

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

# Massachusetts Republican Party



Jean Inman  
Chairman

AUG 31 10 22 AM '98

617-357-1998  
800-622-VOTE  
617-357-1975 FAX  
<http://www.massgop.com>

21 Milk Street • Boston, Massachusetts • 02109

In the Matter of:

The John Tierney for Congress Committee

MUR No.: 4803

## COMPLAINT

Pursuant to 2 U.S.C. 437g, and upon information and belief, the Massachusetts Republican Party ("MRP") brings this complaint to the Federal Election Commission ("the Commission") regarding possible violation of Commission regulations at 11 C.F.R. 116.2(c)(2), by the John Tierney for Congress Committee ("Tierney for Congress"). Based upon publicly available Federal Election Commission reports submitted by Tierney for Congress, there is reason to believe that Tierney for Congress has violated 11 C.F.R. 116.2(c)(2) by transferring funds to another committee authorized by the candidate while Tierney for Congress had outstanding debts.

## Statement of Facts

According to Tierney for Congress's April 15, 1996 Quarterly Report of Receipts and Disbursements on Schedule B page 1 of 1, Tierney for Congress transferred \$90,976.63 to the John Tierney for Congress '96 committee ("Tierney '96"). This transfer left Tierney for Congress with a balance of cash on hand at \$0.00, and a balance of outstanding debts and liabilities at \$98,060.31. As of the January 31, 1998 Year End Report of Receipts and Disbursements Tierney for Congress had \$0.00 cash on hand, and their net contributions and expenditures for this period were each \$0.00. However, based on the 1998 Year End Report of Receipts and Disbursements Tierney for Congress still retained a balance of \$98,060.31 for outstanding debts and liabilities.

## Legal Analysis

**There Is Reason To Believe That Tierney For Congress Has Violated Commission Regulations By Transferring Funds To Another Committee Of The Same Candidate While Leaving Net Debts Outstanding.**

Commission regulations strictly limit transfers of excess campaign funds between authorized committees of the same candidate. Such transfers are permissible only if the committee making the transfer has no net debts outstanding at the time of the transfer. See 11 C.F.R. 116.2(c)(1) and (2).

Based on the Tierney for Congress FEC reports there is reason to believe that the transferring committee, Tierney for Congress, had substantial debts at the time it transferred campaign funds to the receiving committee, Tierney '96. Therefore, based on FEC reports and the information publicly available there is reason to believe that this transfer of funds between Tierney for Congress and Tierney '96 is unlawful under Commission regulations.

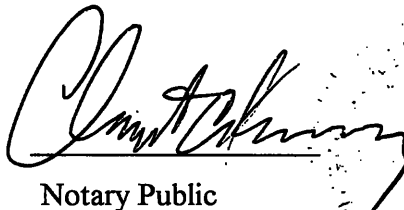
### Conclusion

Based upon information and belief as delineated above, the MRP requests that the Commission find that the John Tierney for Congress Committee and the John Tierney for Congress '96 committee violated Commission regulations and take appropriate action to prevent this on-going violation from continuing.

Respectfully Submitted,

  
Marc DeCoursey  
Executive Director

Sworn and subscribed to in Boston, MA by the said Marc DeCoursey on the 25<sup>th</sup> day of August.

  
Notary Public

My commission expires MAY 10, 2002

# REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee  
 (Summary Page)

FEC FILING LABEL OR PRINT

1. NAME OF COMMITTEE (in full) The John Tierney for Congress Committee		2. FEC IDENTIFICATION NUMBER C0203283
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. 133 Washington Street		
CITY, STATE and ZIP CODE Salem, Massachusetts 01970	STATE/DISTRICT MA/Sixth	3. IS THIS REPORT AN AMENDMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

## 4. TYPE OF REPORT

☒ April 15 Quarterly Report ☐ Twelfth day report preceding \_\_\_\_\_ (Type of Election)  
 election on \_\_\_\_\_ in the State of \_\_\_\_\_  
☐ July 15 Quarterly Report  
☐ October 15 Quarterly Report ☐ Thirtieth day report following the General Election on \_\_\_\_\_  
 in the State of \_\_\_\_\_  
☐ January 31 Year End Report  
☐ July 31 Mid-Year Report (Non-election Year Only) ☐ Termination Report

This report contains activity for ☒ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

## SUMMARY

5. Covering Period <u>1/1/96</u> through <u>3/31/96</u>	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e)) . . . . .	67361.24	67361.24
(b) Total Contribution Refunds (from Line 20(d)) . . . . .	-0-	-0-
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a)) . . . . .	67361.24	67361.24
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17) . . . . .	22612.84	22612.84
(b) Total Offsets to Operating Expenditures (from Line 14) . . . . .	-0-	-0-
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a)) . . . . .	22612.84	22612.84
8. Cash on Hand at Close of Reporting Period (from Line 27) . . . . .	-0-	
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D) . . . . .	-0-	
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D) . . . . .	98060.31	

For further information contact:  
 Federal Election Commission  
 999 E. Street, NW  
 Washington, DC 20463  
 Toll Free 800-424-9530  
 Local 202-218-3420

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Roy F. Gelineau, Jr.	Date 12/4/96
Signature of Treasurer <i>Roy F. Gelineau, Jr.</i>	

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

FEC FORM 3  
 (revised 4/87)

First Page	Previous Page	Goto Page #	Next Page	Last Page
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**TO REPORTS INDEX NEW SEARCH NEW ADVANCED SEARCH**

**DETAILED SUMMARY PAGE**  
of Receipts and Disbursements  
(Page 2, FEC FORM 3)

Name of Committee (in full) The John Warner for Congress Committee		Report Covering the Period: From: 1/1/96 To: 3/31/96	
<b>I. RECEIPTS</b>		<b>COLUMN A</b> Total This Period	<b>COLUMN B</b> Calendar Year-To-Date
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (Use Schedule A) . . . . .		34781.24	11440
(ii) Unitemized . . . . .		20680.00	11440
(iii) Total of contributions from individuals . . . . .		55461.24	11440
(b) Political Party Committees . . . . .		-0-	1140
(c) Other Political Committees (such as PACs) . . . . .		11900.00	1140
(d) The Candidate . . . . .		-0-	1140
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(i), (b), (c) and (d)) . . . . .		67361.24	1140
<b>12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES . . . . .</b>		-0-	12
<b>13. LOANS:</b>			
(a) Made or Guaranteed by the Candidate . . . . .		-0-	1340
(b) All Other Loans . . . . .		-0-	1340
(c) TOTAL LOANS (add 13(a) and (b)) . . . . .		-0-	1340
<b>14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) . . . . .</b>		-0-	14
<b>15. OTHER RECEIPTS (Dividends, Interest, etc.) . . . . .</b>		111.09	15
<b>16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15) . . . . .</b>		67472.33	16
<b>II. DISBURSEMENTS</b>			
<b>17. OPERATING EXPENDITURES . . . . .</b>		22612.84	17
<b>18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES . . . . .</b>		90976.63	18
<b>19. LOAN REPAYMENTS:</b>			
(a) Of Loans Made or Guaranteed by the Candidate . . . . .		-0-	1940
(b) Of All Other Loans . . . . .		-0-	1940
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b)) . . . . .		-0-	1940
<b>20. REFUNDS OF CONTRIBUTIONS TO:</b>			
(a) Individuals/Persons Other than Political Committees . . . . .		-0-	2040
(b) Political Party Committees . . . . .		-0-	2040
(c) Other Political Committees (such as PACs) . . . . .		-0-	2040
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c)) . . . . .		-0-	2040
<b>21. OTHER DISBURSEMENTS . . . . .</b>		-0-	21
<b>22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21) . . . . .</b>		113589.47	22
<b>III. CASH SUMMARY</b>			
<b>23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD . . . . .</b>		\$	46117.14 23
<b>24. TOTAL RECEIPTS THIS PERIOD (from Line 16) . . . . .</b>		\$	67472.33 24
<b>25. SUBTOTAL (add Line 23 and Line 24) . . . . .</b>		\$	113589.47 25
<b>26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22) . . . . .</b>		\$	113589.47 26
<b>27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25) . . . . .</b>		\$	-0- 27

First Page

Previous Page

Goto Page #

Next Page

Last Page

TO REPORTS INDEX NEW SEARCH NEW ADVANCED SEARCH

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

Use separate schedule for each category of the Detailed Summary Page	PAGE 1	OF 1
FOR LINE NUMBER 18		

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

NAME OF COMMITTEE (in full)

The John Tierney for Congress Committee

FEC ID No. C00283283

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement (in full)
John Tierney for Congress '96 133 Washington Street Salem, MA 01970	Transfer funds Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3/31/96	90976.63
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement (in full)
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement (in full)
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement (in full)
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement (in full)
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement (in full)
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement (in full)
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement (in full)
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement (in full)

SUBTOTAL of Disbursements This Page (optional)

90976.63

TOTAL This Period (last page (this line number only).

90976.63

**REPORT OF RECEIPTS AND DISBURSEMENTS**  
For An Authorized Committee  
(Summary Page)

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
PUBLIC DISCLOSURE  
DIVISION  
Jul 21 2 40 PM '99

1. NAME OF COMMITTEE (in full) The John Tierney for Congress Committee		2. FEC IDENTIFICATION NUMBER C00283283
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. 153 Washington Street		
CITY, STATE and ZIP CODE Salem, MA	STATE/DISTRICT MA/51st	

3. IS THIS REPORT AN AMENDMENT?  
☐ YES ☒ NO

**4. TYPE OF REPORT**

<input type="checkbox"/> April 15 Quarterly Report	<input type="checkbox"/> Twelfth day report preceding _____ (Type of Election)
<input checked="" type="checkbox"/> July 15 Quarterly Report	election on _____ in the State of _____
<input type="checkbox"/> October 15 Quarterly Report	<input type="checkbox"/> Thirtieth day report following the General Election on _____
<input type="checkbox"/> January 31 Year End Report	_____ in the State of _____
<input type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only)	<input type="checkbox"/> Termination Report

This report contains activity for ☒ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

**SUMMARY**

5. Covering Period	COLUMN A	COLUMN B
4/1/98 through 5/30/98	This Period	Calendar Year-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e)) . . . . .	-0-	-0-
(b) Total Contribution Refunds (from Line 20(d)) . . . . .	-0-	-0-
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a)) . . . . .	-0-	-0-
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17) . . . . .	-0-	-0-
(b) Total Offsets to Operating Expenditures (from Line 14) . . . . .	-0-	-0-
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a)) . . . . .	-0-	-0-
8. Cash on Hand at Close of Reporting Period (from Line 27) . . . . .	-0-	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) . . . . .	-0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) . . . . .	98061.31	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Roy F. Gelineau, Jr.	For further information contact: Federal Election Commission 989 E. Street NW Washington, DC 20463 Toll Free 800-424-9590 Local 202-218-3420
Signature of Treasurer <i>Roy F. Gelineau, Jr.</i>	
Date 7/15/98	

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FEC FORM 3