



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE BEGINNING OF MUR # 4207

DATE FILMED 8/22/95 CAMERA NO. 1

CAMERAMAN EES

95043665027

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: February 17, 1995

ANALYST: **HEATHER TOONEY**

I. COMMITTEE: Sisisky for Congress
 (C00153478)
 Mark B. Sisisky, Treasurer
 P.O. Box 2062
 Petersburg, VA 23804

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(6)
 11 CFR §104.5(f)

III. BACKGROUND:

Failure to File a Forty-Eight Hour Notification

The Sisisky for Congress committee ("the Committee") has failed to file a 48-Hour Notification ("48 Hour Notice") for a candidate loan totalling \$50,000 received prior to the 1994 General Election.

The candidate was involved in the 1994 General Election held on November 8, 1994. Prior Notice was sent to the Committee on October 3, 1994 (Attachment 2). The Notice includes a section titled "48 Hour Notices on Contributions". This section reads "Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of \$1,000 or more, during the period of October 20 through November 5. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s)."

Schedule C of the Committee's 30 Day Post-General Report indicates that the Committee failed to file a 48-Hour Notice for a candidate loan received during the aforementioned period (Attachment 3). The following is the candidate loan for which no 48-Hour Notice was filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Norman Sisisky (personal funds)	11/01/94	\$50,000

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On January 20, 1995, an Informational Notice ("IN") was sent to the Committee (Attachment 4). The IN notes on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice requests the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice states that although the Commission may take legal steps, any response would be taken into consideration.

There has been no written response from the Committee to date. However, a Committee representative did call the Commission on January 23, 1995. A Reports analyst returned the call on January 24, 1995. The Committee's representative explained that due to an oversight, the required 48-Hour Notice was not filed (Attachment 5).

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CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
SISISKY, NORMAN		HOUSE 04 DEMOCRATIC PARTY					1994 ELECTION	ID# H2VA04011	
1. STATEMENT OF CANDIDATE									
1993 DISAVOWAL NOTICE							12OCT93	2	93FEC/862/3150
STATEMENT OF CANDIDATE							28OCT93	1	93HSE/506/0024
2. PRINCIPAL CAMPAIGN COMMITTEE									
SISISKY FOR CONGRESS								ID #C00153478 HOUSE	
1993 48 HOUR CONTRIBUTION NOTICE							26MAR93	1	93HSE/496/0031
MID-YEAR REPORT			45,569		9,503		1JAN93 -30JUN93	21	93HSE/502/2366
YEAR-END			40,644		14,556		1JUL93 -31DEC93	22	94HSE/311/1378
1994 48 HOUR CONTRIBUTION NOTICE							26MAY94	1	94HSE/523/2092
48 HOUR CONTRIBUTION NOTICE							21OCT94	1	94HSE/349/4331
48 HOUR CONTRIBUTION NOTICE							25OCT94	1	94HSE/550/2830
48 HOUR CONTRIBUTION NOTICE							26OCT94	1	94HSE/551/3047
48 HOUR CONTRIBUTION NOTICE							27OCT94	1	94HSE/552/5021
48 HOUR CONTRIBUTION NOTICE							31OCT94	1	94HSE/555/2717
48 HOUR CONTRIBUTION NOTICE							2NOV94	1	94HSE/556/0770
48 HOUR CONTRIBUTION NOTICE							3NOV94	1	94HSE/556/1169
48 HOUR CONTRIBUTION NOTICE							4NOV94	1	94HSE/556/2561
48 HOUR CONTRIBUTION NOTICE							4NOV94	1	94HSE/556/2070
48 HOUR CONTRIBUTION NOTICE							7NOV94	1	94HSE/556/3793
APRIL QUARTERLY			42,365		44,276		1JAN94 -31MAR94	22	94HSE/520/0561
PRE-PRIMARY			48,618		22,126		1APR94 -25MAY94	25	94HSE/524/0948
PRE-PRIMARY - AMENDMENT			48,368		22,126		1APR94 -25MAY94	25	94HSE/524/3768
JULY QUARTERLY				16,323		18,305	23MAY94 -30JUN94	16	94HSE/529/5226
OCTOBER QUARTERLY				83,370		211,106	1JUL94 -30SEP94	33	94HSE/545/0213
OCTOBER QUARTERLY - AMENDMENT				-		-	1JUL94 -30SEP94	2	94HSE/550/5060
PRE-GENERAL				282,979		158,599	1OCT94 -19OCT94	25	94HSE/551/0617
POST-GENERAL				122,640		253,771	20OCT94 -28NOV94	29	94HSE/561/4322
POST-GENERAL - AMENDMENT				-		-	20OCT94 -28NOV94	1	95HSE/571/2808
1'ST LETTER INFORMATIONAL NOTICE							20OCT94 -28NOV94	2	95FEC/957/5416
YEAR-END				2,930		8,982	29NOV94 -31DEC94	16	95HSE/569/1505
TOTAL			176,946	508,242	90,461	650,763		251	TOTAL PAGES
3. AUTHORIZED COMMITTEES									
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

All reports except the 1994 Year End Report have been reviewed.

Ending Cash-On-Hand as of 12/31/94: \$16,642

Outstanding debts owed to/by the committee as of 12/31/94:\$639,183

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GENERAL ELECTION REPORT NOTICE

Attachment #2
Page 1 of 1

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

October 3, 1994

1994 GENERAL ELECTION CANDIDATE COMMITTEES

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Pre-General	10/01/94 - 10/19/94	10/24/94	10/27/94
Post-General	10/20/94 - 11/28/94	12/08/94	12/08/94

WHO MUST FILE

All 1994 general election principal campaign committees of congressional candidates (including unopposed candidates) who seek election in the November 8, 1994, General Election must file the Pre- and Post-General Election Reports. If the campaign has an authorized committee(s), in addition to the principal campaign committee, the principal campaign committee must also file a consolidated report on Form 3Z and attach the report(s) of the authorized committee(s).

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of \$1,000 or more, during the period of October 20 through November 5. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s).

LABEL

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

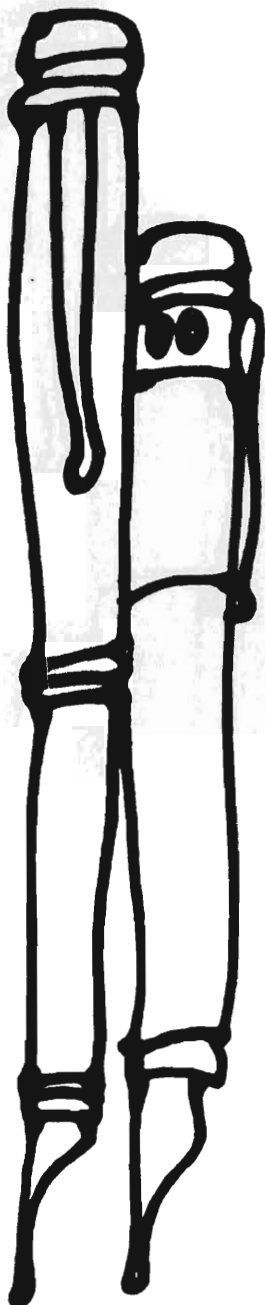
COMPLIANCE

TREASURERS ARE RESPONSIBLE FOR FILING ALL REPORTS AND 48 HOUR NOTICES ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES USING NON-FEC FORMS FOR REPORTS OR FILING ILLEGIBLE REPORTS OR NOTICES WILL BE REQUIRED TO REFILE.

*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.

**Reports sent by registered or certified mail must be post-marked by the mailing date; otherwise, they must be received by the filing date.

FOR INFORMATION, Call: 800/424-9530 or 202/219-3420



95043665031

Name of Candidate (in Full)
SISISKY FOR CONGRESS

A. Full Name, Mailing Address and ZIP Code of Loan Source Norman Sisisky PERSONAL FUNDS 2051 S. Crater Road Petersburg, VA 23805	Original Amount of Loan 50,000.00	Cumulative Payment To Date	Balance Outstanding at Close of This Period 50,000.00
--	---	----------------------------	---

Source: Primary General Other (Specify):
 Date Incurred: 11/1/84 Date Due: _____ Interest Rate: _____ %
 Secured Unsecured

List All Employers or Guarantors (if any) to Item A

1. Full Name, Mailing Address and ZIP Code	Name of Employer	Occupation	Amount Guaranteed Outstanding
2. Full Name, Mailing Address and ZIP Code	Name of Employer	Occupation	Amount Guaranteed Outstanding
3. Full Name, Mailing Address and ZIP Code	Name of Employer	Occupation	Amount Guaranteed Outstanding

B. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
---	-------------------------	----------------------------	---

Source: Primary General Other (Specify):
 Date Incurred: _____ Date Due: _____ Interest Rate: _____ %
 Secured Unsecured

List All Employers or Guarantors (if any) to Item B

1. Full Name, Mailing Address and ZIP Code	Name of Employer	Occupation	Amount Guaranteed Outstanding
2. Full Name, Mailing Address and ZIP Code	Name of Employer	Occupation	Amount Guaranteed Outstanding
3. Full Name, Mailing Address and ZIP Code	Name of Employer	Occupation	Amount Guaranteed Outstanding

SUBTOTALS This Period This Page (optional)	
TOTALS This Period (See page 1 of this form only)	639,183.50

Copy outstanding balance only to LINE 8, Schedule B, for this line. If no Schedule B, copy forward to appropriate line of Summary.

9540 43665003 2
 0.848 • 1000 • 140 • 50



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

Attachment #4
Page 1 of 1

BQ-5

JAN 20 1995

Mark B. Sisisky, Treasurer
Sisisky for Congress
P.O. Box 2062
Petersburg, VA 23804

Identification Number: C00153478

Reference: 30 Day Post-General Report (10/20/94-11/20/94)

Dear Mr. Sisisky:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-General report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to provide concerning this matter will be considered. (11 CFR §104.5(f))

Any amendment or clarification should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Heather A. Toomey

Heather A. Toomey
Reports Analyst
Reports Analysis Division

9 430-0750, 3, 30

TELECON:

Attachment #5
Page 1 of 1

DATE: 1/24/95

FEC REP: HEATHER A. TOOMEY
REPORTS ANALYST

**COMMITTEE
REP:** CECILIA BLAHA
SISISKY FOF CONGRESS

ANALYST RETURNED COMMITTEE REP'S CALL OF 1/23/95

COMMITTEE REPRESENTATIVE REALIZED THAT SHE HAD FAILED TO FILE A 48 HOUR NOTICE FOR THE PERSONAL LOAN OF \$50,000 FROM THE CANDIDATE. THE COMMITTEE REPRESENTATIVE DID ASK IF THERE WAS ANYTHING THAT SHE COULD DO TO CORRECT HER OVERSIGHT. THE ANALYST INFORMED HER THAT HER COMMITTEE WAS FREE TO SUBMIT A RESPONSE TO THE INFORMATIONAL NOTICE THAT THE COMMITTEE RECEIVED, AND THAT IT WOULD BE PLACED ON THE PUBLIC RECORD.

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

FEDERAL ELECTION COMMISSION
999 E Street, N.W. MAY 2 4 50 PM '95
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral: 95L-01
Date Activated: 4/19/95
Staff Member: Tamara Kapper

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Sisisky for Congress and Mark B. Sisisky, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)(A)
2 U.S.C. § 431(8)(A)

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on February 21, 1995. Attachment 1. The basis for the attached referral is the failure of Sisisky for Congress, and Mark B. Sisisky, as treasurer, ("Sisisky Committee") to file one (1) forty-eight hour notification ("48 Hour Notice") for a contribution in the form of a loan from the candidate, Norman Sisisky, totaling \$50,000. Norman Sisisky won the 1994 General Election in the fourth Congressional District in the State of Virginia with sixty-one (61%) percent of the vote.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 2, this Office recommends the Commission find reason to believe the Sisisky Committee violated 2 U.S.C. § 434(a)(6)(A).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Open a NUR.
2. Find reason to believe that Sisisky for Congress and Mark B. Sisisky, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached proposed Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

5/2/95
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

1. Referral Materials
2. Factual and Legal Analysis (1)
3. Proposed Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Sisisky for Congress and Mark B.
Sisisky, as treasurer.

)
) RAD Referral
) #95L-01
)
MUR 4207

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 8, 1995, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral #95L-01:

1. Open a MUR.
2. Find reason to believe that Sisisky for Congress and Mark B. Sisisky, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the proposed Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated May 2, 1995.

Commissioners Aikens, Elliott, McDonald, McGarry, and Potter voted affirmatively for the decision; Commissioner Thomas did not cast a vote.

Attest:

5-9-95
Date

Delores Hardy
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Tues.,	May 02, 1995	4:50 p.m.
Circulated to the Commission:	Wed.,	May 03, 1995	11:00 a.m.
Deadline for vote:	Mon.,	May 08, 1995	4:00 p.m.

bjr

95043665037



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 11, 1995

Mark B. Sisisky, Treasurer
Sisisky for Congress
P.O. Box 2062
Petersburg, VA 23804

RE: MUR 4207
Sisisky for Congress and
Mark B. Sisisky, as treasurer

Dear Mr. Sisisky:

On May 8, 1995, the Federal Election Commission found that there is reason to believe that Sisisky for Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), 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.

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 additional information, 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, 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

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Mr. Mark Sisisky
Page 2

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 Tamara Kapper, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,


Lee Ann Elliott
Vice Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

cc: Honorable Norman Sisisky

95043665039

FEDERAL ELECTION COMMISSION
FACTUAL & LEGAL ANALYSIS

RESPONDENTS: Sisisky for Congress
and Mark B. Sisisky,
as treasurer

MUR: 4207

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

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The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for Federal office to notify in writing either the Secretary of the Senate, the Clerk of the U.S. House of Representatives or the Commission, as appropriate, and the Secretary of State, of each contribution totaling \$1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

According to 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid. Furthermore, each guarantor or endorser of a loan shall be deemed to have contributed that portion of the total amount of the loan for which the guarantor or endorser agreed to be liable until the loan is repaid. 2 U.S.C. § 431(8)(B)(vii)(I) and 11 C.F.R. § 100.7(a)(1)(i)(C).

According to its Statement of Organization filed with the Commission, Sisisky for Congress is the principal campaign committee of Norman Sisisky. Mark B. Sisisky is the treasurer of the Sisisky for Congress committee.

The General Election in the state of Virginia was held on November 8, 1994. Pursuant to the Act, Respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from October 20 to November 5, 1994, within 48 hours of their receipt. A review of the Sisisky Committee's 1994 30 Day Post-General Report identified a contribution received on November 1, 1994, of \$1,000 or more, in the form of a loan, totaling \$50,000. The contribution was reported on Schedule C, with the candidate, Norman Sisisky, listed as the sole endorser of a \$50,000 loan from his personal funds to the Sisisky Committee. The Sisisky Committee did not submit a 48 Hour Notice for this contribution.

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Therefore, there is reason to believe that the Sisisky for Congress and Mark B. Sisisky, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to report a campaign contribution of \$1,000 or more, received after the 20th day, but more than 48 hours before the General Election, within 48 hours of receipt of the contribution.

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STATEMENT OF REGISTRATION OF (PERSON)

NR NR 4202

NAME OF COUNSEL: Robert F. Bauer / B. Holly Schadler

ADDRESS: Perkins Cole
607 Fourteenth Street, N.W.
Suite 800

TELEPHONE: Washington, DC 20005-2011
(202) 638-4400

MAY 28 9 23 AM '95
 FEDERAL ELECTION
 COMMISSION
 OFFICE OF GENERAL
 COUNSEL

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

5-28-95
 Date

M. Kelly
 Signature

RESPONDENT'S NAME: Sisisky for Congress and Mark Sisisky, as Treasurer

ADDRESS: PO Box 2062
Interpines, VA 23804

HOME PHONE: _____

BUSINESS PHONE: (804) 732-2653

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PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. WASHINGTON, D.C. 20005-2011
TELEPHONE: (202) 628-6600 FACSIMILE (202) 434-1690

JUN 5 9 25 AM '95

June 1, 1995

By Facsimile and Certified Mail

Ms. Tamara Kapper
Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Sixth Floor
Washington, D.C. 20463

Re: MUR 4207 - Sisisky for Congress

Dear Ms. Kapper:

This letter responds to Vice Chairman Elliot's letter, dated May 11, 1995, to Sisisky for Congress (the "Committee") and Mark B. Sisisky, as treasurer (referred to hereinafter as "Respondents"), notifying Respondents that the Commission found reason to believe that the Committee violated 2 U.S.C. § 434(a)(6)(A). The Commission's finding arises from a loan from the candidate for which a 48 Hour Report was apparently not filed.

On November 1, 1994, seven days before the general election, Congressman Sisisky loaned \$50,000 from his personal funds to the campaign. The loan was disclosed on Schedules A and C in accordance with Federal Election Commission regulations. The Committee did not, however, report this loan as a last minute contribution in a 48 Hour Notice. This was an error by the campaign staff charged with completing these reports. In fact, the Committee received approximately 26 last minute contributions and reported each one of them in accordance with FEC regulations. Only this one loan was not reported on a 48 Hour Notice.

The campaign staff did not understand that loans from the personal funds of the candidate required disclosure other than on the regularly scheduled FEC report. This oversight might have been avoided if the transaction had not occurred just seven days before the general election -- a period during which the Committee was receiving and disbursing funds under considerable time pressure.

Respondents wish to enter into pre-probable cause conciliation.

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Ms. Tamara Kapper
Federal Election Commission
June 1, 1995
Page 2

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Sincerely,



B. Holly Schadler
Counsel to Respondent

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. WASHINGTON, D.C. 20005-2011
TELEPHONE: (202) 628-6600 · FACSIMILE: (202) 434-1690

RECEIVED
FEDERAL ELECTION
COMMISSION
ACCOUNTING OFFICE

JUL 27 8 16 AM '95

July 26, 1995

By Messenger

Ms. Tamara Kapper
Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Sixth Floor
Washington, D.C. 20463

JUL 26 5 10 PM '95
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: MUR 4207

Dear Ms. Kapper:

Enclosed please find the signed Conciliation Agreement regarding the above-cited Matter Under Review and a check for \$6,500. We understand that the General Counsel's Office will recommend acceptance of this Agreement to the Commission.

If the Commission accepts this Agreement, we request the opportunity to place a letter on the public record setting forth Respondent's views regarding this matter.

Please call me if there are any questions.

Sincerely,



B. Holly Schadler
Counsel for Sisisky for Congress

Enclosures

[11075-0001-DA952070 033]

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9 5 0 4 3 6 6 5 0 4 7

66-677/510
BR 221
1566

EXPLANATION	AMOUNT

SISKY FOR CONGRESS
GENERAL CAMPAIGN FUND
P O BOX 2062
PETERSBURG, VA 23804

PAY
AMOUNT
OF

Five hundred x 10/100

DOLLARS

DATE	TO THE ORDER OF	GROSS	CHECK NUMBER	CHECK AMOUNT
7/25/95	Federal Election Commission		1566	\$ 6500.00

CHECK AMOUNT

CHECK NUMBER

DESCRIPTION

MARK B. SISKY, TREASURER

SIGNET BANK
RICHMOND, VIRGINIA

⑈001566⑈ ⑆05100678⑆ 55206439616⑈



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

July 27, 1995

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from SISISKY FOR CONGRESS, check number 1566, dated July 25, 1995, and in the amount of \$6,500.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of \$6,500.00, the MUR number is 4207 and in the name of SISISKY FOR CONGRESS. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Anita Alexander
Signature

7-28-95
Date

95043665048

AUG 1 11 16 AM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Sisisky for Congress and)
Mark B. Sisisky, as treasurer)

MUR 4207

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 8, 1995, the Commission found reason to believe that Sisisky for Congress and Mark B. Sisisky, as treasurer ("Sisisky Committee") violated 2 U.S.C. § 434(a)(6)(A) for the failure to file one (1) forty-eight hour notification ("48 Hour Notice") for a \$50,000 contribution in the form of a loan from the candidate, Norman Sisisky. On that same date, the Commission determined to offer to enter into conciliation with the Sisisky Committee prior to a finding of probable cause to believe, and approved a proposed agreement

On June 1, 1995, counsel for Respondents submitted a response to the Commission's reason to believe finding

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Therefore, based upon the foregoing reasons and in the interest of closing this matter, this Office recommends that the Commission approve the terms of the attached conciliation agreement with Sisisky For Congress and Mark B. Sisisky, as treasurer, and close the file.

III. RECOMMENDATIONS

1. Approve the proposed attached conciliation agreement submitted by Sisisky for Congress and Mark B. Sisisky, as treasurer.

2. Close the file.
3. Send the appropriate letter.

Lawrence M. Noble
General Counsel

7/31/95
Date

BY: Lois G. Lerner by AAS
Lois G. Lerner
Associate General Counsel

Attachments

1. Response dated 6/1/95
2. Signed Proposed Conciliation Agreement with Civil Penalty Check dated 7/26/95

Staff Assigned: Tamara Kapper

95043665053

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Sisisky for Congress and Mark B.) MUR 4207
Sisisky, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 3, 1995, the Commission decided by a vote of 6-0 to take the following actions in MUR 4207:

1. Accept the proposed conciliation agreement submitted by Sisisky for Congress and Mark B. Sisisky, as treasurer, as recommended in the General Counsel's Report dated July 31, 1995.
2. Close the file.
3. Send the appropriate letter, as recommended in the General Counsel's Report dated July 31, 1995.

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

Attest:

8-3-95
Date

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

Received in the Secretariat: Tues., Aug. 01, 1995 11:18 a.m.
Circulated to the Commission: Tues., Aug. 01, 1995 4:00 p.m.
Deadline for vote: Fri., Aug. 04, 1995 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 9, 1995

B. Holly Schadler, Esquire
Perkins Coie
607 14th Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 4207
Sisisky for Congress and
Mark B. Sisisky, as treasurer

Dear Ms. Schadler:

On August 3, 1995, the Federal Election Commission accepted the signed conciliation agreement and civil penalty that you submitted on behalf of your clients, Sisisky for Congress and Mark B. Sisisky, as treasurer, in settlement of a violation of 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondents and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Celebrating the Commission's 20th Anniversary

YESTERDAY TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

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Ms. Schadler, Esq.
Page 2

Enclosed you will find a copy of the fully executed
conciliation agreement for your files. If you have any
questions, please contact me at (202) 219-3690.

Sincerely,



Tamara Kapper
Paralegal

Enclosure
Conciliation Agreement

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RECEIVED
FEDERAL ELECTION
COMMISSION
ACCOUNTING OFFICE

JUL 27 8 16 AM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4207
Sisisky for Congress and)
Mark B. Sisisky, as treasurer)

JUL 26 5 10 PM '95

RECEIVED
FEDERAL ELECTION
COMMISSION
ACCOUNTING OFFICE

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Sisisky for Congress and Mark B. Sisisky, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(6)(A).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

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1. Sisisky for Congress is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee for Norman Sisisky's 1994 congressional campaign. Congressman Sisisky has been in office since 1982.

2. Mark B. Sisisky is the treasurer of Sisisky for Congress, and has been the Committee's treasurer since 1987.

3. The Federal Election Campaign Act of 1971, as amended, ("the Act") requires principal campaign committees of candidates for Federal office to notify in writing either the Secretary of the Senate, the Clerk of the U.S. House of Representatives or the Commission, as appropriate, and the Secretary of State, of each contribution totaling \$1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

4. According to 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid.

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Each guarantor or endorser of a loan shall be deemed to have contributed that portion of the total amount of the loan for which the guarantor or endorser agreed to be liable until the loan is repaid. 2 U.S.C. § 431(8)(B)(vii)(I) and 11 C.F.R. § 100.7(a)(1)(i)(C).

5. On November 1, 1994, seven days before the election, Respondents received a loan from the candidate in the amount of \$50,000.

6. The contribution was not reported until after the election. Respondents reported the contribution on Schedule C of the Sisisky Committee's 1994 30 Day Post-General Report with the candidate, Norman Sisisky, listed as the sole endorser of a \$50,000 loan from his personal funds.

7. Respondents filed 48 Hour Notices for all of the twenty-seven (27) other contributions falling within the applicable period, but did not file a 48 Hour Notice the candidate's \$50,000 loan. Respondents contend that this error was due to their failure to understand that a candidate loan constituted a contribution subject to the 48 hour reporting requirements. The Commission specifically instructed committees that candidate loans are contributions for reporting purposes and that they must be reported on a 48 hour basis like any other contribution within the designated time period. Respondents contend, however, that they were not aware of this provision of the law.

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V. Respondents failed to report a campaign contribution of \$1,000 or more received after the 20th day, but more than 48 hours before the general election, within 48 hours of receipt of the contribution, in violation of 2 U.S.C. § 434(a)(6)(A).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of six thousand five hundred dollars (\$6,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and

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no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Lois G. Lerner
Associate General Counsel

8/8/95
Date

FOR THE RESPONDENTS:

Holly Schradler
(Name) Holly Schradler
(Position) Counsel

7/26/95
Date

95043665061

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. WASHINGTON, D.C. 20005-2011
TELEPHONE: (202) 628-6600 FACSIMILE: (202) 434-1690

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August 15, 1995

By Certified Mail

Ms. Tamara Kapper
Federal Election Commission
Office of the General Counsel
999 E Street, N.W., Sixth Floor
Washington, D.C. 20463

Aug 15 3 56 PM '95

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: MUR 4207 - Siskisky for Congress

Dear Ms. Kapper:

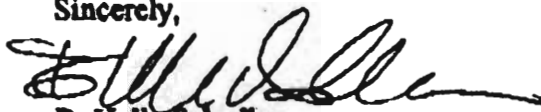
We request that this letter be placed on the public record along with the conciliation agreement in this case. The Commission's finding in this case arises from a loan from the candidate for which a 48 Hour Report was not filed.

On November 1, 1994, seven days before the general election, Congressman Siskisky loaned \$50,000 from his personal funds to the campaign. The loan was fully disclosed on the Committee's regularly scheduled report filed with the Federal Election Commission. It was inadvertently omitted as a last minute contribution in a 48 Hour Notice. This was an oversight by the campaign staff charged with completing these reports. In fact, the Committee received approximately 26 last minute contributions and reported each one of them in accordance with FEC regulations. Only this one loan was not covered in a 48 Hour Notice.

The campaign staff did not understand that loans from the personal funds of the candidate required disclosure other than on the regularly scheduled FEC report. This oversight might have been avoided if the transaction had not occurred just seven days before the general election -- a period during which the Committee was receiving and disbursing funds under considerable time pressure.

The loan was fully disclosed on the public record in the Committee's Post-General Election Report. Therefore, the public had available all information necessary to understand the Committee's sources of support.

Sincerely,



B. Holly Schadler
Counsel to Respondent

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4207
DATE FILMED 8/23/95 CAMERA NO. 1
CAMERAMAN EJ

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