

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Yah Lin "Charlie" Trie

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MUR 4530

CONCILIATION AGREEMENT

This matter was initiated based on information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. An investigation was conducted and the Commission found probable cause to believe that Yah Lin "Charlie" Trie ("Respondent") knowingly and willfully violated 2 U.S.C. §§ 441e(a) and 441f in connection with certain contributions that he made, or caused to be made, to the Democratic National Committee ("DNC").

NOW, THEREFORE, the Commission and Respondent, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding.
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:
 1. Respondent is a U.S. citizen.
 2. At all times relevant hereto, Ng Lap Seng ("Ng") was a foreign national as defined at 2 U.S.C. § 441e(b).

3. At all times relevant hereto, Tomy Winata ("Winata") was a foreign national as defined at 2 U.S.C. § 441e(b).

4. In 1991 Respondent started Daihatsu International Trading Corporation, ("Daihatsu"), a U.S. company engaged in the international trading import-export business. Respondent also became associated with the U.S. branch of San Kin Yip International Trading Company ("San Kin Yip"), a company based in Macau which was owned by Ng.

5. At all times relevant hereto, Yuan Pei "Antonio" Pan ("Pan"), a Taiwanese national, worked for Respondent and for Ng at San Kin Yip.

6. At all times relevant hereto, Keshi Zhan ("Zhan"), a permanent resident of the United States, worked for Respondent and for Ng at San Kin Yip.

7. It is unlawful for any person to make a contribution in the name of another person or to knowingly permit his or her name to be used to effect such a contribution. 2 U.S.C. § 441f.

8. Foreign nationals are prohibited from contributing money, or anything of value, to a candidate for any political office, including Federal, State, or local office, either directly or through any other person, pursuant to 2 U.S.C. § 441e(a) and 11 C.F.R. § 110.4(a).

9. A foreign national is an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8 of the U.S. Code. 2 U.S.C. § 441e(b).

10. From at least 1994 through 1996, Respondent engaged in a course of conduct whereby he made contributions, either directly or through his wife or his companies, to the DNC. These contributions were reimbursed with funds deriving from foreign nationals. In addition, beginning in November 1995, Respondent or others working under his direction sought out other

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U.S. citizens and permanent residents to make donations to the DNC. Respondent then reimbursed these individuals, or had them reimbursed, with money deriving from foreign nationals.

11. In May 1994, Respondent wrote three checks totaling \$100,000 for the DNC's Washington Gala on June 22, 1994. Specifically, Respondent wrote a \$20,000 check dated May 14, 1994 which was deposited in the DNC's federal account. Respondent also wrote a \$60,000 check dated May 14, 1994 which was deposited in the DNC's nonfederal account. Finally, Respondent directed his wife, Wang Mei Trie, to write a \$20,000 check. The check is dated May 25, 1994 and was deposited in the DNC's federal account. Ng provided Respondent with the funds to make the contributions so that Ng could accompany Respondent and his wife to the Washington Gala and have his photograph taken with President Clinton.

12. On June 21, 1994, Respondent contributed \$7,500 from Daihatsu, which was deposited in the DNC's nonfederal account. According to Respondent, he did not remember whether Daihatsu had sufficient funds to make the contribution. However, if Daihatsu did not, at that time, have sufficient funds to make the contribution, the funds would instead have derived from Ng. Further, it was Ng's practice to repay Respondent when Respondent wrote contribution checks.

13. On August 1, 1994, Respondent contributed \$20,000, which was deposited in the DNC's nonfederal account, for the 1994 Presidential Birthday Celebration. Ng gave Respondent the money to make the contribution so that they could have their photographs taken with the President. The DNC rewarded Respondent by listing him as "Vice-Chair" of the Presidential Birthday Celebration and by listing Ng as an "Event Benefactor." Both Respondent and Ng were entitled to a variety of benefits, including invitations to monthly policy briefings and two annual retreats with party officials.

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14. On October 20, 1994, Ng signed a \$15,000 check drawn on San Kin Yip's account which was deposited in the DNC's non-federal account. Respondent told Ng to sign Ng's name to the check, the rest of which Respondent filled out, so that Ng could join the DNC's Business Leadership Forum. By virtue of his large contributions to the DNC, Respondent himself was already a member of the BLF. After making this contribution, Ng, with Respondent's assistance as a translator, attended several BLF meetings in order to seek investors for his real estate projects.

15. Respondent made a \$50,000 contribution on June 21, 1995 from Daihatsu's corporate account to the DNC's nonfederal account on behalf of another individual, Winston Wang ("Wang"). Wang, a U.S. citizen, requested that Respondent introduce him to President Clinton. Taiwanese associates of Wang gave Respondent \$50,000 to contribute on Wang's behalf, so that Wang could attend a coffee with President Clinton.

16. Respondent directed his wife, Wang Mei Trie, to make a contribution of \$12,500 on February 29, 1996 from Daihatsu. The contribution was deposited in the DNC's nonfederal account. Respondent does not know whether Daihatsu had sufficient funds to make the contribution. However, if Daihatsu did not, at that time, have sufficient funds to make the contribution, the funds would instead have derived from Ng. Further, it was Ng's practice to repay Respondent when Respondent wrote contribution checks.

17. Respondent made a contribution of \$10,000 on May 12, 1996 from his personal account which was deposited into the DNC's federal account. Respondent made the contribution in connection with an event hosted by the Asian Pacific American Leadership Council at the Sheraton-Carlton Hotel on May 13, 1996. Ng gave Respondent the funds to make this contribution.

18. Respondent contributed \$2,000 on September 28, 1996 from his personal account which was deposited in the DNC's federal account. Respondent made the contribution so that he and Ng could attend the Victory Party at the Democratic National Convention. Respondent obtained these funds from Ng.

19. Respondent directed an acquaintance, Celia Chau ("Chau"), to make a \$5,000 contribution. Chau's check, which was dated November 9, 1995, was deposited into the DNC's federal account. Respondent gave Chau cash, which derived from Ng, to cover the check. Respondent knew that Chau was an American citizen.

20. Shortly before a February 6, 1996 White House coffee, Respondent asked an acquaintance, Ernest Green ("Green"), if Green would write a \$50,000 check to the DNC in connection with the attendance of China International Trust and Investment Corp. Chairman Wang Jun at the coffee. Respondent offered to reimburse Green for his contribution to the DNC and did so, in cash. The funds used to reimburse Green came from Ng.

21. Respondent was told by DNC fundraiser John Huang ("Huang") that if he and Huang raised one million dollars for an event entitled "the Asian Dinner-Hay Adams Event" ("the Hay-Adams event"), they could host the event and that President Clinton would then attend.

22. Keshi Zhan, who worked for both Respondent and Ng, attended the Hay-Adams event on February 19, 1996. In connection with the dinner, Zhan contributed \$12,500 by check dated February 9, 1996 which was deposited into the DNC's federal account. Respondent had Ng reimburse Zhan with Ng's funds.

23. Respondent instructed Zhan to collect checks from other eligible donors so that Ng's guests could also attend the event. Zhan collected a total of \$25,000 from her friend, Yuefang Chu

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("Chu") and Chu's cousin, Xiping Wang ("Wang"). These funds were deposited into the DNC's federal account. Neither Chu or Wang, who are permanent residents, attended the event. Zhan reimbursed Chu and Wang with funds derived from Ng.

24. Respondent was also asked by Tomy Winata, an Indonesian businessman, to arrange for two of Winata's friends to attend the Hay-Adams event. Respondent collected \$12,500 apiece in contribution checks to the DNC from his sister, Manlin Fong ("Fong"), and her friend, Joseph Landon ("Landon"). Fong and Landon, whose checks were deposited in the DNC's federal account, did not attend the Hay-Adams event. Respondent reimbursed them with funds derived from Winata. Respondent knew that both Fong and Landon were U.S. citizens.

25. Respondent's employee, Chu Lei ("Lei"), attended the Hay-Adams event and contributed \$12,500 by check dated on or about February 20, 1996, which was deposited into the DNC's federal account. Respondent reimbursed Lei, a U.S. citizen, with funds derived from Winata.

26. Respondent asked an acquaintance of his, Charles T. Chiang ("Chiang"), to attend the Hay-Adams event and write a contribution check for \$12,500. The check, which bears an illegible date, was deposited in the DNC's federal account on or about February 23, 1996. Respondent reimbursed Chiang with funds derived from Ng. Respondent knew that Chiang is a U.S. citizen.

27. Acting under Respondent's direction, Respondent's employee Antonio Pan solicited a \$25,000 contribution from Jack Ho ("Ho"), who wrote a check on the account of his company, J&M International. Ho's check, which was dated February 23, 1996, was deposited into the DNC's

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nonfederal account. Pan reimbursed Ho with funds derived either from Ng or Winata. Ho, a U.S. citizen, did not attend the Hay Adams event.

28. In connection with President Clinton's Birthday Event on August 18, 1996 ("1996 Birthday event"), Respondent asked his sister, Fong, to write a \$10,000 check on August 15, 1996, which was deposited in the DNC's federal account. Pan reimbursed Fong with Ng's money. Fong did not attend the event.

29. Acting under Respondent's direction, Pan solicited individuals who were either U.S. citizens or green card holders to make contributions to the 1996 birthday event. Pan reimbursed the donors, who did not attend the event, with funds derived from Ng. These contributions include: \$10,000 from Kun-Cheng Yeh on August 15, 1996; \$5,000 from Wei Fen Chou on August 15, 1996; \$5,000 from David Wang on August 16, 1996; \$10,000 from Kimmy Young on August 16, 1996; \$10,000 from Qing Li on August 17, 1996; \$4,000 from Hong Jen Chiao on August 18, 1996; \$10,000 from Helen Chien on August 18, 1996; and \$5,000 from Daniel Wu on August 16, 1996. These contributions were all deposited into the DNC's federal account. Pan also solicited a \$3,000 contribution from Michele Lima, whose check dated August 18, 1996 was deposited into the DNC's nonfederal account. Ng attended the event and brought several guests.

30. On May 21, 1999, Respondent entered into a plea agreement with the Department of Justice whereby Respondent pled guilty to a felony charge of violating 18 U.S.C. § 1001 by aiding and abetting the making of false statements to the Federal Election Commission, and a misdemeanor charge of violating 2 U.S.C. § 441f by making a political contribution in the name of another.

31. On November 2, 1999, Respondent was sentenced to four months of home detention and three years of probation. Respondent was also required to pay a fine of \$5,000 and to perform 200 hours of community service.

V. 1. Respondent knowingly and willfully violated 2 U.S.C. §§ 441e(a) and 441f by soliciting, accepting or receiving contributions to the DNC from Ng Lap Seng, Tomy Winata, and the associates of Winston Wang, and by knowingly permitting his name to be used to effect contributions which derived from Ng Lap Seng and Tomy Winata.

2. Respondent knowingly and willfully violated 2 U.S.C. §§ 441e(a) and 441f by soliciting, accepting, receiving or assisting in the making of contributions in connection with Pan and Zhan as outlined above.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Seven Thousand Dollars (\$7,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission would ordinarily seek a civil penalty equal to 200% of the amount in violation for knowing and willful violations, for a total of \$344,000 for this type of activity, but the Commission has agreed to accept a \$7,000 civil penalty in settlement of this matter for the following reasons:

1. Respondent has pled guilty to one felony count of aiding and abetting in making false statements or representations to the United States Government, in violation of 18 U.S.C. § 1001, and one misdemeanor count of making political campaign contributions in the name of another, in violation of 2 U.S.C. §§ 441f and 437g(d)(1)(A).

2. Respondent's company, Daihatsu, is no longer in business.

3. Respondent is no longer associated with San Kin Yip.

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4. As a representation material to the Commission's agreement to substantially reduce the level of civil penalty that the Commission would ordinarily accept for this type of activity, by signing this agreement Respondent represents that he has no assets or income out of which he could pay a significant monetary penalty, and that he has undisputed debts in excess of \$800,000, and that materials he has submitted to the Commission to demonstrate his financial condition fairly and accurately represent his financial condition.

5. As a representation material to the Commission's agreement to substantially reduce the level of civil penalty that the Commission would ordinarily accept for this type of activity, Respondent represents that, as of the date that he signs this Conciliation Agreement, his yearly net income after taxes, from all sources, totals less than \$25,000. Respondent agrees that if his financial situation improves materially within five years after this Conciliation Agreement is executed ("the time period"), he will also pay the Commission 20% of his yearly net income after taxes up to \$18,000 in additional civil penalties.

6. The parties to this Conciliation Agreement define "materially" as an increase in Respondent's yearly net income after taxes of at least \$5,000.

7. Therefore, during the time period, the following schedule will apply:

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RESPONDENT'S YEARLY NET INCOME, AFTER TAXES, INCREASES TO:	CIVIL PENALTY WHICH RESPONDENT MUST PAY TO THE COMMISSION (IN ADDITION TO THE INITIAL \$7,000 CIVIL PENALTY DESCRIBED ABOVE):
\$30,000	\$1,000
\$35,000	\$2,000
\$40,000	\$3,000
\$45,000	\$4,000
\$50,000	\$5,000
\$55,000	\$6,000
\$60,000	\$7,000
\$65,000	\$8,000
\$70,000	\$9,000
\$75,000	\$10,000
\$80,000	\$11,000
\$85,000	\$12,000
\$90,000	\$13,000
\$95,000	\$14,000
\$100,000	\$15,000
\$105,000	\$16,000
\$110,000	\$17,000
\$115,000	\$18,000

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8. The parties to this Conciliation agree that Respondent's total civil penalty will not exceed \$25,000.

9. During the time period, Respondent agrees to provide the Commission with information sufficient to monitor his income. Specifically, Respondent shall provide the Commission with documents including, but not limited to, bank statements, investment account statements, and tax returns. Respondent shall provide this information to the Commission on an annual basis during the time period, beginning twelve months after this Conciliation Agreement is executed.

VIII. 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.

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

X. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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

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Conciliation Agreement/

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FOR THE COMMISSION:

Lois G. Lerner by
Lois G. Lerner
Acting General Counsel

6/21/01
Date

FOR THE RESPONDENT:

Yah Lin "Charlie" Trie
Yah Lin "Charlie" Trie

4/16/01
Date

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