



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3199

DATE FILMED 11/2/91 CAMERA NO. 2

CAMERAMAN AS

91040874258

OGC 8574

4, 1990

RECEIVED

679 Eastway Drive
Charlotte, NC 28205

FEDERAL ELECTION COMMISSION
MAIL ROOM

Federal Election Commission
Washington, D.C. 205163
90 NOV -7 AM 11:51

Dear Sir:

I hereby file a formal request that T.L. Odom be required to follow election laws at both the federal and North Carolina level. This pretains to the U.S. Senate election of 1986 and campaign reporting laws on timely reports and debt payments.

Sincerely

Jim McDuffie
Jim McDuffie

North Carolina Citizen

CC North Carolina Election Office
State Board Of Elections
Campaign Reporting Office
Post Office Box 1934
Raleigh, NC 27602-1166

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 NOV -7 PM 3:56

91040874259



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 16, 1990

Jim McDuffie
919 Eastway Drive
Charlotte, NC 28205

Dear Mr. McDuffie:

We have received your letter dated November 4, 1990, regarding the possibility of a violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The 1976 amendments to the Act and Federal Election Commission regulations require that a complaint meet certain specific requirements. Your letter does not meet these requirements. Consequently, the Commission can take no action at this time to investigate this matter.

However, if you desire the Commission to look into the matter discussed in your letter to determine if the Act has been violated, a formal complaint as described in 2 U.S.C. § 437g(a)(1) must be filed. 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).

91040874260

(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 H. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures
Excerpts
Procedures

cc: respondent

91040374261



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 16, 1990

Thomas L. Odom
15131 Birling Court
Charlotte, NC 28210

Dear Mr. Odom:

On November 7, 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 for a properly filed complaint. 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 call Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence H. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

Copy of Improper Complaint
Copy of letter to the Complainant

91040374262

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

DEC 4, 1990
819 Eastway Drive
Charlotte, NC 28205

Federal Election Commission
Washington, D.C. 20543

90 DEC 10 AM 11:22

Fec Coo 201145

MUR 3199

Dear Sir:

I hereby file a formal request that T.L. Odom be required to follow election laws at both the federal and North Carolina level. This pretains to the U.S. Senate election of 1986 and campaign reporting laws on timely reports and debt payments.

Sincerely

Jim McDuffie
North Carolina Citizen

CC North Carolina Election Office
State Board Of Elections
Campaign Reporting Office
Post Office Box 1934
Raleigh, NC 27602-1166

North Carolina
Mecklenburg County

I, M. K. Overcash, a notary Public for said County and State, do hereby certify that James D. McDuffie personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and official seal, this the 5th day of December, 1990.

M K Overcash
Notary Public

My Commission espires 04/13/94

SEAL

91040374-263

9 1 0 4 0 3 7 4 2 6 4
5th day of December, 1990.

SAVING WITH LIFE



Fec Coo 201145 (Supplemental)

JIM McDUFFIE, Agent
Auto-Life-Health-Home and Business

Dec 5 1990

My Commission expires
04/13/94

Federal Election Commission
Washington DC 20463

819 Eastway Drive
P. O. Box 18096
Charlotte, North Carolina 28218
Phone: Off. 704-568-6997.

My Formal Request

that you require TLO documents
to comply w/ the Federal ad state

- ☐ Enclosed is your policy.
- ☐ Enclosed is Endorsement.
Please attach to your Policy
- ☐ Please see enclosed form.
 - ☐ Please complete & return to me.
 - ☐ Please sign where indicated and return to me.
- ☐ Enclosed is check for
 - ☐ Recent Claim
 - ☐ Premium Adjustment
- ☐ Enclosed is Premium Statement.
Please submit in attached envelope.

Referring laws, Rules
and Regulation - per
Company Debts unpaid
and No interest
decreasing - which equals
a gift from Business
that are not allowable under
the Federal Rules & laws
or Regulations - per your
office's copies of Reports - shown debts and non payment is
same.

office's copies of Reports

note: Mr Odum is a milliman Attorney these debts are collectable on them or 9.475

Dec 5 1990

SCHEDULE D
(Revised 3/88)

DEBTS AND OBLIGATIONS
Excluding Loans

Page 1 of 1
LATE PAYMENTS
Late payment penalties
for each numbered first

no effort to pay
no effort to collect
no interest added
unpaid debts - no interest added

Name of Committee (in Full)	Outstanding Balance Beginning This Period	Amount Incurred This Period	Payments This Period	Outstanding Balance at Close of This Period
T. L. "Fountain" Odum For Senate FEC # CU0201145				
A. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Southern Strategies, Inc. 215 Glenwood Ave., Suite D Raleigh, N. C. 27603	2,021.50			2,021.50
Nature of Debt (Purpose):				
Consulting Fee				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Weinstein Sturges 1100 S. Tryon St. Charlotte, N. C. 28203	2,230.30			2,230.30
Nature of Debt (Purpose):				
Long-distance Phone, Postage & Copies				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Mandate P. O. Box 140342 Dallas, Texas 75214	1,447.41			1,447.41
Nature of Debt (Purpose):				
Media Consultant				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Syntel Business Equipment P. O. Box 35910 Fayetteville, N. C. 28203	1,817.16			1,817.16
Nature of Debt (Purpose):				
Telephone Equipment				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
(Copy) to Sub Committee FAX				
Nature of Debt (Purpose):				
G. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
H. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
I. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
J. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
1) SUBTOTALS This Period This Page (optional)				2,516.32
2) TOTAL This Period (last page this line only)				22,338.80
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only)				.00
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only)				22,338.80

22,338.80

Left

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)SEE INSTRUCTIONS
ON
TYPE OR COPY

1 NAME OF COMMITTEE (in full)

T. L. "Mountain" Odom For Senate

1111 South Tryon Street
CITY STATE AND ZIP CODE

STATE DISTRICT

Charlotte, North Carolina 28203

RECEIVED
OFFICE OF THE CLERK

JUL 12 1991

CD0211145

IS THIS IN PART AN AMENDMENT?

4. TYPE OF REPORT

April 15 Quarterly Report

Twelfth day report preceding

July 15 Quarterly Report

election on

(Type of Election)

in the State of

October 15 Quarterly Report

Thirtieth day report following the General Election on

January 31 Year End Report

in the State of

☒ July 31 Mid-Year Report (Non-election Year Only)☐ Termination ReportThis report contains
activity for☐ Primary Election☐ General Election☐ Special Election☐ Recall Election

SUMMARY

3 Covering Period 01-01-89 through 06-30-89

6 Net Contributions (other than loans)

(a) Total Contributions (other than loans) (from Line 11(a))

(b) Total Contribution Refunds (from Line 20(d))

(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))

7 Net Operating Expenditures

(a) Total Operating Expenditures (from Line 17)

(b) Total Offsets to Operating Expenditures (from Line 14)

(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))

8 Cash on Hand at Close of Reporting Period (from Line 27)

9 Debts and Obligations Owed TO the Committee
(Name on all on Schedule C and/or Schedule D)10 Debts and Obligations Owed BY the Committee
(Name on all on Schedule C and/or Schedule D)COLUMN A
This PeriodCOLUMN B
Calendar Year-to-Date

COLUMN A This Period	COLUMN B Calendar Year-to-Date
\$.00	\$.00
\$.00	\$.00
\$.00	\$.00
\$.00	\$.00
\$.00	\$.00
\$.00	\$.00
\$.00	\$.00
\$ 22,358.00	

For further information
contact:
Federal Election Commission
600 E Street NW
Washington, DC 20463
1-800-696-6868
Local 202 376-3121

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

Type or Print Name of Treasurer

M. Robert Farria

M. Robert Farria CPA

Date

7-7-91

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 19, 1990

Mr. Jim McDuffie
919 Eastway Drive
Charlotte, NC 28205

RE: MUR 3199

Dear Mr. McDuffie:

This letter acknowledges receipt on December 10, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Thomas L. Odom, Odom for U.S. Senate and M. Robert Farris, as treasurer. 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 3199. 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 Patsy D. Orr, Counsel Chief, at (202) 376-3111.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

91040374267



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 19, 1990

**M. Robert Farris, as Treasurer
Odom for U.S. Senate
1100 S. Tyron Street
Charlotte, NC 28203**

RE: MUR 3199

Dear Mr. Farris:

The Federal Election Commission received a complaint which alleges that Odom for U.S. Senate and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3199. Please refer to this number in all future correspondence.

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

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

91040374268

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

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

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

cc: Thomas L. Odom

91040874269



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 19, 1990

Thomas L. Odom
1100 S. Tyron Street
Charlotte, NC 28203

RE: MUR 3199

Dear Mr. Odom:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3199. Please refer to this number in all future correspondence.

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

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

91040874270

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

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

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

91040874271



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 15, 1991

BY FACSIMILE
AND FIRST CLASS MAIL

Thomas L. Odom
Weinstein & Sturges, P.A.
1100 S. Tryon Street
Charlotte, NC 28203

RE: MUR 3199
Thomas L. Odom
Odom for U.S. Senate and
M. Robert Farris, as
treasurer

Dear Mr. Odom:

Attached are the materials you discussed with Dodie Kent of this office in your January 11, 1990 telephone conversation. They were previously sent to you, as well as your campaign committee and its treasurer, M. Robert Farris, on December 19, 1990, but you indicated they were never received.

Please respond to the Commission's notification within 15 days of your receipt of these materials.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
Notification Letter (with enclosures)

91040374272

AC 0004

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 FEB -4 AM 9:57

January 31, 1991

Mr. Lawrence M. Noble
General Council
Federal Election Commission
Washington, DC 20463

Ref: Complaint MUR 3199 - T. L. "Fountain" Odom

Dear Mr. Noble:

RECEIVED
FEDERAL ELECTION COMMISSION
91 FEB -4 PM 3:53

From the copy of the complaint received with regard to Mr. Odom it is hard to ascertain exactly what the nature of the complaint is which was submitted by Mr. McDuffie. However, the issue of outstanding debts seems to be the major one:

1) Payment of outstanding debts to creditors.

After the election all creditors were informed by phone that there was no further monies in the campaign account in which to pay debts. Many of the creditors were people whom Mr. Odom had previously done business with during the campaign and to whose companies he had already paid invoices previously submitted. Therefore these entities basically verbally forgave the campaign debt.

In one case, Systel Business, whose invoice was for equipment rental was being disputed by the campaign as it had already turned the equipment in and subsequently the outstanding invoices were not valid.

The debt to Weinstein Sturges was satisfied by giving the firm a printer which was previously purchased by the campaign in settlement of its outstanding debt.

As additional reports were filed, we were advised that a written statement, such as the one attached, needed to be sent to each of the outstanding creditors. This was also complied with.

91040374273

Mr. Lawrence Noble
January 31, 1991
Page No. 2

We have made earnest efforts to resolve this matter with these creditors and felt that this matter was resolved. However, should you not consider that to be the case, please advise us of the necessary steps to take as we do wish to comply with all regulations of the Federal Election Commission.

Sincerely,

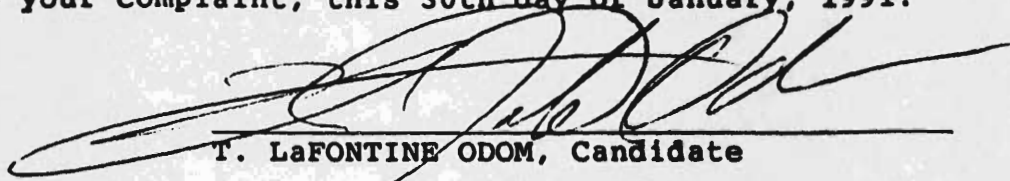
Mr. T. Lafontine Odom, Candidate
Mr. M. Robert Farris, Treasurer

21040374274

MRF/slk

Attachments

We have compiled and submit to you the foregoing letter
and answer to your complaint, this 30th day of January, 1991.



T. LaFONTINE ODOM, Candidate



M. ROBERT FARRIS, Treasurer

91040874275

March 30, 1990

INQUIRY FOR: T.L. "Fountain" Odom 1986 U.S. Senate Campaign

FROM: Bob Farris, Treasurer

Our records indicate that at the close of the 1986 U.S. Senate Campaign the following invoice(s) were owed to you by the Campaign Committee. At that time as well as currently there are no funds with which to pay these debts nor any possibilities of acquiring monies at anytime in the future.

In order for us to clear this invoice from the records and file the final campaign report, it is necessary for me to obtain your signature on this statement and return it to me in the enclosed envelope.

We appreciate your assistance during the campaign and regret this unfortunate situation.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Barbara Davis at (704) 372-9406.

Sincerely,

M. Robert Farris
Treasurer

Company Name _____

Invoice #	Date	Amount \$
#	_____	_____
#	_____	_____
#	_____	_____
#	_____	_____
#	_____	_____
#	_____	_____
Total Invoices		\$ _____

Please check one

_____ This invoice was paid.
_____ This invoice was not paid; as the Statute of Limitations has run, we have decided to forgive this debt.
_____ Other comment: _____

Accepted by: _____
(Name and Title)

Date: _____

21040874276

INVOICE SUMMARY

<u>Company Name</u>	<u>Inv. #</u>	<u>Inv. Date</u>	<u>Inv. Amount</u>	<u>Total Amt.</u>
Clifford Austin Real Estate	— —	02-05-86 05-07-86	\$ 2,508.30 3,860.10	\$ 6,368.40
Take One Prod. Ltd.	3237 3278	02-14-86 03-03-86	\$ 3,000.00 86.46	\$ 3,086.46 <i>Revised</i>
Kitchens & Assoc.	—	04-11-86	\$ 3,250.00	\$ 3,250.00 <i>Revised</i>
Carolina Clipping Ser.	—	05-30-86	\$ 499.36	\$ 499.36
ComputerLand of Charlotte	11-013657 11-013658 11-013658 11-013586 11-013699 11-013742	04-30-86 04-30-86 04-30-86 04-18-86 05-08-86 05-19-86	\$ 308.28 308.28 308.28 178.45 3.40 308.28	\$ 1,414.97 <i>Revised</i>
Janice Cone	—	04-__-86	\$ 223.24	\$ 223.24 <i>Forgiven</i>
Southern Strategies	—	04-02-86	\$ 2,021.50	\$ 2,021.50 <i>Forgiven</i>
ψ Weinstein, Sturges et al	— —	03-17-86 05-21-86	\$ 1,894.08 336.22	\$ 2,230.30
Mandate	—	05-05-86	\$ 1,447.41	\$ 1,447.41
φ Systel Bus Equip.	010598 011494 012380 013318	04-10-86 05-12-86 06-11-86 07-10-86	\$ 189.26 579.98 500.00 547.92	\$ 1,817.16
			INVOICE TOTAL:	\$22,358.80

* See attached letter dated 1/31/91

91040374277

XXXXXXXXXXXX
January 21, 1991

INQUIRY FOR: T.L. "Fountain" Odom 1986 U.S. Senate Campaign

FROM: Bob Farris, Treasurer

Our records indicate that at the close of the 1986 U.S. Senate Campaign the following invoice(s) were owed to you by the Campaign Committee. At that time as well as currently there are no funds with which to pay these debts nor any possibilities of acquiring monies at anytime in the future.

In order for us to clear this invoice from the records and file the final campaign report, it is necessary for me to obtain your signature on this statement and return it to me in the enclosed envelope.

We appreciate your assistance during the campaign and regret this unfortunate situation.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Barbara Davis at (704) 372-9406.

Sincerely,

M. Robert Farris
Treasurer

Company Name Clifford Austin Real Estate

Invoice #	Date	Amount
#	02-05-86	\$ 2,508.30
#	05-07-86	3,860.10
#		
#		
#		
#		
Total Invoices		\$ 6,368.40

Please check one

☐ This invoice was paid.
☒ This invoice was not paid; as the Statute of Limitations has run, we have decided to forgive this debt.
☐ Other comment: _____

Accepted by: J.C. Austin, Jr. President

(Name and Title)

Date: 1-29-91

91040374278

March 30, 1990

INQUIRY FOR: T.L. "Fountain" Odom 1986 U.S. Senate Campaign

FROM: Bob Farris, Treasurer

Our records indicate that at the close of the 1986 U.S. Senate Campaign the following invoice(s) were owed to you by the Campaign Committee. At that time as well as currently there are no funds with which to pay these debts nor any possibilities of acquiring monies at anytime in the future.

In order for us to clear this invoice from the records and file the final campaign report, it is necessary for me to obtain your signature on this statement and return it to me in the enclosed envelope.

We appreciate your assistance during the campaign and regret this unfortunate situation.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Barbara Davis at (704) 372-9406.

Sincerely,

M. Robert Farris
Treasurer

Company Name Kitchens & Associates

Invoice #	Date	Amount
--	4/11/86	\$ 3,250.00
#		
#		
#		
#		
#		
#		
Total Invoices		\$ 3,250.00

Please check one

☐ This invoice was paid.
☐ This invoice was not paid; as the Statute of Limitations has run, we have decided to forgive this debt.
☐ Other comment: _____

Accepted by: _____
(Name and Title)

Date: _____

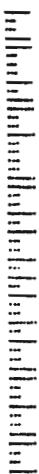
91040374279

128 S. Tryon Street, Suite 1960
Charlotte, NC 28202

Kitchens & Associates
5384 Hoffner Road
Orlando, FL 32812



RETURN
TO
WRITER



☐ ATTEMPTED - NOT KNOWN
☐ NO SUCH NUMBER
☐ INSUFFICIENT
☒ FORWARDING
POSTAGE 4-12
DATE

08247804016

DECLASSIFIED APR 23 1990

FROM: Bob Farris, Treasurer

In order for us to clear this invoice from the records and file the final campaign report, it is necessary for me to obtain your signature on this statement and return it to me in the enclosed envelope.

Thank you for your prompt attention to this matter.
Should you have any questions, please contact Barbara
Davis at (704) 372-9406.

M. Robert Farris
Treasurer

Invoice #	<u>3237</u>	Date	<u>2/14/86</u>	Amount	<u>\$ 3,000.00</u>
	<u># 3278</u>		<u>3/3/86</u>		<u>86.46</u>
	<u>#</u>		<u></u>		<u></u>
	<u>#</u>		<u></u>		<u></u>
	<u>#</u>		<u></u>		<u></u>
	<u>#</u>		<u></u>		<u></u>
	<u>#</u>		<u></u>		<u></u>
		Total Invoices			<u>\$ 3,086.46</u>

_____ This invoice was paid.
 _____ This invoice was not paid; as the Statute of
 Limitations has run, we have decided to forgive
 this debt.
 _____ Other comment:

Date: _____

91040874281

March 30, 1990

RECEIVED APR 16 1990

INQUIRY FOR: T.L. "Fountain" Odom 1986 U.S. Senate Campaign

FROM: Bob Farris, Treasurer

Our records indicate that at the close of the 1986 U.S. Senate Campaign the following invoice(s) were owed to you by the Campaign Committee. At that time as well as currently there are no funds with which to pay these debts nor any possibilities of acquiring monies at anytime in the future.

In order for us to clear this invoice from the records and file the final campaign report, it is necessary for me to obtain your signature on this statement and return it to me in the enclosed envelope.

We appreciate your assistance during the campaign and regret this unfortunate situation.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Barbara Davis at (704) 372-9406.

Sincerely,

M. Robert Farris
Treasurer

7/19/89 Computerland of Charlotte is
now Plato Computers dba Computer-
land. Responsible party is
Computerland Corp.
PO Box 9012
Pleasanton,
Calif
94566

Company Name ComputerLand of Charlotte

Invoice #	Date	Amount \$
# 11-013657	4/30/86	308.28
# 11-013658	4/30/86	308.28
# 11-013658	4/30/86	308.28
# 11-013586	4/18/86	178.45
# 11-013699	5/8/86	3.40
# 11-013742	5/19/86	308.28

Total Invoices \$ 1,414.97

Please check one

____ This invoice was paid.
____ This invoice was not paid; as the Statute of
Limitations has run, we have decided to forgive
this debt.
____ Other comment: _____

Accepted by: _____
(Name and Title)

Date: _____

91040374282

March 30, 1990

RECEIVED APR 19 1990

INQUIRY FOR: T.L. "Fountain" Odom 1986 U.S. Senate Campaign

FROM: Bob Farris, Treasurer

Our records indicate that at the close of the 1986 U.S. Senate Campaign the following invoice(s) were owed to you by the Campaign Committee. At that time as well as currently there are no funds with which to pay these debts nor any possibilities of acquiring monies at anytime in the future.

In order for us to clear this invoice from the records and file the final campaign report, it is necessary for me to obtain your signature on this statement and return it to me in the enclosed envelope.

We appreciate your assistance during the campaign and regret this unfortunate situation.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Barbara Davis at (704) 372-9406.

Sincerely,

M. Robert Farris
Treasurer

Company Name Janice Cone

Invoice #	-	Date	4/86	Amount \$	223.24
#					
#					
#					
#					
#					

Total Invoices \$ 223.24

Please check one

☒ This invoice was paid.
☐ This invoice was not paid; as the Statute of Limitations has run, we have decided to forgive this debt.
Other comment: _____

Accepted by: Janice Cone
(Name and Title)

Date: 4-16-90

91040374283

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RECEIVED APR 16 1964

Our records indicate that at the close of the 1986 U.S. Senate Campaign the following invoice(s) were owed to you by the Campaign Committee. At that time as well as currently there are no funds with which to pay these debts nor any possibilities of acquiring monies at anytime in the future.

We appreciate your assistance during the campaign and regret this unfortunate situation.

Sincerely,

Company Name Southern Strategies

Invoice #	<u>-</u>	Date	<u>4/2/86</u>	Amount	<u>\$ 2,021.50</u>
#	<u> </u>		<u> </u>		<u> </u>
#	<u> </u>		<u> </u>		<u> </u>
#	<u> </u>		<u> </u>		<u> </u>
#	<u> </u>		<u> </u>		<u> </u>
#	<u> </u>		<u> </u>		<u> </u>

Total Invoices	\$ 2,021.50
----------------	-------------

Please check one

✓ This invoice was paid.
This invoice was not paid; as the Statute of Limitations has run, we have decided to forgive this debt.
Other comment:

Accepted by: Michael E.
(Name and Title)

Date:

Michael E. Mann, President
(Name and Title)
4-11-90

91 JUN 17 AM 11:32

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR # 3199
DATE COMPLAINT RECEIVED
BY OGC: December 10, 1990
DATE OF NOTIFICATION TO
RESPONDENTS: December 19, 1990
January 16, 1991
STAFF MEMBER: Dodie C. Kent

COMPLAINANT: Jim McDuffie

RESPONDENTS: Odom For U.S. Senate and M. Robert Farris, as
treasurer

Thomas L. Odom (a.k.a. "Fountain" Odom)

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)
2 U.S.C. § 434(b)(8)
2 U.S.C. § 441a
2 U.S.C. § 441b
11 C.F.R. § 116

INTERNAL REPORTS CHECKED: Disclosure Reports of Odom For U.S.
Senate

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by a complaint filed by Jim McDuffie, "citizen of North Carolina," alleging that Thomas L. ("Fountain") Odom, together with Odom For U.S. Senate and M. Robert Farris, as treasurer (the "Committee"), violated the Federal Election Campaign Act of 1971, as amended (the "Act"). Attachment 1. The complaint alleges that debts from Odom's 1986 unsuccessful bid for the United States Senate remain outstanding to date, with no interest accruing. The complaint further contends that these unpaid debts are the equivalent of in-kind

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prohibited corporate contributions.

The Office of the General Counsel notified candidate Odom and the Committee of the administrative complaint on December 19, 1990. On January 11, 1991, this Office learned that the Respondents did not receive the aforementioned notifications, and new copies were sent by facsimile and mail. Respondents replied jointly on February 4, 1991. Attachment 2.

II. FACTUAL AND LEGAL ANALYSIS

A. Outstanding Debts

Pursuant to 2 U.S.C. § 431(8)(A), a "contribution" is any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing an election for Federal office. 2 U.S.C. § 431(11) defines "person" as an individual, partnership, committee, association, corporation, labor organization or any other group of persons. It is unlawful for any corporation to make a contribution or expenditure in connection with any election to any political office. 2 U.S.C. § 441b(a). Furthermore, it is unlawful for a "person" (see 2 U.S.C. §431(11)) to make contributions to any candidate or his authorized political committees with respect to any election for Federal office which, the the aggregate, exceed \$1,000.

Unincorporated and incorporated vendors, however, are permitted to extend credit to a candidate, political committee, or other person in connection with a federal election provided that the extension of credit is in the ordinary course of the vendor's business practices and that the terms of the credit are

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substantially similar to extensions of credit to non-political entities. 11 C.F.R. § 116.3.¹ The Commission's regulations further state that an extension of credit by any person for a length of time beyond normal business or trade practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt. 11 C.F.R. § 100.7(a)(4).

A debt owed by a political committee which is forgiven or settled for less than the amount owed is a contribution unless such debt is settled in accordance with the standards set forth at 11 C.F.R. § 116.4. See also 11 C.F.R. § 100.7(a)(4).

Pursuant to 11 C.F.R. § 116.4(d), the Commission will determine that the debt settlement between a political committee a commercial vendor is commercially reasonable if:

- (1) The initial extension of credit was in the ordinary course of the creditor's business practice, per 11 C.F.R. § 116.3;
- (2) The debtor has undertaken all reasonable efforts to satisfy the outstanding debt, i.e., fundraising, reduction of administrative costs and liquidating assets; and
- (3) The creditor has pursued customary remedies in order to collect the debt.

Pursuant to 2 U.S.C. § 434(b)(8), political committees must include the amount and nature of the committee's outstanding debts and obligations in their periodic reports. That section further provides that committees must disclose the circumstances and conditions under which debts or obligations are settled, if they are settled for less than

1. Most of the debts in question were settled prior to October 3, 1990, the effective date of the new Debt Settlement Regulations. However, the new regulations apply to all debt settlement requests filed after October 3, 1990.

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their reported amount or value, and the consideration provided therefor.

A terminating committee must file at least one debt settlement plan with the Commission prior to filing its termination report. 11 C.F.R. § 116.7.² Furthermore, the committee must file a debt settlement plan when the creditors included in that plan have agreed to settle or forgive the debt(s) owed them. Id. Where the committee is disputing a debt included in the debt settlement plan, the committee must disclose such debt and the committee's efforts to resolve the dispute. 11 C.F.R. § 116.1(d). The terminating committee must continue to report all debts until the Commission approves the debt settlement plan. 11 C.F.R. § 116.7(d).

According to the Committee's filings, Respondents have been winding down their political activities since 1987 and presently have ten outstanding debts, totaling \$22,358.80. The Committee has carried these debts on its reports since the conclusion of Odom's 1986 campaign. The following chart reflects the creditors, the debts owed, the creditors' corporate status and Respondents' explanation as to the present status of the debts.

2. The Odom For U.S. Senate Committee filed a termination report on October 27, 1988 but amended the report when the Reports Analysis Division informed the Committee that it could not terminate with outstanding loans and debts. Nevertheless, the Committee clearly has been inactive since that time.

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<u>CREDITOR</u>	<u>DEBT</u>	<u>CORPORATE STATUS</u>	<u>DEBT STATUS</u>
Clifford Austin Real Estate Computerland of Charlotte	\$6,368.40 \$1,414.97	Corporation Corporation	Forgiven Letter Returned ³
Southern Strategies Systel	\$2,021.50 \$1,817.16	Corporation Corporation	Forgiven Disputed
Take One Prod. Ltd. Weinstein & Sturges	\$3,086.46 \$2,230.30	Corporation Corporation	Letter Returned ⁴ Settled ⁵
Carolina Clipping Service ⁶	\$499.36 \$223.24	Unknown Unknown	Unexplained Forgiven
Janice Cone ⁶ Kitchens & Associates Mandate	\$3,250.00 \$1,447.41	Unknown Unknown	Letter Returned ⁷ Unexplained

As demonstrated in the above chart, six of the ten creditors are corporations. Although there is nothing before us to indicate that the initial extensions of credit by these six corporations to the Committee were not in the ordinary course of business, the complaint raises issues as to whether the debts have been settled in a commercially reasonable manner. However, there is clearly not enough evidence before us to make that determination. For example, Respondents contacted four of the six corporations by mail in April 1990,

3. Although the store that took over Computerland supplied Respondents with Computerland's corporate address, it does not appear that Respondents made any additional effort to contact the creditor at that address.

4. Unlike Kitchens & Associates, Respondents did not attach the returned envelope to their response.

5. Respondents report that this debt was satisfied by giving the creditor the campaign's printer equipment. "Weinstein & Sturges" is a law firm in which Fountain Odom is a partner.

6. Although this appears to be an individual's name, the applicable letter listed "Janice Cone" as "Company Name."

7. The post office indicated that the forwarding address was expired.

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in attempt to settle the debts. Of the four letters, two were returned. It is unknown whether Respondents made any further attempts to contact those creditors. Furthermore, in regard to the debt owed to Weinstein & Sturges (a law firm in which Odom himself is a partner), the Committee claims that the debt was settled in exchange for the campaign's computer printer. It is unknown whether the value of the printer is comparable to the amount of the Committee's debt.

Regarding the debt owed to Systel, the Committee claims that the debt is invalid. The circumstances surrounding the Committee's assertion are unknown. It is also unknown what efforts, if any, have been undertaken by the Committee to meet their financial obligations, i.e., fundraising, and what efforts have been made by the creditors (other than a few 1986 invoices) to procure payment from the Committee.

As reflected in the chart, it appears the remaining four creditors, Carolina Clipping Service; Janice Cone; Kitchens & Associates; and Mandate are not corporations. Although creditors Carolina Clipping Service and Janice Cone are listed on the Committee's disclosure reports at North Carolina addresses, neither of those businesses are incorporated in North Carolina. While Kitchens & Associates is listed at a Florida address, neither North Carolina's nor Florida's Secretary of State can confirm that Kitchens is a corporation. Lastly, while Committee reports disclose Mandate at a Texas address, neither North Carolina's nor Texas' Secretary of State can confirm Mandate's corporate

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status.

According to the Commission's contributor search system, neither the Carolina Clipping Service nor Janice Cone made any contributions to the Committee during the 1988 election cycle. Thus, even though the Committee failed to explain the status of the Committee's debt to the Carolina Clipping Service, that debt does not appear to be in violation of the Act's contribution limits. See 2 U.S.C. § 441a. Likewise, although the Committee's debt to Janice Cone was completely forgiven, that amount also does not appear to violate the contribution limits under the Act. Id.

With regard to creditors Kitchens & Associates and Mandate, both debts are substantial and non-payment could result in a 2 U.S.C. § 441a violation. More information is necessary, however, to make such a determination. For example, the April 1990 letter mailed to Kitchens was returned. While the debt settlement regulations provide for a Commission determination that a debt is "unpayable" because the creditor cannot be located or has gone out of business, the Committee must demonstrate to the Commission that it made the necessary efforts to locate the creditor. 11 C.F.R. § 116.9. Here, it is unknown whether the Committee has made efforts other than the single correspondence. Furthermore, it is unknown whether the Committee has contacted Mandate in attempt to settle its debt. Again, it is unknown what efforts the Committee has made to meet its financial

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obligations and what efforts the creditors have made to collect.

As the foregoing discussion demonstrates, this matter raises the possibility of both excessive and prohibited contributions. Ordinarily, this Office would recommend the Commission find reason to believe on these issues in order to obtain further information in these areas. However, according to the Reports Analysis Division, the Committee recently attempted to file a Debt Settlement Request, pursuant to 11 C.F.R. § 116.7(e), but the request did not include all of the required information. Consequently, RAD is presently taking no action with respect to the Committee's request. Because it is clear the Committee is attempting to terminate and has filed a Debt Settlement Request, albeit incomplete, this Office believes that the issues raised would best be dealt with in the context of a debt settlement review. That way, the necessary information regarding the the validity of the settlements can be gleaned and examined in the appropriate arena. Accordingly, this Office recommends that the Commission find reason to believe that the Odom For U.S. Senate Committee and M. Robert Farris, as treasurer, violated 11 C.F.R. § 116 by failing to file a complete debt settlement plan, but makes no recommendations regarding the creditors at this time.⁸

8. Once a complete debt settlement has been reviewed, additional recommendations may be appropriate.

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B. Reporting

Pursuant to the Act, the principal campaign committee of a candidate for the Senate must file on on a quarterly basis during every year in which a regularly scheduled election is held in which such candidate is seeking election or nomination. 2 U.S.C. § 434(a)(2). In years in which a regularly scheduled election is not held, principal campaign committees must file a mid year report, due by July 31, and a year end report, due by January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(B).

Odom For U.S. Senate was required to file on a semiannual basis during the 1989/1990 election cycle. Nevertheless, the Committee failed to file its 1989 Year End, 1990 Mid Year, and 1990 Year End Reports (due by January 31, 1990, July 31, 1990 and January 31, 1991, respectively) until February 8, 1991 at the behest of this Office. The 1989 Year End Report was over one (1) year late, the 1990 Mid Year Report was almost 200 days late, and the 1990 Year End Report was eight days late.

Based on the foregoing, this Office recommends that the Commission find reason to believe that the Odom For U.S. Senate Committee and M. Robert Farris, as treasurer, violated 2 U.S.C § 434(a)(2) by untimely filing its 1989 Year End, 1990 Mid Year and 1990 Year End Reports.

C. Candidate Involvement

Although the complaint names Thomas L. Odom as a Respondent, there is no evidence to suggest that the

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Committee's failure to timely file its reports or a Debt Settlement Request is due to any action or inaction on Odom's part. This Office therefore recommends that the Commission find no reason to believe that Thomas L. Odom violated 2 U.S.C. § 434(a)(2) or 11 C.F.R. § 116.

III. PROPOSED DISCOVERY

Due the nature of our recommendations, this Office does not anticipate the need for discovery at this time.

IV. RECOMMENDATIONS

1. Find reason to believe that Odom For U.S. Senate and M. Robert Farris, as treasurer, violated 2 U.S.C. § 434(a)(2) and 11 C.F.R. § 116.
2. Find no reason to believe that Thomas L. Odom violated 2 U.S.C. § 434(a)(2) and 11 C.F.R. § 116.
3. Approve the attached Factual and Legal Analysis and appropriate letters.

Lawrence M. Noble
General Counsel

6-17-91
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

- (1) Complaint
- (2) Joint Response of T.L. Odom and the Committee
- (3) Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ DONNA ROACH *DR*
COMMISSION SECRETARY

DATE: JUNE 20, 1991

SUBJECT: MUR 3199 - FIRST GENERAL COUNSEL'S REPORT
DATED JUNE 17, 1991.

The above-captioned document was circulated to the
Commission on MONDAY, JUNE 17, 1991 at 4:00 P.M..

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

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	<u>XXX</u>
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	<u>XXX</u>

This matter will be placed on the meeting agenda
for TUESDAY, JUNE 25, 1991.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3199
Odom for U.S. Senate and M. Robert)
Farris, as treasurer;)
Thomas L. Odom (a.k.a. "Fountain")
Odom).)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on July 9, 1991, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3199:

1. Find reason to believe that Odom For U.S. Senate and M. Robert Farris, as treasurer, violated 2 U.S.C. § 434(a)(2) and 11 C.F.R. § 116, but take no further action with respect to the violation of 11 C.F.R. § 116.
2. Find no reason to believe that Thomas L. Odom violated 2 U.S.C. § 434(a)(2) and 11 C.F.R. § 116.

(continued)

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3. Approve the Factual and Legal Analysis and appropriate letters as recommended in the General Counsel's report dated June 17, 1991, subject to amendment of the letters as agreed during the meeting discussion.

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

Attest:

July 9, 1991
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 19, 1991

Thomas L. Odom, Esq.
Weinstein & Sturges, P.A.
1100 South Tryon Street
Charlotte, NC 28203

RE: MUR 3199
Thomas L. Odom

Dear Mr. Odom:

On December 19, 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 July 9, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated 2 U.S.C. § 434(a)(2) and 11 C.F.R. § 116. Accordingly, the Commission closed its file in this matter as it pertains to you.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

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

July 19, 1991

M. Robert Farris, Treasurer
Odom For U.S. Senate
128 South Tryon Street, Suite 1960
Charlotte, NC 28202

RE: MUR 3199
Odom For U.S. Senate and
M. Robert Farris, as
treasurer

Dear Mr. Farris:

On December 19, 1990, the Federal Election Commission notified Odom For U.S. Senate ("Committee") and you, as treasurer, 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 provided by you, the Commission, on July 9, 1991, found that there is reason to believe the Committee and you, as treasurer, violated 11 C.F.R. § 116, a provision of the Commission's regulations, but decided to take no further action with respect to this violation. In this regard, the Commission notes that the proposed debt settlement plan, which was filed after the complaint in this matter, lacks information which is required prior to its review by the Commission. Absent Commission review and approval of the debt settlement plan, you must continue to report the Committee's outstanding debts. Furthermore, the Committee is prohibited from making payments in connection with any settlement on those debts and from terminating.

On July 9, 1991, the Commission also found reason to believe that the Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(2), a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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M. Robert Farris, Treasurer
MUR 3199
Page Two

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer, regarding the violation of 2 U.S.C. § 434(a)(2). 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 the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation of 2 U.S.C. § 434(a)(2) 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.

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.

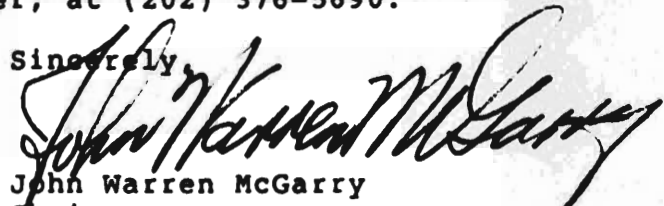
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M. Robert Farris, Treasurer
MUR 3199
Page Three

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 have any questions, please contact Dodie C. Kent, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


John Warren McGarry
Chairman

Enclosures
Designation of Counsel Form
Factual & Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Odom For U.S. Senate Committee and **MUR:** 3199
M. Robert Farris, as treasurer

A. Outstanding Debts

Pursuant to 2 U.S.C. § 431(8)(A), a "contribution" is any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing an election for Federal office. 2 U.S.C. § 431(11) defines "person" as an individual, partnership, committee, association, corporation, labor organization or any other group of persons. It is unlawful for any corporation to make a contribution or expenditure in connection with any election to any political office. 2 U.S.C. § 441b(a). Furthermore, it is unlawful for a "person" (see 2 U.S.C. §431(11)) to make contributions to any candidate or his authorized political committees with respect to any election for Federal office which, the the aggregate, exceed \$1,000.

Unincorporated and incorporated vendors, however, are permitted to extend credit to a candidate, political committee, or other person in connection with a federal election provided that the extension of credit is in the ordinary course of the vendor's business practices and that the terms of the credit are substantially similar to extensions of credit to non-political

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entities. 11 C.F.R. § 116.3.¹ The Commission's regulations further state that an extension of credit by any person for a length of time beyond normal business or trade practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt. 11 C.F.R. § 100.7(a)(4).

A debt owed by a political committee which is forgiven or settled for less than the amount owed is a contribution unless such debt is settled in accordance with the standards set forth at 11 C.F.R. § 116.4. See also 11 C.F.R. § 100.7(a)(4).

Pursuant to 11 C.F.R. § 116.4(d), the Commission will determine that the debt settlement between a political committee a commercial vendor is commercially reasonable if:

- (1) The initial extension of credit was in the ordinary course of the creditor's business practice, per 11 C.F.R. § 116.3;
- (2) The debtor has undertaken all reasonable efforts to satisfy the outstanding debt, i.e., fundraising, reduction of administrative costs and liquidating assets; and
- (3) The creditor has pursued customary remedies in order to collect the debt.

Pursuant to 2 U.S.C. § 434(b)(8), political committees must include the amount and nature of the committee's outstanding debts and obligations in their periodic reports. That section further provides that committees must disclose the circumstances and conditions under which debts or obligations are settled, if they are settled for less than their reported amount or value, and the consideration

1. Most of the debts in question here were settled prior to October 3, 1990, the effective date of the new Debt Settlement Regulations. However, the new regulations apply to all debt settlement requests filed after October 3, 1990.

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provided therefor.

A terminating committee must file at least one debt settlement plan with the Commission prior to filing its termination report. 11 C.F.R. § 116.7.² Furthermore, the committee must file a debt settlement plan when the creditors included in that plan have agreed to settle or forgive the debt(s) owed them. Id. Where the committee is disputing a debt included in the debt settlement plan, the committee must disclose such debt and the committee's efforts to resolve the dispute. 11 C.F.R. § 116.1(d). The terminating committee must continue to report all debts until the Commission approves the debt settlement plan. 11 C.F.R. § 116.7(d).

According to the Committee's filings, Respondents have been winding down their political activities since 1987 and presently have ten outstanding debts, totaling \$22,358.80. The Committee has carried these debts on its reports since the conclusion of Odom's 1986 campaign. The following chart reflects the creditors, the debts owed, the creditors' corporate status and Respondents' explanation as to the present status of the debts.

2. The Odom For U.S. Senate Committee filed a termination report on October 27, 1988 but amended the report when the Reports Analysis Division informed the Committee that it could not terminate with outstanding loans and debts. Nevertheless, the Committee clearly has been inactive since that time.

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<u>CREDITOR</u>	<u>DEBT</u>	<u>CORPORATE STATUS</u>	<u>DEBT STATUS</u>
Clifford Austin Real Estate Computerland of Charlotte	\$6,368.40	Corporation	Forgiven
Southern Strategies	\$1,414.97	Corporation	Letter Returned ³
Systel	\$2,021.50	Corporation	Forgiven
Take One Prod. Ltd.	\$1,817.16	Corporation	Disputed
Weinstein & Sturges	\$3,086.46	Corporation	Letter Returned ⁴
	\$2,230.30	Corporation	Settled ⁵
Carolina Clipping Service	\$499.36	Unknown	Unexplained
Janice Cone ⁶	\$223.24	Unknown	Forgiven
Kitchens & Associates	\$3,250.00	Unknown	Letter Returned ⁷
Mandate	\$1,447.41	Unknown	Unexplained

As demonstrated in the above chart, six of the ten creditors are corporations. Although there is nothing before us to indicate that the initial extensions of credit by these six corporations to the Committee were not in the ordinary course of business, the complaint raises issues as to whether the debts have been settled in a commercially reasonable manner. However, there is clearly not enough evidence before us to make that determination. For example, Respondents contacted four of the six corporations by mail in April 1990,

3. Although the store that took over Computerland supplied Respondents with Computerland's corporate address, it does not appear that Respondents made any additional effort to contact the creditor at that address.

4. Unlike Kitchens & Associates, Respondents did not attach the returned envelope to their response.

5. Respondents report that this debt was satisfied by giving the creditor the campaign's printer equipment. "Weinstein & Sturges" is a law firm in which Fountain Odom is a partner.

6. Although this appears to be an individual's name, the applicable letter listed "Janice Cone" as "Company Name."

7. The post office indicated that the forwarding address was expired.

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in attempt to settle the debts. Of the four letters, two were returned. It is unknown whether Respondents made any further attempts to contact those creditors. Furthermore, in regard to the debt owed to Weinstein & Sturges (a law firm in which Odom himself is a partner), the Committee claims that the debt was settled in exchange for the campaign's computer printer. It is unknown whether the value of the printer is comparable to the amount of the Committee's debt. Regarding the debt owed to Systel, the Committee claims that the debt is invalid. The circumstances surrounding the Committee's assertion are unknown. It is also unknown what efforts, if any, have been undertaken by the Committee to meet their financial obligations, i.e., fundraising, and what efforts have been made by the creditors (other than a few 1986 invoices) to procure payment from the Committee.

As reflected in the chart, it appears the remaining four creditors, Carolina Clipping Service; Janice Cone; Kitchens & Associates; and Mandate are not corporations. Although creditors Carolina Clipping Service and Janice Cone are listed on the Committee's disclosure reports at North Carolina addresses, neither of those businesses are incorporated in North Carolina. While Kitchens & Associates is listed at a Florida address, neither North Carolina's nor Florida's Secretary of State can confirm that Kitchens is a corporation. Lastly, while Committee reports disclose Mandate at a Texas address, neither North Carolina's nor Texas' Secretary of State can confirm Mandate's corporate

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status.

According to the Commission's contributor search system, neither the Carolina Clipping Service nor Janice Cone made any contributions to the Committee during the 1988 election cycle. Thus, even though the Committee failed to explain the status of the Committee's debt to the Carolina Clipping Service, that debt does not appear to be in violation of the Act's contribution limits. See 2 U.S.C. § 441a. Likewise, although the Committee's debt to Janice Cone was completely forgiven, that amount also does not appear to violate the contribution limits under the Act. Id.

With regard to creditors Kitchens & Associates and Mandate, both debts are substantial and non-payment could result in a 2 U.S.C. § 441a violation. More information is necessary, however, to make such a determination. For example, the April 1990 letter mailed to Kitchens was returned. While the debt settlement regulations provide for a Commission determination that a debt is "unpayable" because the creditor cannot be located or has gone out of business, the Committee must demonstrate to the Commission that it made the necessary efforts to locate the creditor. 11 C.F.R. § 116.9. Here, it is unknown whether the Committee has made efforts other than the single correspondence. Furthermore, it is unknown whether the Committee has contacted Mandate in attempt to settle its debt. Again, it is unknown what efforts the Committee has made to meet its financial obligations and what efforts the creditors have made to

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collect.

As the foregoing discussion demonstrates, this matter raises the possibility of both excessive and prohibited contributions. Ordinarily, this Office would recommend the Commission find reason to believe on these issues in order to obtain further information in these areas. However, according to the Reports Analysis Division, the Committee recently attempted to file a Debt Settlement Request, pursuant to 11 C.F.R. § 116.7(e), but the request did not include all of the required information. Consequently, RAD is presently taking no action with respect to the Committee's request. Because it is clear the Committee is attempting to terminate and has filed a Debt Settlement Request, albeit incomplete, this Office believes that the issues would best be dealt with in the context of a debt settlement review. That way, the necessary information regarding the the validity of the settlements can be gleaned and examined in the appropriate arena. Accordingly, there is reason to believe that the Odom For U.S. Senate Committee and M. Robert Farris, as treasurer, violated 11 C.F.R. § 116 by failing to file a complete debt settlement plan.

B. Reporting

Pursuant to the Act, the principal campaign committee of a candidate for the Senate must file on on a quarterly basis during every year in which a regularly scheduled election is held in which such candidate is seeking election or nomination. 2 U.S.C. § 434(a)(2). In years in which a

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regularly scheduled election is not held, principal campaign committees must file a mid year report, due by July 31, and a year end report, due by January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(B).

Odom For U.S. Senate was required to file on a semiannual basis during the 1989/1990 election cycle. Nevertheless, the Committee failed to file its 1989 Year End, 1990 Mid Year, and 1990 Year End Reports (due by January 31, 1990, July 31, 1990 and January 31, 1991, respectively) until February 8, 1991 at the behest of this Office. The 1989 Year End Report was over one (1) year late, the 1990 Mid Year Report was almost 200 days late, and the 1990 Year End Report was eight days late.

Therefore, there is reason to believe that the Odom For U.S. Senate Committee and M. Robert Farris, as treasurer, violated 2 U.S.C § 434(a)(2) by untimely filing its 1989 Year End, 1990 Mid Year and 1990 Year End Reports.

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIN COPY ROOM

FARRIS, COOKE & ASSOCIATES, P.A.
CERTIFIED PUBLIC ACCOUNTANTS
128 SOUTH TRYON STREET, SUITE 1960
CHARLOTTE, NORTH CAROLINA 28202

91 AUG -8 PM 12:00

(704) 372-9408

August 5, 1991

91 AUG -8 PM 3:48

General Counsel
Attention: Dodie C. Kent
Federal Election Commission
Washington, D.C. 20463

RE: MUR3199 Odom for U. S. Senate and M. Robert Farris as
Treasurer

Dear Sir:

Pursuant to N.C.F.R., §111.18(d), I request pre-probable
cause conciliation.

Very truly yours,

M Robert Farris

M. Robert Farris

/pki-1982

91040374310

FARRIS, COOKE & ASSOCIATES, P.A.
CERTIFIED PUBLIC ACCOUNTANTS
128 SOUTH TRYON STREET, SUITE 1960
CHARLOTTE, NORTH CAROLINA 28202

91 AUG 12 AM 9:39

(704) 372-9408

August 2, 1991

91 AUG 12 AM 10:33

Mr. John Warren McGeary
Attention: Dodie C. Kent
Federal Election Commission
Washington, D.C. 20463

RE: MUR3199 Odom for U. S. Senate and M. Robert Farris as
Treasurer

Dear Mr. McGeary:

I have your letter of July 19, 1991.

Let me point out that I am a volunteer. I have not charged nor have I been paid one penny. I was asked to serve as the Campaign Committee's Treasurer and assist Mr. Odom in 1986 which I gladly did. I served as his Campaign Treasurer in several County Commission races before then. We never had a problem.

I thought and was led to believe that we had done all that the law required. I have always tried to comply with the law and will continue to do so.

I request pre-probable cause conciliation. I am making that request in a separate letter to "General Counsel" pursuant to N.C.F.R. §111.18(d).

I enclose a sworn response to the "Factual And Legal Analysis" attached to your July 19, 1991 letter. As pointed out in it, I disagree with the factual and legal conclusion that any violation has occurred. However, since I am a volunteer and have been since 1986, I not only want to comply with the law, but I

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Mr. John Warren McGeary
August 2, 1991
Page Two

want to conclude this matter in the most efficient and quickest way possible. It appears that any further proceedings will be stayed if conciliation is successful. Therefore, I prefer to go that route.

If I should respond to anything else, please let me know right away.

Very truly yours,



M. Robert Farris

/pki-1978

Enclosure

91040374312

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

AFFIDAVIT AND RESPONSE TO
FACTUAL AND LEGAL ANALYSIS

Respondents, Odom for U. S. Senate Committee, and M. Robert Farris, Treasurer, respond to the factual and legal analysis numbered MUR3199 as follows:

A. Outstanding Debts. With regard to outstanding debts, it is stated on page 7 that "the foregoing discussion demonstrates, this matter raises the possibility of both excessive and prohibitive contributions". Further on page 7 it is stated: "Accordingly, there is reason to believe that the Odom for U. S. Senate Committee and M. Robert Farris, as Treasurer, violated 11 CFR, §116 by failing to file a complete debt settlement plan".

I take great issue with this. A thorough review of the facts will prove to the contrary. However, we note that the report goes on to state that: "Because it is clear the Committee is attempting to terminate and has filed a debt settlement request, albeit incomplete, this office believes that the issues would best be dealt with in the context of a debt settlement review." Because of this, and as this affiant is and has been since 1986 a volunteer without any compensation, affiant requests that any further findings, hearings, or recommendations with regard to this matter be withheld, in the interest of time and economy, until the debt settlement review has been concluded.

B. Reporting. Affiant, through his staff, corresponded with and talked with members of the Federal Election Commission office on numerous occasions in 1986, 1987 and 1988 and we were informed and therefor believed that the report filed for end of 1988 was sufficient to terminate all further proceedings. It was on this basis that reports were not filed for the end of 1989, mid-year 1990, year end 1990, January 31, 1990, July 31, 1990, until February 8, 1991 at the request of the Federal Election Commission office. I believe that the outstanding debts issue should be resolved in favor of the campaign and the undersigned, and that the report filed in 1988 was sufficient. There was no need to file any further reports. However, affiant requests that this matter be held in abeyance pending a resolution by conciliation.

21040874313

This 2 day of August, 1991.

ODOM FOR U. S. COMMITTEE

By: M. Robert Farris
M. ROBERT FARRIS, Treasurer

M. Robert Farris
M. ROBERT FARRIS

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, a Notary Public of the County and State aforesaid, certify that M. ROBERT FARRIS, Treasurer for ODOM FOR U. S. COMMITTEE and M. ROBERT FARRIS, individually, personally appeared before me this day and acknowledged the execution of the foregoing Affidavit. Witness my hand and official stamp or seal, this 2 day of August, 1991.

Shirley K. Allen
Notary Public

My Commission Expires: 4-22-93

/pki:1970

RECEIVED
F.E.C.
SECRETARIAT

91 SEP 20 PM 3:28

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3199
Odom For U.S. Senate and)
M. Robert Farris, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On July 9, 1991, the Commission found reason to believe that the Odom For U.S. Senate Committee (the "Committee") and M. Robert Farris, as treasurer, violated 2 U.S.C. § 434(a)(2) by failing to timely file the Committee's 1989 Year End Report, 1990 Mid-Year Report and 1990 Year End Report. The Commission also found reason to believe that the Committee violated 11 C.F.R. § 116 by making payments in settlement of debts prior to Commission review and approval, but took no further action with regard to this violation.¹ Notification of the Commission's actions was sent to the Committee on July 19, 1991.

On August 12, 1991, the Committee submitted a written request for pre-probable cause conciliation. Attachment 1. In that request, M. Robert Farris stated that he serves as the Committee's treasurer on a volunteer basis. Farris further stated that he has always tried to comply with the law and will continue to do. Lastly, Farris argued that he was informed by "members of the Federal Election Commission

1. The Commission simultaneously found no reason to believe that candidate Fountain Odom violated both 2 U.S.C. § 434(a)(2) and 11 C.F.R. § 116.

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office" that the Committee's 1988 Year End Report was "sufficient to terminate all further proceedings" with the Commission. Attachment 1 at 3. Thus, Respondents contend that no reporting violations occurred.² Nevertheless, Farris noted his desire to conclude this matter in the most efficient and quickest way possible and his belief that conciliation would best serve that desire.

Based upon both the straightforward nature of the violation at hand and the Committee's willingness to conciliate, this Office recommends that the Commission enter into pre-probable cause conciliation with the Odom For U.S. Senate Committee and M. Robert Farris, as treasurer.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

2. Farris also disagreed with the Commission's finding regarding the Section 116 violation, contending that the Factual and Legal Analysis' conclusion with regard to the Committee's outstanding debts was incorrect.

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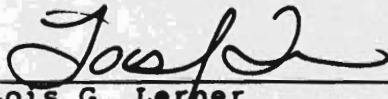
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III. RECOMMENDATIONS

1. Enter into conciliation with Odom For U.S. Senate and M. Robert Farris, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

Date 9/20/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Request for conciliation
2. Proposed Conciliation Agreement

Staff Assigned: Dodie C. Kent

91040374319



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DONNA ROACH *DR*
COMMISSION SECRETARY

DATE: SEPTEMBER 24, 1991

SUBJECT: MUR 3199 - GENERAL COUNSEL'S REPORT
DATED SEPTEMBER 20, 1991

The above-captioned document was circulated to the
Commission on MONDAY, SEPTEMBER 23, 1991 at 11:00 a.m.

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

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	_____XXX_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda
for TUESDAY, OCTOBER 1, 1991.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3199
Odom For U.S. Senate and)
M. Robert Farris, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 1, 1991, do hereby certify that the Commission decided by a vote of 5-0 to reject the recommendations contained in the General Counsel's September 20, 1991 report on MUR 3199 and instead take no further action, close the file in MUR 3199, and direct the Office of General Counsel to send an appropriate letter pursuant to this decision.

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

Attest:

10-2-91
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 16, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jim McDuffie
819 Fastway Drive
Charlotte, NC 28205

RE: MUR 3199

Dear Mr. McDuffie:

This is in reference to the complaint you filed with the Federal Election Commission on December 10, 1991, concerning Thomas L. Odom and the Odom For U.S. Senate committee.

Based on that complaint, on July 9, 1991, the Commission found that there was no reason to believe that Thomas L. Odom violated the Federal Election Campaign Act of 1971, as amended (the "Act") and closed the file with respect to Odom. On that same date, however, the Commission did find that there was reason to believe that Odom For U.S. Senate and M. Robert Farris, as treasurer (the "Committee"), violated 11 C.F.R. § 116, a provision of the Code of Federal Regulations but decided to take no further action with regard to this violation. The Commission simultaneously found reason to believe that the Committee violated 2 U.S.C. § 434(a)(4), a provision of the Act and instituted an investigation of this matter. However, after considering the circumstances of this matter, the Commission determined to take no further action against the Committee, and closed the entire file in this matter on October 1, 1991.

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).

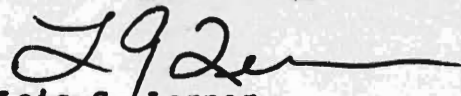
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Jim McDuffie
MUR 3199
Page 2

If you have any questions, please contact Dodie C. Kent,
the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosures

1. First General Counsel's Report, dated June 17, 1991
2. Statement of Reasons, dated August 13, 1991
3. General Counsel's Report, dated September 20, 1991

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 16, 1991

Thomas L. Odom, Esq.
Weinstein & Sturges, P.A.
1100 South Tryon Street
Charlotte, NC 28203

RE: MUR 3199
Thomas L. Odom

Dear Mr. Odom:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Dodie C. Kent, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosures

1. First General Counsel's Report, dated June 17, 1991
2. Statement of Reasons, dated August 13, 1991
3. General Counsel's Report, dated September 20, 1991

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

October 16, 1991

**M. Robert Farris, Treasurer
Odom For U.S. Senate
128 South Tryon Street
Charlotte, NC 28202**

**RE: MUR 3199
Odom For U.S. Senate and
M. Robert Farris, as
treasurer**

Dear Mr. Farris:

On July 19, 1991, you were notified that the Federal Election Commission found reason to believe that the Odom For U.S. Senate committee and you, as treasurer (the "Committee"), violated 2 U.S.C. § 434(a)(2). As you know, the Commission simultaneously found reason to believe that the Committee violated 11 C.F.R. § 116, but decided to take no further action with respect to that violation. On August 2, 1991, you submitted a response to the Commission's reason to believe findings, and on August 5, 1991, you requested pre-probable cause conciliation.

After considering the circumstances of the matter, the Commission determined on October 1, 1991, to take no further action against Odom For U.S. Senate and you, as treasurer, and closed the file in this matter. The file will be made part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The Commission reminds you that failing to timely file committee disclosure reports appears to be a violation of 2 U.S.C. § 434(a)(4). You should take immediate steps to insure that this activity does not occur in the future.

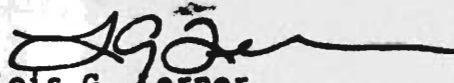
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M. Robert Farris
MUR 3199
Page 2

If you have any questions, please contact Dodie C. Kent,
the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosures

1. First General Counsel's Report, dated June 17, 1991
2. Statement of Reasons, dated August 13, 1991
3. General Counsel's Report, dated September 20, 1991

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3199

DATE FILMED 11/8/71 CAMERA NO. 2

CAMERAMAN AS

91040874327



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3199.

11/19/91

91040880528



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 15, 1991

CLOSED

Jim McDuffie
819 Fastway Drive
Charlotte, NC 28205

RE: MUR 3199
Thomas L. Odom; Odom For
U.S. Senate and M. Robert
Farris, as treasurer

Dear Mr. McDuffie:

By letter dated October 16, 1991, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by you against the Odom For U.S. Senate committee and M. Robert Farris, as treasurer, and Thomas L. Odom. Enclosed with that letter were the First General Counsel's Report, dated June 17, 1991; a Statement of Reasons, dated August 13, 1991; and a subsequent General Counsel's report, dated September 20, 1991.

Enclosed please find an additional Statement of Reasons adopted by the Commission explaining its decision to take no further action and close the file in this matter. This document will be placed on the public record as part of the file of MUR 3199.

If you have any questions, please contact Dodie C. Kent, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Statement of Reasons

91040880529



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 15, 1991

M. Robert Farris, Treasurer
Odom For U.S. Senate
128 South Tryon Street
Charlotte, NC 28202

RE: MUR 3199
Odom For U.S. Senate and
M. Robert Farris, as
treasurer

Dear Mr. Farris:

By letter dated October 16, 1991, the Office of the General Counsel informed you of determinations made with respect to the complaint filed against you and the Odom For U.S. Senate committee by Jim McDuffie. Enclosed with that letter were the First General Counsel's Report, dated June 17, 1991; a Statement of Reasons, dated August 13, 1991; and a subsequent General Counsel's report, dated September 20, 1991.

Enclosed please find an additional Statement of Reasons adopted by the Commission explaining its decision to take no further action and close the file in this matter. This document will be placed on the public record as part of the file of MUR 3199.

If you have any questions, please contact Dodie C. Kent, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Statement of Reasons

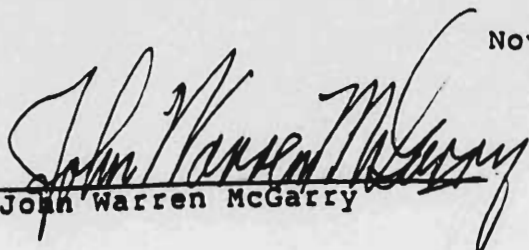
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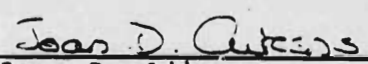
STATEMENT OF REASONS

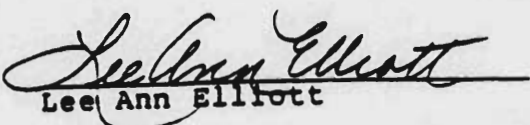
In the Matter of)
) MUR 3199
Odom for U.S. Senate and)
M. Robert Farris, as treasurer)

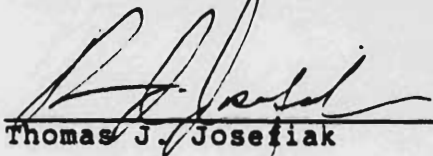
On July 9, 1991, the Commission found reason to believe the Odom for U.S. Senate Committee and M. Robert Farris, as treasurer ("respondents"), violated 2 U.S.C. §434(a)(2) of the Federal Election Campaign Act of 1971, as amended, for untimely filing of the 1989 Year End, 1990 Mid Year and 1990 Year End reports. * In view of respondents' efforts to terminate the committee, evidenced by the debt settlement request, and the committee's relative inactivity, the Commission voted on October 1, 1991, to take no further action with respect to this violation and close the file in this matter, consistent with the proper ordering of its priorities and resources. See Heckler v. Cheney, 470 U.S. 821 (1985).

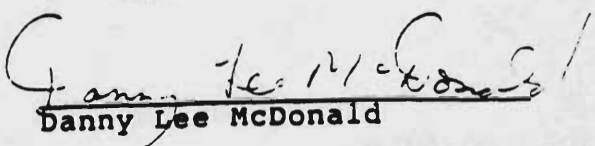
November 13, 1991

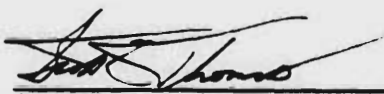

John Warren McGarry


Joan D. Aikens


Lee Ann Elliott


Thomas J. Josefiak


Danny Lee McDonald


Scott E. Thomas

* The Commission also found reason to believe respondents violated 11 CFR §116 of the Commission's regulations for making payments in settlement of debts without prior Commission review and approval, and decided to take no further action with respect to this violation (see Statement of Reasons of August 13, 1991). The Commission found no reason to believe Thomas L. Odom violated 2 U.S.C. §434(a)(2) and 11 CFR §116.