



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3253

DATE FILMED 8/13/91 CAMERA NO. 4

CAMERAMAN AS

91040352882

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 13 February 1991

ANALYST: Emily Leonard

I. COMMITTEE:

Eyerly for Congress
(C00246892)
David Eyerly
1024 South 20th Street
Blue Springs, MO 64015

II. RELEVANT STATUTE:

2 U.S.C. §434(a)(2)(A)(ii)
11 CFR §104.5(a)(1)(ii)

III. BACKGROUND:

Failure to File a Required Report of Receipts and Disbursements

The Eyerly for Congress committee ("the Committee") has failed to file the 1990 30 Day Post-General Report of Receipts and Disbursements. Prior Notice was sent October 1, 1990, informing the Committee that the report was due on December 6, 1990 (Attachment 2). A Non-Filer Notice was sent to the Committee on December 21, 1990, for failure to file the report (Attachment 3). The Non-Filer Notice informed the Committee that failure to file this report might result in audit or legal enforcement action.

On January 16, 1991, a Reports Analysis Division analyst informed the candidate that the Commission had not yet received his 1990 30 Day Post-General Report and suggested he federal express the report to the Commission. The analyst strongly urged the candidate to file the report as quickly as possible in order to avoid referral to the Office of General Counsel and a possible fine. The candidate responded that he will not federal express anything because it will cost him \$10.00, but he will look around and see what he can find and send something by regular mail. He also told the analyst he does not remember receiving a letter from the Commission notifying him of his failure to file a report. After being told the non-filer letter was sent to him on December 21,

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1990 and reading him the address to which it was sent, he responded that the Commission had the correct address so he must have "misplaced it" (Attachment 4).

On January 25, 1991, the analyst called the candidate to inquire about the status of his 1990 30 Day Post-General Report. He said "it is on my list of things to do" and asked the analyst to send him a FEC FORM 3. When the analyst told him the Commission needed the report to be filed immediately or he will be referred, he responded by stating "you can do that too" (Attachment 5).

To date, no other response has been received.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION
1989-1990
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 28JAN91

PAGE 3

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
	OFFICE BOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL				
EVERLY, DAVID	HOUSE 84 REPUBLICAN PARTY				MISSOURI	1990 ELECTION	ID# H8N084638
1. STATEMENT OF CANDIDATE							
1990 STATEMENT OF CANDIDATE						17JUL90	1 90HSE/483/3537
2. PRINCIPAL CAMPAIGN COMMITTEE							
EVERLY FOR CONGRESS						ID #C08246892	HOUSE
1990 STATEMENT OF ORGANIZATION						17JUL90	1 90HSE/483/3534
PRE-PRIMARY	7,000		775		1JAN90 - 7AUG90	5 90HSE/483/3688	
REQUEST FOR ADDITIONAL INFORMATION					1JAN90 - 7AUG90	1 90FEC/654/1406	
REQUEST FOR ADDITIONAL INFORMATION 2ND					1JAN90 - 7AUG90	2 90FEC/656/3112	
NOTICE OF FAILURE TO FILE					8AUG90 - 30SEP90	1 90FEC/669/4375	
PRE-GENERAL		115		6,362	8AUG90 - 6NOV90	4 90HSE/416/2887	
NOTICE OF FAILURE TO FILE					10CT90 - 17OCT90	1 90FEC/678/0651	
REQUEST FOR ADDITIONAL INFORMATION					8AUG90 - 6NOV90	1 90FEC/673/3975	
REQUEST FOR ADDITIONAL INFORMATION 2ND					8AUG90 - 6NOV90	2 90FEC/679/2849	
NOTICE OF FAILURE TO FILE					7NOV90 - 26NOV90	1 90FEC/679/1274	
TOTAL	7,000	115	775	6,362		19	TOTAL PAGES

5. AUTHORIZED COMMITTEES

6. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

All reports have been reviewed
Cash on hand as of 11/06/90-- \$215.91
Debts as of 11/06/90-- \$0

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL CANDIDATES

October 1, 1990

Report	Reporting Period	Reg./Cert. Mailing Date*	Filing Date
Pre-General	10/01/90** - 10/17/90	10/22/90	10/25/90
Post-General	10/18/90 - 11/26/90	12/06/90	12/06/90

WHO MUST FILE

All 1990 general election principal campaign committees must file the pre- and post-general election reports.

WHO NEED NOT FILE

Principal campaign committees of candidates not active in the 1990 elections (i.e., committees active in past or future elections) and 1990 campaign committees not participating in the general election do not file the pre- and post-general reports.

WHAT MUST BE REPORTED

All financial activity (not previously reported) that occurred during the reporting period.

REPORTING FORMS

Candidate committees use FORM 3 (enclosed). If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on FORM 3Z.

WHERE TO FILE

Consult the instructions on the back of the FORM 3 Summary Page. Note State filing requirements also.

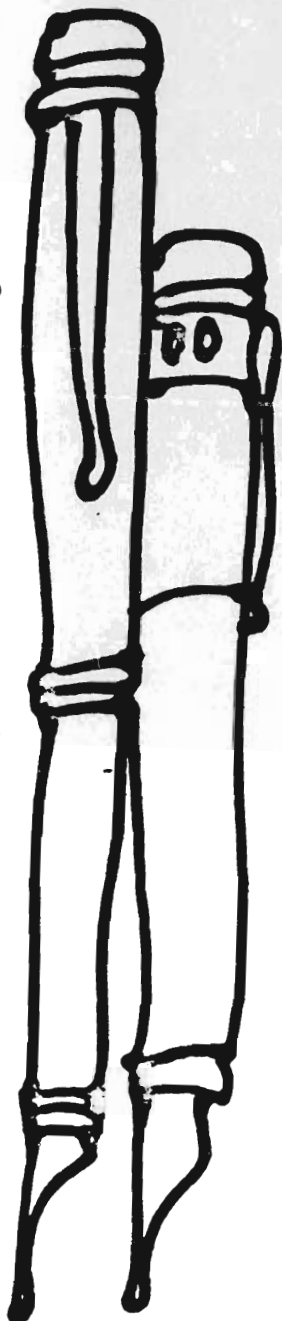
LAST-MINUTE CONTRIBUTIONS

Committees must also file special notices if contributions of \$1,000 or more are received during the period of October 18 through November 3, 1990. The notices must reach the appropriate Federal and State offices within 48 hours of the committee's receipt of the contributions.

*Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

**The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

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CONGRESSIONAL CANDIDATES

GENERAL ELECTION

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Correction should be made on the label.

COMPLIANCE

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

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FOR INFORMATION, Call: 202/376-3120 or 800/424-9530



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

RQ-7

December 21, 1990

David Eyerly, Treasurer
Eyerly for Congress
1024 South 20th Street
Blue Springs, MO 64015

Identification Number: C00246892

Reference: 30 Day Post-General Report (11/7/90-11/26/90)

Dear Mr. Eyerly:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the Secretary of State or equivalent state officer of your state.

The failure to file this report may result in an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Emily Leonard on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

A handwritten signature in dark ink, appearing to read "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

MEMORANDUM TO FILES:

DATE 1/16/91

TELECON ~~XXXX~~
VISIT

NAME OF COMMITTEE: Eyerly for Congress

SUBJECT: Failure to file 30 Day Post-General Report

FEC REP: Emily Leonard

COMMITTEE REP: David Eyerly

The candidate was informed that the Commission has not yet received the 30 Day Post-General Report and the best course of action would be to federal express a copy of the report immediately. The candidate was told that he will be referred to the Office of General Counsel and most likely fined if the Commission does not receive the report.

The candidate responded that he will not federal express anything because of the \$10.00 charge, but he will see what he can get together and send by regular mail. The candidate also seemed to think he was never sent a non-filer letter however, when he was told the date and address to which the non-filer was sent, he responded that the Commission has the correct address so he "must have misplaced it."

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MEMORANDUM TO FILES:

DATE 1/25/91

TELECON ~~XXXX~~
VISIT

NAME OF COMMITTEE: Eyerly for Congress

SUBJECT: Failure to file 30 Day Post-General Report

FEC REP: Emily Leonard

COMMITTEE REP: David Eyerly

The analyst called the candidate to inquire about the status of the 30 Day Post-General Report. The candidate responded by saying "it is on my list of things to do" and requested that he be sent a FEC Form 3. When the analyst informed the candidate that he must file the report immediately or he will be referred to the Office of General Counsel, he stated "you can do that too."

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SI 100-1 AM 11:10

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral 91NF-53
Staff Member: Jose M. Rodriguez

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

RESPONDENTS: Eyerly for Congress and
David Eyerly, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(2)(A)(ii)
11 C.F.R. § 104.5(a)(1)(ii)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On February 13, 1991, the Reports Analysis Division ("RAD") referred the Eyerly for Congress committee ("the Committee"), and David Eyerly, as treasurer, to the Office of the General Counsel for failure to file the 1990 30 Day Post-General Report of Receipts and Disbursements (Attachment 1).

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, see Attachment 2.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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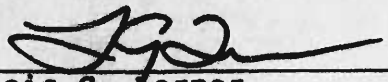
IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe Eyerly for Congress and David Eyerly, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(ii), and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date 3/29/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Factual and Legal Analysis
3. Proposed agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: APRIL 3, 1991

SUBJECT: RAD REFERRAL 91NF-53 - FIRST GENERAL COUNSEL'S RPT.
DATED MARCH 29, 1991

The above-captioned document was circulated to the
Commission on MONDAY, APRIL 1, 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	<u>XXXX</u>
Commissioner Elliott	<u> </u>
Commissioner Josefiak	<u> </u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>
Commissioner Thomas	<u> </u>

This matter will be placed on the meeting agenda
for TUESDAY, APRIL 9, 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

Eyerly for Congress and
and David Eyerly, as treasurer.

RAD Referral
91NF-53

(MUR
3253)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session on April 9,
1991, do hereby certify that the Commission decided by a
vote of 6-0 to take the following actions with respect to
RAD Referral 91NF-53:

1. Open a MUR.
2. Find reason to believe Eyerly for Congress
and David Eyerly, as treasurer, violated
2 U.S.C. § 434(a)(2)(A)(ii) and enter into
conciliation prior to a finding of probable
cause to believe.
3. Approve the Factual and Legal Analysis, an
appropriate letter, and the conciliation
agreement as recommended in the General
Counsel's report dated March 29, 1991.

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

Attest:

4-12-91
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 18, 1991

**David Eyerly, Treasurer
Eyerly for Congress
1024 South 20th Street
Blue Springs, MO 64015**

**RE: MUR 3253
Eyerly for Congress
and David Eyerly,
as treasurer**

Dear Mr. Eyerly:

On April 9, 1991, the Federal Election Commission found that there is reason to believe Eyerly for Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(ii), 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 the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe,

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David Eyerly, Treasurer
Eyerly for Congress
Page 2

are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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 Jose M. Rodriguez, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


John Warren McGarry
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

91040352897

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Eyerly for Congress
and David Eyerly, as
treasurer

MUR 3253

I. GENERATION OF MATTER

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

II. FACTUAL AND LEGAL ANALYSIS

David Eyerly (the "Candidate") was a candidate for Congress in the 4th Congressional district of Missouri. The Candidate designated Eyerly for Congress as his principal campaign committee (the "Committee"). The Committee has failed to file a 1990 30 Day Post-General Report of Receipts and Disbursements ("Post-General Report").

The principal campaign committee of a candidate for the House of Representatives shall file a post general election report of receipts and disbursements during the year in which a regularly scheduled election is held. This report shall be filed no later than the 30th day after any general election in which such candidate has sought election. 2 U.S.C. § 434(a)(2)(A)(ii), 11 C.F.R. § 104.5 (a)(1)(ii).

The Candidate was a participant in the General Election held on November 6, 1990. Accordingly, the Committee was

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required to file a Post-General Report. Prior Notice was sent October 1, 1990, informing the Committee that the report was due on December 6, 1990. A Non-Filer Notice as sent to the Committee on December 21, 1990, for failure to file the report. The Non-Filer Notice informed the Committee that failure to file this report might result in audit or legal enforcement action.

On January 16, 1991, a Reports Analysis Division analyst contacted the Candidate by telephone and informed him that the Commission had not yet received his 1990 Post-General Report and urged the Candidate to file as quickly as possible to avoid referral to the Office of the General Counsel and a possible fine. On January 25, 1991, the analyst again contacted the Candidate to inquire about the status of his 1990 Post General Report reiterating the need to have the report filed immediately to avoid referral to the Office of the General Counsel.

As evidenced, the respondents have been provided ample opportunity to file the required Post-General Report but have nonetheless failed to do so. Therefore, there is reason to believe Eyerly for Congress and David Eyerly, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(ii).

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Federal Election Commission
Office of General Counsel
999 E Street NW
Washington, D.C. 20463

91 MAY 27 PM 1:50

May 21, 1991

RE: MUR 3253

Dear Sir,

I have received a letter from your office dated April 18, 1991 stating that you have reason to believe that I have violated some portion of the Federal Election Campaign Act of 1971.

I suppose, given the complexity of that act, that it may be quite true that I have violated some minor technicality.

However, I assure you, that if so, it was not intentional.

During the 1990 campaign for the U.S. Congress, the total amount of money the EYERLY FOR CONGRESS committee received was significantly less than \$5,000.00. According to 2 U.S.C § 431(2) I never even became a candidate. Do I have to file at all?

Early in my campaign, I elected to loan the campaign, from my own personal savings, \$5,000.00. I wrote a check off of my personal checking account for that amount, just in case it was needed. The amount was never needed, AND THE COMMITTEE NEVER EVEN CASHED THE CHECK. Other than that \$5,000.00 which the EYERLY FOR CONGRESS committee never used, and returned to me before the election came near, the total donations to my campaign were less than \$2,000.00.

Very near the election date I was sent a statement requesting that I file a "twelve day report preceding the General election on the 6th of November in the State of Missouri." I filed that report. Subsequent discussions with the personnel at the FEC indicated you received that report. I have indicated on virtually every phone call I have received from the FEC that that report IS my Post General Election report, in that I received no additional donations.

Someone from the FEC later contacted me stating that if I didn't respond to their request for a Post General Election report, that I would either have legal enforcement action taken or, they would be forced to "audit my records".

I responded. I told them that they were free to audit my records. They still are. I welcome the audit. I didn't raise much, and I spent most of what I raised. There is a balance left in the account of \$124.80. Total donations to the account were: \$1,940.00.

Apparently they considered my verbal response inadequate. It is for that reason that I am now responding in writing.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY 28 PM 2:59

210040352200

It does seem to me that someone at the FEC is being somewhat over zealous in carrying out the intent of Congress when they passed this law.

Somehow, I don't think the intent of this legislation was to harass the poor person who decided to run for Congress. I somehow believe that the intent was to make certain that no candidate for public office was receiving money from any hidden sources. I have stated in previous filings every single contributor, and the amount they have contributed. It seems to me that the intent of the law has been fulfilled.

It also seems somewhat ludicrous that your office would suppose that it is worth the expense you are going through to obtain NO ADDITIONAL INFORMATION. It is not that I am unwilling to give you this information--for I willingly do give it--it's that it has all been given before! You will add no new donors to your list. You'll find no additional sources of income for the committee. You'll find no additional expenses. You've got it all. Every last detail of disclosure is in your possession.

And--you've had it since before the election was even held.

I would like to propose that you stop worrying about we little people who have so little influence with the world that we can't even raise \$5,000.00 in donations, and start worrying about the crooks that are now serving in Congress.

I am enclosing an additional copy of my FEC Post-General Election report. It's for your amusement, and for your files, and for your personal comfort.

I, David Eyerly, have once again filed this report. You've got it, once again. I hope your happy with it. If not, call me.

My total assets aren't enough for anyone to worry about. I'm not hiding anything. I've fully disclosed every dime of receipts. I've fully disclosed every dime of expenditure.

Since I didn't win election, I now have to work for a living. I really don't have the time, money, or energy to expend on continual filings. So, I've enclosed a third copy of the report, with one little difference. It is a termination report. It says, in essence, please don't waste any more of the taxpayers money finding out that I don't have any of it.

My congressman has spent it all.

Sincerely,

David Eyerly

former candidate, former Treasurer, EYERLY FOR CONGRESS.

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REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

FEDERAL ELECTION COMMISSION

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full)

EYERLY FOR CONGRESS

91 MAY 27 PM 1:51

ADDRESS (number and street) ☒ Check if different than previously reported.

1024 South 20th Street

2. FEC IDENTIFICATION NUMBER

CITY, STATE and ZIP CODE

STATE/DISTRICT

Blue Springs, MO. 64015 MO-4

3. IS THIS REPORT AN AMENDMENT?

☐ YES ☒ NO

4. TYPE OF REPORT

☐ April 15 Quarterly Report

☐ Twelfth day report preceding

(Type of Election)

☐ July 15 Quarterly Report

election on _____ in the State of _____

☐ October 15 Quarterly Report

☒ Thirtieth day report following the General Election on

☐ January 31 Year End Report

6-NOV-1991 in the State of MISSOURI

☐ July 31 Mid-Year Report (Non-election Year Only)

☐ Termination Report

This report contains activity for

☐ Primary Election

☒ General Election

☐ Special Election

☐ Runoff Election

SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
<u>8-NOV-1990</u> through <u>6-DEC-1990</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	825 ⁰⁰	1,940 ⁰⁰
(b) Total Contribution Refunds (from Line 20(d))	0	0
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	825 ⁰⁰	1,940 ⁰⁰
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	916.11	2,053.20
(b) Total Offsets to Operating Expenditures (from Line 14)	0	0
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	916.11	2,053.20
8. Cash on Hand at Close of Reporting Period (from Line 27)	124.80	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0	

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

DAVID EYERLY

Signature of Treasurer

Date

21-MAY-1991

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

FEC FORM 3

(revised 4/87)

21040352902

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2, FEC FORM 3)

Name of Committee (in full)

EVERY FOR CONGRESS

Report Covering the Period:

From: 6-NOV-90 To: 405E

I. RECEIPTS

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A)

(ii) Unitemized

(iii) Total of contributions from individuals

(b) Political Party Committees

(c) Other Political Committees (such as PACs)

(d) The Candidate

(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))

COLUMN A
Total This Period

COLUMN B
Calendar Year-To-Date

11(a)(i)
11(a)(ii)
11(a)(iii)
11(b)
11(c)
11(d)
11(e)

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.

13. LOANS:

(a) Made or Guaranteed by the Candidate

(b) All Other Loans

(c) TOTAL LOANS (add 13(a) and (b))

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)

15. OTHER RECEIPTS (Dividends, Interest, etc.)

16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)

II. DISBURSEMENTS

17. OPERATING EXPENDITURES

18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.

19. LOAN REPAYMENTS:

(a) Of Loans Made or Guaranteed by the Candidate

(b) Of All Other Loans

(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))

20. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other Than Political Committees

(b) Political Party Committees

(c) Other Political Committees (such as PACs)

(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))

21. OTHER DISBURSEMENTS

22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21).

12

13(a)

13(b)

13(c)

14

15

16

17

18

19(a)

19(b)

19(c)

20(a)

20(b)

20(c)

20(d)

21

22

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD

24. TOTAL RECEIPTS THIS PERIOD (from Line 16)

25. SUBTOTAL (add Line 23 and Line 24)

26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).

27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25).

\$ 2591
\$ 825.00
\$ 1040.91
\$ 916.11
\$ 124.80

23

24

25

26

27

31040352903

SCHEDULE A

ITEMIZED RECEIPTS

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

PAGE 1 OF 1
FOR LINE NUMBER 11a

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

NAME OF COMMITTEE (in Full)

BYRON FOR CONGRESS

A. Full Name, Mailing Address and ZIP Code PAT KENNEDY BLUE SPRINGS, MO. 64014 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Name of Employer CONTINENTAL TAX CO. INC. Occupation CONSULTANT Aggregate Year-to-Date > \$ 500-	Date (month, day, year) 1-NOV 1990	Amount of Each Receipt this Period \$ 500
B. Full Name, Mailing Address and ZIP Code KIM BYRON JUPITER, FLORIDA Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Name of Employer UNKNOWN Occupation UNKNOWN Aggregate Year-to-Date > \$ 100	Date (month, day, year) 1-NOV 1990	Amount of Each Receipt this Period \$ 100
C. Full Name, Mailing Address and ZIP Code CHRIS & JONICE HOOK RR 2 BOX 592 LEWISTON, MO. 64067 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Name of Employer Retired. Occupation Retired. Aggregate Year-to-Date > \$ 200	Date (month, day, year) ?	Amount of Each Receipt this Period \$ 200
D. Full Name, Mailing Address and ZIP Code UNKNOWN Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Name of Employer ? Occupation ? Aggregate Year-to-Date > \$ 25	Date (month, day, year) ?	Amount of Each Receipt this Period \$ 25
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period

SUBTOTAL of Receipts This Page (optional)

\$825.00

TOTAL This Period (last page this line number only)

\$825.00

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s)
for each category of the
Detailed Summary PagePAGE 1 OF 2
FOR LINE NUMBER 7

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

NAME OF COMMITTEE (in Full)

Energy For Congress

A. Full Name, Mailing Address and ZIP Code THE EXAMINER 64015	Purpose of Disbursement TYPESETTING Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 30 OCT 1996	Amount of Each Disbursement This Period 31.79
B. Full Name, Mailing Address and ZIP Code Toni Booth 64015	Purpose of Disbursement INVITATIONS Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 30 OCT 1996	Amount of Each Disbursement This Period 65.00
C. Full Name, Mailing Address and ZIP Code Loves Inlet cable 64015	Purpose of Disbursement Cable TV - election night Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 31 OCT 1996	Amount of Each Disbursement This Period 6.50
D. Full Name, Mailing Address and ZIP Code Jackson County 64015	Purpose of Disbursement MICRO LISTS Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 31 OCT 1996	Amount of Each Disbursement This Period 5.15
E. Full Name, Mailing Address and ZIP Code EXPRESS PRINT 64015	Purpose of Disbursement FLYERS - PRINTING Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 1-NOV	Amount of Each Disbursement This Period 102.61
F. Full Name, Mailing Address and ZIP Code JACKSON COUNTY ELECTION BOARD 64015	Purpose of Disbursement Voter lists Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 1-NOV	Amount of Each Disbursement This Period 40.00
G. Full Name, Mailing Address and ZIP Code THE EXAMINER 64015	Purpose of Disbursement INSERTS Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 1-NOV	Amount of Each Disbursement This Period 250.00
H. Full Name, Mailing Address and ZIP Code THE EXAMINER 64015	Purpose of Disbursement PRINTING Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 1-NOV	Amount of Each Disbursement This Period 96.70
I. Full Name, Mailing Address and ZIP Code Toni Booth 64015	Purpose of Disbursement Photo copies, Flyers Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 1-NOV	Amount of Each Disbursement This Period 100.00

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

SCHEDULE B

ITEMIZED DISBURSEMENTS

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

PAGE 2 OF 2
FOR LINE NUMBER 17

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

NAME OF COMMITTEE (in Full)

EX-1014 FOR CARRIERS

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
<u>Hickson County</u>	<u>MAPS</u> Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	<u>1-NOV</u>	<u>4.00</u>
<u>Hartgenery Wards</u>	<u>TOWNA SERVICE</u> Disbursement for: ☐ Primary ☒ General ☐ Other (specify)		<u>61.69</u>
<u>Preferred Life Insurance</u>	<u>INSURANCE</u> Disbursement for: ☐ Primary ☒ General ☐ Other (specify)		<u>100.00</u>
<u>BLUE SPRINGS BANK</u>	<u>BANK CHARGES</u> Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		<u>52.72</u>
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

916.41

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For An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL

TYPE ON PRINT

1. NAME OF COMMITTEE (in full) EXERCISE FOR CONGRESS		2. FEC IDENTIFICATION NUMBER
ADDRESS (number and street) ☒ Check if different than previously reported. 1024 SOUTH 20TH ST.		
CITY, STATE and ZIP CODE BLUE SPRINGS, MO. 64015	STATE/DISTRICT MO-4	3. IS THIS REPORT AN AMENDMENT? ☐ YES ☒ NO

☐ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

☐ July 31 Mid-Year Report (Non-election Year Only)

☐ Twelfth day report preceding _____
(Type of Election)
election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____
_____ in the State of _____

☒ Termination Report

This report contains activity for

☐ Primary Election

☐ General Election

☐ Special Election

☐ Runoff Election

5. Covering Period <u>whenever</u> through <u>Closing</u>		COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. Net Contributions (other than loans)			
(a) Total Contributions (other than loans) (from Line 11(e))		1948	
(b) Total Contribution Refunds (from Line 20(d))			
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))		1948	
7. Net Operating Expenditures			
(a) Total Operating Expenditures (from Line 17)		2053.70	
(b) Total Offsets to Operating Expenditures (from Line 14)		X	
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))		2053.70	
8. Cash on Hand at Close of Reporting Period (from Line 27)			
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		124.80	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		0	

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

DAVID FRYE

Signature of Treasurer

Date _____

26-MA9-1991

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

FEC FORM 3
(revised 4/87)

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2, FEC FORM 3)

Name of Committee (in full) EVERY FOR CONGRESS		Report Covering the Period: From: Whenever To: CLOSE	
I. RECEIPTS		COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)			11(a)(i)
(ii) Unitemized			11(a)(ii)
(iii) Total of contributions from individuals			11(a)(iii)
(b) Political Party Committees			11(b)
(c) Other Political Committees (such as PACs)			11(c)
(d) The Candidate			11(d)
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))			11(e)
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.			12
13. LOANS:			
(a) Made or Guaranteed by the Candidate			13(a)
(b) All Other Loans			13(b)
(c) TOTAL LOANS (add 13(a) and (b))			13(c)
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			14
15. OTHER RECEIPTS (Dividends, Interest, etc.)			15
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)			16
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES			17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.			18
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate			19(a)
(b) Of All Other Loans			19(b)
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))			19(c)
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees			20(a)
(b) Political Party Committees			20(b)
(c) Other Political Committees (such as PACs)			20(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))			20(d)
21. OTHER DISBURSEMENTS			21
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21).			22

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$	124.80	23
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$		24
25. SUBTOTAL (add Line 23 and Line 24)	\$		25
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).	\$		26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25).	\$	124.80	27

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91 JUL -9 AM 11:44

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Eyerly for Congress and) MUR 3253
David Eyerly, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 9, 1991, the Commission found reason to believe Eyerly for Congress and David Eyerly, as treasurer, (the "Committee") violated 2 U.S.C. § 434(a)(2)(A)(ii) for failure to file the 1990 30 Day Post-General Election Report of Receipts and Disbursements. David Eyerly was a candidate for the House of Representatives in the 4th Congressional District of Missouri. He lost the general election with 38 percent of the vote.

II. ANALYSIS

On May 27, 1991, David Eyerly, the candidate as well as the Committee's treasurer, submitted both a 30 Day Post-General Election Report ("Post-General Report") and a report styled as a Termination Report to the Commission. The Post-General Report disclosed \$825 in receipts and \$916 in disbursements from October 30, 1990, to December 6, 1990.¹

1. These dates of the activity actually disclosed on the report do not match the report's stated coverage dates, and neither match the Act's coverage dates for the Post General Report, i.e. October 18, 1990 through November 26, 1990. Nonetheless, the Committee apparently disclosed activity for the first two weeks of the Post-General Report period (October 18th through October 29th) in its Pre-General Report filed before the election, and disclosed activity for the last three weeks of the Post-General Report period (October 30 through November 26, 1990) in its recently filed "Post-General" report. The Committee's

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In the accompanying response, Mr. Eyerly argues that the Committee was never required to report to the Commission as he never triggered candidate status having raised or expended less than \$5,000. See 2 U.S.C. § 431(2). The response alleges that \$5,000 of the Committee's total receipts should never have been counted towards section 431(2)'s thresholds. Specifically, Mr. Eyerly states:

Early in my campaign, I elected to loan the campaign, from my own personal savings, \$5,000.00. I wrote a check off of my personal checking account for that amount, just in case it was needed. The amount was never needed, AND THE COMMITTEE NEVER EVEN CASHED THE CHECK. Other than that \$5,000.00 which the EYERLY FOR CONGRESS committee never used, and returned to me before the election came near, the total donations to my campaign were less than \$2,000.00.

The Committee's reports reflect a receipt of \$6,000 (rather than \$5,000) on January 1, 1990, and a repayment in full to the candidate on September 1, 1990, approximately two months prior to the general election. Furthermore, discounting the amount of the loan, the Committee's entire receipts total \$2,178 and disbursements total 2,053. Thus, while not a validation of Respondent's argument, the reports do suggest that the Committee in fact may have never used the loan amount. We believe that the Committee correctly reported the transaction as a contribution, and so cannot agree with Mr. Eyerly's argument regarding the

(Footnote 1 continued from previous page)
total activity for the entire Post-General Report period was \$865.00 in receipts and \$916.11 in disbursements.

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triggering of his federal candidacy under the Act.² Nonetheless, it is still true that the amount of funds actually received and used by the Committee to finance its activities amount to less than the Act's \$5,000 candidacy threshold for receipts or disbursements.³

In light of the comparably insignificant amount of financial activity in this matter, the fact that the candidate did submit a timely report for a part of the Post-General reporting period, and taking into account the limited resources presently available to further pursue this matter, this Office recommends that the Commission take no further action with respect to Eyerly for Congress and David Eyerly, as treasurer, and close the file in this matter.⁵

2. Even if the Committee did not cash the candidate's check, because it did not return it within 10 days, 11 C.F.R. § 103.3(a), it accepted a contribution from the candidate in the amount of the check on the date it was received by the Committee, 11 C.F.R. § 100.7(a)(1)(ii); 11 C.F.R. § 102.8(a). Indeed, the Act required the Committee to deposit all receipts into its campaign depository promptly after coming into the hands of the treasurer. 2 U.S.C. § 432(h)(1); 11 C.F.R. § 103.3(a).

3. Moreover, based on the updated reporting, and even accounting for the amount of the loan, the Committee received an aggregate total of only \$8,178 and disbursed an aggregate total of only \$8,053 in the 1990 election cycle.

4.

5. This Office intends to send a letter to the Respondent admonishing him to cooperate with the Reports Analysis Division on all matters concerning the Committee's reporting.

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III. RECOMMENDATIONS

1. Take no further action against Eyerly for Congress and David Eyerly, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 7/5/91

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Response
2. Disclosure Reports

Staff assigned: Jose M. Rodriguez

91040352912

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Eyerly for Congress and) MUR 3253
David Eyerly, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 11, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3253:

1. Take no further action against Eyerly for Congress and David Eyerly, as treasurer.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's Report dated July 5, 1991.

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

Attest:

7-12-91
Date

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

Received in the Secretariat: Tuesday, July 9, 1991 11:44 a.m.
Circulated to the Commission: Tuesday, July 9, 1991 4:00 p.m.
Deadline for vote: Thursday, July 11, 1991 4:00 p.m.

dh

91040352913



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 17, 1991

David Eyerly, Treasurer
Eyerly for Congress
1024 South 20th Street
Blue Springs, MO 64015

CLOSED

RE: MUR 3253
Eyerly for Congress
and David Eyerly,
as treasurer

Dear Mr. Eyerly:

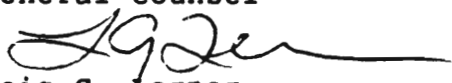
On April 18, 1991, you were notified that the Federal Election Commission found reason to believe that Eyerly for Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(ii). On May 27, 1991, you submitted a response to the Commission's reason to believe findings.

The Commission reminds you that the Committee's and your failure to file a Post-General Election Report of Receipts and Disbursements appears to be a violation of 2 U.S.C. § 434(a)(2)(A)(ii). After considering the circumstances of the matter, however, the Commission determined on July 11, 1991, to take no further action against the Committee and you, as treasurer, and closed the file. 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.

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3253

DATE FILMED 8/13/91 CAMERA NO. 7

CAMERAMAN AS

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