



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3675

DATE FILMED 10/29/93 CAMERA NO. 2

CAMERAMAN MC

93040992378

MISSOURI

STATE DEMOCRATIC COMMITTEE

Post Office Box 719 • 419 East High Street
Jefferson City, Missouri 65102
314-636-5241 FAX 314-634-8176



EUGENE G. BUSHMANN
Chairman
JACQUELINE BUTLER
Vice-Chairman
DOUGLAS BROOKS
Treasurer
SANDRA QUERRY
Secretary
GARY EDWARDS
Executive Director

October 20, 1992

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

Dear Commissioners:

The Missouri Democratic Party is filing this complaint, charging violations of the Federal Election Campaign Act of 1971, as amended ("FECA"), 2 U.S.C. §§ 431 et seq., and related regulations of the Federal Election Commission ("FEC"), 11 C.F.R. §§ 100.1 et seq., by Malcolm "Mack" Holekamp, a candidate for the United States House of Representatives in the 3rd Congressional District of Missouri, and his principal campaign committee, Holekamp for a New Congress ("the Committee") (hereafter referred to collectively as "Respondents").

Respondents have violated the law by accepting a prohibited \$50,000 contribution from an incorporated lending institution and by accepting an excessive contribution from an individual who guaranteed the full amount of the loan.

The third quarterly FEC report recently filed by the Committee discloses the receipt of a \$50,000 loan from the Southwest Bank of St. Louis. The Schedule C-1 filed by the Committee to detail the terms of the loan reveals the following:

- The loan is not secured by traditional collateral.
- The loan is not secured by future fund-raising receipts.
- The loan is secured by the guarantee of a single individual.

Under the Act, a loan is considered a contribution, subject to the contribution limits, unless it is from a specified lending institution, such as a bank, and unless it is "made in accordance with applicable law and in the ordinary course of business." 2 U.S.C. § 431(8) (B) (vii).

The Commission considers this requirement to be met when the loan is, among other factors, made on a basis which assures repayment. To demonstrate an adequate basis of repayment, the Commission requires that the loan be fully collateralized, either by traditional collateral (e.g., real estate, personal property, certificates of deposit, etc.) or by projected fundraising receipts. 11 C.F.R. §§ 100.7(b) (11) (i) (A) and (B).

Contributions or gifts to the Missouri State Democratic Committee are not tax deductible.
Paid for by the Missouri State Democratic Committee, Doug Brooks, Treasurer



MUR 3675

Oct 26 1 32 PM '92

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FEDERAL ELECTION COMMISSION
OFFICE

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FEC complaint
page 2

The FEC's regulations further provide that "each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement..." 11 C.F.R. § 100.7 (b) (11), and that "amounts guaranteed by secondary sources of repayment, such as guarantors and cosigners, shall not exceed the contribution limits..." 11 C.F.R. § 100.7(b) (11) (i) (A) (2).

In this case, the law and the regulations have clearly been violated. The \$50,000 loan in question is not secured by any of the collateral identified by the FEC as demonstrating an adequate basis for repayment. Rather, the loan is endorsed by a single individual. Under the Commission's regulations, this individual is considered to have made a contribution in the amount of the endorsement — in this case, the contribution is for \$50,000. This far exceeds the lawful contribution limit for an individual of \$1,000 per election.

On the basis of the foregoing, the Missouri Democratic State Party requests that the FEC:

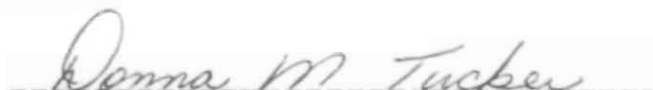
- Conduct an immediate investigation into the facts stated in this complaint;
- Enter into prompt conciliation with the Respondents to remedy the violations set forth in this Complaint, including the **immediate** repayment of the full amount of the loan so that the proceeds may not be used in connection with a federal election;
- Impose any and all penalties required by the violations set forth in this complaint.

Very truly yours,



Eugene Bushmann
Chairman, Missouri Democratic Party

Subscribed and sworn to before me this 20th day of October, 1992.


Notary Public

My commission expires: June 2, 1996

93040992380



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 29, 1992

Eugene Bushmann, Chairman
Missouri Democratic State Committee
P.O. Box 719
419 East High Street
Jefferson City, MO 65102

RE: MUR 3675

Dear Mr. Bushmann:

This letter acknowledges receipt on October 26, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Malcolm Lee Holekamp, Holekamp for a New Congress and Frank P. McGee, as treasurer, William Holekamp and the Southwest Bank of St. Louis. 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 3675. 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.

Sincerely,

Teresa A. Hennessy

Teresa A. Hennessy
Assistant General Counsel

Enclosure
Procedures

93040992381



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1992

Frank P. McGee, Treasurer
Holekamp for a New Congress
344 Gray Avenue
Webster Groves, MO 63119

RE: MUR 3675

Dear Mr. McGee:

The Federal Election Commission received a complaint which indicates that Holekamp for a New Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3675. 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 the Committee and you, as treasurer, 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.

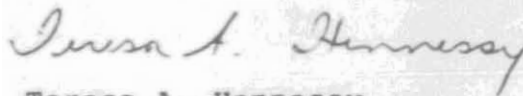
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

23040992382

Frank P. McGee, Treasurer
Holekamp for a New Congress
Page 2

If you have any questions, please contact Richard Denholm II, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Teresa A. Hennessy
Assistant General Counsel

Enclosures

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

cc: Malcolm Lee Holekamp

93040992383



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 29, 1992

Malcolm Lee Holekamp
344 Gray Avenue
Webster Groves, MO 63119

RE: MUR 3675

Dear Mr. Holekamp:

The Federal Election Commission received a complaint which indicates 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 3675. 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.

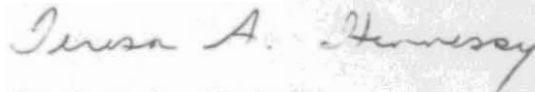
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

93040992384

Malcolm Lee Holekamp
Page 2

If you have any questions, please contact Richard Denholm II, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Teresa A. Hennessy
Assistant General Counsel

Enclosures

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

93040992385



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 29, 1992

William Holekamp
79 Vista Del Golfo
Naples, CA 90803

RE: MUR 3675

Dear Mr. Holekamp:

The Federal Election Commission received a complaint which indicates 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 3675. 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.

93040992386

William Holekamp
Page 2

If you have any questions, please contact Richard Denholm II, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Teresa A. Hennessy

Teresa A. Hennessy
Assistant General Counsel

Enclosures

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

93040992387



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 29, 1992

Edward C. Berra, President
Southwest Bank of St. Louis
2301 S. Kingshighway Boulevard
P.O. Box 790050
St. Louis, MO 63179

RE: MUR 3675

Dear Mr. Berra:

The Federal Election Commission received a complaint which indicates that the Southwest Bank of St. Louis 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 3675. 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 the Southwest Bank of St. Louis 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.

93040992388

Edward C. Berra, President
Southwest Bank of St. Louis
Page 2

If you have any questions, please contact Richard Denholm II, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Teresa A. Hennessy

Teresa A. Hennessy
Assistant General Counsel

Enclosures

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

93040992389

ARMSTRONG, TEASDALE, SCHLAFLY & DAVIS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AND COUNSELORS

ONE METROPOLITAN SQUARE, SUITE 2600

ST. LOUIS, MISSOURI 63102-2740

(314) 621-5070

TELECOPIER (314) 621-5065

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Nov 17 11:40 AM '92

KANSAS CITY, MISSOURI
BELLEVILLE, ILLINOIS
OLATHE, KANSAS

Mary C. Kickham

November 12, 1992

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Richard Denholm
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Re: MUR 3675

Dear Mr. Denholm:

Attached please find a completed "Statement of Designation of Counsel" by which our client, Southwest Bank of St. Louis, has designated Armstrong, Teasdale, Schlafly and Davis as its representative in this matter.

Our review of this matter leads us to conclude that Southwest Bank made the loan at issue in "the ordinary course of business" as that term is used in 2 U.S.C. Section 431(8)(B)(vii). Thus, as to Southwest Bank, the loan at issue is exempted from the contribution limits imposed by 2 U.S.C. Section 431 et seq.

Our client has expressed its willingness to work with the FEC towards a successful resolution of this matter. It has come to our attention that the complaint filed by the Missouri State Democratic Committee does not name Southwest Bank as a "respondent." It is therefore unclear whether the FEC is naming Southwest Bank as a "respondent," or simply seeking information.

Our research indicates that, should the FEC of its own initiative name Southwest Bank as a "respondent," the proper notification procedure as to Southwest Bank is set forth in 11 C.F.R. Section 111.8. As you know, Section 111.8 provides that Southwest Bank must be sent "a copy of a staff report setting forth the legal basis and the alleged facts which support the Commission's action." 11 C.F.R. § 111.8(b). We do not believe that legal or factual grounds exist which would require that Southwest Bank be named a "respondent." Should the FEC feel otherwise, however, provision of the required staff report would greatly aid our efforts to work with the FEC towards a mutually satisfactory solution.

9304092390

92 NOV 17 AM 3:45

FEDERAL ELECTION COMMISSION

ARMSTRONG, TEASDALE, SCHLAFLY & DAVIS

Mr. Richard Denholm
November 12, 1992
Page Two

Please let me know if I can be of any further assistance to
you in this matter.

Yours very truly,

Mary C. Kickham
Mary C. Kickham

MCK/jm

Enclosure

93040992391

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3675

NAME OF COUNSEL: Frederick O. Hanser, John L. Sullivan
and Mary C. Kickham

ADDRESS: Armstrong, Teasdale, Schlafly & Davis
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740

TELEPHONE: (314) 621-5070

The above-named individuals are hereby designated as counsel for Southwest Bank of St. Louis and are authorized to receive any notifications and other communications from the Commission and to act on behalf of Southwest Bank of St. Louis before the Commission.

11-12-92
Date

ED Berra
Southwest Bank of St. Louis
By: Edward C. Berra, President

BENAH-010000
BCH0000000

92 NOV 17 AM 3:25

93040992392



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 18, 1992

Frank P. McGee, Treasurer
Holekamp for a New Congress
344 Gray Avenue
Webster Groves, MO 63119

RE: MUR 3675

Dear Mr. McGee:

In a letter dated October 29, 1992, you were notified that the Federal Election Commission received a complaint which indicated that Holekamp for a New Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). This Office has enclosed a copy of the October 29, 1992 letter. Under the Act, and Commission regulations, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer.

A review of our files indicates that to date the Committee and you, as treasurer, have not responded. Unless we receive a response from you within 10 days, this matter may proceed to the next stage of the enforcement process.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard M. Denholm II", is written over a horizontal line.

Richard M. Denholm II
Attorney

Enclosure

93040992393



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 18, 1992

Malcolm Lee Holekamp
344 Gray Avenue
Webster Groves, MO 63119

RE: MUR 3675

Dear Mr. Holekamp:

In a letter dated October 29, 1992, you were notified that the Federal Election Commission received a complaint which indicated that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). This Office has enclosed a copy of the October 29, 1992 letter. Under the Act, and Commission regulations, you have an opportunity to demonstrate that no action should be taken against you.

A review of our files indicates that to date you have not responded. Unless we receive a response from you within 10 days, this matter may proceed to the next stage of the enforcement process.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,

Richard M. Denholm II
Attorney

Enclosure

93040992394



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 18, 1992

William Holekamp
79 Vista Del Golfo
Naples, CA 90803

RE: MUR 3675

Dear Mr. Holekamp:

In a letter dated October 29, 1992, you were notified that the Federal Election Commission received a complaint which indicated that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). This Office has enclosed a copy of the October 29, 1992 letter. Under the Act, and Commission regulations, you have an opportunity to demonstrate that no action should be taken against you.

A review of our files indicates that to date you have not responded. Unless we receive a response from you within 10 days, this matter may proceed to the next stage of the enforcement process.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,

Richard M. Denholm II
Richard M. Denholm II
Attorney

Enclosure

93040992395



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 18, 1992

Edward C. Berra, President
Southwest Bank of St. Louis
2301 S. Kingshighway Boulevard
P.O. Box 790050
St. Louis, MO 63179

RE: MUR 3675

Dear Mr. Berra:

In a letter dated October 29, 1992, you were notified that the Federal Election Commission received a complaint which indicated that the Southwest Bank of St. Louis may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). This Office has enclosed a copy of the October 29, 1992 letter. Under the Act, and Commission regulations, you have an opportunity to demonstrate that no action should be taken against the Southwest Bank of St. Louis.

A review of our files indicates that to date you have not responded. Unless we receive a response from you within 10 days, this matter may proceed to the next stage of the enforcement process.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,

Richard M. Denholm II
Attorney

Enclosure

93040992396

Holekamp

for a New Congress

State Route 141 and Highway I-55
P.O. Box 889 Arnold, MO 63010
(814) 282-1000 • Fax (814) 282-0737



344 Gray Avenue
Webster Groves, Mo. 63119
314/962-0506

Teresa A. Hennessy
Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Ms. Hennessy:

Re: MUR 3675

In my haste to obtain the \$50,000 loan from Southwest Bank I neglected to list future campaign contributions as collateral and did not realize that the campaign committee could not use a single guarantor of the loan.

I will be taking the necessary steps to raise funds and/or properly collateralize the loan to the bank's satisfaction and to remove the single guarantor's name from the loan. This will require 30 to 90 days to accomplish as I must be out of town a large part of the time. I hope this will be satisfactory with the Commission. I apologize for the oversight.

Sincerely,

Malcolm L. (Mack) Holekamp

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COMMISSION
MAIN COPY ROOM

Nov 20 11 01 AM '92

716 Jill Court
Kirkwood, Mo. 63122
314/822-5466

Teresa A. Hennessy
Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Ms. Hennessy:

Re: MUR 3675

The attached copy of the letter by Mr. Holekamp, the candidate, should clarify the situation and his planned actions to correct it. Actually, I had no knowledge of the loan having been made until we put together the October 15 Quarterly Report and can not personally add any information.

Mr. Holekamp is very concerned about this matter and I am confident that he will take steps to set it right.

Sincerely,

Frank P. McGee

Frank P. McGee, Treasurer
Holekamp for a New Congress Committee

RECEIVED
FEDERAL ELECTION
COMMISSION
92 NOV 20 PM 3:35

93040992398

Holekamp

for a New Congress

State Route 141 and Highway I-55
P.O. Box 389 Arnold, MO 63010
(314) 989 4300 • Fax (314) 989 0737



344 Gray Avenue
Webster Groves, Mo. 63119
314/962-0506

Teresa A. Hennessy
Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Ms. Hennessy:

Re: MUR 3675

In my haste to obtain the \$50,000 loan from Southwest Bank I neglected to list future campaign contributions as collateral and did not realize that the campaign committee could not use a single guarantor of the loan.

I will be taking the necessary steps to raise funds and/or properly collateralize the loan to the bank's satisfaction and to remove the single guarantor's name from the loan. This will require 30 to 90 days to accomplish as I must be out of town a large part of the time. I hope this will be satisfactory with the Commission. I apologize for the oversight.

Sincerely,

Malcolm L. (Mack) Holekamp

93040992399

Nov 23 10 37 AM '92

16 Ladue Lane
Ladue, Missouri 63124
314/432-5457

November 17, 1992

Mr. Richard Denholm
THE FEDERAL ELECTION COMMISSION
999 E Street Northwest
Washington, DC 20463

REFERENCE: MUR 3675

Dear Mr. Denholm:

In response to the Federal Election Commission's inquiry, the loan in question did, in fact, contain a technical flaw. Neither Malcolm Holekamp nor I realized that the loan document was missing a clause to provide for its repayment by projected fund raising receipts, even though we both intended to repay the loan in this way.

We apologize for this mistake, which was genuinely a technical oversight. If necessary, the documents could easily be corrected to comply. However, as the election has passed, and Mr. Holekamp is the losing candidate, a correction at this point would perhaps be academic. We are looking to the Commission for a recommendation, but are seeking your consideration of this matter as a technical oversight.

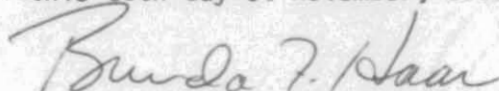
There was no intent to mislead the Commission or election process, and we are more than willing to cooperate with the Commission in every way possible. As indicated in the complaint to you, this loan was reported in the FEC report, and the terms of the loan were fully disclosed in Schedule C-1 to support our position that the error was, in fact, unintentional.

Once again, we are perfectly willing to cooperate with the Commission in every way. Please let me know if you require further information.

Sincerely yours,


William F. Holeykamp

Subscribed to and sworn to before me
this 18th day of November, 1992.


Brenda F. Haar - Notary Public

BRENDA F. HAAR
NOTARY PUBLIC - STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXPIRES APR. 14, 1994

92 NOV 23 PM 3:10

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

9304092400

MUR # 3475

ADDITIONAL DOCUMENTS WILL BE ADDED TO THIS FILE AS THEY
BECOME AVAILABLE. PLEASE CHECK FOR ADDITIONAL MICROFILM
LOCATIONS.

93040992401



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20461

THIS IS THE End of MUR# 3675

DATE FILMED 10/29/93 CAMERA NO. 2

CAMERAMAN MC

93040992402



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

☒ Microfilm
☐ Public Records
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3675.

12/10/93

23043543472

THE READER IS REFERRED TO ADDITIONAL MICROFILM LOCATIONS
FOR THE FOLLOWING DOCUMENTS PERTINENT TO THIS CASE

1. Memo, General Counsel to the Commission, dated September 22, 1992, Subject: Priority System Report.
See Reel 354, pages 1590-94.
2. Memo, General Counsel to the Commission, dated April 14, 1993, Subject: Enforcement Priority System.
See Reel 354, pages 1595-1620.
3. Certification of Commission vote, dated April 28, 1993.
See Reel 354, pages 1621-22.
4. General Counsel's Report, In the Matter of Enforcement Priority, dated December 3, 1993.
See Reel 354, pages 1623-1740.
5. Certification of Commission vote, dated December 9, 1993.
See Reel 354, pages 1741-1746.

2 3 0 4 3 5 4 3 4 7 3



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eugene Bushmann, Chairman
Missouri Democratic State Committee
P.O. Box 719
419 East High Street
Jefferson City, MO 65102

RE: MUR 3675

Dear Mr. Bushmann:

On October 26, 1992, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Holekamp for a New Congress and Frank P. McGee, as treasurer, Malcolm Lee Holekamp, William Holekamp, and Southwest Bank of St. Louis. See attached narrative. Accordingly, the Commission closed its file in this matter. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Richard M. Denholm II
Attorney

Attachment
Narrative

Date the Commission voted to close the file: DEC 09 1993

23043543474

MUR 3675
Holekamp F/New Cong

This matter was initiated by a complaint filed by the Missouri Democratic Party. It alleges that the committee accepted a \$50,000 contribution from Southwest Bank of St. Louis and an excessive contribution from a guarantor of a loan. The principal respondents include: the committee, William Holekamp, and the bank. In response, the guarantor stated that the loan agreement contained a technical flaw because the agreement should have contained a clause for its repayment from projected fundraising receipts. The committee and candidate responded by stating they did not know a \$50,000 loan could not be guaranteed by a single individual. Further, they stated that the loan agreement should have contained a clause for the loan repayment to come from projected fundraising receipts. The candidate stated that he would take steps to remove the single guarantor from the loan agreement. Finally, the bank responded and stated that it made the loan in the ordinary course of business.

This matter involves no indication of serious intent by the respondents to violate the FECA and no significant issue relative to the other issues pending before the Commission.

23043543475



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

DEC 10 1993

Frank P. McGee, Treasurer
Holekamp for a New Congress
344 Gray Avenue
Webster Groves, MO 63119

RE: MUR 3675

Dear Mr. McGee:

On October 29, 1992, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Holekamp for a New Congress and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Richard M. Denholm II
Attorney

Attachment
Narrative

Date the Commission voted to close the file:

DEC 09 1993

23043543476

MUR 3675

Holekamp F/New Cong

This matter was initiated by a complaint filed by the Missouri Democratic Party. It alleges that the committee accepted a \$50,000 contribution from Southwest Bank of St. Louis and an excessive contribution from a guarantor of a loan. The principal respondents include: the committee, William Holekamp, and the bank. In response, the guarantor stated that the loan agreement contained a technical flaw because the agreement should have contained a clause for its repayment from projected fundraising receipts. The committee and candidate responded by stating they did not know a \$50,000 loan could not be guaranteed by a single individual. Further, they stated that the loan agreement should have contained a clause for the loan repayment to come from projected fundraising receipts. The candidate stated that he would take steps to remove the single guarantor from the loan agreement. Finally, the bank responded and stated that it made the loan in the ordinary course of business.

This matter involves no indication of serious intent by the respondents to violate the FECA and no significant issue relative to the other issues pending before the Commission.

23043543477



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1992

Malcolm Lee Holekamp
344 Gray Avenue
Webster Groves, MO 63119

RE: MUR 3675

Dear Mr. Holekamp:

On October 29, 1992, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Richard M. Denholm II
Attorney

Attachment
Narrative

Date the Commission voted to close the file: DEC 09 1992

23043543478

MUR 3675
Holekamp F/New Cong

This matter was initiated by a complaint filed by the Missouri Democratic Party. It alleges that the committee accepted a \$50,000 contribution from Southwest Bank of St. Louis and an excessive contribution from a guarantor of a loan. The principal respondents include: the committee, William Holekamp, and the bank. In response, the guarantor stated that the loan agreement contained a technical flaw because the agreement should have contained a clause for its repayment from projected fundraising receipts. The committee and candidate responded by stating they did not know a \$50,000 loan could not be guaranteed by a single individual. Further, they stated that the loan agreement should have contained a clause for the loan repayment to come from projected fundraising receipts. The candidate stated that he would take steps to remove the single guarantor from the loan agreement. Finally, the bank responded and stated that it made the loan in the ordinary course of business.

This matter involves no indication of serious intent by the respondents to violate the FECA and no significant issue relative to the other issues pending before the Commission.

23043543479



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1992

William Holekamp
16 Ladue Lane
Ladue, MO 63124

RE: MUR 3675

Dear Mr. Holekamp:

On October 29, 1992, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Richard M. Denholm II
Attorney

Attachment
Narrative

Date the Commission voted to close the file:

DEC 09 1992

23043543480

MUR 3675
Holekamp P/New Cong

This matter was initiated by a complaint filed by the Missouri Democratic Party. It alleges that the committee accepted a \$50,000 contribution from Southwest Bank of St. Louis and an excessive contribution from a guarantor of a loan. The principal respondents include: the committee, William Holekamp, and the bank. In response, the guarantor stated that the loan agreement contained a technical flaw because the agreement should have contained a clause for its repayment from projected fundraising receipts. The committee and candidate responded by stating they did not know a \$50,000 loan could not be guaranteed by a single individual. Further, they stated that the loan agreement should have contained a clause for the loan repayment to come from projected fundraising receipts. The candidate stated that he would take steps to remove the single guarantor from the loan agreement. Finally, the bank responded and stated that it made the loan in the ordinary course of business.

This matter involves no indication of serious intent by the respondents to violate the FECA and no significant issue relative to the other issues pending before the Commission.

23043543481



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Mary C. Kickham, Esquire
Armstrong, Teasdale, Schlafly & Davis
One Metropolitan Square
Suite 2600
St. Louis, MO 63102-2740

RE: MUR 3675
Southwest Bank of
St. Louis

Dear Ms. Kickham:

On October 29, 1992, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Southwest Bank of St. Louis. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Richard M. Denholm II
Attorney

Attachment
Narrative

Date the Commission voted to close the file:

DEC 09 1993

2304343482

MUR 3675
Holekamp F/New Cong

This matter was initiated by a complaint filed by the Missouri Democratic Party. It alleges that the committee accepted a \$50,000 contribution from Southwest Bank of St. Louis and an excessive contribution from a guarantor of a loan. The principal respondents include: the committee, William Holekamp, and the bank. In response, the guarantor stated that the loan agreement contained a technical flaw because the agreement should have contained a clause for its repayment from projected fundraising receipts. The committee and candidate responded by stating they did not know a \$50,000 loan could not be guaranteed by a single individual. Further, they stated that the loan agreement should have contained a clause for the loan repayment to come from projected fundraising receipts. The candidate stated that he would take steps to remove the single guarantor from the loan agreement. Finally, the bank responded and stated that it made the loan in the ordinary course of business.

This matter involves no indication of serious intent by the respondents to violate the FECA and no significant issue relative to the other issues pending before the Commission.

23043543483