone to Emerald Homes Inc. Political Action Committee on November 18, 1988. The contributions appear suspect given that these Emerald employees and their apparent spouses made exact amount contributions on the same date, coupled with the fact that these same employees were reimbursed by the company for their earlier $600.00 DeConcini campaign contributions. Accordingly, this Office recommends that the Commission find reason to believe that these employees and spouses violated 2 U.S.C. § 441f and that Emerald Homes, Inc. violated 2 U.S.C. § 441f and 2 U.S.C. § 441b.

III. REQUEST FOR PRE-PROBABLE CAUSE CONCILIATION

Respondents Emerald Homes Inc., Curtis J. Henderson, Neil Anzalone, Sam Vanderpool and Cherel Mandelke have requested pre-probable cause conciliation in this matter. It is recommended that the Commission deny this request until such time as the Commission has had the opportunity to investigate the possibility of corporate reimbursement for contributions to Emerald Homes PAC.

IV. RECOMMENDATIONS

1. Open a MUR in Pre-MUR 228.

2. Merge MUR 3046 with the new MUR.

3. Find reason to believe that Emerald Homes, Inc. violated 2 U.S.C. §§ 441b and 441f.

4. Find reason to believe that Phillip J. Polich violated 2 U.S.C. §§ 441b and 441f.

5. Find Reason to believe that Curtis J. Henderson violated 2 U.S.C. §§ 441b and 441f.

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6. Find reason to believe that William P. Junge, Linda Junge, Neil Anzalone, Ann Anzalone, Chris Henderson, Cherel Mendelke, Tom Mendelke, Sam Vanderpool and Joann Vanderpool violated 2 U.S.C. § 441f.

7. Find no reason to believe that Eugene L. Baker, James F. Wehmueller, Jon M. James, Randall P. Birdwell, or Cynthia Polich violated 2 U.S.C. § 441f.

8. Find no reason to believe that the DeConcini '88 Committee or Lynda S. Schmitz, as treasurer, violated 2 U.S.C. § 441b or § 441f.

9. Decline the request to enter into pre-probable cause conciliation.

10. Approve the attached Factual and Legal Analyses and appropriate letters.

Lawrence M. Noble
General Counsel

11/21/90
Date

BY: [signature]
Lois G. Lerner
Associate General Counsel

Attachments:
1. Response to Complaint submitted on behalf of Emerald Homes, Inc., and Phillip Polich, President; Curtis J. Henderson, Vice-President; Neil Anzalone, Sam Vanderpool, Eugene L. Baker and Cherel Mandelke.
2. Response by William P. Junge
3. Response by Randall Birdwell
4. Response by James Wehmueller
5. Response by Jon M. James
6. Response by Cynthia Polich
7. Legal and Factual Analyses
8. Response by DeConcini '88 Committee, and Lynda S. Schmitz as treasurer

9504369276

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Emerald Homes, Inc. and Phillip J. Polich, as President;	)	
Neil Anzalone;	)	
Ann Anzalone;	)	MUR 3046 and Pre-MUR 228 (MUR 3188)
Eugene L. Baker;	)	
Randall P. Birdwell;	)	
Curtis J. Henderson;	)	
Chris Henderson;	)	
Jon M. James;	)	
William P. Junge;	)	
Linda Junge;	)	
Cherel Mendelke;	)	
Tom Mendelke;	)	
Phillip J. Polich;	)	
Cynthia Polich;	)	
Sam Vanderpool;	)	
Joann Vanderpool;	)	
James F. Wehmueller;	)	
DeConcini '88 Committee, and Lynda S. Schmitz, as treasurer.	)	

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CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 28, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 3046 and Pre-MUR 228:

1. Open a MUR in Pre-MUR 228.
2. Merge MUR 3046 with the new MUR.
3. Find reason to believe that Emerald Homes, Inc. violated 2 U.S.C. §§ 441b and 441f.

(continued)

4. Find reason to believe that Phillip J. Polich violated 2 U.S.C. §§ 441b and 441f.

5. Find reason to believe that Curtis J. Henderson violated 2 U.S.C. §§ 441b and 441f.

6. Find reason to believe that William P. Junge, Linda Junge, Neil Anzalone, Ann Anzalone, Chris Henderson, Cherel Mendelke, Tom Mendelke, Sam Vanderpool and Joann Vanderpool violated 2 U.S.C. § 441f.

7. Find no reason to believe that Eugene L. Baker, James F. Wehmueller, Jon M. James, Randall P. Birdwell, or Cynthia Polich violated 2 U.S.C. § 441f.

8. Find no reason to believe that the Deconcini '88 Committee or Lynda S. Schmitz, as treasurer, violated 2 U.S.C. § 441b or 441f.

9. Decline the request to enter into pre-probable cause conciliation, as recommended in the General Counsel's Report dated November 21, 1990.

10. Approve the Factual and Legal Analyses and appropriate letters, as recommended in the General Counsel's Report dated November 21, 1990.

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

Attest:

11-28-90
Date

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Monday, Nov. 26, 1990 9:08 a.m.
Circulated to the Commission: Monday, Nov. 26, 1990 11:00 a.m.
Deadline for vote: Wednesday, Nov. 28, 1990 11:00 a.m.

dh

9504369218

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 18, 1990

Paul J. Roshka, Jr., Esquire
O'Connor, Cavanagh, Anderson,
Westover, Killingsworth and Beshears
Suite 1100
One East Camelback Road
Phoenix, Arizona 85012-1656

RE: MUR 3188
Emerald Homes, Phillip J. Polich,
Curtis J. Henderson, Neil Anzalone,
Sam Vanderpool, Cherel Mandelke,
Eugene Baker and Cynthia Polich

Dear Mr. Roshka:

On April 20, 1990, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission, on November 28, 1990, found there is no reason to believe that Eugune Baker and Cynthia Polich violated 2 U.S.C. § 441f. The Commission found however, that there is reason to believe Emerald Homes, Inc., Phillip J. Polich and Curtis J. Henderson violated 2 U.S.C. 441b and 441f and that Neil Anzalone, Cherel Mandelke and Sam Vanderpool violated 2 U.S.C. § 441f.

The Commission also considered your request for pre-probable cause conciliation and determined to decline your request because of the need to complete its investigation of this matter. At such time as when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

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Under the Act, when there is a finding of reason to believe, your clients have an opportunity to demonstrate that no action should be taken against them. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials, along with answers to the enclosed questions, to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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

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

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.

The Commission has assigned this matter a new number. Please use only the new number, MUR 3188, in all future correspondence regarding this matter.

If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures:
Factual & Legal Analysis
Questions

9504369270

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Emerald Homes, Inc. and
Phillip J. Polich, as President

Curtis J. Henderson, Vice-President
Neil Anzalone
Sam Vanderpool
Cherel Mandelke

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended (the "Act"), "no person shall knowingly accept a contribution made by one person in the name of another or knowingly permit his name to be used to effect such a contribution." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4 (b)(2)(i).

Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

On November 12, 1989, The Arizona Republic, a Phoenix based newspaper, reported that Commission records showed that five

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employees of Emerald Homes, Inc. (Emerald), a California home building corporation, contributed $600 each to Senator Dennis DeConcini on May 7, 1987. The newspaper's interest in the Emerald contributions was initiated by a response to a DeConcini form letter by William Junge, a former Emerald vice-president. The letter had been mailed to DeConcini campaign contributors to inform them that because the Senator's campaign treasurer had apparently embezzled funds, they could request a refund. Mr. Junge marked a box indicating that he wanted no refund and wrote in capital letters on the "Comments" line: "I am no longer with Emerald Homes--the company that actually made this contribution."

In response to the newspaper article, Emerald conducted an internal investigation of the DeConcini contributions. On April 6, 1990, the Commission received a sua sponte submission from Emerald's President, Phillip J. Polich. Mr. Polich wrote that the internal investigation had concluded that the five Emerald employees had been reimbursed by the Company for their DeConcini contributions.

The Commission also received a complaint from Richard Robertson, Investigations Editor for the Republic requesting that the Commission investigate the Emerald contributions on April 9, 1990. In its response to the complaint, Emerald attributed the beginning of the chain of error in the case to a conversation Mr. Polich had with Curtis J. Henderson, a company vice president, indicating that he was $3,000.00 short of the $10,000.00 goal he had set for a DeConcini fundraising event. Mr. Henderson agreed

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to help and said he would speak to his employees about raising the additional $3,000.00. Mr. Henderson even believes that he specifically discussed reimbursing the employees with Mr. Polich, although Mr. Polich does not recall a conversation on the subject. Nevertheless, it appears that high level Emerald management was directly involved in the events that led up to the illegal contributions.

Emerald admits further that because Mr. Henderson's "political contribution" budget did not have adequate funds in it to reimburse the entire $3,000, he advised the employees to make a $600 DeConcini contribution and submit reimbursement requests for auto repairs and other items. Accordingly, Cherel Mandelke, Emerald's office controller, submitted a reimbursement request for $600 for political contributions as there were adequate funds in the account for that amount. Employee Sam Vanderpool submitted a reimbursement request for towing and vehicle repairs. Neil Ansalone submitted an expense reimbursement for $600 in repairs to a company car and Curtis Henderson submitted a voucher for legal expenses.

Emerald asserts that its involvement is mitigated by the fact that the employee expense reports upon which reimbursement was based were reviewed only by the company's northern California division management, and thus not noticed at Emerald's corporate level until the internal investigation. Emerald has presented no precedent for its assertion that the Company can be disassociated from the actions of its California branch office. The suggestion to employees by Emerald management to make campaign contributions,

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coupled with guaranteed reimbursement of contributions and the condoning of the concealment of reimbursed funds amongst bogus expense account entries is the exact type of corporate interference and influence that Sections 441f and 441b were intended to eliminate. Therefore, there is reason to believe that Emerald violated 2 U.S.C. §§ 441f and 441b and that employees Anzalone, Vanderpool and Mandelke violated 2 U.S.C. § 441f.

Emerald vice-president Curtis J. Henderson admits he was reimbursed for making a $600 DeConcini contribution in violation of 2 U.S.C. §§ 441b and 441f. In addition, Mr. Henderson recalls having discussed employee reimbursement with Emerald President Phillip J. Polich. Attachment 1, page 3. Emerald's response indicates that Mr. Polich initiated the conversation with Henderson regarding DeConcini contributions, although Mr. Polich claims to have no recollection that the two discussed reimbursing Emerald employees for contributions. Given Henderson's recollection of the conversation, coupled with the uncontradicted portions of the conversation appearing in the company's response, there is reason to believe that Mr. Polich and Mr. Henderson violated 2 U.S.C. § 441b by consenting to contribution reimbursements by the corporation. There also is reason to believe that Mr. Polich violated 2 U.S.C. § 441f by assisting the corporation in making contributions in the name of another. See FEC v. Rodriguez, Case No. 86-687-Civ-T-10 (B) (D. Fla., Order dated December 5, 1986); See also 11 C.F.R. § 110.4(b)(1)(iii). Furthermore, there is reason to believe that Curtis Henderson violated 2 U.S.C. § 441f by allowing his name to be used to make a

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corporate contribution and by assisting in the making of corporation contributions in the names of others.

Finally, a review of disclosure reports on file with the Commission revealed that contributions of $2,500 each were made by Curtis J. Henderson, Cherel Mandelke, Sam Vanderpool and Neil Anzalone to Emerald Homes, Inc. Political Action Committee on November 18, 1988. The contributions appear suspect given that these Emerald employees made exact amount contributions on the same date, coupled with the fact that these same employees were reimbursed by the company for their earlier $600 DeConcini campaign contributions. Accordingly, there is reason to believe that these employees violated 2 U.S.C. § 441f and that Emerald Homes, Inc., violated 2 U.S.C. §§ 441f and 441b.

9504369275

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3188)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Emerald Homes, Inc.
c/o Paul J. Roshka, Jr., Esquire
O'Connor, Cavanagh, Anderson,
Westover, Killingsworth and Beshears
One East Camelback Road, Suite 1100
Phoenix, Arizona 85012-1656

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1987 to January 1989.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS AND DOCUMENT REQUEST

1. Identify all political contribution budgets, accounts or funds maintained by Emerald Homes (other than Emerald Homes Political Action Committee) from which a contribution was made to any candidate seeking a federal office.

a. Identify the source of all funds maintained in such account(s).

b. State the purpose of any such account and provide any policy manuals, written directives, or guidelines governing these accounts.

c. State the procedures for depositing and withdrawing funds from such accounts and identify all persons who have authority for issuing checks from said accounts.

2. Other than the employees identified by Emerald in its response to the Complaint as having been reimbursed for political contributions, state whether Emerald Homes has ever reimbursed employees or their spouses, either directly or indirectly for contributions to a candidate seeking a federal office:

a. If the answer to this question is in the affirmative, identify all persons who received reimbursements from you.

b. Identify all candidates seeking a federal office who received a contribution for which Emerald Homes directly or indirectly reimbursed an employee or spouse.

3. State whether Emerald Homes has ever reimbursed employees or their spouses, either directly or indirectly for their contributions to the Emerald Homes Political Action Committee:

If the answer to this question is in the affirmative, identify all persons who received reimbursements from you.

4. Identify and produce all documents which relate or pertain to the above questions.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3188
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Curtis Henderson
c/o Paul J. Roshka, Jr., Esquire
O'Connor, Cavanagh, Anderson,
Westover, Killingsworth and Beshears
One East Camelback Road, Suite 1100
Phoenix, Arizona 85012-1656

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1987 to January 1989.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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QUESTIONS AND DOCUMENT REQUEST

1. Identify all persons with whom you discussed reimbursing employees for contributions made to Senator DeConcini.

Summarize the substance of all written and oral communications or contacts between you and the person(s) with whom you discussed employee reimbursement.

2. Identify the source of all funds maintained in your "political contribution budget" (see page 3 of Emerald's response to the complaint in this matter.):

a. State the purpose of the account.

b. State the procedures for depositing and withdrawing funds from the account and identify all persons who have authority for issuing checks from the account.

c. Provide a report of all receipts and disbursements for the account.

3. Identify and produce all documents which relate or pertain to the above questions.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3188)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Phillip J. Polich
c/o Paul J. Roshka, Jr., Esquire
O'Connor, Cavanagh, Anderson,
Westover, Killingsworth and Beshears
One East Camelback Road, Suite 1100
Phoenix, Arizona 85012-1656

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1987 to January 1989.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

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"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS AND DOCUMENT REQUEST

1. Identify the homebuilder who asked for your assistance with a fundraiser for Senator DeConcini in late spring of 1987. (See Emerald response to the Complaint, page 2.).

Summarize the substance of all written and oral communications relating to the request for assistance between you and the person(s) identified in Question 1.

2. Identify all persons with whom you discussed reimbursing employees for contributions made to Senator DeConcini:

Summarize the substance of all written and oral communications or contacts between you and the person(s) with whom you discussed employee reimbursement.

3. Identify and produce all documents which relate or pertain to the above questions.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1990

Ann Anzalone
2508 Toltec Circle
San Ramon, California 94583

RE: MUR 3188

Dear Ms. Anzalone:

On November 28, 1990, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials, along with answers to the enclosed questions, to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

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

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

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures:
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Ann Anzalone

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended (the "Act"), "no person shall knowingly accept a contribution made by one person in the name of another or knowingly permit his name to be used to effect such a contribution." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4 (b)(2)(i).

Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

On November 12, 1989, The Arizona Republic, a Phoenix based newspaper, reported that Commission records showed that five employees of Emerald Homes, Inc. (Emerald), a California home building corporation, contributed $600 each to Senator Dennis DeConcini on May 7, 1987. Apparently, the newspaper's interest in the Emerald contributions was initiated by a response to a

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DeConcini form letter by William Junge, a former Emerald vice-president. The letter had been mailed to DeConcini campaign contributors to inform them that because the Senator's campaign treasurer had apparently embezzled funds, they could request a refund. Mr. Junge marked a box indicating that he wanted no refund and wrote in capital letters on the "Comments" line: "I am no longer with Emerald Homes--the company that actually made this contribution."

In response to the newspaper article, Emerald conducted an internal investigation of the DeConcini contributions. On April 6, 1990, the Commission received a sua sponte submission from Emerald Homes' President, Phillip J. Polich. Mr. Polich wrote that the internal investigation had concluded that the five Emerald employees had been reimbursed by the Company for their DeConcini contributions.

The Commission received a complaint from Richard Robertson, Investigations Editor for the Republic requesting that the Commission investigate the Emerald contributions on April 9, 1990. In its response to the complaint, Emerald again acknowledged that the five employees had been reimbursed for their contributions to the DeConcini campaign.

A review of disclosure reports on file with the Commission reveal that these same employees and their apparent spouses each contributed $2,500.00 to the Emerald Homes, Inc. Political Action Committee on November 18, 1988. The $2,500 contributions made by these employees and their spouses to the Emerald Homes, Inc. Political Action Committee are suspect given the fact that the

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employees made exact amount contributions on the same date and had each been previously reimbursed by the company for a DeConcini campaign contribution of $600.00. Therefore, there is reason to believe that Ann Anzalone violated 2 U.S.C. § 441f.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3188
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Ann Anzalone
2508 Toltec Circle
San Ramon, California 94583

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

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The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1987 to January 1989.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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QUESTIONS AND DOCUMENT REQUEST

1. State whether you contributed to the Emerald Homes Political Action Committee ("the Committee").

a. If the answer to this question is in the affirmative, indicate the total amount contributed and provide the dates you made your contributions.

b. Identify the person(s) who solicited these contributions from you.

c. Summarize the substance of all communications relating to these solicitations between you and the person(s) identified in response to Question 1(b).

d. State where you sent your contribution(s) i.e., did you send your contributions to the person who solicited them?

2. State whether you received any payment or reimbursement related to your contribution(s) to the Committee:

a. If the answer to this question is in the affirmative, identify all persons who made such payments or reimbursements to you.

b. Summarize the substance of all written and oral communications between you and the person(s) identified in response to Question 2a.

3. Identify and produce all papers, letters, checks, or other documents which relate or pertain to the above questions.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1990

Randall P. Birdwell
38 North Brokenfern Drive
The Woodlands, Texas 77380

RE: MUR 3118

Dear Mr. Birdwell:

On April 20, 1990, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On November 28, 1990, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated 2 U.S.C. § 441f. At the time of its decision, the Commission assigned this matter a new number, MUR 3188. Please use the new number on any future correspondence regarding this matter.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 18, 1990

Chris Henderson
5541 Blackbird Drive
Pleasanton, California 94565

RE: MUR 3188

Dear Ms. Henderson:

On November 28, 1990, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials, along with answers to the enclosed questions, to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

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

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

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures:
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

95043692809

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Chris Henderson

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended (the "Act"), "no person shall knowingly accept a contribution made by one person in the name of another or knowingly permit his name to be used to effect such a contribution." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4 (b)(2)(i).

Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

On November 12, 1989, The Arizona Republic, a Phoenix based newspaper, reported that Commission records showed that five employees of Emerald Homes, Inc. (Emerald), a California home building corporation, contributed $600 each to Senator Dennis DeConcini on May 7, 1987. Apparently, the newspaper's interest in the Emerald contributions was initiated by a response to a

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DeConcini form letter by William Junge, a former Emerald vice-president. The letter had been mailed to DeConcini campaign contributors to inform them that because the Senator's campaign treasurer had apparently embezzled funds, they could request a refund. Mr. Junge marked a box indicating that he wanted no refund and wrote in capital letters on the "Comments" line: "I am no longer with Emerald Homes--the company that actually made this contribution."

In response to the newspaper article, Emerald conducted an internal investigation of the DeConcini contributions. On April 6, 1990, the Commission received a sua sponte submission from Emerald Homes' President, Phillip J. Polich. Mr. Polich wrote that the internal investigation had concluded that the five Emerald employees had been reimbursed by the Company for their DeConcini contributions.

The Commission received a complaint from Richard Robertson, Investigations Editor for the Republic requesting that the Commission investigate the Emerald contributions on April 9, 1990. In its response to the complaint, Emerald again acknowledged that the five employees had been reimbursed for their contributions to the DeConcini campaign.

A review of disclosure reports on file with the Commission reveal that these same employees and their apparent spouses each contributed $2,500.00 to the Emerald Homes, Inc. Political Action Committee on November 18, 1988. The $2,500 contributions made by these employees and their spouses to the Emerald Homes, Inc. Political Action Committee are suspect given the fact that the

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employees made exact amount contributions on the same date and had each been previously reimbursed by the company for a DeConcini campaign contribution of $600.00. Therefore, there is reason to believe that Chris Henderson violated 2 U.S.C. § 441f.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3188)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Chris Henderson
5541 Blackbird Drive
Pleasanton, California 94565

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1987 to January 1989.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS AND DOCUMENT REQUEST

1. State whether you contributed to the Emerald Homes Political Action Committee ("the Committee").

a. If the answer to this question is in the affirmative, indicate the total amount contributed and provide the dates you made your contributions.

b. Identify the person(s) who solicited these contributions from you.

c. Summarize the substance of all communications relating to these solicitations between you and the person(s) identified in response to Question 1(b).

d. State where you sent your contribution(s) i.e., did you send your contributions to the person who solicited them?

2. State whether you received any payment or reimbursement related to your contribution(s) to the Committee:

a. If the answer to this question is in the affirmative, identify all persons who made such payments or reimbursements to you.

b. Summarize the substance of all written and oral communications between you and the person(s) identified in response to Question 2a.

3. Identify and produce all papers, letters, checks, or other documents which relate or pertain to the above questions.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1990

Jon M. James
9340 N. 92nd Street #207
Scottsdale, Arizona 85258

RE: MUR 3118

Dear Mr. James:

On April 20, 1990, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On November 28, 1990, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated 2 U.S.C. § 441f. At the time of its decision, the Commission assigned this matter a new number, MUR 3188. Please use this new number in any future correspondence regarding this matter.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1990

William P. Junge
2320 Corte De La Lara
Pleasanton, California 94568

RE: MUR 3188

Dear Mr. Junge:

On April 20, 1990, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on November 28, 1990, found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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

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

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

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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.

The Commission has assigned this matter a new number. Please use only the new number, MUR 3188, in all future correspondence regarding this matter.

If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott
Chairman

Enclosures:
1. Designation of Counsel Form
2. Factual & Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: William Junge

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended (the "Act"), "no person shall knowingly accept a contribution made by one person in the name of another or knowingly permit his name to be used to effect such a contribution." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4 (b)(2)(i).

Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

On November 12, 1989, The Arizona Republic, a Phoenix based newspaper, reported that Commission records showed that five employees of Emerald Homes, Inc. (Emerald), a California home building corporation, contributed $600 each to Senator Dennis DeConcini on May 7, 1987. Apparently, the newspaper's interest in

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the Emerald contributions was initiated by a response to a DeConcini form letter by William Junge, a former Emerald vice-president. The letter had been mailed to DeConcini campaign contributors to inform them that the Senator's campaign treasurer apparently had embezzled funds and that they could request a refund. Mr. Junge marked a box indicating that he wanted no refund and wrote in capital letters on the "Comments" line: "I am no longer with Emerald Homes--the company that actually made this contribution."

In response to the newspaper article, Emerald conducted an internal investigation of the DeConcini contributions. On April 6, 1990, the Commission received a sua sponte subaission from Emerald Homes' President, Phillip J. Polich. Mr. Polich wrote that the internal investigation had concluded that the five Emerald employees had been reimbursed by the Company for their DeConcini contributions.

The Commission received a complaint from Richard Robertson, Investigations Editor for the Republic requesting that the Commission investigate the Emerald contributions on April 9, 1990. In his response to the complaint, Mr. Junge explained that he was instructed to make the contribution with the understanding that he would be reimbursed by the corporation. He then complied with his "instructions," wrote the check, and was reimbursed. Accordingly, there is reason to believe that William Junge violated 2 U.S.C. § 441f.

A review of disclosure reports on file with the Commission also reveals that Mr. Junge and other Emerald employees each made

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$2,500.00 contributions to Emerald Homes, Inc., Political Action Committee on November 18, 1988. In light of the previous corporate reimbursement and given that employees contributed the same amount to the corporate PAC on the very same day, there is reason to believe that William Junge violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1990

Linda Junge
2320 Corte De La Lara
Pleasanton, California 94568

RE: MUR 3118

Dear Ms. Junge:

On November 28, 1990, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials, along with answers to the enclosed questions, to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

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

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

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures:
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Linda Junge

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended (the "Act"), "no person shall knowingly accept a contribution made by one person in the name of another or knowingly permit his name to be used to effect such a contribution." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4 (b)(2)(i).

Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

On November 12, 1989, The Arizona Republic, a Phoenix based newspaper, reported that Commission records showed that five employees of Emerald Homes, Inc. (Emerald), a California home building corporation, contributed $600 each to Senator Dennis DeConcini on May 7, 1987. Apparently, the newspaper's interest in the Emerald contributions was initiated by a response to a

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DeConcini form letter by William Junge, a former Emerald vice-president. The letter had been mailed to DeConcini campaign contributors to inform them that because the Senator's campaign treasurer had apparently embezzled funds, they could request a refund. Mr. Junge marked a box indicating that he wanted no refund and wrote in capital letters on the "Comments" line: "I am no longer with Emerald Homes--the company that actually made this contribution."

In response to the newspaper article, Emerald conducted an internal investigation of the DeConcini contributions. On April 6, 1990, the Commission received a sua sponte submission from Emerald Homes' President, Phillip J. Polich. Mr. Polich wrote that the internal investigation had concluded that the five Emerald employees had been reimbursed by the Company for their DeConcini contributions.

The Commission received a complaint from Richard Robertson, Investigations Editor for the Republic requesting that the Commission investigate the Emerald contributions on April 9, 1990. In its response to the complaint, Emerald again acknowledged that the five employees had been reimbursed for their contributions to the DeConcini campaign.

A review of disclosure reports on file with the Commission reveal that these same employees and their apparent spouses each contributed $2,500.00 to the Emerald Homes, Inc. Political Action Committee on November 18, 1988. The $2,500 contributions made by these employees and their spouses to the Emerald Homes, Inc. Political Action Committee are suspect given the fact that the

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employees made exact amount contributions on the same date and had each been previously reimbursed by the company for a DeConcini campaign contribution of $600.00. Therefore, there is reason to believe that Linda Junge violated 2 U.S.C. § 441f.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3188)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Linda Junge
2320 Corte De La Lara
Pleasanton, California 94568

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1987 to January 1989.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS AND DOCUMENT REQUEST

1. State whether you contributed to the Emerald Homes Political Action Committee ("the Committee").

a. If the answer to this question is in the affirmative, indicate the total amount contributed and provide the dates you made your contributions.

b. Identify the person(s) who solicited these contributions from you.

c. Summarize the substance of all communications relating to these solicitations between you and the person(s) identified in response to Question 1(b).

d. State where you sent your contribution(s) i.e., did you send your contributions to the person who solicited them?

2. State whether you received any payment or reimbursement related to your contribution(s) to the Committee:

a. If the answer to this question is in the affirmative, identify all persons who made such payments or reimbursements to you.

b. Summarize the substance of all written and oral communications between you and the person(s) identified in response to Question 2a.

3. Identify and produce all papers, letters, checks, or other documents which relate or pertain to the above questions.

9504369231

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 18, 1990

Tom Mendelke
131 Pebble Place
San Ramon, California 94583

RE: MUR 3188

Dear Mr. Mendelke:

On November 28, 1990, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials, along with answers to the enclosed questions, to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

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

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

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures:
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

2504369283

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Tom Mendelke

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended (the "Act"), "no person shall knowingly accept a contribution made by one person in the name of another or knowingly permit his name to be used to effect such a contribution." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4 (b)(2)(i).

Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

On November 12, 1989, The Arizona Republic, a Phoenix based newspaper, reported that Commission records showed that five employees of Emerald Homes, Inc. (Emerald), a California home building corporation, contributed $600 each to Senator Dennis DeConcini on May 7, 1987. Apparently, the newspaper's interest in the Emerald contributions was initiated by a response to a

9504369283 4

DeConcini form letter by William Junge, a former Emerald vice-president. The letter had been mailed to DeConcini campaign contributors to inform them that because the Senator's campaign treasurer had apparently embezzled funds, they could request a refund. Mr. Junge marked a box indicating that he wanted no refund and wrote in capital letters on the "Comments" line: "I am no longer with Emerald Homes--the company that actually made this contribution."

In response to the newspaper article, Emerald conducted an internal investigation of the DeConcini contributions. On April 6, 1990, the Commission received a sua sponte submission from Emerald Homes' President, Phillip J. Polich. Mr. Polich wrote that the internal investigation had concluded that the five Emerald employees had been reimbursed by the Company for their DeConcini contributions.

The Commission received a complaint from Richard Robertson, Investigations Editor for the Republic requesting that the Commission investigate the Emerald contributions on April 9, 1990. In its response to the complaint, Emerald again acknowledged that the five employees had been reimbursed for their contributions to the DeConcini campaign.

A review of disclosure reports on file with the Commission reveal that these same employees and their apparent spouses each contributed $2,500.00 to the Emerald Homes, Inc. Political Action Committee on November 18, 1988. The $2,500 contributions made by these employees and their spouses to the Emerald Homes, Inc. Political Action Committee are suspect given the fact that the

9504369283 5

employees made exact amount contributions on the same date and had each been previously reimbursed by the company for a DeConcini campaign contribution of $600.00. Therefore, there is reason to believe that Tom Mendelke violated 2 U.S.C. § 441f.

9504369236

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3188)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Tom Mendelke
131 Pebble Place
San Ramon, California 94583

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1987 to January 1989.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

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"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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QUESTIONS AND DOCUMENT REQUEST

1. State whether you contributed to the Emerald Homes Political Action Committee ("the Committee").

a. If the answer to this question is in the affirmative, indicate the total amount contributed and provide the dates you made your contributions.

b. Identify the person(s) who solicited these contributions from you.

c. Summarize the substance of all communications relating to these solicitations between you and the person(s) identified in response to Question 1(b).

d. State where you sent your contribution(s) i.e., did you send your contributions to the person who solicited them?

2. State whether you received any payment or reimbursement related to your contribution(s) to the Committee:

a. If the answer to this question is in the affirmative, identify all persons who made such payments or reimbursements to you.

b. Summarize the substance of all written and oral communications between you and the person(s) identified in response to Question 2a.

3. Identify and produce all papers, letters, checks, or other documents which relate or pertain to the above questions.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1990

Joann Vanderpool
148 Pebble Place
San Ramon, California 94583

RE: MUR 3188

Dear Ms. Vanderpool:

On November 28, 1990, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials, along with answers to the enclosed questions, to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

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

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

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures:
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

9504369234 2

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Joann Vanderpool

Pursuant to Section 441f of Title 2 of the Federal Election Campaign Act of 1971, as amended (the "Act"), "no person shall knowingly accept a contribution made by one person in the name of another or knowingly permit his name to be used to effect such a contribution." Under the Commission's regulations, a contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4 (b)(2)(i).

Under 2 U.S.C. § 441b, a corporation may not use its general treasury funds to make a contribution in connection with the election of a candidate for federal office, and an officer or director of a corporation is prohibited from consenting to such a contribution. Also, a candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

On November 12, 1989, The Arizona Republic, a Phoenix based newspaper, reported that Commission records showed that five employees of Emerald Homes, Inc. (Emerald), a California home building corporation, contributed $600 each to Senator Dennis DeConcini on May 7, 1987. Apparently, the newspaper's interest in the Emerald contributions was initiated by a response to a

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DeConcini form letter by William Junge, a former Emerald vice-president. The letter had been mailed to DeConcini campaign contributors to inform them that because the Senator's campaign treasurer had apparently embezzled funds, they could request a refund. Mr. Junge marked a box indicating that he wanted no refund and wrote in capital letters on the "Comments" line: "I am no longer with Emerald Homes--the company that actually made this contribution."

In response to the newspaper article, Emerald conducted an internal investigation of the DeConcini contributions. On April 6, 1990, the Commission received a sua sponte submission from Emerald Homes' President, Phillip J. Polich. Mr. Polich wrote that the internal investigation had concluded that the five Emerald employees had been reimbursed by the Company for their DeConcini contributions.

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employees made exact amount contributions on the same date and had each been previously reimbursed by the company for a DeConcini campaign contribution of $600.00. Therefore, there is reason to believe that Joann Vanderpool violated 2 U.S.C. § 441f.

9504369 2845

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3188)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Joann Vanderpool
148 Pebble Place
San Ramon, California 94583

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

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Unless otherwise indicated, the discovery request shall refer to the time period from January 1987 to January 1989.

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DEFINITIONS

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"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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QUESTIONS AND DOCUMENT REQUEST

1. State whether you contributed to the Emerald Homes Political Action Committee ("the Committee").

a. If the answer to this question is in the affirmative, indicate the total amount contributed and provide the dates you made your contributions.

b. Identify the person(s) who solicited these contributions from you.

c. Summarize the substance of all communications relating to these solicitations between you and the person(s) identified in response to Question 1(b).

d. State where you sent your contribution(s) i.e., did you send your contributions to the person who solicited them?

2. State whether you received any payment or reimbursement related to your contribution(s) to the Committee:

a. If the answer to this question is in the affirmative, identify all persons who made such payments or reimbursements to you.

b. Summarize the substance of all written and oral communications between you and the person(s) identified in response to Question 2a.

3. Identify and produce all papers, letters, checks, or other documents which relate or pertain to the above questions.

9504369289

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1990

James F. Wehmueller
4516 West Purdue
Glendale, Arizona 85302

RE: MUR 3118

Dear Mr. Wehmueller:

On April 20, 1990, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On November 28, 1990, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated 2 U.S.C. § 441f. At the time of its decision, the Commission assigned this matter a new number, MUR 3188. Please use this new number in any future correspondence regarding this matter.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9504369250

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1990

DeConcini '88 Committee
Lynda S. Schmitz, Treasurer
5039 North 19th Avenue #3
Phoenix, Arizona 85015

RE: MUR 3188
DeConcini '88 Committee and
Lynda S. Schmitz, as treasurer

Dear Ms. Schmitz:

On June 20, 1990, the Federal Election Commission notified the DeConcini '88 Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On November 28, 1990, the Commission found, on the basis of the information in the complaint, and information provided by the Committee, that there is no reason to believe the DeConcini '88 Committee or you, as treasurer, violated 2 U.S.C. § 441b or 441f. At the time of its decision, the Commission assigned this matter a new number, MUR 3188. Please use this new number in any future correspondence regarding this matter.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9504369285 1

OGC 9185

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O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION
SUITE 1100
ONE EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85012-1656

TELEPHONE (602) 263-2400 FAX (602) 263-2900
TELEX 165-171 OCC LAW

PHOENIX OFFICE
JAMES H. O'CONNOR (1922-1978)

TUCSON OFFICE
SUITE 2300
ONE SOUTH CHURCH AVENUE
TUCSON, ARIZONA 85701-1621
FAX (602) 624-9664

SUN CITY OFFICE
SUITE B
13250 NORTH DEL WEBB BOULEVARD
SUN CITY, ARIZONA 85351-2053

OF COUNSEL
KENNETH J. TODD

December 27, 1990

17686-27

WRITER'S DIRECT DIAL NUMBER

(602) 263-2558

VIA FAX AND U.S. MAIL

Ms. Cheryl Kornegay, Attorney
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JAN -2 AM 9:56

Re: MUR 3188

Dear Ms. Kornegay:

We are writing you in response to your letter of December 18, 1990. In view of the holiday it was not received by us until December 26, 1990. I attempted to reach you this afternoon by phone and learned that you were out of the office for the day. Since I will be out of my office on Friday December 28, 1990 I thought it best to send you this letter.

We are requesting a twenty (20) day extension of time to respond to your December 18, 1990 correspondence. The reasons for this extension are twofold.

First, in view of the holidays, it will be difficult to get access to the appropriate persons at Emerald Homes, Inc. Secondly, I will be traveling the week of January 7, 1991 for depositions in Boston and San Francisco. By my count, the response to your letter would be due January 9, 1991 if no extension were granted.

For the foregoing reasons, we are requesting that we be provided until January 29, 1991 to respond to your letter.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JAN -2 AM 11:18

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If you have any questions regarding this matter, please do not hesitate to contact either myself or Mr. Raymond S. Heyman of this firm.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 7, 1991

Paul J. Roshka, Jr., Esquire
O'Connor, Cavanagh, Anderson,
Westover, Killingsworth and Beshears
Suite 1100
One East Camelback Road
Phoenix, Arizona 85012-1656

RE: MUR 3188
Emerald Homes, Phillip J. Polich,
Curtis J. Henderson, Neil Anzalone,
Sam Vanderpool, Cherel Mandelke,
Eugene Baker and Cynthia Polich

Dear Mr. Roshka:

This office has reviewed your correspondence of December 27, 1990 in which you request an extension of time to file a response to the Commission's findings in this matter. I have reviewed your request and based on the circumstances presented, have granted the extension requested. Accordingly, your response is now due on January 29, 1991.

Please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 376-5690 if you have any questions or desire additional information.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lisa E. Klein
Assistant General Counsel

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LAW OFFICES
O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION

PHOENIX OFFICE
SUITE 1100
ONE EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85012-1656

TELEPHONE (602) 263-2400 FAX (602) 263-2900
TELEX 165-171 OCC-LAW

TUCSON OFFICE
SUITE 2200
ONE SOUTH CHURCH AVENUE
TUCSON, ARIZONA 85701-1627
FAX (602) 624-0564

SUN CITY OFFICE
SUITE 8
13250 NORTH DEL WEBB BOULEVARD
SUN CITY, ARIZONA 85351-3063
FAX (602) 933-3100

OF COUNSEL
KENNETH J. TODD

17686-27

WRITER'S DIRECT DIAL NUMBER

(602) 263-2558

January 3, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JAN -8 PM 1:10

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH
91 JAN -8 AM 10:47

VIA FAX AND U.S. MAIL

Ms. Cheryl Kornegay, Attorney
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3188
Joanne Vanderpool, Tom Mandelke, Chris Henderson and Ann Anzalone

Dear Ms. Kornegay:

We represent the above captioned individuals in connection with the responses to the December 18, 1990 letters sent to them by the Federal Election Commission ("FEC"). As I mentioned in our telephone conversation on Wednesday, we will need a twenty (20) day extension to respond to your inquiries.

One of the reasons for the requested extension is my schedule. I will be out of the office January 7 through 10, 1991 at depositions in Boston and San Francisco. By my calculation, the responses to the FEC letters are due during that time period. In view of the holidays and the fact that we are located in Phoenix and our clients are located in Northern California, communication will simply take more time than usual. Accordingly, we are requesting that we be provided until January 29, 1991 to respond to your letters.

2504369285S

Also enclosed are executed Statements of Designation of Counsel. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl
cc: Mrs. Joanne Vanderpool
Mr. Tom Mandelke
Mrs. Chris Henderson
Mrs. Ann Anzalone

9504369285 6

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3188

NAME OF COUNSEL: Paul J. Roshka, Jr.
O'CONNOR, CAVANAGH, et al.

ADDRESS: One East Camelback Road
Suite 1100
Phoenix, Arizona 85012-1656

TELEPHONE: (602) 263-2558

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.

1-3-91
Date

Signature

RESPONDENT'S NAME: ANN ANZALONE

ADDRESS: 2761 WALKER CIRCLE
FAIRFIELD CALIF.
94533

HOME PHONE: 707-421-2660

BUSINESS PHONE: NONE

9504369285 7

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3188

NAME OF COUNSEL: Paul J. Roshka, Jr.
O'CONNOR, CAVANAGH, et al.

ADDRESS: One East Camelback Road
Suite 1100
Phoenix, Arizona 85012-1656

TELEPHONE: (602) 263-2558

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.

1-3-91
Date

Chris Henderson
Signature

RESPONDENT'S NAME: MARIAN J (CHRIS) HENDERSON

ADDRESS: 5541 BLACKHAWK DR
DANVILLE CA 94506

HOME PHONE: (415) 820-6672

BUSINESS PHONE: [illegible]

2504369258

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3188

NAME OF COUNSEL: Paul J. Roshka, Jr.
O'Connor, Cavanagh, et al.

ADDRESS: One East Camelback Road
Suite 1100
Phoenix, Arizona 85012-1656

TELEPHONE: (602) 263-2558

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.

1-2-91
Date

Joanne D. Vanderpool
Signature

RESPONDENT'S NAME: JOANNE D. VANDERPOOL

ADDRESS: 148 Pebble Place
San Ramon,
California 94583

HOME PHONE: (415) 829-2562

BUSINESS PHONE: NONE

9504369259

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3188

NAME OF COUNSEL: Paul J. Roshka, Jr.
O'Connor, Cavanagh, Anderson, Westover, Killingsworth and Beshears

ADDRESS: 1 East Camelback Rd., Suite 1100
Phoenix, Arizona 85012--1656

TELEPHONE: (602) 263-2400
263-2558 (direct)

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.

01-02-1991
Date

Tom H. Mancelka
Signature

RESPONDENT'S NAME: Tom H. Mancelka

ADDRESS: 151 Pebble Place
San Ramon, Ca. 94583

HOME PHONE: (415) 829-8736

BUSINESS PHONE: (415) 553-1323

9504369280

MUR 3188 and MUR 3046

LAW OFFICES OF
JAMES R. TOMCIK
4480 BLACK AVENUE, SUITE B
PLEASANTON, CALIFORNIA 94566

(415) 462-0665
FAX (415) 462-2732

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 JAN 14 AM 10:43

January 9, 1991

91 JAN 14 PM 3:58
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Attn: Cheryl S. Kornegay, Esq.

RE: MUR 3188 and MUR 3046

Dear Ms. Kornegay:

Please be advised that I have been retained by Mr. and Mrs. William P. Junge relative to the aforementioned matters under review. Enclosed please find two fully executed "Statement of Designation of Counsel". I am in the process of reviewing this matter, and will be in contact with you in the very near future. I note that you have forwarded to Mrs. Junge interrogatories, and I would request an extension of time within which to file those answers to interrogatories and the response to the request for production of documents. I believe that three weeks should be sufficient to answer those questions.

Both of my clients are also interested in pre-probable cause conciliation.

Based on my preliminary investigation, I should point out that Mrs. Junge has no information with respect to these allegations whatsoever, but that Mr. Junge is quite familiar with the matter. It is also my belief that Mr. Junge was acting solely on the instructions of his employer, without any actual knowledge of the consequences.

Please contact me at your convenience regarding this matter in the hopes that we can resolve it without the necessity of litigation.

Very truly yours,

James R. Tomcik

JAMES R. TOMCIK

JRT/mp
Enclosures

cc: Mr. and Mrs. William P. Junge

0504369286 1

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3188

NAME OF COUNSEL: James R. Tomcik, Esq.

ADDRESS: 4450 Black Avenue, Suite B
Pleasanton, CA 94566

TELEPHONE: (415) 462-0665

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.

Jan. 4, 1991
Date

Signature

RESPONDENT'S NAME: William P. Junge

ADDRESS: 2320 Corte De La Jara
Pleasanton, CA 94566

HOME PHONE: (415) 846-5964

BUSINESS PHONE: (415) 935-0400

9504369283662

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3188

NAME OF COUNSEL: James R. Tomcik, Esq.

ADDRESS: 4450 Black Avenue, Suite B
Pleasanton, CA 94566

TELEPHONE: (415) 462-0665

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.

Jan 7, 1991
Date

Linda M Junge
Signature

RESPONDENT'S NAME: Linda M. Junge

ADDRESS: 2320 Corte De La Jara
Pleasanton, CA 94566

HOME PHONE: (415) 846-5964

BUSINESS PHONE: (415) 828-6160

9504369228663

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 22, 1991

Paul J. Roshka, Jr., Esquire
O'Connor, Cavanagh, Anderson,
Westover, Killingsworth and Beshears
Suite 1100
One East Camelback Road
Phoenix, Arizona 85012-1656

RE: MUR 3188
Joanne Vanderpool, Tom Mandelke,
Chris Henderson, Ann Anzalone

Dear Mr. Roshka:

This office has reviewed your correspondence of January 3, 1991 in which you request an extension of time to file a response to the Commission's findings in this matter. I have reviewed your request and based on the circumstances presented, have granted the extension requested. Accordingly, your response is now due on January 29, 1991.

Please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 376-5690 if you have any questions or desire additional information.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lisa E. Klein
Assistant General Counsel

9504369238 64

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 22, 1991

James R. Tomcik, Esq.
4450 Black Avenue, Suite B
Pleasanton, California 94566

RE: MUR 3188
William P. Junge and
Linda M. Junge

Dear Mr. Tomcik:

This office has reviewed your correspondence of January 9, 1991 in which you request an extension of time to file a response to the Commission's findings and interrogatories in this matter. I have reviewed your request and based on the circumstances presented, have granted the extension requested. Accordingly, your response is now due on January 29, 1991.

Please contact Cheryl Kornegay, the attorney assigned to this matter, at (202) 376-5690 if you have any questions or desire additional information.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lisa E. Klein
Assistant General Counsel

9504369236 5

06C 9938

LAW OFFICES
O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION
SUITE 1100
ONE EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85012-1656

TELEPHONE (602) 263-2400 FAX (602) 263-2900
TELEX 165-171 OCC-LAW

TUCSON OFFICE
SUITE 2200
ONE SOUTH CHURCH AVENUE
TUCSON, ARIZONA 85701-1621
FAX (602) 624-9564

SUN CITY OFFICE
SUITE B
13250 NORTH DEL WEBB BOULEVARD
SUN CITY, ARIZONA 85351-2983
FAX (602) 933-3100

WRITER'S DIRECT DIAL NUMBER
(602) 263-2698

RAYMOND S. HEYMAN

January 25, 1991

VIA TELECOPY

Ms. Cheryl Kornegay, Attorney
Office of General Counsel
FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
91 JAN 28 PM 12:10

Re: MUR 3188

Dear Ms. Kornegay:

We represent the Respondents in connection with the matter referenced above. As I mentioned in our telephone conversation this date, we will need a seven (7) day extension from January 29, 1991, to respond to the inquiries contained in your December 18, 1990 correspondence.

Among the reasons for the requested extension is that Messrs. Roshka and Polich have been out of town and will be returning to Phoenix this weekend. Also, the fact that we are located in Phoenix and our clients are located in Northern California has caused delays in our communications with each other. Accordingly, we are requesting that we be provided until February 6, 1991, to respond to your inquiries.

RECEIVED
FEDERAL ELECTION COMMISSION
91 JAN 28 PM 4:03

Please contact me as soon as possible to let us know if our request has been granted. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Raymond S. Heyman

RAYMOND S. HEYMAN
For the Firm

RSH:lfe
cc: Phil Polich

9504369228866

OGC 9982

LAW OFFICES OF
JAMES R. TOMCIK
4480 BLACK AVENUE, SUITE B
PLEASANTON, CALIFORNIA 94566

(415) 462-0665
FAX (415) 462-2732

91 FEB -1 AM 11:02

MUR 3118

January 28, 1991

Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Attn: Cheryl S. Kornegay, Esq.

RE: MATTERS UNDER REVIEW
MUR 3118 AND MUR 3046

Dear Ms. Kornegay:

Thank you for your letter dated January 22, 1991. Unfortunately, I did not receive that letter until January 28th, and I am therefore unable to provide a complete response to both matters. Enclosed with this letter please find the Answers to Interrogatories as pertains to my client, Linda Junge. I am able to provide the following additional information at this time:

First, any checks in question were written on a joint account standing in the names of William P. and Linda M. Junge. The checks were not written by Mrs. Junge, and they were not written with her knowledge. Cancelled checks are not returned to my clients. Mr. Junge, who wrote the checks, was acting on the instructions of his immediate supervisor at Emerald Homes.

At the time of these transactions, Mr. Junge had only recently become employed as a Vice President with Emerald Homes having worked for a number of years for Transamerica Title Company. Since he was new with the company, he did not question this request made by his immediate supervisor, Curtis J. Henderson. At this point, should you desire additional information, Mr. Junge is prepared to cooperate. Obviously, he is quite concerned that he has become the target of your investigation. If he is the target of your investigation, then I feel that I should either request immunity for his testimony, or investigate what you are seeking through pre-probable cause conciliation. Probably by the time this letter reaches you I will have spoken with you by telephone. If not, I will call you shortly after the time frame in which this letter should be received by you.

0504369286 7

Please be assured that my clients are both very much concerned about these incidents and wish to cooperate in this investigation.

Very truly yours,

James R. Tomcik

JAMES R. TOMCIK

JRT/mp
Enclosure

cc: Mr. and Mrs. William P. Junge

9504369288

JAMES R. TOMCIK, ESQ.
LAW OFFICES OF JAMES R. TOMCIK
4450 Black Avenue, Suite B
Pleasanton, CA 94566
(415) 462-0665

Attorney for Respondent
LINDA JUNGE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of: Case No. MUR 3188

LINDA JUNGE

ANSWERS TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Respondent, Linda Junge, dated December 18, 1990 as follows:

ANSWER TO INTERROGATORY NO. 1:

I did not make any contribution to the Emerald Homes Political Action Committee.

ANSWER TO INTERROGATORY NO. 2:

I did not make any contribution to the Committee, and I therefore did not receive any payment or reimbursement from the Committee.

ANSWER TO INTERROGATORY NO. 3:

I do not have any papers or documents pertaining to any of the above questions. It is possible that my husband does have such documentation.

Dated: January 25, 1991

JAMES R. TOMCIK
Attorney for Respondent

9504369289

VERIFICATION

I, LINDA JUNGE DECLARE:

I am the Respondent in the above-entitled matter.

I have read the foregoing ANSWERS TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS and know the contents thereof.

The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe it to be true.

Executed on January 28, 1991, at Pleasanton, Alameda, County, California.

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

Linda Junge

LINDA JUNGE

9504369280

PROOF OF SERVICE BY MAIL - CCP 1013A, 2015.5

I declare that: I am employed in the County of Alameda, California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 4450 Black Avenue, Suite B, Pleasanton, California 94566.

On January 28, 1991, I served the attached ANSWERS TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

on the party listed below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United Stated mail at Pleasanton, addressed as follows:

Cheryl S. Kornegay, Esq.
Federal Election Commission
Washington, D.C. 20463

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on January 28, 1991, at Pleasanton, California.

Michelle Pennington

MICHELLE PENNINGTON

9504369287 1

OGC 0039

LAW OFFICES
O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION

PHOENIX OFFICE
JAMES H. O'CONNOR (1922-1978)

SUITE 1100
ONE EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85012-1656

TELEPHONE (602) 263-2400 FAX (602) 263-2900
TELEX 165-171 OCC LAW

TUCSON OFFICE
SUITE 2200
ONE SOUTH CHURCH AVENUE
TUCSON, ARIZONA 85701-1611
FAX (602) 624-9584

SUN CITY OFFICE
SUITE 6
13250 NORTH DEL WEBB BOULEVARD
SUN CITY, ARIZONA 85351-2053
FAX (602) 933-1100

OF COUNSEL
KENNETH L. TODD

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 FEB 8 AM 9:01

February 5, 1991

17686-27

WRITER'S DIRECT DIAL NUMBER

(602) 263-2558

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 FEB -8 AM 9:23

VIA FAX AND U.S. MAIL

Ms. Cheryl Kornegay, Attorney
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3188
Joanne Vanderpool, Tom Mandelke, Chris Henderson and Ann Anzalone

Dear Ms. Kornegay:

We are writing in response to the Federal Election Commission's December 18, 1990 letter issued in connection with MUR 3188 and addressed to the above-captioned individuals. We appreciate your cooperation in extending to us additional time to respond to your concerns.

As you can see, we have prepared a standard form affidavit for use by our clients. Since none of them were aware of the contributions at the time that they were made, this appeared to be the most efficient way for us to convey to you that the affiants have not violated any provision of the statutes and regulations which your office administers.

Ms. Henderson did not notarize her affidavit. We have returned the original to her with instructions to have it notarized. In the meantime, we are providing you with a copy of that affidavit. The Hendersons have not been able to locate the

9504369228 72

$5,000 check. We will forward a copy to your office as soon as it is found.

If you have any questions concerning the above or the attached, please do not hesitate to contact me directly.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl
cc: Mrs. Joanne Vanderpool
Mr. Tom Mandelke
Mrs. Chris Henderson
Mrs. Ann Anzalone
Emerald Homes, Inc.

9504369283

bcc: Mr. Lewis Wright
Mr. Brian Donnelly
Mr. Jim Temen
Mr. Phillip J. Polich

9504136928874

STATE OF CALIFORNIA)
) ss. Affidavit of Tom Mandelke
County of Alameda)

I, Tom Mandelke, being first duly sworn, upon my oath, depose and say:

1. I did not personally contribute to the Emerald Homes Political Action Committee ("the Committee").

2. In 1988 my spouse wrote a check to the Committee in the amount of $5,000 (Attachment 1). I was not aware of this contribution at the time it was made.

Further affiant sayeth not.

Tom Mandelke
TOM MANDELKE

Subscribed and sworn to before me this 23rd day of January, 1991.

Arlene Coutts
Notary Public

My Commission Expires:
April 14, 1992

OFFICIAL SEAL
ARLENE COUTTS
NOTARY PUBLIC - CALIFORNIA
ALAMEDA COUNTY
My Comm. Expires April 14, 1992

9504369287 5

TOM A. MANDELKE
CHERYL A. MANDELKE
[redacted]

3344

11/16 19 88

11-34/1210

Pay To The Order Of Emerald Homes PAC $ 5000 00

Five Thousand dollars & Nyliss — Dollars

Wells Fargo Bank, N.A.
Dublin Office
7745 Amador Valley Boulevard
Dublin, California 94566

For [redacted]

Cheryl A. Mandelke

[redacted]

9504369287 6

Pay to the Order Of
United Bank of Az
for Deposit Only
Edward Thomas Black

NO '88 18

91-205

NO '88 18

NO '88 21

NO '88 18

9504369287 7

STATE OF CALIFORNIA)
) ss. Affidavit of Joanne Vanderpool
County of)

I, Joanne Vanderpool, being first duly sworn, upon my oath, depose and say:

1. I did not personally contribute to the Emerald Homes Political Action Committee ("the Committee").

2. In 1988 my spouse wrote a check to the Committee in the amount of $5,000 (Attachment 1). I was not aware of this contribution at the time it was made.

Further affiant sayeth not.

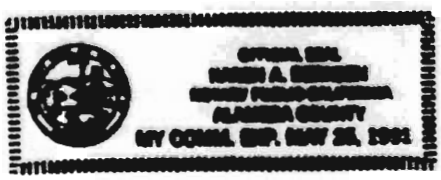
Joanne Vanderpool
JOANNE VANDERPOOL

Subscribed and sworn to before me this 23rd day of January, 1991.

Karen A. Derksen
Notary Public

My Commission Expires:

May 25, 1991



9504369287 6

950436923879

SAM VANDERPOOL
JOANNE VANDERPOOL
[redacted]

Nov. 17, 19 88

PAY TO THE ORDER OF Emerald Foxes P.A.C. $ 5,000.00

Five thousand dollars and no/100----------

Homestake Savings [redacted]

Sam Vanderpool

Pay to the order of
United Bank of Az
For Deposit Only
Emerald Wildflowers PAC
[redacted]

122100024

91-205

STATE OF CALIFORNIA)
) ss. Affidavit of Ann Anzalone
County of Solano)

I, Ann Anzalone, being first duly sworn, upon my oath, depose and say:

1. I did not personally contribute to the Emerald Homes Political Action Committee ("the Committee").

2. In 1988 my spouse wrote a check to the Committee in the amount of $5,000 (Attachment 1). I was not aware of this contribution at the time it was made.

Further affiant sayeth not.

Ann Anzalone
ANN ANZALONE

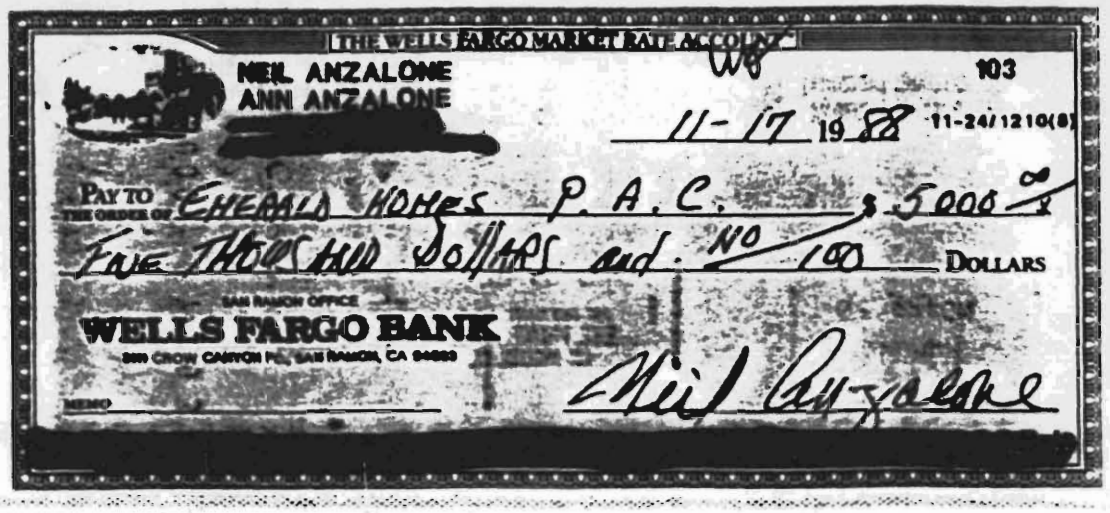
Subscribed and sworn to before me this 23rd day of January, 1991.

Y Neves
Notary Public

My Commission Expires:
1/6/95

Official Seal
Y. NEVES
NOTARY PUBLIC - CALIFORNIA
SOLANO COUNTY
My Comm. Expires Jan. 6, 1995

0504369280



THE WELLS FARGO MARKET RATE ACCOUNT

NEIL ANZALONE
ANN ANZALONE
[redacted]

103

11-17 1988

11-24/1210(8)

PAY TO THE ORDER OF Emerald Homes P.A.C. $ 5000 00

Five Thousand Dollars and No 100 DOLLARS

SAN RAMON OFFICE
WELLS FARGO BANK
[redacted] CROW CANYON RD, SAN RAMON, CA 94583

MEMO

Neil Anzalone

[redacted]

NO '88 23
CITIBANK (ARIZONA)
PHOENIX, ARIZONA
91-265

122000247

NO '88 29

122000247

122000247

122000247

NO '88 28
PAY ANY BANK, N.A.
WELLS FARGO/WELLS, LA
LOS ANGELES, CA

122102653

122102653

Pay to the Order of
United Bank of Az
For Deposit Only
Emerald Homes PAC
[redacted]

STATE OF CALIFORNIA)
) ss. **Affidavit of Chris Henderson**
County of)

I, Chris Henderson, being first duly sworn, upon my oath, depose and say:

1. I did not personally contribute to the Emerald Homes Political Action Committee ("the Committee").

2. In 1988 my spouse wrote a check to the Committee in the amount of $5,000 (Attachment 1). I was not aware of this contribution at the time it was made.

Further affiant sayeth not.

Marian J. Henderson
AKA
Chris Henderson
CHRIS HENDERSON

Subscribed and sworn to before me this 11 day of January, 1991.

Marian J. Henderson

Leslee D. Belmont
Notary Public

My Commission Expires:
7-2-91

OFFICIAL SEAL
LESLEE D. BELMONT
Notary Public-California
ALAMEDA COUNTY
My Comm. Exp. July 2, 1991

9504369282

MUR 3188 0051

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 FEB 11 PM 10:00

LAW OFFICES
O'CONNOR, CAVANAGH, ANDERSON, WESTOVER, KILLINGSWORTH & BESHEARS
A PROFESSIONAL ASSOCIATION
SUITE 1100
ONE EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85012-1656

TELEPHONE (602) 263-2400 FAX (602) 263-2900
TELEX 165-171 OCC-LAW

PHOENIX OFFICE
JAMES H. O'CONNOR (1922-1978)

TUCSON OFFICE
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ONE SOUTH CHURCH AVENUE
TUCSON, ARIZONA 85701-1621
FAX (602) 624-9564

SUN CITY OFFICE
SUITE 6
13250 NORTH DEL WEBB BOULEVARD
SUN CITY, ARIZONA 85351-3083
FAX (602) 933-2100

OF COUNSEL
KENNETH I. TODD

17686-27
WRITER'S DIRECT DIAL NUMBER

(602) 263-2558

February 5, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 FEB 11 PM 2:36

VIA FAX AND U.S. MAIL

Ms. Cheryl Kornegay, Attorney
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3188, Emerald Homes, Inc.
Phillip J. Polich and Curtis J. Henderson

Dear Ms. Kornegay:

We represent the above-captioned individuals and entity in connection with their response to the Federal Election Commission's December 18, 1990 correspondence and interrogatories. We appreciate your providing us with an extension of time to respond.

In attempting to prepare a response to the interrogatories, it became apparent to us that merely answering the questions as posed would probably lead to more interrogatories being propounded in the future. Emerald Homes, Inc. would like to resolve this situation as cost effectively as possible. We believe that the best way to handle this situation is for us to meet with you and other members of the staff of the Federal Election Commission to explain precisely what happened. We would then be able to answer all your questions at one time. If there are questions that we do not have the answers for, we would obtain those answers and convey them to you as soon as possible. Subsequent to that meeting if you feel it is necessary to have

95014369228883

affidavits from individuals concerning certain facts we anticipate being able to them. It is our hope that by proceeding this way we can convey all the information that you need to analyze the situation.

Please let us know as soon as possible if you are amenable to proceeding in this manner so that we can discuss a date for our meeting.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl
cc: Emerald Homes, Inc.
Mr. Phillip J. Polich
Mr. Curtis J. Henderson

9504369284

AFFIDAVIT

PHILLIP J. POLICH, JR. in his capacity of Chairman of the Board of Emerald Homes, Inc., being first duly sworn, upon his oath, hereby responds to the Interrogatories and Request for Production of Documents from that entity in MUR 3188 as follows:

1. The only budget line item that I became aware of for political contributions within the Emerald Homes, Inc.'s structure was the one maintained by the Northern California office. I was not aware of the existence of that line item until informed of it by our counsel after their internal investigation. Consequently, there are no policy manuals, written directives or guidelines governing this item. To my knowledge, checks could be drawn on that account by Cheryl Mandelke and Jerry Henderson who were employed in the Emerald Homes, Inc. Northern California office.

2. I am unaware of any Emerald Homes, Inc. employee or their spouse being reimbursed either directly or indirectly for a contribution to a candidate seeking a Federal office other than the ones identified by the Company in its response to the Complaint.

3. It is difficult to answer Question 3 in the manner it has been posed. In order to provide an accurate and complete response the Company requests a meeting at a mutually convenient time and place between the Staff of the Federal Election Commission and the Company's counsel.

9504369285

4. The Company will provide the responsive documents in its possession at the meeting requested above.

Further affiant sayeth not.

PHILLIP J. POLICH, JR.

Subscribed and sworn to before me this 5th day of February, 1991.

Notary Public

My Commission Expires:

Official Seal
VICTORIA S. TAVEY
Notary Public-State of Arizona
Maricopa County
My Commission Expires March 28, 1994

EMERALD\ATLAP2

9504369228886

AFFIDAVIT

PHILLIP J. POLICH, upon his oath, hereby responds to the Interrogatories and Request For Production of Documents from the Federal Election Commission in MUR 3188 as follows:

1. Estes Homes, Inc. requested my assistance with a fundraiser for Senator DeConcini in late spring, 1987. I was asked to try to raise $10,000 for Senator DeConcini because of his assistance to home builders including his involvement with legislation regarding mortgage-backed securities.

2. I did not discuss the reimbursement of employees with anyone prior to the contributions being made. Since the November, 1989 article appeared in the Arizona Republic, I have discussed the issue of whether employees were reimbursed with a number of people. These include my attorneys, the Board of Directors of Emerald Homes, Inc., reporters from the Arizona Republic, Eugene Baker, Jerry Henderson and I believe through correspondence I have discussed it with your office as well.

I have been advised not to discuss the substance of my conversations with my attorneys because of the attorney-client privilege. However, the conversations I had with the other individuals dealt with trying to determine whether any employees had been reimbursed. Those conversations are basically summarized in the May 24, 1990 submission to your office.

9504369287

3. To my knowledge all the documents relating to the contributions to Senator DeConcini were attached as exhibits to the May 24, 1990 submission.

Further affiant sayeth not.

PHILLIP J. POLICH

Subscribed and sworn to before me this 5th day of February, 1991.

Notary Public

My Commission Expires:

_____

Official Seal
VICTORIA S. TAVEY
Notary Public-State Of Arizona
Maricopa County
My Commission Expires March 23, 1994

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9504369249

AFFIDAVIT

CURTIS J. HENDERSON, being first duly sworn, upon his oath, hereby responds to the Interrogatories and Request for Production of Documents propounded by the Federal Electric commission in MUR 3188 as follows:

1. I do not recall discussing the reimbursement of employees with any persons other than those identified in Emerald Homes' Response to the Complaint ("Response"). The substance of those communications and contacts are summarized in the Response.

2. I have been informed that Emerald Homes has requested a meeting with the Commission to discuss matters related to Questions 2 and 3. In order to provide accurate and complete responses, the information and documents requested in these questions will be provided during the course of that meeting.

Further affiant sayeth not.

Curtis J. Henderson

CURTIS J. HENDERSON

Subscribed and sworn to before me this 4 day of Feb, 1991.

Liblee D. Belmont

Notary Public

My Commission Expires:

7-2-91

OFFICIAL SEAL
LIBLEE D. BELMONT
Notary Public-California
ALAMEDA COUNTY
My Comm. Exp. July 2, 1991

FEDERAL ELECTION COMMISSION
SECRETARIAT

91 FEB -5 AM 10:18

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

February 5, 1991

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

SUBJECT: MUR 3188
Request for Extension of Time

Respondents: Emerald Homes, Inc., Phillip J. Polich, Curtis J. Henderson, Neil Anzalone, Cherel Mandelke, Sam Vanderpool, Chris Henderson, Ann Anzalone, Tom Mandelke, JoAnn Vanderpool

By letter dated January 25, 1991, Raymond S. Heyman, on behalf of the respondents named above, requested an additional extension of seven days in which to respond to the Commission's findings of reason to believe and related interrogatories. (Attachment 1). Respondents have already requested and received a twenty day extension of time to file that expired on January 29, 1991. The letter explains that an additional extension is necessary because counsel for respondent and Phillip Polich, President of Emerald Homes, Inc. have been out of town. Additionally, counsel notes that communication regarding this matter has been subject to delay because the respondents are located in Northern California while counsel's offices are in Phoenix.

The Office of the General Counsel recommends that the Commission grant the requested extension.

RECOMMENDATIONS

1. Grant an extension of seven days to respondents.

Attachment
1. Request for Extension

Staff Assigned: Cheryl S. Kornegay

9504369239 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Emerald Homes, Inc., Phillip J. Polich, Curtis J. Henderson, Neil Anzalone, Cherel Mandelke, Sam Vanderpool, Chris Henderson, Ann Anzalone, Tom Mandelke, JoAnn Vanderpool.	)	MUR 3188

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 7, 1991, the Commission decided by a vote of 4-0 to grant an extension of seven days to respondents in MUR 3188, as recommended in the General Counsel's Memorandum dated February 5, 1991.

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

Attest:

2/7/91
Date

for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tues., February 5, 1991 10:18 a.m.
Circulated to the Commission: Tues., February 5, 1991 4:00 p.m.
Deadline for vote: Thurs., February 7, 1991 4:00 p.m.

dh

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91 FEB 11 PM 2:49

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CAROL M. CURRIE
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[illegible]
BRUCE R. MCMURLIN
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DENNIS B. DOUGLAS
SCOTT B. GORDON
STEVEN ABRAHAM
STEPHEN E. HENNEMAN
DRUE HORMAN-BIRCH
GREGORY J. RUTHENDALL
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WILLIAM C. [illegible], JR.
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OF COUNSEL
KENNETH I. TODD

17686-27

WRITER'S DIRECT DIAL NUMBER

(602) 263-2558

February 8, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
91 FEB 11 PM 2:36
OFFICE OF GENERAL COUNSEL

VIA FAX AND U.S. MAIL

Ms. Cheryl Kornegay, Attorney
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3188

Dear Ms. Kornegay:

This is merely a note to confirm my appointment with you and other members of the Staff of the Federal Election Commission to discuss MUR 3188 on Friday, February 15, 1991 at 9:30 a.m. at your office in Washington.

9504369289 2

We appreciate the Staff's willingness to meet and discuss this situation.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl
cc: Emerald Homes, Inc.
Mr. Phillip J. Polich
Mr. Curtis Henderson
Ms. Chris Henderson
Ms. Ann Anzalone
Mr. Tom Mandelke
Ms. Joanne Vanderpool

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OF COUNSEL
KENNETH I. TODD

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

March 7, 1991

CONFIDENTIAL TREATMENT REQUESTED BY EMERALD HOMES, INC.

RECEIVED
FEDERAL ELECTION COMMISSION
91 MAR 12 AM 3:27

Freedom of Information Act Officer
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3188

Dear Sir/Madam:

We would appreciate your acknowledging receipt of our written request that the letter dated March 7, 1991 to Ms. Cheryl Kornegay provided to the Washington, D.C. office by Emerald Homes, Inc. not be disclosed under the Freedom of Information Act. Accordingly, enclosed is a duplicate request together with a stamped, self-addressed envelope.

Very truly yours,

Paul J. Roshka, Jr.

PJR/jrl
Enclosure

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FEDERAL ELECTION COMMISSION
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OF COUNSEL
KENNETH T. TODD

March 7, 1991

CONFIDENTIAL TREATMENT REQUESTED BY EMERALD HOMES, INC.

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

VIA FAX AND U.S. MAIL

Ms. Cheryl Kornegay, Attorney
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3188

Dear Ms. Kornegay:

As you know we represent Emerald Homes, Inc. ("Emerald") and certain other individuals in connection with the above captioned mattter. You have requested that we provide you with a copy of the report of our confidential internal investigation into the formation and administration of Emerald's Political Action Committees. This document was prepared for the eyes of the members of Emerald's Board. The document is clearly marked that it is an attorney/client communication, that it is confidential and privileged and that it was prepared in anticipation of litigation in order to preserve the work product doctrine.

Approximately two weeks ago I came to Washington and made a presentation to the Federal Election Commission's ("the Commission") Staff. This was done in an effort to be more than responsive to certain interrogatories the Staff sent to the Company in December, 1990. As you know, there was absolutely no obligation that Emerald send me to your office for this presentation. It was done in an effort to apprise you of the facts surrounding the

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Political Action Committees and to assist the Commission in understanding this matter.

It appears to us that the Commission has two areas of concern with Emerald. The first has to do with certain contributions made to Senator Dennis DeConcini. As you know, that involves a total of $3,000. The money has been returned by Senator DeConcini to the five Emerald employees in Northern California who made the contributions. Those employees have, in turn, paid the money back to the Company. Since May, 1990 Emerald has been requesting pre-probable cause conciliation regarding this matter.

The second area of inquiry has to do with the Political Action Committees. Again, Emerald is interested in entering into pre-probable cause conciliation. As I indicated during my presentation to you, and can be supported by the Commission's own records as well as the documents I left with you that day, we are again talking about a very small amount of money having been contributed. While we recognize that the Commission must be concerned about more than merely the amount of money at issue, we do feel that the fact one of Emerald's PACs made total contributions of $3,890 while the other made no contributions is significant. In addition, as I mentioned during our conversation in Washington, of the total amount contributed by the former PAC, only $1,600 went to federal officials. Of that $1,600, it appears to us that $500 was unquestionably proper. To our knowledge individual contributions to these PACs have been returned to the current and former employees who made the contributions.

Emerald has not authorized us to release the report to you. We have been authorized and have agreed to provide you with a written submission of the facts contained in that report. Our reluctance to surrender the report is not because we do not want the Commission to review the facts, but because of the Freedom of Information Act. As you recall, the original complaint in this matter was filed by a local newspaper. We simply do not want to see excerpts of that report quoted in the paper.

We have advised our clients that you indicated you may subpoena this report. We will probably have to litigate whether we must produce it. Frankly, we think that is an awful lot of work for both of us given the issue we face is not whether Emerald intends to disclose the pertinent facts, but rather the manner of that disclosure.

Emerald has authorized us to prepare a written submission on the PAC issues as we did in May, 1990 regarding the DeConcini matter. Since a written submission was an acceptable way to provide the information, we fail to understand why Emerald cannot

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do the same again. We are in the process of preparing that submission and we will be sending it to you very shortly. At that time you will have in your possession all the facts about which we are aware concerning the formation and administration of the Political Action Committees. After you review that submission, Emerald and this firm continue to stand ready to answer any questions you may have.

With best regards, I remain,

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl
cc: Emerald Homes, Inc.

9504369289 7

06C 0556

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NINOR KINBERLY
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SUSAN E. WELLS SHAPIRO
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OF COUNSEL
KENNETH I. TODD

March 26, 1991

CONFIDENTIAL TREATMENT
REQUESTED BY EMERALD HOMES, INC.

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

91 APR -1 AM 9:44

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VIA FAX AND U.S. MAIL

Ms. Cheryl Kornegay, Attorney
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3188

Dear Ms. Kornegay:

We have been unsuccessful reaching each other by telephone over the past week or so. However, I understand from one of the messages that you left that April 12, 1991 appears to be a good date for you to be in Phoenix. That is also a good day for me. If you would like to have an opportunity to discuss the Political Action Committee situation with anyone at Emerald Homes, Inc., please let me know as soon as possible. I don't have any idea at this time what their calendars are like for that date, but will quickly find out if you want to talk with them.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl

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BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of William Junge and Linda Junge	)	MUR 3188

GENERAL COUNSEL'S REPORT

I. **BACKGROUND**

On November 28, 1990 the Commission found reason to believe, inter alia, that Emerald Homes, Inc. reimbursed various employees and their spouses, including Mr. and Mrs. Junge, for political contributions in violation of 2 U.S.C. § 441f. In response to the Commission's findings, Mr. and Mrs. Junge, through counsel, requested pre-probable cause conciliation to resolve this matter.

II. **ANALYSIS**

The Office of General Counsel recommends that requests for pre-probable conciliation be denied until the Commission has completed its investigation in this matter. The Office has not inspected documents from Emerald Homes, Inc., Mr. Junge's former employer. Further, the respondents have not fully answered the interrogatories sent to them by the Commission. Accordingly, a determination to enter into pre-probable cause conciliation at this time would be premature.

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III. **RECOMMENDATIONS**

1. Decline, at this time, to enter into conciliation with William Junge and Linda Junge prior to a finding of probable cause to believe.

2. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

3/21/91
Date

BY:
Lois G. Lerner
Associate General Counsel

Attachments
1. Request for Conciliation

Staff Assigned: Cheryl S. Kornegay

95043692900

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
William Junge and Linda Junge.) MUR 3188

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission do hereby certify that on March 27, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 3188:

1. Decline, at this time, to enter into conciliation with William Junge and Linda Junge prior to a finding of probable cause to believe.

2. Approve the appropriate letter, as recommended in the General Counsel's Report dated March 21, 1991.

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

Attest:

3-27-91
Date

Delores Harris
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Fri., Mar. 22, 1991 1:56 p.m.
Circulated to the Commission: Mon., Mar. 25, 1991 11:00 a.m.
Deadline for vote: Wed., Mar. 27, 1991 11:00 a.m.

dr

9504369290 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 29, 1991

Paul J. Roshka, Jr., Esq.
O'Connor, Cavanagh, Anderson, Westover,
Killingsworth & Beshears
One East Camelback Road
Phoenix, Arizona 85012-1656

RE: MUR 3188

Dear Mr. Roshka:

This letter confirms our agreement regarding the review of your investigatory report in connection with this matter. Specifically, you have agreed to allow FEC representatives to read the report in your office in Phoenix, Arizona on April 12, 1991.

With regard to your request that your March 7, 1991 letter to Cheryl Kornegay be kept confidential, 2 U.S.C. § 437g(a)(12)(A) provides that investigations by the Commission shall not be made public unless the person being investigated gives written permission. Accordingly, all correspondence received in connection with MUR 3188 will remain confidential while the investigation is pending. We can not assure confidentiality after the close of the investigation unless your correspondence legitimately qualifies for a Freedom of Information Act exemption.

Please feel free to call Cheryl Kornegay, at (202) 376-5690 should you have further questions.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9504369222 02

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 29, 1991

James R. Tomcik, Esq.
4450 Black Avenue
Suite B
Pleasanton, California 93566

RE: MUR 3188
William and Linda Junge

Dear Mr. Tomcik:

On December 18, 1990, your clients were notified that the Federal Election Commission found reason to believe that William Junge and Linda Junge violated 2 U.S.C. § 441f. Subsequent to the Commission's findings, you requested to enter into pre-probable cause conciliation negotiations on behalf of your clients.

The Commission has considered your request and determined, because of the need to complete the investigation, to decline at this time to enter into conciliation prior to a finding of probable cause to believe. Accordingly, it is imperative that you submit responses to the interrogatories directed to your client, William Junge, by April 12, 1991.

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

If you have any questions, please contact Cheryl S. Kornegay, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9504369290 3

06C0742

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 APR 12 AM 10:36

LAW OFFICES OF
JAMES R. TOMCIK
4450 BLACK AVENUE, SUITE B
PLEASANTON, CALIFORNIA 94566

(415) 462-0668
FAX (415) 462-2732

April 8, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
91 APR 12 PM 12:58
OFFICE OF GENERAL COUNSEL

Federal Election Commission
Washington, D.C. 20463

Attn: Cheryl S. Kornegay, Esq.

RE: MUR 3188

Dear Ms. Kornegay:

I have just received your letter of March 29, 1991. The Post Office delivered the letter late because an incorrect zip code was used by your office. Please note that the correct zip code for my office is 94566.

In reviewing my file on this matter, I have located a set of interrogatories directed to my client, Linda Junge. However, I do not have a set of interrogatories which were directed to Mr. Junge. If you will be kind enough to forward a copy of those interrogatories to my office, we will answer them immediately and return them to you as soon as possible.

Thank you for your assistance with this matter.

Very truly yours,

James R. Tomcik

JAMES R. TOMCIK

JRT/mp

cc: Mr. and Mrs. William Junge

95043692904

96C0803

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JOHN M. WESTOVER (JOHN M. KILLINGSWORTH)
ROBERT B. BESHEARS (RALPH E. HUMBARGER)
THOMAS A. MCGUIRE, JR. (GEORGE H. MITCHELL)
RICHARD J. RIDDEL (RICHARD E. MITCHELL)
ARTHUR P. ALLSWORTH (MAYOR SHANNEN)
JEFFREY D. SMITH (JOLYON GRANT)
LAWRENCE H. LIEBERMAN (HARBING B. CURE)
RICHARD C. SMITH (STEVEN B. SMITH)
ROBERT B. KANT (K. DAVID LINDNER)
J. VICTOR STOFFA (HENRY L. THOMPSON)
RICHARD E. WOLF (DONALD E. STEINMAN)
PHILIP C. GERARD (FRANZULA M. BACHER)
MICHAEL W. CARNAHAN (LARRY L. SMITH)
CHARLES L. FINE (JEFFREY K. VERGIN)
CHARLES J. MUCHMORE (DAVID W. EARL)
JOHN B. FURMAN (CHARLES F. MYERS)
CARON N. CURE (SCOTT A. ROSS)
SCOTT A. SALMON (RICHARD B. STAGG)
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RICHARD M. LORRENZEN (JEFFREY D. BUCHANAN)
GILBERT L. RUDOLPH (JEAN E. HARRIS)
IAN C. BOYER (DANIEL W. PETERS)
DAVID L. KURTZ (MICHAEL D. MCRAY)
STEPHEN E. RICHMAN (DAVID A. VAN ENGELENHOVEN)
PAUL J. BARICOLA (ROBERT A. ROYAL)
NEIL D. GIBBINS (PAMELA M. OVERTON)
MICHELLE B. MONSERRAT (RICHARD M. WEINROTH)
NICHOLAS J. WALLBORN (FRANK M. FOX)
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BRADLEY J. STEVENS (MARK D. MERRITT)
ALAN A. BREDA (RAYMOND B. HEYMAN)
DAVID L. LANGEY (LISA M. BONNER)
CHRISTINE L. HAMILTON (MICHAEL R. ALTAFFER)
STANLEY D. MASSEY (JANICE HARRISON MOORE)
RICHARD L. MILLER (MICHAEL CAPIRO)
CHRISTINE M. ARDEN (ROBERT J. ITIN)
LUCAS J. NARDUCCI (JANET E. KORNBLATT)
CHRISTOPHER ROSSONS (LEIGH A. KAPLOR)
KAY HENDEN (CRAIG J. SOLTON)
MATTHEW DERSTINE (DIANE DOIDGE)
LORI L. HERDS (KAREN L. LIEPMANN)
TONY J. BUONAN (STEVEN M. PLUMER)
GAIL S. LANDIS (WILLIAM A. CARNAHAN)
D. SCOTT FENNEMAN (JOHN E. CHARLAND)
STEVEN G. BIDDLE (TIMOTHY P. DOLBEN)
MARK J. DEPASQUALE (TROY B. FRODERMAN)
DAVID I. GOLDBERG (THERESE R. MCELWEE)
PAUL A. BANGER (PAUL G. SCHMIDT)
KARL A. FREEBURG (STEVEN P. LYNCH)
ALAN BARFIELD (CATHERINE C. WEINBERGER)

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ANN MARKS
BRUCE R. HEVERLIN
TERRY B. EBBERT
SCOTT S. GOODIN
JENNIE B. FORBES
PETER ARMSTRONG
STEPHEN M. KENNEDIAR
DRUE MORGAN-BRISON
GREGORY J. RUTHENBALL
MARTIN R. JARAMILLO
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WILLIAM C. WAHL, JR.
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FAX (602) 933-3100

OF COUNSEL
KENNETH I. TODD

FEDERAL ELECTION COMMISSION
MAIL ROOM
91 APR 19 A

April 17, 1991

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

91 APR 19 PM 2:41
RECEIVED
FEDERAL ELECTION COMMISSION

VIA FAX AND U.S. MAIL

Ms. Cindy Sadick
Senior Regional Attorney
National Association of Securities Dealers, Inc.
1401 Seventeenth Street, Suite 700
Denver, Co. 80202

Re: Garland W. H. McDonald/Complaint No. C3A910034

Dear Ms. Sadick:

We will be representing Mr. Garland W.H. McDonald in connection with the above-captioned Complaint. Please copy us on all future correspondence in this matter. We would also like to receive all documentary evidence in support of the Complaint as soon as possible.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl
cc: Mr. Garland W. H. McDonald

9504369290 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 1991

Paul J. Roshka, Esq.
O'Connor, Cavanagh, Anderson,
Westover, Killingsworth and Beshears
Suite 1100
One East Camelback Road
Phoenix, Arizona 85012-1656

Re: MUR 3188

Dear Mr. Roshka:

On February 15, 1991, you met with members of the Office of the General Counsel regarding the above referenced matter. The meeting was requested by you to discuss the formation and administration of the Emerald Political Action Committees, rather than respond to interrogatories sent by the Commission. During the course of the meeting, you referenced and read from a report prepared for Emerald Homes. At the close of the meeting, we requested a copy of that investigative report. You indicated that you would consult with the Emerald Board to determine whether there were objections to a review of the report by this Office.

In a subsequent telephone conversation with Cheryl Kornegay, you reported that the Board did not wish to produce the report for fear of adverse publicity in the media. You did say, however, that you would consider allowing us to review the report if the review took place in your offices in Phoenix. In a later phone call with Ms. Kornegay, you agreed that FEC representatives could review the report in your office on April 12, 1991. Due to illness in Ms. Kornegay's family, the date for review of the report was postponed.

On April 18, 1991, in a conversation with Ms. Kornegay you retracted your offer to allow the Office of General Counsel to review the report, stating that you did not have permission from the Emerald Board to make such an offer. You also indicated that you were sending a written submission regarding the Emerald Political Action Committees, with attachments, in lieu of allowing us to review the report. We have not received any such submission. Instead, on April 19, 1991, we received, apparently in error, the enclosed letter addressed to Ms. Cindy Sadick. We have been unsuccessful in reaching you to point out this mistake.

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For the past two months, we have relied on your continued assurances that the investigative report would be available for our review. We view the recent reversal of your position as yet another instance in which your client has been less than forthcoming, especially in light of your initial assertion that your clients were interested in cooperating fully with the Commission. At this juncture, it appears that your clients have rejected all of our attempts to proceed in this matter short of an administrative subpoena. Accordingly, we will make the necessary recommendation to the Commission and will notify you of its decision.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure:
Copy of letter to Cindy Sadick

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OF COUNSEL
KENNETH I. TODD

May 3, 1991

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

RECEIVED
FEDERAL ELECTION COMMISSION
91 MAY 10 AM 11:17
OFFICE OF GENERAL COUNSEL

VIA FAX AND U.S. MAIL

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

Re: MUR 3188

Dear Ms. Lerner:

I am writing in response to your letter of April 29, 1991 which I received yesterday. I called your office to discuss this letter because I was concerned that the Federal Election Commission's ("Commission") Staff had concluded that Emerald Homes, Inc. ("Emerald") had . . . "rejected all of our attempts to proceed in this matter short of an administrative subpoena". I regret that you feel that way because it has never been Emerald's intention to reject any attempt by the Staff to do its job, nor is it mine. By way of background let me provide my perspective of the history of this matter before the Commission.

As you are aware, a little over a year ago the Commission wrote to our clients regarding certain contributions made to Senator Dennis DeConcini. Almost one year ago, May 11, 1990, we responded to that correspondence with a letter in which, among other things, we requested pre-probable cause conciliation. I believe if you speak with Mr. James Brown you will find that over the following months I contacted him periodically to check on the status of the matter. I was told that because of budget issues on

Capitol Hill and other matters before the Commission, your agency had not had an opportunity to consider the matter. As a former regulator and as a busy private practitioner, I certainly understood.

On December 18, 1990 we received a letter and attachments, including interrogatories, from Chairman Lee Ann Elliott. Interrogatories 3 and 4 asked whether Emerald had ever reimbursed employees or their spouses, either directly or indirectly for the contributions to the Emerald Homes Political Action Committee ("PAC") and requested certain ancillary documents. On February 5, 1991 I wrote to the Commission and attached an affidavit from Mr. Philip J. Polich, Jr. in his capacity of Chairman of the Board of Emerald. Our clients had concluded that the best manner in which to respond to these interrogatories was for me to travel to Washington, D.C. to meet with the Staff. This was done by the company and its officers who were trying to be cooperative and fully respond to the Staff's perceived concerns and, frankly, bring the matter to an end.

Shortly after sending this letter to Ms. Kornegay, I spoke with her. We attempted to schedule a time for me to come to Washington. Although early March would have been much better for me, I rearranged my schedule to meet with the Staff on February 15, 1991. This was particularly difficult for me as I began a very large case on February 19, 1991. I represent [redacted] in a utility rate case [redacted] I have been representing that client since 1984. Billions of dollars are at stake in the case. Despite that fact, Emerald asked me to accommodate your schedules and travel to Washington a few days before that case began to try to assist your office. I did so and explained to Staff Emerald's position in this matter.

Over the past few months I had spoken to Ms. Kornegay about the Staff's trip to Phoenix. There is no question but that we had a date of April 12, 1991 set for them to review the report of our review of these issues. My client and I miscommunicated. The representation to the Staff that I was authorized to permit Staff's review of the report was my mistake, not a mistake by Emerald or an attempt by anyone to avoid cooperation with the Staff. Because of depositions the Staff was going to take in Denver, the meeting was rescheduled for Monday, April 15, 1991 at my office. Very late the afternoon of April 11, 1991 I received a call from Mr. Richard Lawrence of Suitter Axland Armstrong & Hanson

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in Salt Lake City. It is my understanding that Mr. Lawrence is Emerald's primary outside counsel. Mr. Lawrence informed me that there had obviously been a misunderstanding. Fortunately, he had independently contacted the officers of Emerald and learned that they did not have the same understanding about review of the report that I did. It was too late to call your offices that day. I would be less than candid if I did not admit I felt terrible about having to call Ms. Kornegay the following morning to tell her about this. She had been both a pleasure to deal with and extremely professional. I felt we had developed a fine rapport and I was concerned this would affect that relationship.

Early the next morning Ms. Kornegay called as soon as I arrived at work. She said that her trip would have to be canceled because of her husband's illness. I told her about the phone call the prior day and that there had been miscommunication. I also told her I would be preparing a report as we did on May 11, 1990 that I would send to her which I thought would provide the Commission with the information it was seeking.

I then prepared a draft document which was sent to my clients for review. As you can appreciate, I wanted to be certain that there was no doubt about any authorization to provide you with that document. In the intervening period, it has been very difficult for me to reach Mr. Lew Wright, the current President of Emerald, because of his travel schedule. Mr. Polich has spent a substantial amount of time out of the country. I had to Airborne his draft to London. As a follow-up to your letter, I paged him this morning as he was checking out of his hotel in London to return to the United States. I must also tell you that in the intervening period Messrs. Polich and Wright have been attempting to reach me, and I them. Unfortunately because of the rate case and their travel schedules, we simply have not had an opportunity to speak.

Last week while I was out at the rate case, I asked my secretary to contact Ms. Kornegay and advise her of my commitment to the rate case as well as the difficulty in reaching my clients. According to the notes my secretary prepared for me to review in the evenings when I returned to the office, she first attempted to reach Ms. Kornegay on Tuesday, April 23, 1991. She was unable to do so. She called Ms. Kornegay during the morning of on Wednesday, April 24, 1991. Ms. Kornegay returned the phone call but was unable to reach my secretary. My secretary again phoned Ms. Kornegay on April 25, 1991 and was unable to reach her, she left word that she would call again. My secretary was attempting to relay to Ms. Kornegay the difficulty I was having getting together

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with my clients and providing the information I said would be forthcoming. Unfortunately, they never connected.

I believe that in view of Mr. Polich's return, I am going to be in a position to provide you with Emerald's submission next week. As you know from reviewing the records, we are talking about a PAC that made $3,890.00 in total contributions - $1,600.00 of that amount went to two federal candidates (Jon Kyl and John Rhodes). Over a year ago the Emerald Board decided that both PACs should be terminated. The PAC contributions were returned to contributors on June 8, 1990. In March of this year your office notified Emerald the PAC that made the contribution was terminated. Emerald's other PAC never made a contribution.

I hope after you review this letter you will call me so that we can discuss this issue further. I apologize for any misperception that has been created by our delay.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl
cc: Ms. Cheryl Kornegay
Emerald Homes, Inc.
Mr. Richard Lawrence

9504369211

AGC 1094

LAW OFFICES
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OF COUNSEL
KENNETH I. TODD

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 MAY 13 PM 12:43

May 10, 1991

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

95043692912

VIA FAX AND U.S. MAIL

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

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY 13 PM 2:37

Re: MUR 3188/Emerald Homes, Inc.

Dear Ms. Lerner:

I am writing as a follow-up to the letter I faxed to your office last Friday and again on Monday as well as our telephone conversation earlier this week. I have discussed the draft submission with certain Emerald officials and have sent what I believe is the final version to them for authorization to release this document to you. I hope to have that authorization today, but Friday is traditionally a short day at Emerald so it may not be until Monday before I am in a position to airborne this document to you.

In the meantime, if you have any questions, please do not hesitate to contact me.

Very truly yours,

Paul J. Rooska.

Paul J. Rooska, Jr.

PJR\jrl
cc: Ms. Cheryl Kornegay
Emerald Homes, Inc.
(Dictated but not read)

9504369291 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 20, 1991

Paul J. Roshka, Jr., Esq.
O'Connor, Cavanagh, Anderson, Westover
Killingsworth & Beshears
One East Camelback Road, Suite 1100
Phoenix, Arizona 85012-1656

RE: MUR 3188

Dear Mr. Roshka:

Your correspondence of May 3, 1991, refers to a letter purportedly granting Emerald Homes Political Action Committee's request to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's regulations. We have consulted with the Reports Analysis Division and hereby advise you that the notice was sent due to an administrative error. Accordingly, the Committee must continue filing all required reports with the Commission until further notice.

Please feel free to call Cheryl S. Kornegay at (202) 376-5690, should you have further questions.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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OGC 13600

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OF COUNSEL
KENNETH I. TODD

91 MAY 10 AM 10:33

May 28, 1991

CONFIDENTIAL TREATMENT REQUESTED BY EMERALD HOMES, INC.

WRITER'S DIRECT DIAL NUMBER
(602) 263-2558

91 MAY 29 PM 3:28

VIA AIRBORNE

Ms. Cheryl Kornegay
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3188

Dear Ms. Kornegay:

We represent Emerald Homes, Inc. ("Emerald") and certain of its current and former employees and their spouses in connection with the above captioned matter. The Staff of the Federal Election Commission ("Commission") has inquired about the formation and administration of Emerald's two Political Action Committees ("PACs"). In an effort to fully respond to that inquiry, on February 15, 1991 I met with you and Ms. Kline in your office. We are writing this letter as a follow-up to that meeting and to put this matter in perspective.

In November of 1989 Emerald's Board asked us to review the records of the Emerald Homes, Inc. Political Action Committee, identification number C00231399 ("Original PAC"), Emerald Homes, Inc. Federal Political Action Committee, identification number C00237701 ("Federal PAC") and Emerald with regard to the matters about which you subsequently inquired. Additionally, we interviewed certain of Emerald's officers and employees, persons

who served at relevant times as members of its Board of Directors and a number of the contributors to the PACs.

Our review disclosed that one of Emerald's PACs only made $3,890.00 in total contributions and $1,600.00 of that amount went to two candidates (Jon Kyl and John Rhodes) for federal office. Over a year ago Emerald's Board decided that both PACs should be terminated. The PAC contributions were returned to contributors on June 8, 1990. In March of this year your office notified Emerald that the contributing PAC was terminated. Ms. Lois Lerner has subsequently advised us that notice was issued in error and the PAC should continue to file required reports. Emerald's other PAC never made a contribution.

Prior to the formation of Original PAC, Emerald and its employees were often contacted by local, state and federal political candidates requesting financial support. In some instances, the candidates were involved in issues that impacted Emerald's business and made it prudent for employees to support them. Emerald's employees, in response to such requests, made direct contributions to selected candidates and solicited contributions from co-workers and business associates. In 1988, Emerald's executives became concerned that the increasing number of requests for contributions were taking their toll on the financial resources of Emerald's employees who were being asked for money. Consequently, they discussed establishing a PAC for Emerald's employees. They believed the formation of a PAC would serve two purposes: first, it would provide a mechanism for Emerald's employees to contribute to candidates who the company believed supported its interests, and second, it would control the amount of contributions Emerald's employees might make since the employees could say they contributed through the PAC. Messrs. Phillip J. Polich and Eugene L. Baker had discussions with Mr. H. Arthur Nottingham, the former Chairman of the Board, regarding the formation of a PAC. Mr. Nottingham supported the idea. Thereafter, Mr. Polich directed Mr. Baker to take the necessary steps to establish a PAC.[1]

In connection with the August 5, 1988, Emerald Board meeting, Management submitted a proposed resolution to form a PAC. (Exhibit 1). A brief discussion was held at the meeting regarding the need for a PAC. The Emerald Board voted to authorize the

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[1] Mr. Baker was responsible for the formation of the PAC. Messrs. Polich and Nottingham thought Mr. Baker was consulting with attorneys on this matter, but as will be shown Mr. Baker was reviewing the legal issues and making legal decisions on his own without benefit of counsel.

formation of Original PAC. The following officers were appointed to the PAC:

Philip J. Polich	President
Eugene L. Baker	Vice President
Keith W. Rose	Treasurer
Kimberly S. Senko	Secretary

(Exhibit 2)

On August 22, 1988, Mr. Rose submitted the Statement of Organization for Original PAC to the Commission. (Exhibit 3). The Commission issued its Acknowledgement of Receipt on August 29, 1988. (Exhibit 4). On September 29, 1988, Messrs. Baker and Seay each contributed $250 to Original PAC.[2] On September 30, 1988, Original PAC contributed $500 to "Jon Kyl for Congress." (Exhibit 5).

During October, 1988, Company officials decided that bonuses would be paid in a sufficient amount to provide executive personnel with funds to enable them to contribute, after taxes, $5,000 to Original PAC. They believed this plan was legal[3] because any contributions made to Original PAC were intended to be voluntary decisions by individual employees subsequent to receiving the bonus.

On October 26, 1988 an Emerald Management meeting was held. Executive bonuses were to be increased so that a $5,000 PAC contribution could be made without straining the employees financially. It was agreed that Mr. Baker would speak with all affected employees so that they understood the requested contribution was voluntary.

Thereafter, the Emerald Board members received information and proposals to be considered at their November 3, 1988 meeting. Those materials included a memorandum dated September 27, 1988 from C. J. Henderson regarding payment of special bonuses to Emerald's Northern California Division employees. (Exhibit 6).

At the November 3, 1988 Emerald Board meeting, it was explained that the Northern California Division employees' work

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[2] Mr. Rose contributed $25.00 during September as well.

[3] As mentioned no legal advice was sought in connection with forming Original PAC. Mr. Baker had reviewed materials from trade groups and other sources that caused him to believe MLPs were not subject to PAC laws.

during the year resulted in exceptional profits for the company. All Board members recalled that the profitability of the Northern California Division warranted a bonus.

The Emerald Board approved bonuses to the Northern California Division employees. (Exhibit 7). The bonuses were increased by $8,228[4].

On November 17, 1988, a letter was sent to certain Emerald employees soliciting contributions for Original PAC. (Exhibit 8). On that day the Northern California Division employees received their bonuses. Mr. Baker met separately with each of the employees who received the special bonus to tell them that while contribution to Original PAC was discretionary, Management recommended the contribution. Management had decided that only Mr. Baker would discuss the PAC contributions with employees to be certain they understood that any contributions were voluntary and that they were all told the same thing. On November 18, 1988, five Northern California employees each contributed $5,000 to Original PAC.

During 1988 Original PAC received $30,985 in contributions. (Exhibit 9). It made the $500 disbursement to "Jon Kyl for Congress" referenced above. On February 14, 1989, Original PAC contributed $200 to "Citizens Organized To Support Total Representation." (Exhibit 10).

The Board Book for the February 15, 1989 meeting contained a schedule and proposed resolution for the payout of the 1988 MIP bonuses to seventeen key employees.[5] (Exhibit 11). The schedule showed that no "additional bonuses" were to be paid to the Northern California Division employees, but bonuses would be issued to employees of the Southern California, Texas, Phoenix and Corporate Divisions. The additional bonuses included an increase to enable the employees to have funds available to contribute $5,000 to Original PAC.

The Emerald Board met on February 15, 1989. At this Board meeting the pending bonuses were explained; it was acknowledged that but for a zoning case and a resulting accounting

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[4] The additional $8,228 represents the gross amount necessary for these employees to have $5,000 available for the contribution. Additionally, Bill Junge (who was not listed in the material distributed to the Board) received a bonus of $23,978.

[5] "MIP" is an acronym for Emerald's Management Incentive Program.

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adjustment the Phoenix Division would have made $1,000,000 in profit for the year; and the Board recognized that the Texas Division, which had only been in operation for approximately six to eight months, had almost broken even. The increases were contained in the MIP bonus schedule under the heading "Additional Bonus." The Emerald Board approved the 1988 MIP bonuses. (Exhibit 12). The bonus checks were issued the same day. (Exhibit 13).

Later that day Phoenix Division employees received the following memo from Mr. Baker:

> I wanted to remind all of our executives that the Emerald Homes PAC desperately needs your contributions to enable us to "get our side" heard when politics are involved. If you haven't contributed yet, please consider making out your check for $5,000 to the Emerald Homes PAC today.
>
> Thank you in advance for your generous contribution! (Exhibit 14).

This same memo was sent to Texas Division employees as Mr. Baker anticipated being in the Board meeting most of the day and would not be available to meet with the bonused employees as he had with the Northern California Division employees in November, 1988.

On February 27, 1989, Original PAC contributed $200 to the "Howard Adams Campaign Fund." On March 10, 1989, Original PAC contributed $200 to both the "John Osuna Campaign Fund" and "Ron Travers Campaign Fund." On March 20, 1989, Original PAC contributed $500 to "Rhodes to Congress Committee." (See Exhibit 10).

On April 1, 1989, Mr. Simmerman replaced Mr. Rose, who left Emerald, as the Custodian and Treasurer of Original PAC. Mr. Simmerman knew very little about PAC administration. At the same time, Mr. Larry Seay became involved with the PAC. Mr. Seay had experience as an officer of another PAC. On April 17, 1989, Original PAC contributed $100 to the "Paul Johnson Campaign Fundraiser." (See Exhibit 10)

On May 12, 1989, Original PAC contributed $600 to the "Jon Kyl Reelection Committee" and $200 to "Bill Parks for Council." (See Exhibit 10). About this time Mr. Simmerman learned that because Original PAC had been used for contributions to Arizona local and state candidates, Arizona campaign laws

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applied to contributions made to Original PAC by Emerald employees and contributions to candidates by Original PAC. Messrs. Simmerman and Seay explained this to Mr. Baker who told them to do whatever it took to correct the situation. On June 19, 1989 Original PAC sent $400 to "Paul Johnson." (Exhibit 15).

On June 30, 1989, Original PAC wrote refund checks to individuals who contributed $5,000 in 1988 and 1989. (Exhibit 16). Contributors in 1988 received $3,000 and those who contributed in 1989 received $2,800 because of an inflation adjuster built into the Arizona Law.

During June, 1989 Mr. Simmerman realized that Original PAC had contributed $130 in excess of allowable limits to Howard Adams, an Arizona local candidate. Accordingly, on June 30, 1989 Original PAC requested that Mr. Adams refund the $130 as soon as possible. The refund check was issued July 5, 1989. (Exhibit 17).

In early July, 1989, Mr. Simmerman discovered that Original PAC had contributed $280 in excess of allowable limits to the campaign of Paul Johnson, an Arizona candidate.[6] Original PAC requested that Mr. Johnson return a check for $400 that had been contributed. The check was voided. No additional contribution was sent to Mr. Johnson. (Exhibit 18).

During mid-July, Messrs. Baker, Polich, Seay and Simmerman discussed forming Federal PAC. They concluded that Federal PAC should be formed solely for contributions to candidates for federal office. On July 24, 1989 the letter regarding the funding of Federal PAC was sent to the refund recipients with their refund checks. That letter read in part:

> Please remember the contribution limit to a Federal PAC of our size is $5,000 dollars per year. We would appreciate your contribution to the newly created Emerald Homes Federal PAC for the amount of this refund.

(Exhibit 19).

On July 25, 1989, Mr. Simmerman submitted the Federal PAC Statement of Organization to the Commission (Exhibit 20). The Acknowledgement of Receipt was received on July 31, 1989. (Exhibit 21). On July 29, 1989, Original PAC filed its semi-annual Report of Receipts and Disbursements with the Commission. (Exhibit 22). This report reflected that in 1989 Original PAC received $75,190 in

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[6] Original PAC had made two contributions to Mr. Johnson totalling $500.

On November 12, 1989, The Arizona Republic published an article regarding contributions by Emerald employees to Senator Dennis DeConcini. At the November 16, 1989 regularly scheduled Board meeting, there was a discussion regarding the article. Members of the Board recommended that an independent review be undertaken to determine the facts regarding the contributions and legal advice sought concerning them. Mr. Baker suggested that the PACs should also be reviewed to be certain they had been formed and administered properly. (Exhibit 29).

As of December 31, 1989, Original PAC's account balance was $36,489.55. Federal PAC had a balance of $33,147.58. The custodial account balance was $5,576.67. (See Exhibit 10). The net amount of contributions by Original PAC was $3,890. Federal PAC never made a contribution.

On March 29, 1990 Emerald's Board resolved that officers of the Company were authorized to take all actions which were necessary and desirable to terminate the two PACs and to distribute their funds to the contributors; that all political contributions by the Company were strictly forbidden and that a code of conduct letter was to be sent to all executives to reinforce federal and state election laws; and that Company employees were not to involve themselves in political contribution activities on the Company's premises. (Exhibit 30).

The following day, a memo was issued by Mr. Polich notifying Mr. Simmerman that the Board had elected to terminate both PACs and to return the funds to the donors. The memo also noted that Emerald had concluded it would not be involved in political contributions in the future. (Exhibit 31). A memo dated April 17, 1990 was sent to all Emerald employees informing them that it was inappropriate for a corporation or a Master Limited Partnership such as Emerald to contribute to any political candidates. This included contributions made by employees that were subsequently reimbursed by Emerald. The memo clearly stated that it was the responsibility of the General Managers to be certain that no contributions would be reimbursed. (Exhibit 32). Mr. Polich signed a letter dated June 7, 1990 notifying the contributors to the PACs that the Board had decided to terminate the PACs and to refund the remaining contributions. This letter was accompanied by checks to the contributors for their prorated balance. (Exhibit 33).

In October, 1990 Emerald requested that the Commission permit Emerald's PACs to terminate. Emerald was advised in a letter dated January 14, 1991 from Ms. Lois Lerner that because of an ongoing enforcement matter the request was denied. (Exhibit 34). As you know I met with you on February 15, 1991 to explain the facts surrounding the formation and administration of

the PACs. Emerald's Management decided that I should meet with you in Washington to advise you of these facts and the efforts that Emerald had made to resolve the problem and be sure there would be no reccurrence.

In May, 1990 we sent the Commission a letter regarding your inquiry into contributions made to Senator Dennis DeConcini by certain Emerald employees. We are writing this letter to address the issues the Staff has raised regarding Emerald's PACs. Since this procedure was acceptable regarding the DeConcini issues, we believe it should be acceptable regarding the PACs.

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

Paul J. Roshka, Jr.

PJR\jrl

cc: Emerald Homes, Inc.
Mr. Richard Lawrence

kornegay.RV5

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POLITICAL ACTION COMMITTEE (PAC) FORMATION

As our Company grows, we become more and more affected by politics. The recent changes in the tax law are the most glaring example, but other areas are also affected. Management believes that it is important that our views be heard by the political officials that make decisions that effect us. The best way to get an audience with these people is to support them at election time, and the formation of a political action committee has become the standard method for companies to solicit and provide contributions to candidates for political office. Accordingly, management is recommending that Emerald Homes, Inc. form a Political Action Committee. We also recommend that Phil Polich be appointed president, Gene Baker vice president, Keith Rose treasurer, and Kim Senko secretary.

I have attached a brief write-up on the formation of a Political Action Committee that was prepared by the Coalition of Publicly Traded Partnerships when they considered forming a committee. Management respectfully submits the following resolution approving the PAC formation for your approval.

RESOLVED, that the Corporation be and hereby is authorized, directed and empowered to form a Political Action Committee, to be known as the **EMERALD HOMES PAC**, for the purpose of soliciting contributions and making contributions to candidates for political office.

FURTHER RESOLVED, that the following individuals are appointed officers of the **EMERALD HOMES PAC** to serve until their successors are duly elected and qualified:

Philip J. Polich	President
Eugene L. Baker	Vice President
Keith W. Rose	Treasurer
Kimberly S. Senko	Secretary

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Coalition for

Publicly
Traded
Limited
Partnerships

Suite 200
1625 K Street, N.W.
Washington, D.C. 20006
(202) 857-0670

FORMING A POLITICAL ACTION COMMITTEE (PAC)

Corporations are prohibited by federal law (as are labor organizations) from contributing or expending corporate funds in connection with federal elections. However, they may use corporate funds to establish and administer a political action committee (PAC) which collects contributions from individual employees or members. These PAC funds can then be expended to influence federal elections. PAC funds must be kept separate from corporate funds.

A corporate PAC may choose to support only federal candidates, only state and local candidates, or both. A PAC that has more than 50 contributors, has been registered for six months, and has made contributions to at least five federal candidates obtains the status of a multicandidate PAC.

Registering a PAC

All PACs established to influence federal elections must register with the Federal Elections Commission (FEC) within ten days after the date of establishment by a corporation. Events establishing a PAC include but are not limited to 1) selection of officers to administer the PAC; 2) a vote by the Board of Directors to create a PAC; and 3) the payment of the PAC's initial operating expenses.

In order to register a PAC, a corporation must file a Statement of Organization. Information required on this form includes the PAC's official and abbreviated titles, the full name of the sponsoring corporation, other PACs that are affiliated, the name of the PAC's depository bank ("campaign depository"), and the treasurer of the PAC.

The treasurer of the PAC must 1) deposit all receipts within ten days; 2) authorize or appoint another to authorize all expenditures; 3) keep all financial records; sign all reports and statements; and 4) see that all reports and statements are filed on time. The FEC recommends that an assistant treasurer be appointed to assume these duties when the treasurer is not available.

Relationship Between the PAC and the Corporation

Corporate funds may only be used to pay for costs incurred in establishing and operating a PAC. These costs include office space, phones, salaries, utilities, supplies, and bank, legal, and accounting fees. Costs of soliciting contributions to the PAC may also be paid by the corporation.

While the corporation may pay these expenses directly, it cannot reimburse the PAC for expenses paid from the PAC's account. The corporation may set up a separate administrative account out of corporate funds for the PAC to use for administration and solicitation expenses. This money may not be comingled with the PAC's contribution account.

Who May Be Solicited By a PAC

The FEC has strict rules on who may be solicited by a corporation and its PAC. In the case of an incorporated trade association such as the Coalition for Publicly Traded Partnerships, the corporation and its PAC may solicit at any time noncorporate members; executive and administrative personnel and their families; and corporate members' executive and administrative personnel, stockholders, and the families of both. They may solicit twice yearly the association's nonexecutive and nonadministrative personnel and their families.

Contributions

A contribution is defined by the FEC as anything of value given to a PAC to influence a federal election. However, only some types of contributions--money, loans, in-kind contributions, endorsements and guarantees of loans, and proceeds of sales--are considered contributions to the PAC for purposes of federal prohibitions, monetary limits, and reporting requirements. Other gifts of goods, services, or money--transfers from affiliated PACs, bank loans, loan repayments, and interest income--are not considered contributions to a PAC.

A similar division exists in defining contributions <u>from</u> a PAC. Monetary and in-kind contributions, loans between PACs, and endorsements and guarantees of loans to others are considered contributions if made by a PAC. On the other hand, loan repayments, transfers to affiliated PACs, independent expenditures, and donations to office accounts, delegates, or nonfederal candidates are not considered contributions from a PAC.

Contributions by a PAC are subject to monetary limitations. A PAC may contribute up to $1,000 per election ($5,000 for multicandidate PACs) to each candidate; $20,000 per year ($15,000 for multicandidate PACs) to each national party committee (including each party's national committee, Senate campaign committee and House campaign committee); and $5,000 per year to political committees other than candidate committees and national party committees (e.g., state party committees).

Filing of Reports

The treasurer of the PAC is responsible for filing periodic reports on the PAC's activities with the FEC (PACs supporting only House or only Senate candidates file with the Clerk of the House or Secretary of the Senate, respectively). The treasurer must also file with the Secretary of each state in which a supported candidate is seeking election.

During election years, PAC reports must be filed quarterly, on April 15, July 15, October 15, and January 31 (of the following year). In addition, a pre-report must be filed 12 days before a primary or general election, and a post-general election report 30 days after a general election. In a non-election reports are filed semiannually, on July 31 and January 31.

PACs may also file optional monthly reports. This may prove to be more convenient for PACs that contribute to candidates in several states, as monthly reporters are exempted from the pre-primary reporting requirement. Monthly reports are filed 20 days after the last day of the month, except in election years when the pre- and post-general election reports substitute for the October and November reports; December activity is covered by the year-end report, filed January 31.

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EMERALD HOMES
6375 Clark Ave., #101 • P.O. Box 2516
Dublin, California 94568 • (415) 828-9100

FROM BOARD MEETING
BOOK 11/03/88

September 27, 1988

CONFIDENTIAL

To: Phil Polich - President & CEO

Art Nottingham - Chairman of the Board

Distinguished Members of the Board

Gentlemen:

The Northern California Division has indeed been fortunate to have helped Emerald Homes have a very good year.

The reasons for our success in 1988 are many - being in the right place at the right time during a very strong market has certainly played an important role. However, the purpose of this communication is to point out the fact that a relatively small group of people made this possible! I am formally requesting Board approval of a one time special allocation of funds to compensate this group of people for having "gone above and beyond" their scope of work. It is not just the field personnel at Inverness Ridge who put in long hours and nearly every weekend, but the office people who made it possible as well, by processing and paying invoices on time and at special times for the countless "emergencies" that sprang up - the escrow secretary, who in just this one subdivision, will have closed 217 houses at Inverness Ridge between Sept. of 1987 and Oct. of 1988. Add to this the deluge of phone calls from homeowners and sub-contractors which affected every department in the office and these people did a herculean task.

Please remember, that while this was going on, these same people were handling our other on going projects as well as being heavily involved in the start up of new ones as well.

As a Manager, I personally am aware that personnel are supposed to give a full measure of work for their compensation, but in my experience, the people did more than one could reasonably expect.

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EMERALD HOMES
6375 Clark Ave., #101 • P.O. Box 2516
Dublin, California 94568 • (415) 828-9100

Accordingly, I would respectfully request the Board of Director's approval to reward the below listed personnel with a total of $77,000 which would also include their Christmas bonus as follows:

Jim Roby	Superintendent	$9,000
Patrick Burke	"	$8,000
Harold Sutherland	"	$5,000
Mark Soracco	"	$5,000
Allen Thompson	Service Manager	$9,000
Carl Timson	Field Asst./Laborer	$4,000
Daryl Elias	Serviceman/Detailman	$3,000
Gene Hardy	"	$3,000
Jim Powers	"	$2,000
Tim Fryman	"	$1,000
Fred Thompson	"	$1,000
Sean Collins	Field Asst./Laborer	$ 500
Arlene Coutts	Escrow Secretary	$4,000
Melanie Flores	Contracts Administrator	$5,000
Gabi Fernandes	Bookkeeper	$4,000
Ellen Walsvick	Accounts Payable	$4,000
Sheila Branscum	Payroll/Accts Payable	$2,000
Cliff Russo	Draftsman/Contract Adm.	$7,500
		$77,000

Gentlemen, with your concurrence, I would like to distribute these awards at my discretion immediately after your approval but prior to our annual Christmas luncheon.

Respectfully submitted,

C.J. Henderson
Executive Vice President
General Manager

CJH/cam

Approved as submitted _____ Date _____

SPECIAL CASH BONUSES - 1988

Corporate Management strongly agrees with the preceding letter and highly recommends that the bonuses be approved as recommended along with a special bonus for each member of the northern California Division management group equal to 50 percent of their normal bonus as follows:

Jerry Henderson	$ 78,000
Sam Vanderpool	22,500
Neil Anzalone	21,000
Cherel Mandelke	10,250

Proposed resolution:

RESOLVED, that the corporation recognizes the exceptional contribution that the employees of the Emerald Homes northern California division have made toward an extremely profitable 1988. In recognition of their exceptional effort the corporation hereby authorizes, directs and empowers, the corporation, as Managing General Partner of the Partnership to authorize, direct and empower the partnership to pay bonuses to employees in the northern California division as set forth on Exhibit M.

Management also recommends that a special pre-year-end bonus of $10,000 be given to Brian Binash of the Texas division in recognition of his exceptional efforts in getting the Texas division up and running. We would propose the following resolutions:

RESOLVED, that the corporation recognizes the exceptional contribution that Brian Binash of the Texas division has made toward the start-up of that operation and in recognition of that exceptional effort hereby authorizes, directs and empowers, the corporation, as Managing General Partner of the Partnership to authorize, direct and empower the partnership to pay a special bonus to Brian in the amount of $10,000.

EXHIBIT M

SPECIAL CASH BONUSES

NORTHERN CALIFORNIA DIVISION

NAME	TITLE	BONUS
Jerry Henderson	Executive Vice President	$ 78,000
Sam Vanderpool	Vice President	22,500
Neil Anzalone	Vice President	21,000
Cherel Mandelke	Division Controller	10,250
Jim Roby	Superintendent	9,000
Patrick Burke	Superintendent	8,000
Harold Sutherland	Superintendent	5,000
Mark Soracco	Superintendent	5,000
Allen Thompson	Service Manager	9,000
Carl Timson	Field Asst./Laborer	4,000
Daryl Elias	Serviceman/Detailman	3,000
Gene Hardy	Serviceman/Detailman	3,000
Jim Powers	Serviceman/Detailman	2,000
Tim Fryman	Serviceman/Detailman	1,000
Fred Thompson	Serviceman/Detailman	1,000
Sean Collins	Field Asst./Laborer	500
Arlene Coutts	Escrow Secretary	4,000
Melanie Flores	Contracts Administrator	5,000
Gabi Fernandez	Bookkeeper	4,000
Ellen Walevick	Accounts Payable	4,000
Sheila Branscum	Payroll/Accts Payable	2,000
Cliff Russo	Draftsman/Contract Adm.	7,500
		$208,750

Keith

EMERALD HOMES

LISTED ON THE NEW YORK STOCK EXCHANGE

November 17, 1988

Mr. Eugene L. Baker
9201 N. Concho Lane

Phoenix, AZ 85028

Dear Gene:

Government plays an ever increasing role in all of our lives. With the flick of a pen Congress and the President can make changes in tax laws, immigration laws, social benefit programs and a host of other laws that can have a significant impact on each of us personally.

As we have seen from the recent election, "special interest groups", primarily through their use of Political Action Committee (PAC) Contributions, have had a disproportionate influence on our Congressmen. Regardless of how you feel about PAC's, they are a fact of life today. In order to get a fair hearing of "our side of the story", we need to compete on an equal basis with other special interest groups.

We have recently formed the "Emerald Political Action Committee" (the "Emerald PAC") a voluntary, non-partisan vehicle to accumulate funds that will enable us to express our viewpoints on issues that directly impact you and I due to their impact on our company and our business.

Keith Rose has been appointed the custodian for the Emerald PAC. He has been instructed to keep all contributions anonymous except for those that are required by law to be reported, (i.e. single contributions of more than $50 and multiple contributions that aggregate more than $200 in a calendar year).

Only through your contribution to the Emerald PAC can we join together to express our viewpoints on issues that directly effect our livelihood. Won't you please send in your contribution of $10 or more today!

Sincerely,

EMERALD HOMES

Philip J. Polich
President

000319

5333 North 7th Street • Suite 310 • Phoenix, Arizona 85014 • (602) 995-9100 • FAX (602) 241-3250

1988 SCHEDULE OF PAC RECEIPTS

AS OF 12/31/88:VAK

	SEPT 88	OCT 88	NOV 88	DEC 88	TOTAL 1988	
EUGENE L. BAKER CONNIE L. BAKER 9201 N. CONCHO LANE PHOENIX, AZ 85020	$250		$100		$350	ITEMIZED. NOV CONTRIB. RECEIVED 11/29 & TO BE REPORTED NEXT FILE 1989.
LARRY N. SEAY 802 N. EL CARMITO DR PHOENIX, AZ 85021	$250				$250	ITEMIZED
BRADY ZIMMERMAN 2014 N. MARSHALL PHOENIX, AZ 85015			$20		$20	UNITEMIZED
HARLEY EISNER 322 N. BEVERLY LN. PHOENIX, AZ 85023			$10		$10	UNITEMIZED
VICTORIA A. KIDILDIS 809 N. STEWART CIRCLE MESA, AZ 85201			$20		$20	UNITEMIZED
PATRICK R. MORRISH 43663 SKYE ROAD FREMONT, CA 94539			$100		$100	UNITEMIZED
KEITH N. ROSE PHOENIX, AZ	$25				$25	UNITEMIZED
N.A. NOTTINGHAM DONNA NOTTINGHAM 12416 N. 28TH DRIVE SUITE 18, BOX 139 PHOENIX, AZ 85029		$5,000			$5,000	ITEMIZED
CHERYL A. MENDELKE TOM A. MENDELKE 131 PEBBLE PLACE SAN RAMON, CA 94583			$5,000		$5,000	ITEMIZED
CURTIS J. HENDERSON CHRIS HENDERSON 5541 BLACKBIRD DRIVE PLEASANTON, CA 94566			$5,000		$5,000	ITEMIZED
SAM VANDERPOOL JOANN VANDERPOOL 148 PEBBLE PLACE			$5,000		$5,000	ITEMIZED

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1988 SCHEDULE OF PAC RECEIPTS

AS OF 12/31/88:VAK

	SEPT 88	OCT 88	NOV 88	DEC 88	TOTAL 1988	
SAN RAMON, CA 94583						
WILLIAM P. JOHNE LINDA M. JOHNE 2320 CORTE DE LA JARA PLEASANTON, CA 94566-5817			$5,000		$5,000	ITEMIZED
NEIL AZZALONE ANN AZZALONE 2500 TOLTEC CIRCLE SAN RAMON, CA 94583			$5,000		$5,000	ITEMIZED
GREGORY C. CARR 7343 SUNSET GLEN LN HOUSTON, TX 77095				$20	$20	UNITEMIZED
CARL A. TYNDEN 20049 SAN MIGUEL AVE CASTRO VALLEY, CA 94546				$50	$50	UNITEMIZED
HAROLD A. SUTHERLAND 7220 SAN RAMON RD #203 DUBLIN, CA 94568				$45	$45	UNITEMIZED
DEVELOPERS REAL ESTATE SERVICE, INC. 3009 ST. NICHOLAS DRIVE MODESTO, CA 95356				$50	$50	UNITEMIZED
BROOKS A. WALLS, JR. 1915 OLD FIELD PLACE THE WOODLANDS, TX 77380				$25	$25	UNITEMIZED
JAMES R. ROBY 7089 FIREBRAND DUBLIN, CA 94568				$20	$20	UNITEMIZED
	$525	$5,000	$25,250	$210	$30,985	
	3	1	10	6	$30,985	20

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STATEMENT OF CASH FLOWS - EMERALD HOMES, INC. PAC ACCOUNTS

12-Jan-90

1. EMERALD PAC CUSTODIAL ACCOUNT
ACCOUNT: 80719-01-005
CITIBANK OF AZ

BEGINNING BALANCE 11/29/88:	0.00
TOTAL CONTRIBUTIONS:	45,600.00
TOTAL DISBURSEMENTS:	
BANK SERVICE CHARGES:	(23.33)
TRANSFER TO ACCT 80628-01-002 MARCH 2, 1989:	(40,000.00)
CASH BALANCE ENDING 12/31/89:	5,576.67

2. EMERALD HOMES PAC ACCOUNT
ACCOUNT: 80628-01-002
CITIBANK OF AZ

BEGINNING BALANCE 9/29/88:			0.00
TOTAL CONTRIBUTIONS:			100,785.00
TOTAL DISBURSEMENTS:			
BANK SERVICE CHARGES:			(45.45)
DISBURSEMENTS MADE:			
DATE	CHECK	TO	
30-Sep-88	1	JON KYLE FOR CONGRESS	(500.00)
14-Feb-89	101	CITIZENS ORGANIZED TO SUPPORT TOTAL REPRESENTATION	(200.00)
27-Feb-89	102	HOWARD ADAMS CAMPAIGN FUND	(200.00)
10-Mar-89	103	JOHN OSUNA CAMPAIGN FUND	(200.00)
10-Mar-89	104	RON TRAVERS CAMPAIGN FUND	(200.00)
20-Mar-89	105	RHODES TO CONGRESS COMMITTEE	(500.00)
30-Apr-89	106	HOWARD ADAMS FOR COUNCIL	(150.00)
	107	VOIDED/NOT ISSUED	
17-Apr-89	108	PAUL JOHNSON CAMPAIGN FUNDRAISER	(100.00)
	109	VOIDED/NOT ISSUED	
	110	VOIDED/NOT ISSUED	
17-May-89	111	JON KYLE RELECTION COMMITTEE	(600.00)
	112	VOIDED/NOT ISSUED	
17-May-89	113	BILL PARKS FOR COUNCIL	(200.00)
	114	VOIDED	

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30-Jun-89	115 BEKE BAKER/ REFUND	(2,000.00)
30-Jun-89	116 LARRY W. SEAY/ REFUND	(2,000.00)
30-Jun-89	117 HARRY BENCH/ REFUND	(2,000.00)
30-Jun-89	118 KEITH W. ROSE/ REFUND	(2,000.00)
30-Jun-89	119 N.A. HUTTINGHAM/ REFUND	(5,000.00)
30-Jun-89	120 PHILIP J. POLICH/ REFUND	(2,000.00)
30-Jun-89	121 JON JAMES/ REFUND	(2,000.00)
30-Jun-89	122 STEVE VORBICH	(2,000.00)
30-Jun-89	123 BRIAN BINASH/ REFUND	(2,000.00)
30-Jun-89	124 STEVE E. BACHE/ REFUND	(2,000.00)
30-Jun-89	125 CHARLES HARRIS/ REFUND	(2,000.00)
30-Jun-89	126 JOHN M. COOPER/ REFUND	(2,000.00)
30-Jun-89	127 BILL BENNETT/ REFUND	(2,000.00)
30-Jun-89	128 RANDALL P. BIRDWELL/ REFUND	(2,000.00)
30-Jun-89	129 BRADY T. SIMMERMAN/ REFUND	(2,500.00)
30-Jun-89	130 CHERYL MENDELKE/ REFUND	(3,000.00)
30-Jun-89	131 CURTIS J. HENDERSON/ REFUND	(3,000.00)
30-Jun-89	132 SAM VANDERPOOL/ REFUND	(3,000.00)
30-Jun-89	133 WILLIAM P. JUNGE/ REFUND	(3,000.00)
30-Jun-89	134 NEIL ANZALONE/ REFUND	(3,000.00)
22-Sep-89	135 "FRIENDS OF FIFE"	(100.00)
25-Sep-89	136 JOHN NELSON COUNCILMAN	(220.00)
24-Oct-89	137 GREATER HOUSTON BUILDERS ASSOCIATION BIS 50 PAC	(1,000.00)
	CASH BALANCE ENDING 12/31/89:	36,489.35

3. EMERALD HOMES, INC. FEDERAL PAC
ACCOUNT: 83245-01-000
CITIBANK OF AZ

BEGINNING BALANCE 7/27/89:	0.00
TOTAL DEPOSITS:	33,200.00
TOTAL DISBURSEMENTS:	0.00
BANK SERVICE CHARGES:	(52.42)
CASH BALANCE ENDING 12/31/89:	33,147.58

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EMERALD HOMES
PAYROLL ACCOUNT
3333 N. 7TH STREET SUITE 310
PHOENIX, ARIZONA 85014

91-5931221

004884 Payroll Check

	TJB	004200	98665	464065561 021589	BELOW
	Pay Code	Employee No	Job No	Check No	Check Dte

Pay this amount
***FIFTY THREE HUNDRED THIRTEEN AND.76 DOLLARS

Net Pay
*****5313.76

To the order of

TJB C04200 RANDY BIRDWELL

HOME OFFICE
UNITED BANK OF ARIZONA
3300 N. CENTRAL AVE.
PHOENIX, AZ 85012

⑈004884⑈ ⑆122102831⑆ ⑈790190000⑈ ⑈000531376⑈

Thomas Bischoff
Deposit Bank
45083

9504369293

9504369293 B

CHECK NUMBER	DATE	NAME	AMOUNT
1841	2-15-89	EUGENE L. Baker	$70,300.19

91-323
1221

EMERALD HOMES
PAYROLL ACCOUNT
[illegible] N. 7TH STREET, SUITE [illegible]
PHOENIX, ARIZONA [illegible]

(ZBA) 7904801005

1841

ISSUING OFFICE
UNITED BANK OF ARIZONA
PHOENIX, ARIZONA

AZ D [illegible]
E13 5102
4/8 [illegible]
[illegible] $943

PAY THIS AMOUNT
TO THE ORDER OF PAYEE
AT TOP OF CHECK

Seventy thousand three hundred dollars and 19/100 — DOLLARS

MAKE [illegible]
FROM [illegible]
02-15-89

⑈001841⑈ ⑆122102836⑆ ⑈7901901000⑈ ⑈0007030019⑈

C

313 701 190

4000 99291

91-255
FD '89 15
CITIBANK (MARYLAND)
PHOENIX, ARIZONA
1287
026532

9504369229359

Kathy CTH

EMERALD HOMES
PAYROLL ACCOUNT
3030 N. 7TH STREET SUITE 310
PHOENIX, ARIZONA 85014

91-883/1221

004958 Payroll Check

	TJB	001200	37933		490504053	021589	BELOW
	Co. Location	Employee No.	Pay No.		Social Security No.	Pay Type	Check No.

Pay this amount

****26,861.4600

Net Pay
****26861.46

To the order of

TJB 001200 JON M JAMES

CSB

HOME OFFICE
UNITED BANK OF ARIZONA
3030 N. CENTRAL AVE.
PHOENIX, AZ 85012

⑈004958⑈ ⑆122802836⑆ ⑈790190 6000⑈ ⑈0002686146⑈

C

/

950436929 0

CASHIERS CHECK NO. 37541 81 80

ISSUED TO PAYEE IN LIEU OF THIS CHECK

CITIBANK A.Z.

FEB 17 '89

91-265

FEB '89 17

9504369241

9504369 2942

CHECK NUMBER	DATE	NAME	AMOUNT
1838	2-15-89	Philip J. Polich	~~145,349.98~~

91-220
1221

1838

EMERALD HOMES
PAYROLL ACCOUNT
8333 N. 7TH STREET, SUITE 310
PHOENIX, ARIZONA 85014

HOME OFFICE
UNITED BANK OF ARIZONA
PHOENIX, ARIZONA

PAY THIS AMOUNT TO THE ORDER OF PAYEE AT TOP OF CHECK

One hundred forty-five thousand three hundred forty-nine dollars 98/100 DOLLARS

MO DEV UP [illegible]
FROM ACCT [illegible]
02-15-89 13:16 TELLER [illegible]

⑈001838⑈ ⑆122280283⑆ ⑈790190 1000⑈ ⑈00145349 98⑈

PAY TO THE ORDER OF
THE WITHIN NAMED PAYEE
FOR DEPOSIT ONLY
770720000

91-265
FEB 87 15

9504369294

EMERALD HOMES

Intra-Company Correspondence

TO: Brady Simmerman

FROM: Gene Baker

DATE: February 15, 1989

RE: PAC Contribution

I wanted to remind all of our executives that the Emerald Homes PAC desperately needs your contributions to enable us to "get our side" heard when politics are involved. If you haven't contributed yet, please consider making out your check for $5,000 to the Emerald Homes PAC today.

Thank you in advance for your generous contribution!

9504369244

EMERALD HOMES PAC

6/30 '89

PAY TO THE ORDER OF Kenneth L. Baker $ 2,800.00

Two Thousand Eight Hundred DOLLARS

UNITED BANK OF ARIZONA

FOR Contribution Refund

⑈000115⑈ ⑆122102831⑆ ⑈805 280 100 2⑈ ⑈0000280000⑈

EMERALD HOMES PAC

000083 81 116

6/30 '89

PAY TO THE ORDER OF Larry H. Hoag $ 2,800.00

Two Thousand Eight Hundred DOLLARS

UNITED BANK OF ARIZONA

FOR Contribution Refund

⑈000116⑈ ⑆122102831⑆ ⑈805 280 100 2⑈ ⑈0000280000⑈

EMERALD HOMES PAC

000084 81 117

6/30 '89

PAY TO THE ORDER OF Henry Reed $ 2,800.00

Two Thousand Eight Hundred DOLLARS

UNITED BANK OF ARIZONA

FOR Contribution Refund

⑈000117⑈ ⑆122102831⑆ ⑈805 280 100 2⑈ ⑈0000280000⑈

EMERALD HOMES PAC

000085 81 118

6/30 '89

PAY TO THE ORDER OF Keith H. Rose $ 2,800.00

Two Thousand Eight Hundred DOLLARS

UNITED BANK OF ARIZONA

FOR Contribution Refund

⑈000118⑈ ⑆122102831⑆ ⑈805 280 100 2⑈ ⑈0000280000⑈

EMERALD HOMES PAC

119

6/30 '89

PAY TO THE ORDER OF J. A. Nottingham $ 5,800.00

Five Thousand Eight Hundred DOLLARS

UNITED BANK OF ARIZONA

FOR Contribution Refund

030401278 07 283 2242 09

⑈000119⑈ ⑆122102831⑆ ⑈805 280 100 2⑈ ⑈0000580000⑈

1 - 6/89
Disburse

9504369_2945

000783

EMERALD HOMES PAC
[redacted]

120

6/20 87

PAY TO THE ORDER OF Chris J Sabel $ 2,100.00

Two Thousand Eight Hundred DOLLARS

UNITED BANK OF ARIZONA

FOR Construction Refund

⑈000120⑈ ⑆122102831⑆ ⑈805 280 100 2⑈ ⑈0000280000⑈

EMERALD HOMES PAC
[redacted]

000353 121

6/20 87

PAY TO THE ORDER OF Jon James $ 2,100.00

Two Thousand Eight Hundred DOLLARS

UNITED BANK OF ARIZONA

FOR Construction Refund

⑈000121⑈ ⑆122102831⑆ ⑈805 280 100 2⑈ ⑈0000280000⑈

EMERALD HOMES PAC
[redacted]

122

6/20 87

PAY TO THE ORDER OF Ryan Vorhees $ 2,100.00

Two Thousand Eight Hundred DOLLARS

UNITED BANK OF ARIZONA

FOR Construction Refund

⑈000122⑈ ⑆122102831⑆ ⑈805 280 100 2⑈ ⑈0000280000⑈

EMERALD HOMES PAC
[redacted]

123

6/20 87

PAY TO THE ORDER OF Brian Bimat $ 2,100.00

Two Thousand Eight Hundred DOLLARS

UNITED BANK OF ARIZONA

FOR Construction Refund

⑈000123⑈ ⑆122102831⑆ ⑈805 280 100 2⑈ ⑈0000280000⑈

EMERALD HOMES PAC
[redacted]

124

6/30 87

PAY TO THE ORDER OF Steven E. Bach $ 2,100.00

Two Thousand Eight Hundred DOLLARS

UNITED BANK OF ARIZONA

FOR Construction Refund

⑈000124⑈ ⑆122102831⑆ ⑈805 280 100 2⑈ ⑈0000280000⑈ 002784

9504369229 8

EMERALD HOMES PAC
[illegible]

125

6/30 89

PAY TO THE ORDER OF [illegible] $ 2,800 00/100

Two Thousand Eight Hundred DOLLARS

UNITED BANK
[illegible]

FOR [illegible]

⑈000125⑈ ⑆122102831⑆ ⑈805280100⑈ /0000280000/

EMERALD HOMES PAC
[illegible]

126

6/30 89

PAY TO THE ORDER OF John M. Sorden $ 2,800 00/100

Two Thousand Eight Hundred DOLLARS

UNITED BANK
[illegible]

FOR [illegible]

⑈000126⑈ ⑆122102831⑆ ⑈805280100⑈ /0000280000/

EMERALD HOMES PAC
[illegible]

127

6/30 89

PAY TO THE ORDER OF Bill Bennett $ 2,800 00/100

Two Thousand Eight Hundred DOLLARS

UNITED BANK
[illegible]

FOR [illegible]

⑈000127⑈ ⑆122102831⑆ ⑈805280100⑈ /0000280000/

EMERALD HOMES PAC
[illegible]

128

6/30 89

PAY TO THE ORDER OF Randall T. Bidwell $ 2,800 00/100

Two Thousand Eight Hundred DOLLARS

UNITED BANK
[illegible]

FOR [illegible]

⑈000128⑈ ⑆122102831⑆ ⑈805280100⑈ /0000280000/

EMERALD HOMES P[illegible]
[illegible]

BR11-03 SEP 81 89

129

6/30 89

PAY TO THE ORDER OF Brady T. Simmons $ 2,800 00/100

Two Thousand Eight Hundred DOLLARS

UNITED BANK
[illegible]

FOR [illegible]

⑈000129⑈ ⑆122102831⑆ ⑈805280100⑈ /0000280000/

950436922941

-002785

EMERALD HOMES PAC

130

6/30 92

PAY TO THE ORDER OF Lloyd Trendle $ 3,000.00

Three Thousand DOLLARS

UNITED BANK OF ARIZONA

FOR Contribution Refund

⑈000130⑈ ⑆122102831⑆ ⑈806280100⑈ /0000300000/

EMERALD HOMES PAC

131

6/30 93

PAY TO THE ORDER OF Curtis J. Henderson $ 3,000.00

Three Thousand DOLLARS

UNITED BANK OF ARIZONA

FOR Contribution Refund

⑈000131⑈ ⑆122102831⑆ ⑈806280100⑈ /0000300000/

EMERALD HOMES PAC

132

6/30 91

PAY TO THE ORDER OF Jean Vandepeer $ 3,000.00

Three Thousand DOLLARS

UNITED BANK OF ARIZONA

FOR Contribution Refund

⑈000132⑈ ⑆122102831⑆ ⑈806280100⑈ /0000300000/

EMERALD HOMES PAC

133

6/30 87

PAY TO THE ORDER OF William P. Jurge $ 3,000.00

Three Thousand DOLLARS

UNITED BANK OF ARIZONA

FOR Contribution Refund

⑈000133⑈ ⑆122102831⑆ ⑈806280100⑈ /0000300000/

EMERALD HOMES PAC

134

6/30 89

PAY TO THE ORDER OF Dick Applebaum $ 3,000.00

Three Thousand DOLLARS

UNITED BANK OF ARIZONA

FOR Contribution Refund

⑈000134⑈ ⑆122102831⑆ ⑈806280100⑈ /0000300000/

950436929

602786

June 30, 1989

Jess Finerman
Finerman & Associates
4146 N. 12th Street
Phoenix, AZ. 85014

Dear Jess,

In reviewing our records I have found that the Emerald Homes PAC over contributed to Howard Adams campaign.

Please refund $130 as soon as possible, to:

Emerald Homes PAC
5333 N. 7th Street, #310
Phoenix, AZ 85014
Attention: Brady

Sincerely,

Lois James

cc: Emerald Homes/Brady ✓
Howard Adams

95043692949

Mail date 7/14/89

11

002751

HOWARD ADAMS CAMPAIGN
4146 N. 12TH ST.
PHOENIX, AZ 85014

1134

7-5 19 89

91-8/1221

PAY TO THE ORDER OF Emerald Homes PAC $ 130.00

One Hundred Thirty and NO/100 DOLLARS

INDIAN - CENTRAL OFFICE (069)
P. O. BOX 833
PHOENIX, ARIZONA 85001

Refund of Contribution
Average.

Jon D. Armstrong

⑈0001834⑈ ⑆122000241⑆ 0064-9817⑈

950436292 b=0

00275

From the Desk of...

Vickie "K"

7/18/89

Brady -

Did you ever get a response from Paul Johnson's Office re overage we contributed to his campaign fund.

We need to recoup $300. -

262-7445 - Johnson's office.

Will return check for $120.00 then issue one for $420.00

Jean Cullen F40-5464

Response for $120. -

950436922 5T

EMERALD HOMES

July 24, 1989

Sam Vanderpool
[redacted]

RE: Adjustment of PAC Contributions

Dear Sam:

The Emerald Homes Political Action Committee was originally formed as a Federal PAC and the contribution limits which were followed related to the federal campaign laws. The Emerald PAC has however been contributing to state and local candidates. This then automatically causes the PAC to be under the jurisdiction of the Arizona election control laws.

The Arizona contribution limits are $2,200 dollars for 1989 and $2,000 dollars for 1988. We are thus issuing you a refund in the amount of $3,000.00, which represents your over-contribution to the state PAC.

Please remember the contribution limit to a Federal PAC of our size is $5,000 dollars per year. We would appreciate your contribution to the newly created Emerald Homes Federal PAC for the amount of this refund.

We apologize for any inconvience this may have caused you.

Sincerely,

EMERALD HOMES

Please note my letter is absence of Phil's signature SV

Philip J. Felich
President

JOANNE D. VANDERPOOL
SAM VANDERPOOL
[redacted]

MARKET INTEREST ACCOUN
11

August 27 19 89 11-5771210

Pay to the order of Emerald Homes Federal PAC $ 3,000.00

Three Thousand and 00/100 Dol

First Interstate Bank

First Interstate Bank of California 0010
3300 Arizona Boulevard
P.O. Box 139
San Ramon, CA 94583

002853

For contribution Sam Vanderpool

[redacted]

5333 N. 7th Street
Suite 310
Phoenix, Arizona
85014
(602) 995-9100

-9504369 29 52

TOM A. MANDELKE
CHEREL A. MANDELKE
[redacted]

3858

8/3 19 89

Pay To The Order Of Eisenhower Hanges Federal PAC $ 3000 00

Three Thousand dollars and 00/100 Dollars

WELLS FARGO BANK
DUBLIN PLAZA OFFICE
7191 REGIONAL STREET
DUBLIN, CA 94568

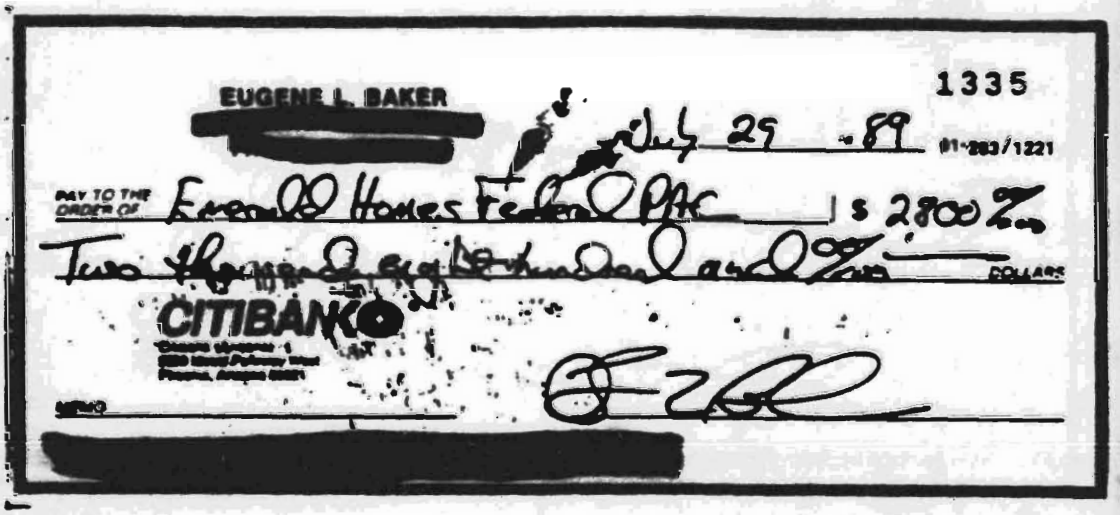
For [redacted]

Cheryl A. Mandelke

[redacted]

95043692955 3

002857



EUGENE L. BAKER

[redacted]

1335

July 29 '89

81-283/1221

PAY TO THE ORDER OF Emerald Homes Federal Pfc $ 2800 00

Two thousand eight hundred and 00/100 DOLLARS

CITIBANK

MEMO

[redacted]

FK

DEPOSIT/PAYMENT RECEIPT

Checking account receipt
unless otherwise indicated

CITIBANK

CITIBANK (ARIZONA)
P.O. BOX 2012
PHOENIX, ARIZONA 85001

ALL ITEMS ARE RECEIVED SUBJECT TO FINAL COLLECTION.
THIS IS YOUR RECEIPT. PLEASE RETAIN UNTIL YOU HAVE VERIFIED IT WITH YOUR STATEMENT.

- ☐ [illegible] MARKET RATE ACCOUNT
- ☐ REGULAR SAVINGS
- ☐ CHECKING PLUS
- ☐ TOUCH
- ☐ EQUITY SOURCE ACCOUNT
- ☐ CREDIT CARD
- ☐ READY CREDIT
- ☐ COMMERCIAL LOAN
- ☐ REAL ESTATE LOAN
- ☐ FEDERAL TAXES
- ☐ INSTALLMENT LOAN
- ☐ FILE LINE
- ☐ OTHER

THANK YOU FOR BANKING AT CITIBANK!

01-003 R 9/88

002953

9504369229

Curtis J. Henderson
8541 Blackbird Drive
Pleasanton, CA 94566

1989

July 27, 1989

Mr. Phil Polich
EMERALD HOMES PAC
5333 North 7th Street
Suite 310
Phoenix, Arizona 85014

Dear Phil,

Based upon the urgent need for our industry to better our relationship with the Federal Government, enclosed please find my check in the amount of $3,000.00 as a contribution to the Emerald Homes Federal PAC.

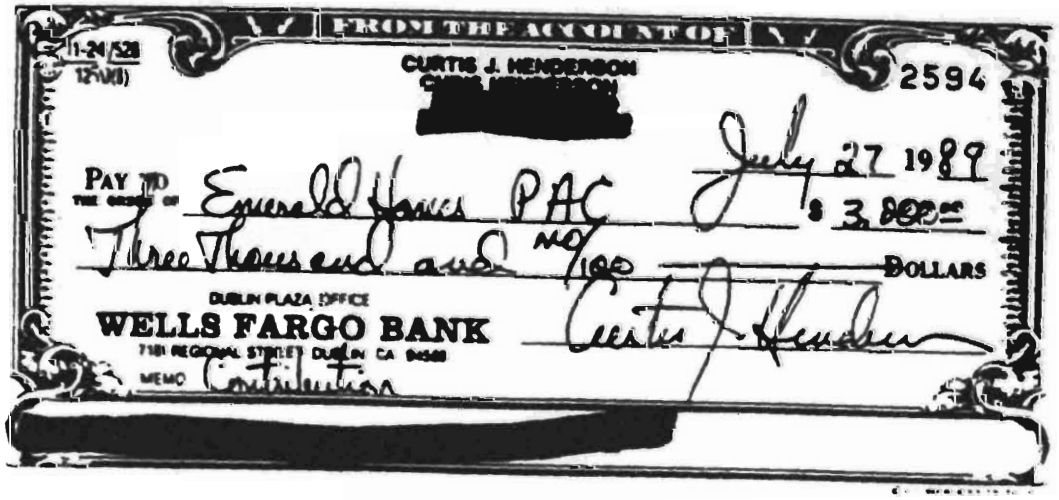
Very truly yours,

Curtis J. Henderson

CJH/esw

Encl:

002869



EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

133

6/30 19 81

91-303/1221

PAY TO THE ORDER OF William P Junge $3,000 °°/100

Marie Thomas DOLLARS

UNITED BANK OF ARIZONA

FOR Construction Deposit

⑈000133⑈ ⑆122102836⑆ ⑈806 280 100 2⑈

Endorsed

9500136929 5

DEPOSIT/PAYMENT RECEIPT

Checking account receipt
unless otherwise indicated

CITIBANK

CITIBANK (ARIZONA)
P.O. BOX 2012
PHOENIX, ARIZONA 85001

ALL ITEMS ARE RECEIVED SUBJECT TO FINAL COLLECTION
THIS IS YOUR RECEIPT PLEASE RETAIN UNTIL YOU HAVE VERIFIED IT WITH YOUR STATEMENT

- ☐ PREMIUM MARKET RATE ACCOUNT
- ☐ REGULAR SAVINGS
- ☐ SHOPPING PLUS
- ☐ TDOA
- ☐ EQUITY SOURCE AGREEMENT
- ☐ CREDIT CARD
- ☐ READY CREDIT
- ☐ COMMERCIAL LOAN
- ☐ REAL ESTATE LOAN
- ☐ FEDERAL TAXES
- ☐ INSTALLMENT LOAN
- ☐ PLEDGE
- ☐ OTHER

00285 1

THANK YOU FOR BANKING AT CITIBANK!

01-003 R 9 86

0••

2•833•00•
3•000•00•
3•333•00•
2•800•00•

084

11•633•00•

STEVEN E. BACHE
[redacted]
1937
8/25 19 89
PAY TO THE ORDER OF Emerald Homes Federal PAC $ 2800.00
Two Thousand Eight Hundred and 00/100 DOLLARS
MBank
FOR [redacted]
Steven Bache

JOANNE D. VANDERPOOL
SAM VANDERPOOL
[redacted]
MARKET INTEREST ACCOUNT
114
August 27 19 89
PAY TO THE ORDER OF Emerald Homes Federal PAC $ 3,000.00
Three Thousand and 00/100 DOLLARS
FOR contribution
Joanne Vanderpool
[redacted]

EMERALD HOMES PAC
[redacted]
134
6/30 19 89
PAY TO THE ORDER OF Bill Eggleston $ 3,000.00
Steve Bennett DOLLARS
UNITED BANK OF ARIZONA
FOR Contribution - Primary
[redacted]

Endorsed

PHILIP A. POLICH
[redacted]
1017
Aug 28 19 89
PAY TO THE ORDER OF Emerald Homes PAC $ 2800.00
Two thousand eight hundred dollars and 00/100 DOLLARS
FOR
[redacted]

002951

EMERALD HOMES
LISTED ON NEW YORK STOCK EXCHANGE

TO: Brady Simmerman

FROM: Phil Polich

DATE: March 30, 1990

RE: Political Contributions

The Board of Directors of Emerald Homes L.P. has elected to terminate all Political Action Committees and return all funds to the donors.

The position of the new Board is that Emerald Homes L.P. will not be involved in political contributions.

Please take immediate action to effectuate this policy change.

5333 North 7th Street • Suite 310 • Phoenix, Arizona 85014 • (602) 995-9100 • FAX (602) 241-3250

EMERALD HOMES
LISTED ON NEW YORK STOCK EXCHANGE

June 7, 1990

Dear Contributor:

The Board of Directors of Emerald Homes Inc. has decided to terminate all political action committee activity. All contributions remaining in the fund are being refunded to the contributor based upon the individuals' original contribution. The attached check represents the amount you contributed reduced for your proportionate share of any contributions which the PAC made to other PAC's or candidates.

Sincerely,

Philip J. Polich
Chairman of the Board
Emerald Homes Inc.

9504369.2259

5333 North 7th Street • Suite 310 • Phoenix, Arizona 85014 • (602) 995-9100 • FAX (602) 241-3250

EMERALD HOMES PAC
8338 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

JUNE 8 19 90

PAY TO THE ORDER OF CARL A. TIMSON $ 45.55***

FORTY FIVE DOLLARS & 55/100 ONLY*** DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000176⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8338 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

177

JUNE 8 19 90

91-283/1221

PAY TO THE ORDER OF HAROLD A. SUTHERLAND $ 41.00***

FORTY ONE DOLLARS ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000177⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8338 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

178

JUNE 8 19 90

91-283/1221

PAY TO THE ORDER OF DEVELOPERS REAL ESTATE SERVICE, INC. $ 45.55***

***FORTY FIVE DOLLARS & 55/100 ONLY** DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000178⑈ ⑆122102831⑆ ⑈806280100 2⑈

9504369 2968

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

179

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF BROOKS A. VALLS, JR. $ 22.78***

TWENTY TWO DOLLARS & 78/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000179⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

180

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF JAMES R. ROBY $ 18.22***

***EIGHTEEN DOLLARS & 22/100 ONLY** DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000180⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

181

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF HARLEY EISNER $ 9.11***

***NINE DOLLARS & 11/100 ONLY** DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000181⑈ ⑆122102831⑆ ⑈806280100 2⑈

⑆5021369⑆ 2962

EMERALD HOMES PAC
8383 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF VICTORIA A. KIRILIS $ 18.22**

EIGHTEEN DOLLARS & 22/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000182⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8383 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

183

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF PATRICK R. ROBRIGA $ 91.10**

NINETY ONE DOLLARS & 10/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000183⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8383 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

184

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF PATRICK G. BURKE $ 45.55***

FORTY FIVE DOLLARS & 55/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000184⑈ ⑆122102831⑆ ⑈806280100 2⑈

950413692

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

185

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF KIMBERLY SEEKO $ 18.22***

EIGHTEEN DOLLARS & 22/100 ONLY DOLLARS

UNITED BANK OF ARIZONA
HOME OFFICE
PHOENIX, ARIZONA 85013-3501

FOR

⑈000185⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

186

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF VICKIE TAVEY $ 9.11***

NINE DOLLARS & 11/100 ONLY DOLLARS

UNITED BANK OF ARIZONA
HOME OFFICE
PHOENIX, ARIZONA 85013-3501

FOR

⑈000186⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

187

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF MARY ANN VILLA $ 9.11***

NINE DOLLARS & 11/100 ONLY DOLLARS

UNITED BANK OF ARIZONA
HOME OFFICE
PHOENIX, ARIZONA 85013-3501

FOR

⑈000187⑈ ⑆122102831⑆ ⑈806280100 2⑈

9504369293

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

188

JUNE 8 19 90

PAY TO THE ORDER OF EILEEN K. VASSEUR $ 91.10***

NINETY ONE DOLLARS & 10/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000188⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

189

JUNE 8 19 90

PAY TO THE ORDER OF EUGENE L. BAKER $ 2,323.10**

***TWO THOUSAND THREE HUNDRED TWENTY THREE DOLLARS & 10/100 ONLY** DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000189⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

190

JUNE 8 19 90

PAY TO THE ORDER OF LARRY W. SEAY $ 2,231.99**

TWO THOUSAND TWO HUNDRED THIRTY ONE DOLLARS & 99/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000190⑈ ⑆122102831⑆ ⑈806280100 2⑈

9504136922904

EMERALD HOMES PAC
8338 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

191

JUNE 8 1990

PAY TO THE ORDER OF BARRY KENCH $ 2,004.24**

TWO THOUSAND FOUR DOLLARS & 24/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000191⑈ ⑆122102831⑆ ⑈806280100⑆

EMERALD HOMES PAC
8338 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

192

JUNE 8 19 90

PAY TO THE ORDER OF KEITH ROSE $ 2,027.02***

TWO THOUSAND TWENTY SEVEN DOLLARS & 02/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000192⑈ ⑆122102831⑆ ⑈806280100⑆

EMERALD HOMES PAC
8338 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

193

JUNE 8 19 90

PAY TO THE ORDER OF H.A. NOTTINGHAM $ 3,826.27***

THREE THOUSAND EIGHT HUNDRED TWENTY SIX DOLLARS & 27/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000193⑈ ⑆122102831⑆ ⑈806280100⑆

9504369205

EMERALD HOMES PA
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

195

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF JON JAMES $ 2,004.24***

TWO THOUSAND FOUR DOLLARS & 24/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000195⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

196

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF STEVE VORRICH $ 2,004.24**

TWO THOUSAND FOUR DOLLARS & 24/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000196⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

175

91-283/1221

JUNE 9 19 90

PAY TO THE ORDER OF GREGORY C. CARR $ 18.22***

***EIGHTEEN DOLLARS & 22/100 ONLY** DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000175⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

206

JUNE 8 19 90

PAY TO THE ORDER OF SAM VANDERPOOL $ 1,822.03**

ONE THOUSAND EIGHT HUNDRED TWENTY TWO DOLLARS & 03/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000206⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

207

JUNE 8 19 90

PAY TO THE ORDER OF WILLIAM P. JUNGE $ 1,822.03***

ONE THOUSAND EIGHT HUNDRED TWENTY TWO DOLLARS & 03/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000207⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

208

JUNE 8 19 90

PAY TO THE ORDER OF NEAL ANZALONE $ 1,822.03***

ONE THOUSAND EIGHT HUNDRED TWENTY TWO DOLLARS & 03/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000208⑈ ⑆122102831⑆ ⑈806280100 2⑈

9504369 2907

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

203

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF BRADY T. SINNERMAN $ 2,022.46***

***TWO THOUSAND TWENTY TWO DOLLARS & 46/100 ONLY** DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000203⑈ ⑆122810283⑆: ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

204

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF CHERYL MENDELKE $ 1,822.03***

***ONE THOUSAND EIGHT HUNDRED TWENTY TWO DOLLARS & 03/100 ONLY** DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000204⑈ ⑆122810283⑆: ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

205

91-283/1221

JUNE 8 19 90

PAY TO THE ORDER OF CURTIS J. HENDERSON $ 1,822.03

ONE THOUSAND EIGHT HUNDRED TWENTY TWO DOLLARS & 03/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000205⑈ ⑆122810283⑆: ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

200

91-383/1221

JUNE 8 19 90

PAY TO THE ORDER OF JOHN M. COOPER $ 2,004.24***

TWO THOUSAND FOUR DOLLARS & 24/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000200⑈ ⑆122103831⑆ ⑈806280100⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

201

91-383/1221

JUNE 8 19 90

PAY TO THE ORDER OF BILL BENNETT $ 2,004.24***

***TWO THOUSAND FOUR DOLLARS & 24/100 ONLY** DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000201⑈ ⑆122103831⑆ ⑈806280100⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

202

91-383/1221

JUNE 8 19 90

PAY TO THE ORDER OF RANDALL P. BIRDWELL $ 2,004.24**

TWO THOUSAND FOUR DOLLARS & 24/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000202⑈ ⑆122103831⑆ ⑈806280100⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

197

JUNE 8 19 90

PAY TO THE ORDER OF BRIAN W. BINASH $ 2,004.24**

TWO THOUSAND FOUR DOLLARS & 24/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000197⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

198

JUNE 8 19 90

PAY TO THE ORDER OF STEVEN E. BACHE $ 2,004.24***

TWO THOUSAND FOUR DOLLARS & 24/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000198⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8333 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

199

JUNE 8 19 90

PAY TO THE ORDER OF CHARLES D. HARRIS $ 2,004.24***

TWO THOUSAND FOUR DOLLARS & 24/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000199⑈ ⑆122102831⑆ ⑈806280100 2⑈

EMERALD HOMES PAC
8888 N. 7TH ST., STE. 210
PHOENIX, AZ 85014

209

91-383/1221

JUNE 8 , 19 90

PAY TO THE ORDER OF PHILIP J. POLICH $2,004.23***

TWO THOUSAND FOUR DOLLARS & 23/100 ONLY DOLLARS

UNITED BANK OF ARIZONA

FOR

⑈000209⑈ ⑆122102831⑆ ⑈806280100⑈

9504369297

EMERALD HOMES FEDERAL PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

1016

91-203/1221

JUNE 8 19 90

PAY TO THE ORDER OF BRIAN W. BIHASH $2,795.58***

***TWO THOUSAND SEVEN HUNDRED NINETY FIVE DOLLARS & 58/100 ONLY** DOLLARS

CITIBANK
Citibank (Arizona)
3200 North Central Avenue
Phoenix, Arizona 85012

FOR

⑈001016⑈ ⑆122102831⑆ ⑈8324501000⑈

EMERALD HOMES FEDERAL PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

1017

91-203/1221

JUNE 8 19 90

PAY TO THE ORDER OF STEVEN E. BACHE $ 2,795.58***

TWO THOUSAND SEVEN HUNDRED NINETY FIVE DOLLARS & 58/100 ONLY DOLLARS

CITIBANK
Citibank (Arizona)
3200 North Central Avenue
Phoenix, Arizona 85012

FOR

⑈001017⑈ ⑆122102831⑆ ⑈8324501000⑈

EMERALD HOMES FEDERAL PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

1018

91-203/1221

JUNE 8 19 90

PAY TO THE ORDER OF CHARLES D. HARRIS $ 2,795.58***

TWO THOUSAND SEVEN HUNDRED NINETY FIVE DOLLARS & 58/100 ONLY DOLLARS

CITIBANK
Citibank (Arizona)
3200 North Central Avenue
Phoenix, Arizona 85012

FOR

⑈001018⑈ ⑆122102831⑆ ⑈8324501000⑈

⑆122102831⑆ 8324501000⑈ 1016

EMERALD HOMES FEDERAL PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

1019

JUNE 8 19 90

PAY TO THE ORDER OF CHERYL MENDELKE $ 2,995.26***

***TWO THOUSAND NINE HUNDRED NINETY FIVE DOLLARS & 26/100 ONLY DOLLARS

CITIBANK

FOR

⑈001019⑈ ⑆122102831⑆ ⑈8324501000⑈

EMERALD HOMES FEDERAL PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

1020

JUNE 8 19 90

PAY TO THE ORDER OF CURTIS J. HENDERSON $ 2,995.26***

TWO THOUSAND NINE HUNDRED NINETY FIVE DOLLARS & 26/100 ONLY DOLLARS

CITIBANK

FOR

⑈001020⑈ ⑆122102831⑆ ⑈8324501000⑈

EMERALD HOMES FEDERAL PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

1021

JUNE 8 19 90

PAY TO THE ORDER OF SAM VANDERPOOL $ 2,995.26***

TWO THOUSAND NINE HUNDRED NINETY FIVE DOLLARS & 26/100 ONLY DOLLARS

CITIBANK

FOR

⑈001021⑈ ⑆122102831⑆ ⑈8324501000⑈

9504369227 3

EMERALD HOMES FEDERAL PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

1022

JUNE 8 19 90

PAY TO THE ORDER OF WILLIAM P. JURCZ $ 2,995.26***

TWO THOUSAND NINE HUNDRED NINETY FIVE DOLLARS & 26/100 ONLY DOLLARS

CITIBANK

FOR

⑈001022⑈ ⑆122102831⑆ ⑈8324501000⑈

EMERALD HOMES FEDERAL PAC
8333 N. 7TH ST., STE. 310 861-8888
PHOENIX, AZ 85014

1023

JUNE 8 19 90

PAY TO THE ORDER OF NEIL ANZALONE $ 2,995.26***

TWO THOUSAND NINE HUNDRED NINETY FIVE DOLLARS & 26/100 ONLY DOLLARS

CITIBANK

FOR

⑈001023⑈ ⑆122102831⑆ ⑈8324501000⑈

EMERALD HOMES FEDERAL PAC
8333 N. 7TH ST., STE. 310 861-8888
PHOENIX, AZ 85014

1024

JUNE 8 19 90

PAY TO THE ORDER OF PHILIP J. POLICH $ 2,795.59***

TWO THOUSAND SEVEN HUNDRED NINETY FIVE DOLLARS & 59/100 ONLY DOLLARS

CITIBANK

FOR

⑈001024⑈ ⑆122102831⑆ ⑈8324501000⑈

9502369274

EMERALD HOMES FEDE[illegible] PAC
8333 N. 7TH ST., STE. 310
PHOENIX, AZ 85014

1012

91-203/1221

JUNE 8 19 90

PAY TO THE ORDER OF EUGENE L. BAKER $ 2,795.58***

TWO THOUSAND SEVEN HUNDRED NINETY FIVE DOLLARS & 58/100 ONLY DOLLARS

CITIBANK

FOR

⑈001012⑈ ⑆122102831⑆ ⑈8324501000⑈

EMERALD HOMES FEDERAL PAC
8333 N. 7TH ST., STE. 310 861-8888
PHOENIX, AZ 85014

1013

91-203/1221

JUNE 8 19 90

PAY TO THE ORDER OF LARRY W. SEAY $ 2,795.58**

TWO THOUSAND SEVEN HUNDRED NINETY FIVE DOLLARS & 58/100 ONLY DOLLARS

CITIBANK

FOR

⑈001013⑈ ⑆122102831⑆ ⑈8324501000⑈

EMERALD HOMES FEDERAL PAC
8333 N. 7TH ST., STE. 310 861-8888
PHOENIX, AZ 85014

1015

91-203/1221

JUNE 8 19 90

PAY TO THE ORDER OF STEVE VORBRICH $ 1,397.79***

ONE THOUSAND THREE HUNDRED NINETY SEVEN DOLLARS & 79/100 ONLY DOLLARS

CITIBANK
Citibank (Arizona)
2999 North Central Avenue
Phoenix, Arizona 85012-2701

FOR

⑈001015⑈ ⑆122102831⑆ ⑈8324501000⑈

95043692975

06C 2074
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 AUG -4 AM 9:16

LAW OFFICES OF
JAMES R. TOMCIK
4450 BLACK AVENUE, SUITE B
PLEASANTON, CALIFORNIA 94566

(415) 462-0665
FAX (415) 462-2732

July 29, 1991

Federal Election Commission
Washington, D.C. 20463

Attn: Cheryl S. Kornegay, Esq.

RE: MUR 3188

Dear Ms. Kornegay:

In reviewing my file, I note that we wrote to you on April 8, 1991 regarding interrogatories to be propounded to Mr. William P. Junge. To date, we have not received those interrogatories. If you wish Mr. Junge to answer questions, he will more than happy to do so. However, as I indicated in my letter of April 8, 1991, we have never received any questions directed to him.

If you need any additional information, please let me know.

Very truly yours,

James R. Tomcik

JAMES R. TOMCIK

JRT/mp

cc: Mr. and Mrs. William Junge

91 AUG -5 AM 10:53
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

95043692976

U.S. Bankruptcy Court
515 Rusk Avenue
Houston, TX 77002

UNITED STATES BANKRUPTCY COURT

Southern District of Texas

NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 7 OF THE BANKRUPTCY CODE, MEETING OF CREDITORS, AND FIXING OF DATES (Individual or Joint Debtor Asset Case)

Case Number: 91-46943 mdl

Date Filed (or Converted) : 08/29/91

NOV 20 1991

Jesse E. Clark, Clerk

IN RE(NAME OF DEBTOR)
Philip J Polich, 526-82-4360

ADDRESS OF DEBTOR
14150 Wunderlich Road, #904
Houston, TX 77060

NAME/ADDRESS OF ATTORNEY FOR DEBTOR
Steven G Cenamo
Attorney At Law
10010 San Pedro
Ste 500
San Antonio, TX 78216
Telephone Number:

NAME/ADDRESS OF TRUSTEE
David J. Askanase
37th Floor
1415 Louisiana Street
Houston, TX 77002

Telephone Number: (713) 759-0818

DATE/TIME/LOCATION OF MEETING OF CREDITORS
December 13, 1991 at 3:00 pm
Lyric Center
Suite 2500
440 Louisiana
Houston, TX 77002

Filing Claims: Deadline to File a Proof of Claim is 03/12/92
Discharge of Debts: Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Types of Debts: 02/11/92

COMMENCEMENT OF CASE. A petition for liquidation under chapter 7 of the Bankruptcy Code has been filed in this c by or against the person or persons named above as the debtor, and an order for relief has been entered. You wil receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property, debts, and property claimed as exempt are available for inspection at the office of the clerk of the bankruptcy court.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom the debtor owes money or property. Under t Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actic creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or w deductions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that credit creditor who is considering taking action against the debtor or the property of the debtor should review Sec. 36 of the Bankruptcy Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

MEETING OF CREDITORS. The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance creditors at the meeting is welcomed, but not required. At the meeting, the creditors may elect a trustee other the one named above, elect a committee of creditors, examine the debtor, and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to creditors.

LIQUIDATION OF THE DEBTOR'S PROPERTY. The trustee will collect the debtor's property and turn any that is not e into money. If the trustee can collect enough money and property from the debtor, creditors may be paid some or of the debts owed to them.

EXEMPT PROPERTY. Under state and federal law, the debtor is permitted to keep certain money or property as exemp If a creditor believes that an exemption of money or property is not authorized by law, the creditor may file an objection. An objection must be filed not later than 30 days after the conclusion of the meeting of creditors.

DISCHARGE OF DEBTS. The debtor is seeking a discharge of debts. A discharge means that certain debts are made unenforceable against the debtor personally. Creditors whose claims against the debtor are discharged may never action against the debtor to collect the discharged debts. If a creditor believes that the debtor should not rec any discharge of debts under Sec. 727 of the Bankruptcy Code or that a debt owed to the creditor is not dischargc under Sec. 523(a)(2),(4), or (6) of the Bankruptcy Code, timely action must be taken in the bankruptcy court by deadline set forth above labeled "Discharge of Debts." Creditors considering taking such action may wish to seek legal advice.

PROOF OF CLAIM. Except as otherwise provided by law, in order to share in any payment from the estate, a creditc must file a proof of claim by the date set forth above labeled "Filing Claims." The place to file the proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of claim forms are available in the clerk's office of any bankruptcy court.

9504369297

B-10 (1-88) REPLY TO P.O. Box 61208 Houston, TX. 77208

United States Bankruptcy Court

Southern DISTRICT OF Texas

PROOF OF CLAIM

Name of Debtor	Bankruptcy Case No.
Philip J. Polich - 526-82-4360	91-46943 mdl

United States Bankruptcy Court
Southern District of Texas
FILED
MAR 12 1992
Jesse E. Clark, Clerk

THIS SPACE IS FOR COURT USE ONLY

A. CREDITOR INFORMATION

(The creditor is the person or other entity to whom the debtor owes money or property)

Name and Address of Creditor:

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

☐ Check box if you never received any notices from the bankruptcy court in this case

☐ Check box if this address differs from the address on the envelope sent to you by the court

☐ Check box and attach copy of assignment if claim has been assigned to you

Number by which creditor identifies debtor

Check here if this claim ☐ replaces ☐ amends a previously filed claim dated _____ ☐ supplements

B. CLAIM INFORMATION

1 BASIS FOR CLAIM

☐ Goods purchased
☐ Services performed
☐ Money loaned
☐ Other forms of contract (Identify)
☐ Personal injury/Wrongful death/Property damage
☒ Other (Describe briefly) Civil penalty may be assessed pursuant to provisions of the Federal Election Campaign Act of 1971, as amended.

☐ Wages, Salaries and Commissions (Fill out below)
Your social security number _____
Unpaid services performed from _____ to _____
Nature of services (Describe briefly)

2 DATE DEBT WAS INCURRED The FEC's claim is contingent upon the outcome of the Commission's determination.

3 CLASSIFICATION OF CLAIM. Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured nonpriority, (2) Priority, (3) Secured. It is possible for a claim to be partly in one category and partly in another — such as wage claim which may be a priority claim for the first $2,000 and an unsecured nonpriority claim for the balance. Classify the nature of the claim by CHECKING THE APPROPRIATE BOX OR BOXES which you believe best describes the claim and STATE THE AMOUNT OF THE CLAIM.

☐ UNSECURED NONPRIORITY CLAIM $ _____
For the purposes of this form, a claim is unsecured if there is no collateral, or to the extent the value of collateral is less than the amount of the debt.

☐ SECURED CLAIM $ _____
Attach evidence of perfection of security interest
Brief Description of Collateral:
☐ Real Estate ☐ Motor Vehicle ☐ Other

☒ PRIORITY CLAIM $ Contingent Claim (See Above)
Specify the priority of the claim by checking the appropriate box(es)
☐ Wages, salaries or commissions (up to $2000) earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier) — 11 U.S.C. §507(a)(3)
☐ Contributions to an employee benefit plan — 11 U.S.C. §507(a)(4)
☐ Up to $900 of deposits toward purchase, lease, or rental of property or service for personal, family or household use — 11 U.S.C. §507(a)(6).
☒ Taxes or penalties of governmental units — 11 U.S.C. §507(a)(7)
☐ Other (specify):

4 TOTAL AMOUNT OF CLAIM: $ Contingent Claim (See Above) (Unsecured) + $ _____ (Secured) + $ _____ (Priority) = $ _____ (Total)

5 Attach copies of documents in support of this claim, such as purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.

6 This form should not be used to make a claim for expenses incurred after the filing of the bankruptcy petition. Such expenses may be paid only upon proper application and notice pursuant to 11 U.S.C. §503.

7 CREDITS AND SETOFFS. Attach an itemization of all amounts and dates of payments which have been credited against the debt. Set forth any setoff or counterclaim which the debtor may have against your claim.

8 To receive an acknowledgment of the receipt of your claim, enclose a stamped, self-addressed envelope and a copy of your claim.

THIS SPACE IS FOR COURT USE ONLY

92 MAR 17 AM 11:03

C. CERTIFICATION

The undersigned certifies under penalty of perjury that the debtor named above is indebted to the claimant in the amount shown, that there is no security for the debt other than that stated above or in an attachment to this form, that no unmatured interest is included, and that the undersigned is authorized to make this claim.

Date 3-11-92 Sign and Print the Name and Title, if any, of the Creditor or Other Person Authorized to File this Claim (attach copy of power of attorney, if any)

9504369229978

United States Bankruptcy Court
Southern District of Texas
FILED
MAR 12 1992
Jesse E. Clark, Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

IN RE PHILLIP J. POLICH (MUR 3188)	NO. 91-46943 (MDL)
	Motion for Leave to Appear as Attorney in Charge

MOTION FOR LEAVE TO APPEAR AS ATTORNEY IN CHARGE

Pursuant to Rule 1 K of the rules for the United States District Court for the Southern District of Texas, Cheryl S. Kornegay hereby moves the Court for leave to appear as attorney in charge on behalf of the Federal Election Commission.

Ms. Kornegay is a member of the District of Columbia Bar, #358556.

92 MAR 17 AM 11:03
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

9504369279

Respectfully submitted,

Lawrence M. Noble
General Counsel

Lois G. Lerner
Associate General Counsel

Teresa Hennessy
Assistant General Counsel

Cheryl S. Kornegay
Attorney

March 11, 1992

FOR THE FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
(202) 219-3690

95043692980

United States Bankruptcy Court
Southern District of Texas
FILED
MAR 12 1992
Jesse E. Clark, Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

IN RE PHILLIP J. POLICH	NO. 91-46943 (MDL)
	Motion for Leave to Appear as Attorney in Charge

ORDER

This matter having come before the Court on the Motion of Cheryl S. Kornegay for leave to appear as attorney in charge on behalf of the Federal Election Commission, and the Court having considered the same;

IT IS HEREBY ORDERED that the motion be, and the same hereby is, GRANTED.

Dated: Houston, Texas _____,1992

_____
United States Bankruptcy Judge

92 MAR 17 AM 11:04
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Copies to:

Steven G. Cennamo
10010 San Pedro
Suite 500
San Antonio, Texas 78216

David Askanase
37th Floor
1415 Louisiana Street
Houston, Texas 77002

Cheryl S. Kornegay
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Jim D. Hamilton
9 Greenway Plaza
Coastal Tower, 20th Floor
Houston, Texas 77046

95043692981

United States Bankruptcy Court
Southern District of Texas
FILED
MAR 12 1992
Jesse E. Clark, Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

IN RE PHILLIP J. POLICH	NO. 91-46943 (MDL)
	Motion for leave to Appear as Attorney in Charge

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 1992, I served, by first class mail, a true and correct copy of the foregoing Motion for Leave to Appear as Attorney in Charge on the following:

Steven G. Cennamo
10010 San Pedro
Suite 500
San Antonio, Texas 78216

David J. Askanase
37th Floor
1415 Louisiana Street
Houston, Texas 77002

Jim D. Hamilton
9 Greenway Plaza
Coastal Tower, 20th Floor
Houston, Texas 77046

9504369292882

Cheryl S. Kornegay
Attorney

United States Bankruptcy Court
Southern District of Texas
FILED

MAR 12 1992

Jesse E. Clark, Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

IN RE PHILLIP J. POLICH	NO. 91-46943 (MDL)
	Motion to file Documents in Support of Proof of Claim Under Seal

FEDERAL ELECTION COMMISSION'S MOTION TO FILE DOCUMENTS IN SUPPORT OF PROOF OF CLAIM UNDER SEAL

The Federal Election Commission moves to file documents in support of its Proof of Claim in the above-captioned matter under seal. Pursuant to 2 U.S.C. §§ 437g(a)(12)(A) and 437g(a)(4)(B), provisions of the Federal Election Campaign Act of 1971, as amended, information contained in the documents may not be made available to the public at this time. Accordingly, the Commission asks that the Court place the Commission's documents under seal.

Counsel for the debtor has indicated that he has no objection to the granting of this motion.

Respectfully submitted,

Lawrence M. Noble
General Counsel

Lois G. Lerner
Associate General Counsel

9504369290 83

Teresa Hennessy
Assistant General Counsel

Cheryl S. Kornegay
Attorney

March 11, 1992

FOR THE FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
(202) 219-3690

95043692984

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

United States Bankruptcy Court
Southern District of Texas
FILED
MAR 12 1992
Jesse E. Clark, Clerk

IN RE PHILLIP J. POLICH	)	NO. 91-46943 (MDL)
	)	Motion to file Documents in Support of Proof of Claim Under Seal

ORDER

This matter having come before the Court on the Motion of the Federal Election Commission to file documents in support of its Proof of Claim under seal, and the Court having considered the same;

IT IS HEREBY ORDERED that the Commission's motion be, and the same hereby is, GRANTED.

Dated: Houston, Texas _____, 1992

_____
United States Bankruptcy Judge

Copies to:

Steven G. Cennamo
10010 San Pedro
Suite 500
San Antonio, Texas 78216

David Askanase
37th Floor
1415 Louisiana Street
Houston, Texas 77002

Cheryl S. Kornegay
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Jim D. Hamilton
9 Greenway Plaza
Coastal Tower, 20th Floor
Houston, Texas 77046

92 MAR 17 AM 11:04
RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

9504369295

United States Bankruptcy Court
Southern District of Texas
FILED
MAR 12 1992
Jesse E. Clark, Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

IN RE PHILLIP J. POLICH	NO. 91-46943 (MDL)
	Motion to file Documents in Support of Proof of Claim Under Seal

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 1992, I served, by first class mail, a true and correct copy of the foregoing Motion to file documents in support of Proof of Claim under seal on the following:

Steven G. Cennamo
10010 San Pedro
Suite 500
San Antonio, Texas 78216

David J. Askanase
37th Floor
1415 Louisiana Street
Houston, Texas 77002

Jim D. Hamilton
9 Greenway Plaza
Coastal Tower, 20th Floor
Houston, Texas 77046

Cheryl S. Kornegay
Attorney

9504369286

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 19, 1992

Jesse E. Clark, Clerk
United States Bankruptcy Court
for the Southern District of Texas
515 Rusk Avenue
Houston, Texas 77002

Dear Mr. Clark:

Enclosed for filing in Case Number 91-46943 is a Motion and Order to Appear as Attorney in Charge. I have submitted a copy of these documents to be date-stamped and returned to this office.

Please feel free to call me at (202) 219-3690 or (800) 424-9530 if you have additional questions regarding this filing. Thank you for your anticipated assistance.

Sincerely,

Richard M. Denholm II
Attorney

9504369297

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

IN RE PHILLIP J. POLICH	NO. 91-46943 (MDL)
	Motion for Leave to Appear as Attorney in Charge

MOTION FOR LEAVE TO APPEAR AS ATTORNEY IN CHARGE

Pursuant to Rule 1 of the rules for the United States District Court for the Southern District of Texas, Richard M. Denholm II hereby moves the Court for leave to appear as attorney in charge on behalf of the Federal Election Commission.

Mr. Denholm is replacing Ms. Cheryl Kornegay. Ms. Kornegay is no longer an attorney for the Federal Election Commission. Mr. Denholm is a member of the Bar of the State of Ohio, #0055660.

Lawrence M. Noble
General Counsel

Lois G. Lerner
Associate General Counsel

9504369229688

Teresa A. Hennessy
Assistant General Counsel

Richard M. Denholm II
Attorney

August 14, 1992

FOR THE FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
(202) 219-3690

95043692989

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

IN RE PHILLIP J. POLICH	)	**NO. 91-46943 (MDL)**
	)	**Motion for Leave to Appear as Attorney in Charge**

ORDER

This matter having come before the Court on the Motion of Richard M. Denholm II for leave to appear as attorney in charge on behalf of the Federal Election Commission, and the Court having considered the same;

IT IS HEREBY ORDERED that the motion be, and the same hereby is, GRANTED.

Dated: Houston, Texas _____, 1992.

_____

United States Bankruptcy Judge

Copies to:

Steven G. Cennamo
10010 San Pedro
Suite 500
San Antonio, Texas 78216

David Askanase
37th Floor
1415 Louisiana Street
Houston, Texas 77002
77046

Richard M. Denholm II
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Jim D. Hamilton
9 Greenway Plaza
Coastal Tower, 20th Floor
Houston, Texas

9504369290

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

IN RE PHILLIP J. POLICH	)	NO. 91-46943 (MDL)
	)	Motion for Leave to Appear as Attorney in Charge

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, 1992, I served, by first class mail, a true and correct copy of the foregoing Motion for Leave to Appear as Attorney in Charge on the following:

Steven G. Cennamo
10010 San Pedro
Suite 500
San Antonio, Texas 78216

David Askanase
37th Floor
1415 Louisiana Street
Houston, Texas 77002
77046

Jim D. Hamilton
9 Greenway Plaza
Coastal Tower, 20th Floor
Houston, Texas

Richard M. Denholm II
Attorney

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OGC 3441

THE ARIZONA REPUBLIC
120 East Van Buren Street • Phoenix, Arizona 85004
(602) 271-8000

APR 14 9 21 AM '93

April 6, 1993

RECEIVED
FEDERAL ELECTION COMMISSION
93 APR 14 AM 10: 11

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

Re: MUR 3046

Dear Mr. Noble:

I thought I'd take a moment to drop you a note to commemorate the third anniversary of my sworn complaint regarding campaign contribution violations by Emerald Homes.

I continue to be amazed that I have yet to hear of any resolution to this complaint.

The passage of time seems remarkable considering Emerald admitted the allegations as soon as our complaint was filed (see Emerald's April 6, 1990 letter attached).

Just what is going on? Is the case still open? If so, what does it take to close a case? Death from old age?

Happy anniversary.

Sincerely,

Richard R. Robertson
Investigations Editor

attachment

9504369292

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE	)	
	)	
PHILIP J. POLICH	)	CASE NO. 91-46943-H1-7
	)	
DEBTOR	)	(CHAPTER 7)
	)	
	)	

NOTICE OF WITHDRAWAL
OF CLAIM NO. 95

The undersigned claimant hereby withdraws its Proof of Claim designated as Claim No. 95 on the official register of claims in the Philip J. Polich bankruptcy case. The withdrawal of this claim does not affect any other Proofs of Claim which this claimant may have filed in this case.

Lois G. Lerner

Date: 8/29/95

CREDITOR NAME & ADDRESS (Print)

Federal Election Commission

999 E Street, NW

Washington, DC 20463

9504369293

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

OCT 2 10 52 AM '95

In the Matter of) Enforcement Priority

GENERAL COUNSEL'S REPORT

SENSITIVE

I. INTRODUCTION

This report is the General Counsel's Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 34 cases which do not warrant further pursuit relative to the other pending cases.[1] A short description of

1. These matters are: PM 309 (Attachment 1); RAD 95L-12 (Attachment 2); MUR 4118 (Attachment 3); MUR 4119 (Attachment 4); MUR 4120 (Attachment 5); MUR 4122 (Attachment 6); MUR 4123 (Attachment 7); MUR 4124 (Attachment 8); MUR 4125 (Attachment 9); MUR 4126 (Attachment 10); MUR 4130 (Attachment 11); MUR 4133 (Attachment 12); MUR 4134 (Attachment 13); MUR 4135 (Attachment 14); MUR 4136 (Attachment 15); MUR 4137

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each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 1-34. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referral for the matter referred by the Reports Analysis Division because this information was not previously circulated to the Commission. See Attachments 1-34.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 11 cases that

do not

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(Footnote 1 continued from previous page)
(Attachment 16); MUR 4138 (Attachment 17); MUR 4140 (Attachment 18); MUR 4142 (Attachment 19); MUR 4143 (Attachment 20); MUR 4144 (Attachment 21); MUR 4145 (Attachment 22); MUR 4148 (Attachment 23); MUR 4149 (Attachment 24); MUR 4153 (Attachment 25); MUR 4155 (Attachment 26); MUR 4158 (Attachment 27); MUR 4163 (Attachment 28); MUR 4164 (Attachment 29); MUR 4169 (Attachment 30); MUR 4179 (Attachment 31); MUR 4195 (Attachment 32); MUR 4196 (Attachment 33); and MUR 4205 (Attachment 34).

warrant further investment of significant Commission resources.[2] Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. As the Commission requested, in matters in which the Commission has made no findings, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report because this information was not previously circulated to the Commission. See Attachments 35-45. For cases in which the Commission has already made findings and for which each Commissioner's office has an existing file, this Office has attached the most recent General Counsel's Report.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective October 16, 1995. By closing the cases effective October 16, 1995, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record.

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2. These matters are: PM 250 (Attachment 35); PM 272 (Attachment 36); MUR 3188 (Attachment 37); MUR 3554 (Attachment 38); MUR 3623 (Attachment 39); MUR 3988 (Attachment 40); MUR 3996 (Attachment 41); MUR 4001 (Attachment 42); MUR 4007 (Attachment 43); MUR 4007 (Attachment 43); MUR 4008 (Attachment 44); and MUR 4018 (Attachment 45).

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective October 16, 1995 in the following matters:

1) PM 309
2) RAD 95L-12
3) PM 250
4) PM 272

B. Take no action, close the file effective October 16, 1995, and approve the appropriate letter in the following matters:

1) MUR 3554
2) MUR 3623
3) MUR 3988
4) MUR 3996
5) MUR 4001
6) MUR 4007
7) MUR 4008
8) MUR 4018
9) MUR 4118
10) MUR 4119
11) MUR 4120
12) MUR 4122
13) MUR 4123
14) MUR 4124
15) MUR 4125
16) MUR 4126
17) MUR 4130
18) MUR 4133
19) MUR 4134
20) MUR 4135
21) MUR 4136
22) MUR 4137
23) MUR 4138
24) MUR 4140
25) MUR 4142
26) MUR 4143
27) MUR 4144
28) MUR 4145
29) MUR 4148
30) MUR 4149

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31) MUR 4153
32) MUR 4155
33) MUR 4158
34) MUR 4163
35) MUR 4164
36) MUR 4169
37) MUR 4179
38) MUR 4195
39) MUR 4196
40) MUR 4205

C. Take no further action, close the file effective October 16, 1995 and approve the appropriate letter in MUR 3188.

9/29/95
Date

Lawrence M. Noble
General Counsel

9504369299 8

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	Agenda Document #X95-85
Enforcement Priority	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 17, 1995, do hereby certify that the Commission decided by votes of 5-0 to take the following actions:

A. Decline to open a MUR and close the file effective October 17, 1995 in the following matters:

1) PM 309
2) RAD 95L-12
3) PM 250
4) PM 272

B. Take no action, close the file effective October 17, 1995, and approve the appropriate letter in the following matters:

1) MUR 3554
2) MUR 3623
3) MUR 3988
4) MUR 3996
5) MUR 4001
6) MUR 4007
7) MUR 4008
8) MUR 4018
9) MUR 4118

(continued)

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10) MUR 4119
11) MUR 4120
12) MUR 4122
13) MUR 4123
14) MUR 4124
15) MUR 4125
16) MUR 4126
17) MUR 4130
18) MUR 4133
19) MUR 4134
20) MUR 4135
21) MUR 4136
22) MUR 4137
23) MUR 4138
24) MUR 4140
25) MUR 4142
26) MUR 4143
27) MUR 4144
28) MUR 4145
29) MUR 4148
30) MUR 4149
31) MUR 4153
32) MUR 4155
33) MUR 4158
34) MUR 4163
35) MUR 4164
36) MUR 4169
37) MUR 4179
38) MUR 4195
39) MUR 4196
40) MUR 4205

C. Take no further action, close the file effective October 17, 1995 and approve the appropriate letter in MUR 3188.

(continued)

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Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for each of the decisions; Commissioner Potter was not present.

Attest:

10-20-95
Date

Marjorie W. Emmons
Secretary of the Commission

95043693001

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 23, 1995

Robert R. Robertson
Investigations Editor
The Arizona Republic
120 East Van Buren St.
Phoeniz, AZ 85004

RE: MUR 3188

Dear Mr. Robertson:

On April 9, 1990, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

On November 21, 1990, the Commission found reason to believe that respondents violated certain provisions of the Act.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no further action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on October 17, 1995. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary L. Taksar (KES)

Mary L. Taksar, Attorney
Central Enforcement Docket

9504369302

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

Paul J. Roshka, Jr., Esq.
O'Connor, Cavanagh, Anderson, Westover
Killingsworth & Beshears
One E. Camelback Rd., Suite 1100
Phoenix, AZ 85012-1656

RE: MUR 3188
Emerald Homes, Inc. and Phillip J. Polich, as President; Curtis J. Henderson; Neil Anzalone; Ann Anzalone; Chris Henderson; Cherel Mendelke; Tom Mendelke; Sam Vanderpool; and Joann Vanderpool

Dear Mr. Roshka:

On April 20, 1990, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no further action against your clients. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on October 17, 1995.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (ALS)

Mary L. Taksar
Attorney

9504389300 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

Paul J. Roshka, Jr., Esq.
O'Connor, Cavanagh, Anderson, Westover
Killingsworth & Beshears
One E. Camelback Rd., Suite 1100
Phoenix, AZ 85012-1656

RE: MUR 3188
Eugene L. Baker
Cynthia Polich

Dear Mr. Roshka:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public.

Although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (AS)

Mary L. Taksar
Attorney

9504369004

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

James R. Tomcik, Esq.
4450 Black Ave., Suite B
Pleasanton, CA 94566

RE: MUR 3188
William P. Junge
Linda Junge

Dear Mr. Tomcik:

On April 20, 1990, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no further action against your clients. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on October 17, 1995.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (HES)

Mary L. Taksar
Attorney

95043893005

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

James F. Wehmueller
5049 North 20th Street
Phoenix, AZ 85014

RE: MUR 3188

Dear Mr. Wehmueller:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public.

Although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (x123)

Mary L. Taksar
Attorney

9504389300 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

Jon M. James
11890 E. Mission Lane
Scottsdale, AZ 85259

RE: MUR 3188

Dear Mr. James:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public.

Although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (AS)

Mary L. Taksar
Attorney

9504389300 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

Randell P. Birdwell
38 North Brokenfern Drive
The Woodlands, TX 77380

RE: MUR 3188

Dear Mr. Birdwell:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public.

Although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (+cg)

Mary L. Taksar
Attorney

9504369308

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

Lynda S. Schmitz, Treasurer
DeConcini '88 Committee
P.O. Box 2259
Scottsdale, NY 85252

RE: MUR 3188

Dear Ms. Schmitz:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public.

Although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar (AS)

Mary L. Taksar
Attorney

9504389300 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 3183

DATE FILMED 11/9/95 CAMERA NO. 2

CAMERAMAN EES

95043693010

FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

Date: 12/14/95

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3188

9604370129 06

CLOSED

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Dec 14 12 22 PM '95

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	
	§	
PHILLIP J. POLICH (MUR 3188)	§	CASE NO. 91-46943-H1-7
	§	(CHAPTER 7)
DEBTOR	§	

NOTICE OF FEE APPLICATION AND NOTICE OF HEARING

Take Notice that on the 8th day of December, 1995, the Second Application for Compensation and For Reimbursement of Expenses by Hughes, Watters & Askanase, L.L.P. in its Capacity as Attorneys for the Trustee was filed. The Applicant seeks compensation of $42,532.00 for services rendered to the Trustee from May 1, 1994 through September 30, 1995. Applicant further seeks reimbursement of expenses which were incurred during that period on behalf of the estate in the sum of $2,720.51.

A HEARING HAS BEEN SCHEDULED TO CONSIDER THIS APPLICATION AND ALL OBJECTIONS THEREON ON JANUARY 10, 1996 AT 9:30 .M. IN COURTROOM NO. 600, UNITED STATES COURTHOUSE, 515 RUSK, HOUSTON, TEXAS, BEFORE JUDGE MANUEL D. LEAL. IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING AND YOU MUST RESPOND TO EACH PARAGRAPH OF THE APPLICATION, OBJECTING SPECIFICALLY. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY (20) DAYS FROM THE DATE YOU WERE SERVED AND GIVE A COPY TO THE PERSON WHO SENT YOU THIS NOTICE. OTHERWISE, THE COURT MAY TREAT THE APPLICATION AS UNOPPOSED AND GRANT THE RELIEF SOUGHT.

Respectfully submitted,

Ann D. Zeigler TBA #22255980
1415 Louisiana, 37th Floor
Houston, Texas 77002
713/759-0818

OF COUNSEL:

HUGHES, WATTERS & ASKANASE, L.L.P.
1415 Louisiana, 37th Floor
Houston, Texas 77002
713/759-0818

960043701907

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

Date: 10/23/96

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3188

9960431638179

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
OCT 22 3 08 PM '96

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CLOSED

MUR 3188

IN RE	§	
	§	
PHILIP J. POLICH	§	CASE NO. 91-46943-H1-7
	§	(CHAPTER 7)
DEBTOR	§	

NOTICE OF FEE APPLICATION AND NOTICE OF HEARING

Take Notice that on the 18th day of October, 1996, the Third and Final Application for Compensation and For Reimbursement of Expenses by Hughes, Watters & Askanase, L.L.P. in its Capacity as Attorneys for the Trustee was filed. The Applicant seeks compensation of $20,201.00 for services rendered to the Trustee from October 1, 1995 through October 8, 1996. Applicant further seeks reimbursement of expenses which were incurred during that period on behalf of the estate in the sum of $1,075.83. Applicant has previously been awarded fees in the total amount of $139,499.50 and expenses in the total amount of $6,530.47. The sums are sought only to the extent funds are available in the Bankruptcy Estate for payment. The Court requires notice to all creditors that the Trustee is a partner in the Applicant firm, and any shortfall in payment of these fees is borne solely by the firm.

A HEARING HAS BEEN SCHEDULED TO CONSIDER THIS APPLICATION AND ALL OBJECTIONS THEREON ON NOVEMBER 13, 1996 AT 9:45 A.M. IN COURTROOM NO. 500, UNITED STATES COURTHOUSE, 515 RUSK, HOUSTON, TEXAS, BEFORE JUDGE MANUEL D. LEAL. IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING AND YOU MUST RESPOND TO EACH PARAGRAPH OF THE APPLICATION, OBJECTING SPECIFICALLY. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY (20) DAYS FROM THE DATE YOU WERE SERVED AND GIVE A COPY TO THE PERSON WHO SENT YOU THIS NOTICE. OTHERWISE, THE COURT MAY TREAT THE APPLICATION AS UNOPPOSED AND GRANT THE RELIEF SOUGHT.

96043763880

Respectfully submitted,

Ann D. Zeigler
TBA #22255980
1415 Louisiana, 37th Floor
Houston, Texas 77002
713/759-0818
713/759-6834 FAX

OF COUNSEL:

HUGHES, WATTERS & ASKANASE, L.L.P.
1415 Louisiana, 37th Floor
Houston, Texas 77002
713/759-0818
713/759-6834 FAX

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 4/15/97

✓ Microfilm

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3189

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CLOSED

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DIVISION OF TEXAS
HOUSTON DIVISION

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JAN 14 3 16 PM '97

IN RE:	PHILIP J. POLICH	§	BANKRUPTCY CASE
		§	NO. 91-46943-H1-7
	MUR 3188	§	
DEBTOR		§	(CHAPTER 7)
		§	

NOTICE OF FILING OF AND HEARING ON ACCOUNTANTS' FIRST AND FINAL APPLICATION FOR COMPENSATION AND EXPENSES

TO: THE DEBTOR, ALL CREDITORS AND ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE THAT Pannell Kerr Forster of Texas, P.C., Accountants for the Trustee in the above-referenced matter, has filed a First and Final Application for Compensation and Expenses in the above captioned matter in the amounts of $3,547.00 for compensation, $43.72 for expenses and $239.05 for preparation of its application, for the period July 1, 1995 through October 31, 1996.

If you want a hearing, you must request one in writing and you must respond specifically to each paragraph of this pleading. You must file your response with the Clerk of the Court within twenty (20) days from the date you were served and give a copy to the person who sent you the notice; otherwise the Court may treat the pleading as unopposed and grant the relief.

If a party requests emergency consideration, the Court may act expeditiously on the matter. If the Court allows a shorter response time than twenty days, you must respond within that time. If the Court sets an emergency hearing before the response time will expire, only attendance at the hearing is necessary to preserve your rights. If an emergency hearing is not set, you must respond before the response time expires.

A hearing has been set on this Application for February 12, 1997 at 10:15 A.M., Courtroom No. 600, 515 Rusk Avenue, Houston, Texas.

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A copy of the Application has been filed with the Clerk of the United States Bankruptcy Court for the Southern District of Texas, Houston Division, at 515 Rusk Avenue, Houston, Texas 77002, and may be examined during its normal business hours of 9:00 a.m. to 4:30 p.m. If you desire a copy of the Application, you may obtain it from the Court or by written request to Pannell Kerr Forster of Texas, P.C., c/o Michael R. Buckner, 5847 San Felipe, Suite 2300, Houston, Texas 77057.

Dated this 10th day of January, 1997.

PANNELL KERR FORSTER OF TEXAS, P.C.

BY: Michael R. Buckner

Michael R. Buckner
5847 San Felipe, Suite 2300
Houston, Texas 77057
(713) 780-8007

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 11/25/97

✓ Microfilm

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3188

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RECEIVED
FEDERAL ELECTION
COMMISSION
ACCOUNTING OFFICE
Nov 25 3 29 PM '97

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Bankruptcy Court
Southern District of Texas
FILED
NOV 19 1997
Michael N. Milby, Clerk

IN RE:	§	Case No. 91-46943-H1-7
	§	
Philip J. Polich,	§	(Chapter 7)
	§	
	§	NOTICE OF FINAL REPORT
Debtor.	§	BEFORE DISTRIBUTION

TO: ALL CREDITORS AND OTHER PARTIES IN INTEREST:

IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING AND YOU MUST RESPOND SPECIFICALLY TO EACH PARAGRAPH OF THIS PLEADING. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY (20) DAYS FROM THE DATE YOU WERE SERVED AND GIVE A COPY TO THE PERSON WHO SENT YOU THE NOTICE; OTHERWISE THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

IF A PARTY REQUESTS EMERGENCY CONSIDERATION, THE COURT MAY ACT EXPEDITIOUSLY ON THE MATTER. IF THE COURT ALLOWS SHORTER RESPONSE TIME THAN TWENTY DAYS, YOU MUST RESPOND WITHIN THAT TIME. IF THE COURT SETS AN EMERGENCY HEARING BEFORE THE RESPONSE TIME WILL EXPIRE, ONLY ATTENDANCE AT THE HEARING IS NECESSARY TO RESERVE YOUR RIGHTS. IF AN EMERGENCY HEARING IS NOT SET, YOU MUST RESPOND BEFORE THE RESPONSE TIME EXPIRES.

NOTICE IS HEREBY GIVEN that the trustee herein has filed a Final Report and Account Before Distribution. The report states that total receipts were $ 219,374.31, total disbursements were $198,508.12, and the balance on hand for distribution is $ 20,866.19. The report further states that final distribution to be made is $ 0.00 for required payment of liens, security interests, or other interests in property of the estate which has been liquidated, $ 20,866.19 for payment of allowed or allowable administrative expense, $ 0.00 for payment on allowed priority unsecured claims, which total $ 0.00, with the remainder of $ 0.00 to be applied to payment on general, unsecured claims, which total $ 0.00.

NOTICE IS FURTHER GIVEN that the following applications for payment of administrative expenses have been filed:

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APPLICANT	COMPENSATION	REIMBURSEMENT
Trustee	$ 6,286.23	$ 1,710.42
Attorney for Trustee	10,153.68	575.86
Clerk's Costs		2,140.00

NOTICE IS FURTHER GIVEN that all remaining property of the estate has been or will be deemed abandoned pursuant to 11 U.S.C. 554(c).

MICHAEL N. MILBY
CLERK

DATED: _____

BY: _____
Deputy Clerk

UNITED STATES TRUSTEE
515 Rusk, Suite 3516
Houston, Texas 77002
(713) 718-4650 Telephone
(713) 718-4670 Facsimile

DAVID ASKANASE, CHAPTER 7 TRUSTEE
1415 Louisiana, 37th Floor
Houston, Texas 77002
(713) 759-0818 Telephone
(713) 759-6834 Facsimile

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91-46943 0541-4 (1097) #02
Southern District of Texas (Houston)
Houston Division
515 Rusk Avenue
9th Floor Courtroom #9A
Houston, Tx 77002

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Federal Election Commission
999 E. Street NW
Washington, DC 20463

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