

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of

C. Boyden Gray

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)

MUR 4758

GENERAL COUNSEL'S REPORT

I. DISCUSSION

On March 5, 1999, the Commission found, *inter alia*, reason to believe C. Boyden Gray violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) with respect to his contributions to various candidate committees and to his aggregate contributions for the years 1994 through 1998, respectively. According to this Office's calculations, despite Mr. Gray's efforts to correct the excessive contributions at issue, two excessive candidate committee contributions totaling \$1,500 remained uncorrected. Similarly, Respondent's total contributions for the years 1994 and 1998 appeared to remain in excess of the \$25,000 yearly limit by \$398 for 1994 and \$600 for 1998.

Accordingly, Respondent was provided the opportunity to either correct the remaining violations or demonstrate that no corrections were necessary. Respondent has now done so. In discussions with this Office and in his most recent response, counsel for Mr. Gray has satisfactorily demonstrated that his client has brought himself into compliance with the Act. Regarding the \$1,500 in excessive candidate contributions, counsel has demonstrated that as to one candidate committee Mr. Gray has taken all reasonable steps to obtain a refund of his \$500 excessive contribution, but that, because of the committee's insolvency, he has been unsuccessful in obtaining the refund. *See*

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Attached Response. Concerning the second excessive candidate contribution totaling \$1,000, Mr. Gray has now obtained a full refund of this contribution. *Id.*

Concerning the 1994 and 1998 \$25,000 yearly limit, Mr. Gray has demonstrated that his initial corrective efforts did bring him into compliance with the Act. Mr. Gray has demonstrated that a \$500 contribution attributed by this Office to the 1994 election cycle was in fact for a 1993 special election. Accordingly, Mr. Gray's aggregate 1994 contributions stand at \$24,898 – within the proscribed limit. Respondent has additionally demonstrated that three contributions attributed by this Office to the 1998 election were for elections scheduled in either 2000 or 2002. Accordingly, Mr. Gray's total contributions for 1998 stand at \$23,100.

Because Respondent appears to be in substantial compliance with the Act, and to have taken all reasonable steps to correct the one remaining excessive contribution, this Office recommends that the Commission take no further action concerning C. Boyden Gray and close the file in this matter.


II. RECOMMENDATIONS

1. Take no further action against C. Boyden Gray in MUR 4884.
2. Close the entire file in MUR 4884.
3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

5/28/99
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachment

Response dated May 20, 1999

Staff Assigned: J. M. Rodriguez