



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4645

DATE FILMED 10-27-87 CAMERA NO. 2

CAMERAMAN JmH

97043844165

REPORTS ANALYSIS REFERRAL
TO
OFFICE OF THE GENERAL COUNSEL

DATE: APR 17 1997

ANALYST: Kathy Carothers

- I. COMMITTEE: Guy Millner for U.S. Senate, Inc.
(C00308700)
R. Charles Loudermilk, Sr., Treasurer
3535 Piedmont Road, NE
Atlanta, GA 30305
- II. RELEVANT STATUTES: 2 U.S.C. §434 (a)(6)
11 CFR §104.5(f)

III. BACKGROUND:

Failure to file Forty-Eight Hour Notification

Guy Millner for U.S. Senate, Inc. ("the Committee") has failed to file one (1) 48-Hour Notification for a \$213,000 candidate loan received prior to the 1996 General Election.

The candidate was involved in the 1996 General Election held on November 5, 1996. Prior Notice was sent to the Committee on September 30, 1996 (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 in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of loans to the candidate or committee) of \$1,000 or more, during the period October 17 through November 2. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s)."

Schedules A and C of the 1996 30 Day Post-General Report indicate that the Committee failed to file one (1) 48-Hour Notice for a candidate loan received during the aforementioned period (Attachment 3). The following is the loan for which the 48-Hour Notification was not filed:

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<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Mr. Guy W. Millner (personal funds)	10/31/96	\$213,000

On January 22, 1997 a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI 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 request 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.

To date, the Commission has not received any correspondence from the Committee that addresses its failure to file the 48-Hour Notification.

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CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
			PRIMARY	GENERAL	PRIMARY	GENERAL			

MILLNER, GUY W	SENATE	REPUBLICAN PARTY					GEORGIA	1996 ELECTION	100	SGGA01150
1. STATEMENT OF CANDIDATE										
1995 STATEMENT OF CANDIDATE								21NOV95	2	96SEN/010/3013
2. PRINCIPAL CAMPAIGN COMMITTEE										

GUY MILLNER FOR US SENATE								10 #C01308700	SENATE	
1995 STATEMENT OF ORGANIZATION								21NOV95	2	96SEN/010/3015
YEAR-END			369,503		192,195			17JUL95 -31DEC95	19	96SEN/004/3507
YEAR-END - AMENDMENT			369,503		192,195			17JUL95 -31DEC95	20	96SEN/006/2775
YEAR-END - AMENDMENT			369,503		195,989			17JUL95 -31DEC95	11	96SEN/020/1605
REQUEST FOR ADDITIONAL INFORMATION								17JUL95 -31DEC95	2	96FEC/031/2785
REQUEST FOR ADDITIONAL INFORMATION 2ND								17JUL95 -31DEC95	3	96FEC/033/5032
1996 48 HOUR CONTRIBUTION NOTICE								29JUN96	2	96SEN/013/0127
48 HOUR CONTRIBUTION NOTICE								26JUN96	3	96SEN/013/01394
48 HOUR CONTRIBUTION NOTICE								28JUN96	3	96SEN/013/01401
48 HOUR CONTRIBUTION NOTICE								17JUL96	2	96SEN/013/01458
48 HOUR CONTRIBUTION NOTICE								27JUL96	2	96SEN/013/01506
48 HOUR CONTRIBUTION NOTICE								8JUL96	2	96SEN/013/01683
48 HOUR CONTRIBUTION NOTICE								8JUL96	3	96SEN/013/01686
48 HOUR CONTRIBUTION NOTICE								8JUL96	3	96SEN/013/01690
48 HOUR CONTRIBUTION NOTICE								8JUL96	9	96SEN/013/01738
48 HOUR CONTRIBUTION NOTICE								22JUL96	3	96SEN/016/2171
48 HOUR CONTRIBUTION NOTICE								24JUL96	4	96SEN/016/3781
48 HOUR CONTRIBUTION NOTICE								25JUL96	4	96SEN/016/4151
48 HOUR CONTRIBUTION NOTICE								26JUL96	2	96SEN/016/4518
48 HOUR CONTRIBUTION NOTICE								29JUL96	3	96SEN/017/0102
48 HOUR CONTRIBUTION NOTICE								31JUL96	3	96SEN/017/01365
48 HOUR CONTRIBUTION NOTICE								1AUG96	4	96SEN/017/2492
48 HOUR CONTRIBUTION NOTICE								1AUG96	3	96SEN/017/2497
48 HOUR CONTRIBUTION NOTICE								2AUG96	3	96SEN/017/3267
STATEMENT OF ORGANIZATION - AMENDMENT								10SEP96	2	96SEN/019/3455
48 HOUR CONTRIBUTION NOTICE								17OCT96	3	96SEN/023/0461
48 HOUR CONTRIBUTION NOTICE								18OCT96	2	96SEN/023/0517
48 HOUR CONTRIBUTION NOTICE								22OCT96	5	96SEN/025/0716
48 HOUR CONTRIBUTION NOTICE								24OCT96	3	96SEN/025/2918
48 HOUR CONTRIBUTION NOTICE								24OCT96	4	96SEN/027/0708
48 HOUR CONTRIBUTION NOTICE								25OCT96	3	96SEN/027/2299
48 HOUR CONTRIBUTION NOTICE								27OCT96	2	96SEN/027/2933
48 HOUR CONTRIBUTION NOTICE								28OCT96	2	96SEN/027/3020
48 HOUR CONTRIBUTION NOTICE								29OCT96	3	96SEN/027/3372
48 HOUR CONTRIBUTION NOTICE								30OCT96	1	96SEN/027/3733

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1995-1996

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/ PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
		PRIMARY	GENERAL	PRIMARY	GENERAL			
48 HOUR CONTRIBUTION NOTICE						1NOV96	5	96SEN/028/0983
APRIL QUARTERLY		832,592		488,784		1JAN96 -31MAR96	149	96SEN/008/0729
APRIL QUARTERLY - AMENDMENT		832,592		488,783		1JAN96 -31MAR96	31	96SEN/020/1616
PRE-PRIMARY		1,240,922		1,021,273		1APR96 -19JUN96	284	96SEN/013/0403
PRE-PRIMARY - AMENDMENT		-		-		1APR96 -19JUN96	236	96SEN/018/0330
PRE-PRIMARY - AMENDMENT		1,240,922		1,021,556		1APR96 -19JUN96	47	96SEN/020/1647
1ST LETTER INFORMATIONAL NOTICE						1APR96 -19JUN96	2	96FEC/069/1319
JULY QUARTERLY			558,492		1,497,351	20JUN96 -30JUN96	49	96SEN/014/4496
JULY QUARTERLY - AMENDMENT			-		-	20JUN96 -30JUN96	6	96SEN/019/3449
JULY QUARTERLY - AMENDMENT			868,492		1,497,351	20JUN96 -30JUN96	21	96SEN/020/1694
REQUEST FOR ADDITIONAL INFORMATION						20JUN96 -30JUN96	2	96FEC/076/2973
REQUEST FOR ADDITIONAL INFORMATION 2ND						20JUN96 -30JUN96	2	96FEC/079/1083
PRE-RUN-OFF		847,363		910,035		1JUL96 -17JUL96	56	96SEN/016/3044
PRE-RUN-OFF - AMENDMENT		847,443		910,035		1JUL96 -17JUL96	16	96SEN/020/1715
PRE-RUN-OFF - AMENDMENT		-		-		1JUL96 -17JUL96	2	96SEN/027/2955
REQUEST FOR ADDITIONAL INFORMATION						1JUL96 -17JUL96	3	96FEC/078/1634
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JUL96 -17JUL96	2	96FEC/084/3684
OCTOBER QUARTERLY			2,167,934		1,800,365	18JUL96 -30SEP96	411	96SEN/021/1509
OCTOBER QUARTERLY - AMENDMENT			-		-	18JUL96 -30SEP96	11	97SEN/001/0964
REQUEST FOR ADDITIONAL INFORMATION						18JUL96 -30SEP96	15	96FEC/159/4107
REQUEST FOR ADDITIONAL INFORMATION 2ND						18JUL96 -30SEP96	10	97FEC/164/3323
PRE-GENERAL		1,311,766		1,660,271		1OCT96 -16OCT96	232	96SEN/025/3412
PRE-GENERAL - AMENDMENT		-		-		1OCT96 -16OCT96	11	97SEN/003/1314
REQUEST FOR ADDITIONAL INFORMATION						1OCT96 -16OCT96	15	96FEC/163/4255
REQUEST FOR ADDITIONAL INFORMATION 2ND						1OCT96 -16OCT96	16	97FEC/167/2525
POST-GENERAL		2,112,009		1,657,914		17OCT96 -25NOV96	134	96SEN/030/1411
POST-GENERAL - AMENDMENT		2,170,357		2,215,512		17OCT96 -25NOV96	141	97SEN/003/4241
REQUEST FOR ADDITIONAL INFORMATION						17OCT96 -25NOV96	14	97FEC/169/0896
REQUEST FOR ADDITIONAL INFORMATION 2ND						17OCT96 -25NOV96	7	97FEC/183/4583
YEAR-END		108,093		119,093		26NOV96 -31DEC96	49	97SEN/003/2224
YEAR-END - AMENDMENT		108,093		119,093		26NOV96 -31DEC96	4	97SEN/003/4237

TOTAL

3,290,460 6,626,642 2,566,363 7,292,592

2130 TOTAL PAGES

3. AUTHORIZED COMMITTEES

4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

All reports have been reviewed.

Cash on Hand as of 12/31/96: \$147.18

Debts and obligations owed to the Committee as of 12/31/96: \$0

Debts and obligations owed by the Committee as of 12/31/96: \$6,340,850.00

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

September 30, 1996

1996 GENERAL ELECTION CANDIDATE COMMITTEES

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Pre-General	10/01/96 - 10/16/96	10/21/96	10/24/96
	----48 Hour Notices----		
Post-General	10/17/96 - 11/25/96	12/05/96	12/05/96

WHO MUST FILE

All 1996 general election principal campaign committees of congressional candidates (including unopposed candidates) who seek election in the November 5, 1996, 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 32 and attach the report(s) of the authorized committee(s).

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of loans to the candidate or committee) of \$1,000 or more, during the period October 17 through November 2.

The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s). U.S. House candidates faxing 48-hour notices should transmit them to the FEC at 202/219-0174. Senate candidates should transmit them to the Secretary of the Senate at 202/224-1851. Note that 48-hour notices are the only FEC documents that may be faxed.

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 of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.

*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered and, if applicable, before the individual became a candidate.

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

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

2701-8441-0

SCHEDULE A ITEMIZED RECEIPTS
 Loans Made or Guaranteed by the Committee

PAGE 1 OF
FOR LINE NUMBER 13(a)
NAME OF COMMITTEE (In Full)
 Milner for U S Senate C00308700

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

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
Mr. Guy W. Milner 3640 Tuxedo Road, NW Atlanta, GA 30305 Receipt for [X] General 1996	Norrell Corporation Chairman	10/17/96	\$600000.00
Aggregate YTD > \$4655850.00			
Mr. Guy W. Milner 3640 Tuxedo Road, NW Atlanta, GA 30305 Receipt for [X] General 1996	Norrell Corporation Chairman	10/23/96	\$80000.00
Aggregate YTD > \$4723850.00			
Mr. Guy W. Milner 3640 Tuxedo Road, NW Atlanta, GA 30305 Receipt for [X] General 1996	Norrell Corporation Chairman	10/25/96	\$676000.00
Aggregate YTD > \$5399850.00			
Mr. Guy W. Milner 3640 Tuxedo Road, NW Atlanta, GA 30305 Receipt for [X] General 1996	Norrell Corporation Chairman	10/31/96	\$213000.00
Aggregate YTD > \$5612850.00			
Mr. Guy W. Milner 3640 Tuxedo Road, NW Atlanta, GA 30305 Receipt for [X] General 1996	Norrell Corporation Chairman	11/08/96	\$250000.00
Aggregate YTD > \$5862850.00			
Mr. Guy W. Milner 3640 Tuxedo Road, NW Atlanta, GA 30305 Receipt for [X] General 1996	Norrell Corporation Chairman	11/21/96	\$18000.00
Aggregate YTD > \$5880850.00			
SUBTOTAL of Receipts This Page			> \$1725000.00
TOTAL This Period			> \$1725000.00

SCHEDULE C

Federal Election Commission

LOANS

Page: 14 OF

Line Number

NAME OF COMMITTEE (In full)
 Milner for U.S. Senate C00306790

NAME OF LOAN SOURCE (OR RECIPIENT)	ORIGINAL AMOUNT	CUMULATIVE	BALANCE
OF LOAN	PAYMENT TO DATE	OUTSTANDING	
Mr. Guy W. Milner 3840 Tusado Road, NW	\$ 213000.00	\$ 0.00	\$ 213000.00

Atlanta, GA 30306
 Election: [X] General 1996

DATE INCURRED	DATE DUE	INTEREST RATE (Year)	SECURED
TERMS > 10/31/96	DEMAND	[X] YES	[] NO

LIST ALL ENDORSERS OR GUARANTORS (if any)

SUBTOTALS THIS PERIOD THIS PAGE \$ 213000.00

TOTALS THIS PERIOD (last page)

96020301534



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

R. Charles Loudermilk Sr., Treasurer
Guy Millner for U.S. Senate
1730 Northeast Expressway
Atlanta, GA 30329

JAN 22 1997

Identification Number: C00308700

Reference: 30 Day Post-General Report (10/17/96-11/25/96)

Dear Mr. Loudermilk:

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:

-When a committee reports receiving a loan from the candidate, it is necessary to clarify whether or not the candidate used personal funds or borrowed the money from a lending institution or some other source. If the candidate borrowed funds from a lending institution, or other source, please provide the name of the lending institution and the complete terms of the loan. Additionally, for loans from a lending institution, you must file an FEC FORM C-1 (copy attached) and a copy of the loan agreement. If the loan(s) was from personal funds, please acknowledge that fact in an amendment to this report. It is important to note that "personal funds" is strictly defined by Commission Regulations. See 11 CFR §110.10. (11 CFR §§100.7(a)(1) and 104.3(d))

-Schedule A of your report discloses contributions which appear to exceed the limits set forth in the Act. Copies of some, but not all, of the apparent excessive contributions are attached for your information. You should conduct a review of all of your contributions to determine the rest of the excessives that your committee may have received. As you check for additional excessives, you should review the committee's procedures for handling the receipt of contributions.

An individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$1,000 per election. A qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$5,000

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GUY MILLNER FOR U.S. SENATE
PAGE 2

per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. §441a(a) and (f); 11 CFR §110.1(b), (e) and (k))

Should your review determine that contributions were not completely or correctly reported, you should amend your original report using the correct information. If the contributions exceed the limits, you should either refund to the donor the amount in excess or get the donor to redesignate and/or reattribute the excessive amount in writing. All refunds, redesignations, and reattributions must be made within sixty days of receipt of the contribution. Copies of refund checks and copies of letters reattributing or redesignating the contributions in question may be used to respond to this letter. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR §104.3(d)(2), (3) and (4))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund or seek redesignation and/or reattribution of the excessive amount will be considered.

-You should provide a total on Line 10 of the Summary Page that discloses all outstanding debts and obligations owed by your committee.

-Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for Line(s) 6(c), 7(c), 11(a)(iii), 11(e), 16, 17 and 22 and any subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the year-to-date totals for the calendar year 1996.

-Please provide a Schedule A to support the total amount reported on Line 11(c) of the Detailed Summary Page. All committees which make contributions to your committee must be itemized on Schedule A, regardless of the amount contributed. (11 CFR §104.3(a)(4)(ii))

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GUY MILLNER FOR SENATE
PAGE 3

-All contributions received by your committee from 10/17/96 through 11/25/96 are required to be disclosed on this report. Your committee filed 48 hour notices reporting the following "last minute" contributions:

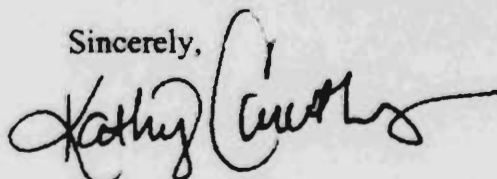
<u>Contributor</u>	<u>Date</u>	<u>Amount</u>
American Medical PAC	10/22/96	\$5,000
American Pharmaceutical Assoc. PAC	10/22/96	\$2,000
American Bankers Association BANKPAC	11/1/96	\$2,500
ELECT-PAC of Alabama Farmers Federation	10/22/96	\$1,000
Alltel Corporation PAC	10/22/96	\$1,000
AICPA Effective Legislation	10/17/96	\$5,000
James A. Hammack	10/22/96	\$1,000

These contributions do not appear on Schedule A of this report. Please amend your report to include these contributions or provide an explanation of these apparent discrepancies.

KEC
-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))

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 within fifteen (15) days of the date of this letter. 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,



Kathy Carothers
Reports Analyst
Reports Analysis Division

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

JUN 11 4 11 PM '97

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 97L-04
DATE ACTIVATED: APRIL 29, 1997

STAFF MEMBER: Lawrence Calvert
Cinett Short

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Guy Millner for U.S. Senate, Inc. and
R. Charles Loudermilk, Sr., as Treasurer

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

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on April 17, 1997. The basis for the referral is the failure of Guy Millner for U.S. Senate, Inc. ("Committee") and R. Charles Loudermilk, Sr., as treasurer, to file one forty-eight hour notification ("48 Hour Notice") for a candidate loan contribution totaling \$213,000. The candidate, Guy Millner, lost the 1996 General Election in Georgia's Senate race, receiving forty-seven percent (47%) of the vote.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends the Commission find reason to believe the respondents violated 2 U.S.C. § 434(a)(6)(A).

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III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

In addition to the reason to believe recommendation, this Office recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement

IV. RECOMMENDATIONS

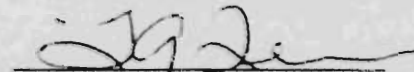
1. Open a MUR.
2. Find reason to believe that Guy Millner for U.S. Senate, Inc. and R. Charles Loudermilk, Sr., as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date

6/10/97

BY:



Lois G. Lerner
Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed Conciliation Agreement

97043844177

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Guy Millner for U.S. Senate, Inc.
and R. Charles Loudermilk, Sr., as
Treasurer.

)
)
) RAD Referral
) #97L-04
)

(4645)

CORRECTED CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 17, 1997, the Commission decided by a vote of 4-0 to take the following actions in RAD Referral #97L-04:

1. Open a MUR.
2. Find reason to believe that Guy Millner for U.S. Senate, Inc. and R. Charles Loudermilk, Sr., 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 Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated June 10, 1997.

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

Attest:

6-19-97
Date

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

Received in the Secretariat: Wed., June 11, 1997 4:40 p.m.
Circulated to the Commission: Thurs., June 12, 1997 11:00 a.m.
Deadline for vote: Tues., June 17, 1997 4:00 p.m.

lrd

27043844178



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 27, 1997

R. Charles Loudermilk Sr., Treasurer
Guy Millner for U.S. Senate, Inc.
1730 Northeast Expressway
Atlanta, GA 30329

RE MUR 4645
Guy Millner for U.S. Senate, Inc.
and R. Charles Loudermilk, Sr.
as treasurer

Dear Mr. Loudermilk:

On June 18, 1997, the Federal Election Commission found that there is reason to believe Guy Millner for U.S. Senate, Inc. ("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 be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

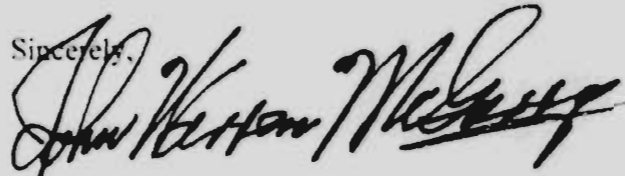
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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other 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 Clinett Short, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Chairman

Enclosures

Factual and Legal Analysis

Procedures

Designation of Counsel Form

Conciliation Agreement

97043844180

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Guy Millner for U.S. Senate, Inc. and MUR: 4645
R. Charles Loudermilk, Sr., as Treasurer

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).

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 or the Commission, as appropriate, and the Secretary of State of the appropriate 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. The General Election in the state of Georgia was held on November 5, 1996. Pursuant to the Act, the Respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from October 17, 1996 to November 2, 1996, within 48 hours of their receipt. The Committee did not submit a 48 Hour Notice

97043844181

for the \$213,000 candidate loan contribution received on October 31, 1996. Instead, the contribution was reported on Schedules A and C of the 1996 30 Day Post-General report, with the candidate, Guy W. Millner, listed as the maker of a \$213,000 loan to the Committee.

Therefore, there is reason to believe that Guy Millner for U.S. Senate, Inc. and S. Charles Loudermiik, Sr., as treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to report campaign contributions 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.

27043844182

GUY W. MILLNER
3535 PIEDMONT ROAD, N.E.
ATLANTA, GEORGIA 30305
(404) 240-3140

July 21, 1997

Mr. John Warren McGarry, Chairman
Attention Ms. Clinett Short
Federal Election Commission
Washington, DC 20643
Via facsimile 202/219-3923

Dear Ms. Short,

Re MUR 4645
Guy Millner for U.S. Senate, Inc.

This letter is to report an address change. Reference is made to the Chairman's letter dated June 27 under the above subject. Since this was sent to the campaign office which was closed last November, this letter was not received in our office until Friday, July 18. Please note that the address for the Guy Millner for U.S. Senate Campaign is:

3535 Piedmont Road, N.E.
Suite 440,
Atlanta, Georgia 30305

This change of address was sent previously to the Commission (see letter of Kathy Carothers dated January 20, 1997) and we have been receiving mail addressed to this office. Thank you for changing your records accordingly.

Should you have any questions, please call me at 404/240-3109.

Sincerely yours,



Arina Meeuwsen
Secretary to Guy Millner

Enclosure

/ajm

JUL 21 1 12 PM '97

FEDERAL ELECTION
COMMISSION
OFFICE - ATLANTA

27043844133

GUY W. MILLNER3535 PIEDMONT ROAD, N.E.
ATLANTA, GEORGIA 30305

January 20, 1997

Kathy Carothers
Federal Election Commission
Reports Analyst Division
Reports Analyst

Reference: October Quarterly Report (7/18/96-9/30/96)

Dear Kathy,

First allow me to apologize for the lateness of this response. Shortly after the November elections, our offices were moved from their original headquarters. Because of this change in address, we have received the bulk of our mail several weeks after it was actually mailed.

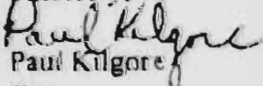
I am writing in response to the Commission's letter concerning the above referenced report. The Commission expresses concern about excessive contributions. The Commission noted that our committee had requested the redesignations and/or reattributions. At the time of this report some of these requests simply had not been returned.

Our committee is aware of the limits that apply to both individuals and to political action committees. We are also aware of the time limits that exist in regards to redesignations, reattributions, and refunds.

In regards to the inquiry from the Commission, I have attached copies of redesignation or reattribution letters for the contributions specifically noted. Among the noted are two contributions for which we did not receive the allocation letters back within the specified time frame. We realize that we should have refunded the excess portions of these contributions within sixty days. This dead line fell after the election and during our period of physically moving our offices, and was therefore overlooked by our clerical staff. We appreciate the Commission bringing this oversight to our attention, and in our efforts to comply with all federal regulations, we have refunded the excess portions to our contributors. Attached are the copies of these refund checks.

For your records, the official address for Guy Millner for U.S. Senate is
3535 Piedmont Road
Suite 440
Atlanta, Ga. 30305

Sincerely,


Paul Kilgore
Finance

9704384134

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF THE CLERK

STATEMENT OF DESIGNATION OF COUNSEL

AUG 12 5 28 PM '97

NR 4645

NAME OF COUNSEL:

Kenneth A. Gross

ADDRESS:

Skadden Corp

1470 N.Y. Ave.

WDC 20005

TELEPHONE:

(202) 371-7000

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.

7-31-97

Date

R. Charles Loudermilk Sr.
Signature

RESPONDENT'S NAME:

Guy Millner for U.S. Senate, Inc.

ADDRESS:

and R. Charles Loudermilk, Sr.

1730 Northeast Expressway

Atlanta, Ga. 30528

HOME PHONE:

BUSINESS PHONE:

(404) 433-8443

97043844105

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2111

TEL (202) 371-7000
FAX (202) 393-5760

DIRECT DIAL
(202) 371-7007
DIRECT FAX
(202) 371-7956

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FRANKFURT
HONG KONG
LONDON
MOSCOW
PARIS
SINGAPORE
SYDNEY
TOKYO
TORONTO

August 19, 1997

VIA HAND DELIVERY

Lawrence M. Noble, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Attn: Clinett Short, Esq.

Re: MUR 4645 - Guy Millner for U.S.
Senate, Inc. and R. Charles
Loudermilk, Sr., as Treasurer

Dear Mr. Noble:

This is in response to a letter, dated June 27, 1997, notifying Guy Millner for U.S. Senate, Inc. ("Campaign") and R. Charles Loudermilk, Sr., as Treasurer, of the Federal Election Commission's ("Commission's" or "FEC's") reason to believe finding against them. The Commission in that letter also offers to enter into pre-probable cause conciliation

The Commission found reason to believe that respondents failed to file a 48 hour report for a \$213,000 loan that Guy Millner made to his Campaign on October 31, 1996. This loan is a small fraction of the \$6,364,850 that Mr. Millner spent on his own Campaign. It is also a small portion of the amount of contributions for which the Campaign properly filed 48 hour reports. Indeed, the Campaign reported in its 48 hour reports a total of \$2,441,950 in contributions, \$2,044,000 of which were contributions/loans from Mr. Millner. The amount in violation pales in comparison to the amount that was properly reported.

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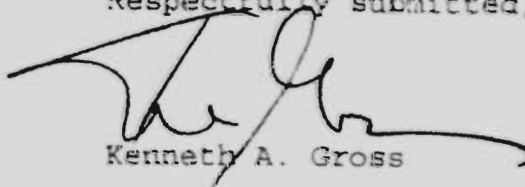
Lawrence M. Noble, Esq.
August 19, 1997
Page 2

Moreover, the purpose behind the 48 hour reporting requirement, i.e., disclosure, was satisfied in this case. In debating this requirement, it was made clear that the main purpose of the provision is the "full disclosure [of contributions] before election day." 120 Cong. Rec. S4801 (March 29, 1974) (statement of Sen. Cannon). Mr. Millner disclosed through extensive media coverage that he was going to finance most of his Campaign. The Georgia electorate had the news reports well before the date of the election, and any assessment the people of Georgia wished to make based on the financing of the Campaign was reported and well known prior to the election.

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Lawrence M. Noble, Esq.
August 19, 1997
Page 3

Respectfully submitted,



Kenneth A. Gross

97043844188

BEFORE THE FEDERAL ELECTION COMMISSION

Oct 7 11 25 AM '97

In the Matter of)

MUR 4645

SENSITIVE

Guy Millner for U.S. Senate, Inc. and)

R. Charles Loudermilk, Sr., as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 18, 1997, the Commission found reason to believe Guy Millner for U.S. Senate, Inc. and R. Charles Loudermilk, Sr., as treasurer, had violated 2 U.S.C. § 434(a)(6)(A) by failing to report a campaign contribution of \$213,000 received from the candidate, Guy Millner, after the 20th day, but more than 48 hours before the general election, within 48 hours of receipt of the contribution. At that time, the Commission offered to enter into pre-probable cause conciliation with the Respondents and approved a conciliation agreement

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The attached conciliation agreement has been signed by counsel for respondents. This Office recommends that the Commission accept the attached conciliation agreement with Guy Millner for U.S. Senate, Inc. and R. Charles Loudermilk, Sr., as treasurer, and close the file in this matter. A check for the civil penalty has not yet been received.

II. RECOMMENDATIONS

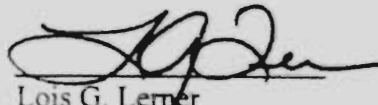
1. Accept the attached conciliation agreement with Guy Millner for U.S. Senate, Inc. and R. Charles Loudermilk, Sr., as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

10/6/91

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement

Staff Assigned: Lawrence Calvert
Clinett Short

97043844190

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Guy Millner for U.S. Senate, Inc. and) MUR 4645
R. Charles Loudermilk, Sr., as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 9, 1997, the Commission decided by a vote of 5-0 to take the following actions in MUR 4645:

1. Accept the conciliation agreement with Guy Millner for U.S. Senate, Inc. and R. Charles Loudermilk, Sr., as treasurer, as recommended in the General Counsel's Report dated October 10, 1997.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated October 10, 1997.

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

Attest:

10-10-97
Date

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

Received in the Secretariat: Tues., Oct. 07, 1997 11:13 a.m.
Circulated to the Commission: Tues., Oct. 07, 1997 4:00 p.m.
Deadline for vote: Fri., Oct. 10, 1997 4:00 p.m.

lrd

97043844191



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 17, 1997

Kenneth A. Gross, Esquire
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, D.C. 20006

RE: MUR 4645

Guy Millner for U.S. Senate, Inc. and
R. Charles Loudermilk, Sr. as treasurer

Dear Mr. Gross:

On October 10, 1997, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf 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 respondent 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.

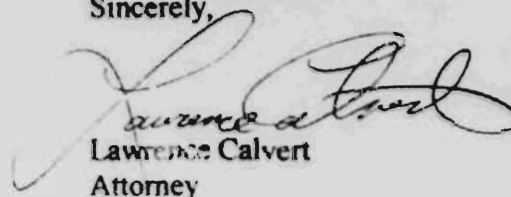
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Kenneth A. Gross, Esquire

Page 2

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3690.

Sincerely,



Lawrence Calvert
Attorney

Enclosure
Conciliation Agreement

97043844193

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
) MUR: 4645
)
Guy Millner for U.S.)
Senate, Inc. and)
R. Charles Loudermilk, Sr.)
as treasurer)

Oct 3 5 09 PM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF THE CLERK

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 Guy Millner for U.S. Senate, Inc. and R. Charles Loudermilk, Sr., 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 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).

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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:

1. Guy Millner for U.S. Senate, Inc. is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee for Guy Millner's 1996 senatorial campaign.

2. R. Charles Loudermilk, Sr. is the treasurer of Guy Millner for U.S. Senate, Inc.

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 or the Commission, as appropriate, and the Secretary of State of the appropriate 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

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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.

5. On October 31, 1996, the Respondents received one contribution of \$1,000 or more in the form of a loan totaling \$213,000.

6. The contribution was reported on Schedules A and C of the 1996 30 Day Post General Report, with the candidate, Guy Millner, listed as the sole maker of a \$213,000 loan to the Committee.

7. It is the Respondents' contention that as a result of a bookkeeping error the Respondents inadvertently did not submit a 48 Hour Notice for this contribution.

V. Respondents failed to report a campaign contribution of \$213,000 received from the candidate, Guy Millner, 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 twenty one thousand dollars (\$21,000), 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.

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X. 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.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Date

10/16/97

FOR THE RESPONDENTS:


Kenneth A. Gross

Date

9/23/97



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4645

DATE FILMED 10-27-57 CAMERA NO. 2

CAMERAMAN Jm L

97043844199



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 5/4/98

✓ Microfilm

 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4645

9804300336

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005-2111

TEL: (202) 371-7000

FAX: (202) 393-5760

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DIRECT DIAL
(202) 371-7007
DIRECT FAX
(202) 371-7956

November 12, 1997

HAND DELIVERY

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

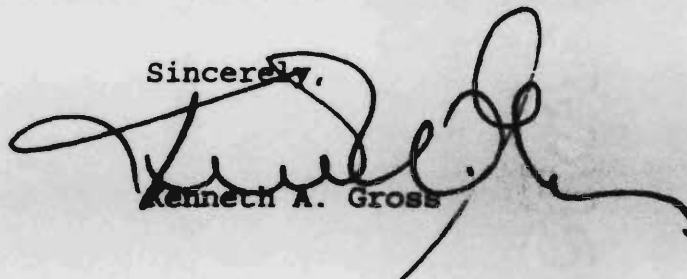
Re: MUR 4645: Guy Millner for U.S.
Senate, Inc. and R. Charles
Loudermilk, Sr. as treasurer

RECEIVED
FEDERAL ELECTION
COMMISSION
ACCOUNTING OFFICE
NOV 13 9 53 AM '97

Dear Larry:

Enclosed is a check for \$21,000 in payment of
the civil penalty in the above mentioned MUR.

Sincerely,



Kenneth A. Gross

Enclosure

GUY W. MILLNER OR
VIRGINIA WRIGHT MILLNER
3640 TUXEDO ROAD
ATLANTA, GA 30305

Bank of America
Trust Department
Atlanta, Georgia
30305

11975

PAY TWENTY-ONE THOUSAND AND 00/100 DOLLARS

10/23/1997 *****\$21,000.00

TO THE
ORDER
OF

FEDERAL ELECTION COMMISSION

Wood Polk Lodge

⑈011975⑈ ⑆0610001040 ⑆11975⑈

Trans. Date	Reference	Gross Amount	Deduction	Net Amount
10/23/1997	102397	21000.00	.00	21000.00

Check Date	Check No.	Total Gross	Total Ded.	Check Amount
10/23/1997	0011975	21000.00	.00	21000.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

November 13, 1997

file
16, 14, 84, 6, 11, 10, 11

TWO WAY MEMORANDUM

TO: OGC Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from **Guy Millner for U.S. Senate**, check number **11975**, dated **October 23, 1997**, for the amount of **\$21,000.00**. A copy of the check and any correspondence is being forwarded. Please indicate below which account the funds should be deposited and give the MUR/Case number and name associated with the deposit.

=====

TO: Rosa E. Swinton *RES* Leslie D. Brown
Accounting Technician Disbursing Technician

FROM: OGC Docket

SUBJECT: Disposition of Funds Received

In reference to the above check in the amount of \$21,000.00, the MUR/Case number is 4645 and in the name of Guy Millner for U.S. Senate. Place this deposit in the account indicated below:

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

Frankie Hampton
Signature

November 14, 1997
Date