

7904000111



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20461

THIS IS THE END OF TCR # 628

Date Filmed 2/8/79 Camera No. --- 2

Cameraman BPC

79040107002

FEDERAL ELECTION COMMISSION

Report of the Audit Division
on the 1970 Census
for Congress Committee

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| ☐ (1) Classified Information | ☐ (6) Personal privacy |
| ☐ (2) Internal rules and practices | ☒ (7) Investigatory files |
| ☐ (3) Exempted by other statute | ☐ (8) Banking Information |
| ☐ (4) Trade secrets and commercial or financial information | ☐ (9) Well Information (geographic or geophysical) |
| ☒ (5) Internal Documents | |

Signed

C. Douglas L. L. L.

date

1-25-79

FEC 9-21-77



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

December 18, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jerry Harkins
Box 866
Beattendorf, Iowa 52722

MUR 628 (78)

Dear Mr. Harkins:

On December 14, 1978, the Commission voted to accept the terms set forth in the Conciliation Agreement of MUR 628(78). A copy of the Commission's determination and of the Conciliation Agreement is enclosed for your records.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,,

A handwritten signature in dark ink, appearing to read "W. C. Oldaker", is written over the typed name and title.

William C. Oldaker
General Counsel

enclosures:

Commission's Certification
Conciliation Agreement

cc: David G. Crane
Marion Edwyn Harrison

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jerry Macklin
Box 866
Spartanburg, Iowa 52722

MUR 628 (78)

Dear Mr. Macklin:

On December 1978, the Commission voted to accept the terms set forth in the Conciliation Agreement of MUR 628(78). A copy of the Commission's determination and of the Conciliation Agreement is enclosed for your records.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

William C. Ooster
General Counsel

enclosures:
Commission's Certification
Conciliation Agreement

cc: David G. Crans
Marion Edeyn Harrison

[Handwritten signature]

007777

Edwards 600-5813

RECEIVED
FEDERAL ELECTION
COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Jerry Harkins

)
)
)

78 NOV 13 PM 2:46
MUR 628 (78)

Conciliation Agreement

This matter having been initiated by the Commission in the ordinary course of carrying out its supervisory responsibilities, and after an investigation, the Commission having found reasonable cause to believe that Jerry Harkins (hereinafter "Respondent) violated 2 U.S.C. §432(b):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. §437g (a)(5), do hereby agree as follows:

- I. The Federal Election Commission has jurisdiction over the Respondent and the subject of this case.
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters into this agreement voluntarily with the Commission.
- IV. The pertinent facts in this matter are as follows:
 - A. Respondent in 1976 commingled twenty thousand dollars (\$20,000.00) in campaign funds with

790401.7003

the monies in Respondent's personal checking account.

WHEREFORE, Respondent agrees:

- A. Respondent commingled twenty thousand dollars (\$20,000.00) of campaign funds with his personal funds while acting in his official capacity as campaign manager of the David Crane for Congress Committee.
- B. That Respondent will now, and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.
- C. That Respondent will pay a civil penalty in the amount of Two Hundred Dollars, (\$200.00), to the Secretary of the United States Treasury within ten (10) days of the effective date of this Agreement, pursuant to 2 U.S.C. §437g(a)(5)(B).

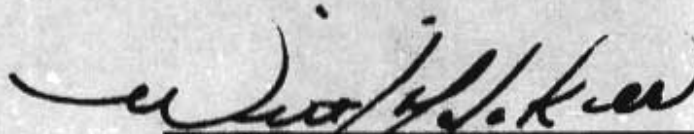
V. General Conditions

- A. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1), concerning the matter at issue herein or on its 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.

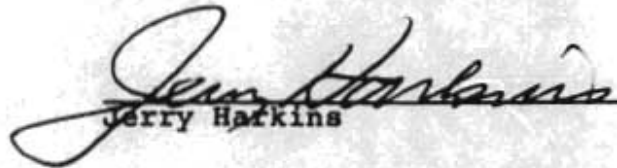
79040107007

- B. This Conciliation Agreement, unless violated, shall constitute a complete bar to any further action by the Commission with regard to the matters set forth in this Agreement.
- C. It is mutually agreed that this Agreement shall become effective on the date all parties hereto have executed the same and the Commission has approved the entire Agreement

12/16/78
Date


William C. Oldaker
General Counsel

11-6-78
Date


Jerry Harkins

79340103033



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

December 18, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marion Edwyn Harrison, Esquire
Barnett, Alagia & Carey
1627 K Street, N.W.
Washington, D.C. 20006

MUR 628 (78)

Dear Mr. Harrison:

On December 14, 1978, the Commission voted to accept the terms set forth in the Conciliation Agreement of MUR 628(78). A copy of the Commission's determination and of the Conciliation Agreement is enclosed for your records.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", is written over the typed name.

William C. Oldaker
General Counsel

Enclosures:

Commission's Certification
Conciliation Agreement

cc: David G. Crane
Jerry Harkins

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marion Edwyn Harrison, Esquire
Barnett, Alagia & Carey
1627 K Street, N.W.
Washington, D.C. 20006

MUR 628 (78)

Dear Mr. Harrison:

On December 1, 1978, the Commission voted to accept the terms set forth in the Conciliation Agreement of MUR 628(78). A copy of the Commission's determination and of the Conciliation Agreement is enclosed for your records.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosures:

Commission's Certification
Conciliation Agreement

cc: David G. Crane
Jerry Harkins

C&J

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
David Crane for Congress) MUR 628 (78)
Committee)

Conciliation Agreement

790100011
This matter having been initiated by the Commission in the ordinary course of carrying out its supervisory responsibilities, and after an investigation, the Commission having found reasonable cause to believe that the David Crane for Congress Committee (hereinafter "Respondent") violated 2 U.S.C. §432(b):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. §437g (a)(5), do hereby agree as follows:

- I. The Federal Election Commission has jurisdiction over the Respondent and the subject matter of this case.
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters into this Agreement voluntarily with the Commission.
- IV. The pertinent facts in this matter are as follows:
 - A. Respondent in 1976 authorized the disbursal

of twenty thousand dollars (\$20,000.00)
in campaign funds to the campaign manager
for disbursement in connection with the
campaign and the campaign manager, acting in
his capacity as an agent for the Respondent,
commingled these funds with the monies in
his personal checking account in
violation of 2 U.S.C. §432(b) prior to
expending them in connection with the
campaign.

WHEREFORE, Respondent agrees:

- A. That Respondent authorized the disbursal
of twenty thousand dollars (\$20,000.00) to
its campaign manager who commingled the
funds with his personal monies.
- B. That Respondent will now, and in the
future, comply with all respects with the
Federal Election Campaign Act of 1971,
as amended.
- C. That Respondent will pay a civil penalty in
the amount of Two Hundred Dollars (\$200.00),
to the Secretary of the United States
Treasury within ten (10) days of the
effective date of this Agreement, pursuant

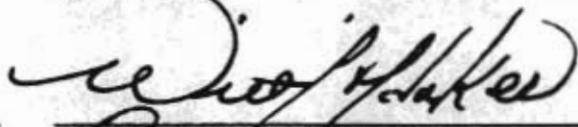
70010100012

to 2 U.S.C. §437g(a)(5)(B).

V. General Conditions

- A. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1), concerning the matter 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.
- B. This Conciliation Agreement, unless violated, shall constitute a complete bar to any further action by the Commission with regard to the matters set forth in this Agreement.
- C. This is mutually agreed that this Agreement shall become effective on the date all parties hereto have executed the same and the Commission has approved the entire Agreement.

12/16/78
Date


William C. Oldaker
General Counsel

11/24/78
Date


Marion Edwyn Harrison, Attorney
David Crane for Congress Committee

70040100013

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
David Crane for Congress)
Committee)

MUR 628 (78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 14, 1978, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated December 11, 1978, regarding the above-captioned matter:

1. Give final approval to the Conciliation Agreements signed by the Respondents and attached to the above-named report.
2. Send the letters attached to the above-named report and a copy of the signed Agreements.
3. Close the file.

Voting for this determination were Commissioners Springer, Tiernan, McGarry, and Harris.

Attest:

12/14/78

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 12-12-78, 2:43
Circulated on 48 hour vote basis: 12-12-78, 4:00

70040100011

December 11, 1978

MEMORANDUM TO: Marge Brown
FROM: Eliza T. Carr
SUBJECT: MUR 628

Please have the attached General Counsel's Report
on MUR 628 distributed to the Commission on a 48 hour
tally basis.

Thank you.

79040100015

79040100016

10 OCT 1978 12:43

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

David Crane for Congress
Committee

MUR 528 (13)

GENERAL COUNSEL'S REPORT

On October 25, 1978, the Commission found reasonable cause to believe that in 1976, the David Crane for Congress Committee violated 2 U.S.C. § 432(b) by authorizing the disbursement of \$20,000 in campaign funds to the campaign manager who acting in his capacity as an agent for the Committee commingled these funds with the monies in his personal checking account.

In addition, the Commission found reasonable cause to believe that in 1976, Mr. Jerry Harkins violated 2 U.S.C. § 432(b) when he commingled \$20,000 in campaign funds with the monies in his personal checking account.

The letters of notification together with the proposed Conciliation Agreements were mailed on October 27, 1978. The Agreements included in their provision a civil penalty of \$200 for each of the Respondents.

Jerry Harkins

The signed proposed Conciliation Agreement from Jerry Harkins is the same Agreement approved by the Commission on October 26, 1978. This Agreement was signed on November 6, 1978, and received together with a check for \$200 on November 13, 1978.

David Crane for Congress Committee

The signed proposed Conciliation Agreement for the Committee features a modification in paragraph IV on page two of the original Agreement offered by the Commission. The original language reads:

"Respondent in 1976 authorized the disbursement of twenty thousand dollars (\$20,000) in campaign funds to the campaign manager who, acting in his capacity as an agent for the Respondent, commingled these funds with the monies in his personal checking account in violation of 2 U.S.C. § 432(b)."

The Committee's proposed modification reads:

"Respondent in 1976 authorized the disbursement of twenty thousand dollars (\$20,000) in campaign funds to the campaign manager for disbursement in connection with the campaign and the campaign manager, acting in his capacity as an agent for the Respondent, commingled these funds with the monies in his personal checking account in violation of 2 U.S.C. § 432(b) prior to expending them in connection with the campaign." (Underlining represents added language).

This change does not represent a substantive modification, it merely clarifies that the commingled funds were in fact expended in connection with the campaign.

This proposed Conciliation Agreement was signed on November 26, 1978, and received together with a check for \$200 on November 27, 1978.

79040100017

RECOMMENDATIONS

1. Give final approval to the attached Conciliation Agreements signed by the Respondents.
2. Send the attached letters and a copy of the signed Agreements.
3. Close the file.

12/11/78
Date


William C. Gidaker
General Counsel

Attachments:

I, II
letter to Harkins
letter to Harrison

79040100013

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RECEIVED
FEDERAL ELECTION
COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Jerry Harkins)

'78 NOV 13 PM 2:46
MUR 628 (78)

Conciliation Agreement

This matter having been initiated by the Commission in the ordinary course of carrying out its supervisory responsibilities, and after an investigation, the Commission having found reasonable cause to believe that Jerry Harkins (hereinafter "Respondent) violated 2 U.S.C. §432(b):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. §437g (a) (5), do hereby agree as follows:

- I. The Federal Election Commission has jurisdiction over the Respondent and the subject of this case.
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters into this agreement voluntarily with the Commission.
- IV. The pertinent facts in this matter are as follows:
 - A. Respondent in 1976 commingled twenty thousand dollars (\$20,000.00) in campaign funds with

Attachment I

79040100019

the monies in Respondent's personal checking account.

WHEREFORE, Respondent agrees:

- A. Respondent commingled twenty thousand dollars (\$20,000.00) of campaign funds with his personal funds while acting in his official capacity as campaign manager of the David Crane for Congress Committee.
- B. That Respondent will now, and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.
- C. That Respondent will pay a civil penalty in the amount of Two Hundred Dollars, (\$200.00), to the Secretary of the United States Treasury within ten (10) days of the effective date of this Agreement, pursuant to 2 U.S.C. §437g(a)(5)(B).

V. General Conditions

- A. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1), concerning the matter at issue herein or on its 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.

79040100020

- B. This Conciliation Agreement, unless violated, shall constitute a complete bar to any further action by the Commission with regard to the matters set forth in this Agreement.
- C. It is mutually agreed that this Agreement shall become effective on the date all parties hereto have executed the same and the Commission has approved the entire Agreement

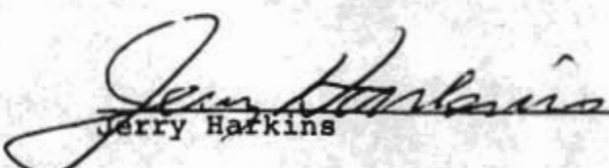
79040100021

Date

William C. Oldaker
General Counsel

11-6-78

Date



Jerry Harkins

Edwards

5698

D. PAUL ALAGIA, JR.
BERNARD H. BARNETT
WILLIAM A. CAREY
MARION EDWYN HARRISON
RICHARD A. GLADSTONE
ST. JOHN BARRETT

WILLIAM S. GLADING
JOHN M. HIMMELBERG
JOHN F. SHERLOCK III

RUFUS E. WILSON
OF COUNSEL

LAW OFFICES
BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.
WASHINGTON, D. C. 20006
TELEPHONE/TELECOPIER (202) 786-6672
CABLE ALL OFFICES ALBAN

FEDERAL ELECTION
COMMISSION
BARNETT & ALAGIA
KENTUCKY HOME LIFE BUILDING
BOX 1179
LOUISVILLE, KENTUCKY 40201
TELEPHONE/TELECOPIER (502) 586-4131
BARNETT, ALAGIA & PROSPER
218 ROYAL PALM WAY
PALM BEACH, FLORIDA 33480
TELEPHONE/TELECOPIER (305) 832-5866

'78 NOV 27 AM 11:13

November 24, 1978

Mr. Conley Edwards, Jr.
Federal Election Commission
Washington, D. C. 20463

Re: David Crane for Congress Committee
MUR #628 (78)

800031

Dear Mr. Edwards:

Pursuant to our discussions, we submit herewith
(1) our client's check in the sum of \$200.00 and (2) a
completely retyped and executed Conciliation Agreement.

We appreciate your cooperation.

Sincerely,

Marion Edwyn Harrison
MARION EDWYN HARRISON

MEH:kg
Enc

Attachment II

790040100023

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
David Crane for Congress) MUR 628 (78)
Committee)

Conciliation Agreement

79040100024
This matter having been initiated by the Commission in the ordinary course of carrying out its supervisory responsibilities, and after an investigation, the Commission having found reasonable cause to believe that the David Crane for Congress Committee (hereinafter "Respondent") violated 2 U.S.C. §432(b):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. §437g (a) (5), do hereby agree as follows:

- I. The Federal Election Commission has jurisdiction over the Respondent and the subject matter of this case.
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters into this Agreement voluntarily with the Commission.
- IV. The pertinent facts in this matter are as follows:
 - A. Respondent in 1976 authorized the disbursal

of twenty thousand dollars (\$20,000.00) in campaign funds to the campaign manager for disbursement in connection with the campaign and the campaign manager, acting in his capacity as an agent for the Respondent, commingled these funds with the monies in his personal checking account in violation of 2 U.S.C. §432(b) prior to expending them in connection with the campaign.

WHEREFORE, Respondent agrees:

- A. That Respondent authorized the disbursal of twenty thousand dollars (\$20,000.00) to its campaign manager who commingled the funds with his personal monies.
- B. That Respondent will now, and in the future, comply with all respects with the Federal Election Campaign Act of 1971, as amended.
- C. That Respondent will pay a civil penalty in the amount of Two Hundred Dollars (\$200.00) to the Secretary of the United States Treasury within ten (10) days of the effective date of this Agreement, pursuant

79040100025

to 2 U.S.C. §437g(a) (5) (B).

V. General Conditions

- A. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a) (1) concerning the matter 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.
- B. This Conciliation Agreement, unless violated, shall constitute a complete bar to any further action by the Commission with regard to the matters set forth in this Agreement.
- C. This is mutually agreed that this Agreement shall become effective on the date all parties hereto have executed the same and the Commission has approved the entire Agreement.

Date

11/24/78

Date

William C. Oldaker
General Counsel

Marion Edwyn Harrison, Attorney
David Crane for Congress Committee

79040100025

DAVID CRANE FOR CONGRESS COMMITTEE 7
1978 GENERAL ELECTION ACCOUNT
6714 ROCKVILLE ROAD
INDIANAPOLIS, IND. 46224

484

OCT 31, 1978 20-1
740

PAY
TO THE
ORDER OF

FEDERAL ELECTION COMMISSION

\$ 200⁰⁰

TWO HUNDRED AND 00/100

DOLLARS

AMERICAN FLETCHER NATIONAL BANK

AFNB

Indianapolis, Indiana 46277

[Signature]
David M. Harmon

⑈000484⑈ ⑆074000010⑆ 21 66353⑈



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jerry Harkins
Box 866
Beattendorf, Iowa 52722

MUR 628 (78)

Dear Mr. Harkins:

On December , 1978, the Commission voted to accept the terms set forth in the Conciliation Agreement of MUR 628(78). A copy of the Commission's determination and of the Conciliation Agreement is enclosed for your records.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

William C. Oldaker
General Counsel

enclosures:

Commission's Certification
Conciliation Agreement

cc: David G. Crane
Marion Edwyn Harrison



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marion Edwyn Harrison, Esquire
Barnett, Alagia & Carey
1627 K Street, N.W.
Washington, D.C. 20006

MUR 628 (78)

Dear Mr. Harrison:

On December , 1978, the Commission voted to accept the terms set forth in the Conciliation Agreement of MUR 628(78). A copy of the Commission's determination and of the Conciliation Agreement is enclosed for your records.

Accordingly, the Commission intends to close its files in this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosures:

Commission's Certification
Conciliation Agreement

cc: David G. Crane
Jerry Harkins

D. PAUL ALAGIA, JR.
BERNARD H. BARNETT
WILLIAM A. CAREY
MARION EDWYN HARRISON
RICHARD A. GLADSTONE
ST. JOHN BARRETT

WILLIAM S. GLADING
JOHN M. HIMMELBERG
JOHN F. SHERLOCK III

RUFUS E. WILSON
OF COUNSEL

LAW OFFICES
BARNETT, ALAGIA & CAREY

1027 K STREET, N.W.
WASHINGTON, D. C. 20004
TELEPHONE/TELECOPIER (202) 794-6600
CABLE ALL OFFICES (ALBA)

November 24, 1978

FEDERAL ELECTION COMMISSION
BARNETT & ALAGIA
KENTUCKY HOME LIFE BUILDING
BOX 1170
LOUISVILLE, KENTUCKY 40201
TELEPHONE/TELECOPIER (502) 582-4131
78 NOV 27 AM 11:49
BARNETT, ALAGIA & PROSPERI
240 ROYAL PALM WAY
PALM BEACH, FLORIDA 33480
TELEPHONE/TELECOPIER (305) 832-0000

Mr. Conley Edwards, Jr.
Federal Election Commission
Washington, D. C. 20463

Re: David Crane for Congress Committee
MUR #628 (78)

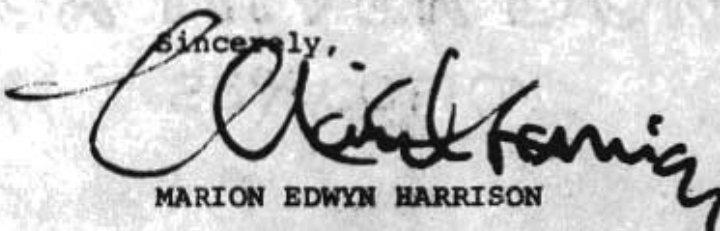
806031

Dear Mr. Edwards:

Pursuant to our discussions, we submit herewith
(1) our client's check in the sum of \$200.00 and (2) a
completely retyped and executed Conciliation Agreement.

We appreciate your cooperation.

Sincerely,


MARION EDWYN HARRISON

MEH:kg
Enc

70040100030

DAVID CRANE FOR CONGRESS COMMITTEE |
1978 GENERAL ELECTION ACCOUNT
6714 ROCKVILLE ROAD
INDIANAPOLIS, IND. 46224

484

OCT 31, 1978 ²⁰⁻¹/₇₄₀

PAY
TO THE
ORDER OF

FEDERAL ELECTION COMMISSION

\$ 200⁰⁰

TWO HUNDRED AND 00/100

DOLLARS

AMERICAN FLETCHER NATIONAL BANK

AFNB

Indianapolis, Indiana 46277

[Signature]
David M. Hansen

⑈000484⑈ ⑆074000010⑆ 21 66353⑈

LAW OFFICES

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D. C. 20006

7 9 0 4 0 1 0 0 0 3 2



FEDERAL ELECTION
COMMISSION

NOV 27 AM 11:00

Mr. Conley Edwards, Jr.
Federal Election Commission
Washington, D. C. 20463

MARION EDWYN HARRISON
ATTORNEY AT LAW

HARRISON, LUCEY & SAGLE
1701 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006

TELEPHONE
202 298-9030
CABLE "MEHLAW"

79040100031

D. PAUL ALAGIA, JR.
BERNARD H. BARNETT
WILLIAM A. CAREY
MARION EDWYN HARRISON
RICHARD A. GLADSTONE
ST. JOHN BARRETT

WILLIAM S. GLADING
JOHN M. HIMMELBERG
JOHN F. SHERLOCK III

RUFUS E. WILSON
OF COUNSEL

LAW OFFICES
BARNETT, ALAGIA & CAREY

1821 K STREET, N.W.
WASHINGTON, D. C. 20006
TELEPHONE/TELESCOPE 388-7857
CABLE ALL OFFICES ALBAR

November 6, 1978

file 82522
mur 628
RECEIVED
FEDERAL ELECTION
COMMISSION
BARNETT & ALAGIA
KENTUCKY / ONE LIFE BUILDING
ONE 1128
LOUISVILLE, KENTUCKY 40201
'78 NOV 11 11 11
BARNETT, ALAGIA & PROSPER
ONE ROYAL PALM WAY
PALM BEACH, FLORIDA 33480
TELEPHONE/TELESCOPE 388-7857

807694

CE:

Per our telephone call.

Note new address and telephone number, both effective
November 10.

Please telephone me at your convenience.

Many thanks.

MEB
MEH

Mr. Conley Edwards, Jr.

79040100034

of twenty thousand dollars (\$20,000.00) in campaign funds to the campaign manager for disbursement in connection with the campaign and the campaign manager, acting in his capacity as an agent for the Respondent, commingled these funds with the monies in his personal checking account in violation of 2 U.S.C. §432(b) prior to expending them in connection with the campaign.

WHEREFORE, Respondent agrees:

- A. That Respondent authorized the disbursal of twenty thousand dollars (\$20,000.00) to its campaign manager who commingled the funds with his personal monies.
- B. That Respondent will now, and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.
- C. That Respondent will pay a civil penalty in the amount of Two Hundred Dollars (\$200.00), to the Secretary of the United States Treasury within ten (10) days of the effective date of this Agreement, pursuant to 2 U.S.C. §437g(a)(5) (B).

V. General Conditions

- A. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1), concerning the matter at issue herein or on its

79040100035

own action, 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

79040100036

LAW OFFICES

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

FEDERAL ELECTION COMMISSION



NOV 9 AM 11:45

Mr. Conley Edwards, Jr.
Federal Election Commission
Washington, D. C. 20463

7 9 0 4 0 1 0 0 0 3 8

156

MR. OR MRS. JERRY HARKINS
DONNELLSON, IOWA 52625

11-6 1977 $\frac{72-1292}{739}$
\$200.00

DOLLARS

PAY TO THE
ORDER OF

U.S. Treasury
Two hundred & 100



Citizens State Bank
DONNELLSON, IOWA 52625

Jerry Harkins

MEMO

⑆10739⑆1292⑆12⑆3490⑆5⑆

Citizens State Bank

DONNELSON, IOWA 52625



Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

ATTN: Mr. William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 27, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jerry Harkins
Box 866
Beattendorf, Iowa 52722

MUR 628(78)

Dear Mr. Harkins:

On October 25, 1978, the Federal Election Commission determined there was reasonable cause to believe that you violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that in 1976, you violated 2 U.S.C. § 432(b) by depositing \$20,000.00 in campaign funds you received from the David Crane for Congress Committee into your personal checking account. The depositing of campaign funds into your personal checking account constituted commingling.

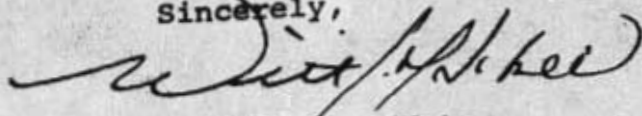
The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the Two Hundred Dollar, (\$200.00), civil penalty to the Commission within ten days. We will then recommend that the Commission approves the agreement.

79040100040

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please feel free to contact Conley Edwards, Jr., the staff member assigned to this matter, at 202-523-4529 (or our toll free line, 800-424-9530, extension 55.)

Sincerely,



William C. Oldaker
General Counsel

Enclosure

cc: David G. Crane
John W. Bailey

75 Form 3811, Apr. 1977

628

1. The following service is requested (check one):

☐ Show to whom and date delivered.

☒ Show to whom, date, and address of delivery.

☐ RESTRICTED DELIVERY

Show to whom and date delivered.

☐ RESTRICTED DELIVERY

Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Jerry Harkins

3. ARTICLE DESCRIPTION:

REGISTERED NO. 94375

CERTIFIED NO.

INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Agent

DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

APR 1977

75 Form 3811, Apr. 1977

628

1. The following service is requested (check one):

☐ Show to whom and date delivered.

☒ Show to whom, date, and address of delivery.

☐ RESTRICTED DELIVERY

Show to whom and date delivered.

☐ RESTRICTED DELIVERY

Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

David G. Crane

3. ARTICLE DESCRIPTION:

REGISTERED NO. 943896

CERTIFIED NO.

INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Agent

DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

APR 1977

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Jerry Harkins

)
)
)

MUR 628 (78)

Conciliation Agreement

This matter having been initiated by the Commission in the ordinary course of carrying out its supervisory responsibilities, and after an investigation, the Commission having found reasonable cause to believe that Jerry Harkins (hereinafter "Respondent) violated 2 U.S.C. §432(b):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. §437g (a)(5), do hereby agree as follows:

- I. The Federal Election Commission has jurisdiction over the Respondent and the subject of this case.
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters into this agreement voluntarily with the Commission.
- IV. The pertinent facts in this matter are as follows:
 - A. Respondent in 1976 commingled twenty thousand dollars (\$20,000.00) in campaign funds with

79040100042

the monies in Respondent's personal checking account.

WHEREFORE, Respondent agrees:

- A. Respondent commingled twenty thousand dollars (\$20,000.00) of campaign funds with his personal funds while acting in his official capacity as campaign manager of the David Crane for Congress Committee.
- B. That Respondent will now, and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.
- C. That Respondent will pay a civil penalty in the amount of Two Hundred Dollars, (\$200.00), to the Secretary of the United States Treasury within ten (10) days of the effective date of this Agreement, pursuant to 2 U.S.C. §437g(a)(5)(B).

V. General Conditions

- A. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1), concerning the matter at issue herein or on its 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.

79040100043

- B. This Conciliation Agreement, unless violated, shall constitute a complete bar to any further action by the Commission with regard to the matters set forth in this Agreement.
- C. It is mutually agreed that this Agreement shall become effective on the date all parties hereto have executed the same and the Commission has approved the entire Agreement

79040100044
Date _____

William C. Oldaker
General Counsel

Date _____

Jerry Harkins



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 27, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marion Edwyn Harrison, Esquire
Harrison, Lucey and Sagle
Suite 500
1701 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

MUR 628(78)

Dear Mr. Harrison:

On October 25, 1978, the Federal Election Commission determined there was reasonable cause to believe that the David Crane for Congress Committee violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that in 1976, the Committee violated 2 U.S.C. § 432(b) by authorizing the disbursement of \$20,000.00 in campaign funds to Mr. Jerry Harkins, its campaign manager who, in his agency capacity, commingled these funds with his personal monies.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court.

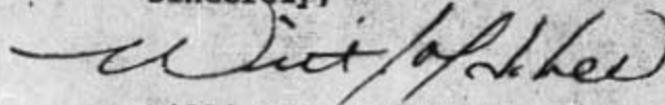
We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the Two Hundred

79040100045

Dollar, (\$200.00), civil penalty to the Commission within ten days. We will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please feel free to contact Conley Edwards, Jr., the staff member assigned to this matter, at 202-523-4529 (or our toll free line, 800-424-9530, extension 50).

Sincerely,



William C. Oldaker
General Counsel

Enclosure
cc: David G. Crane
John W. Bailey

79040100046

PS Form 3811, Rev. 1977

1. The following service is requested (check one):
☒ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
Show to whom and date delivered.
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery.
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSING TO:
Marion Harrison

3. ARTICLE DESCRIPTION:
REGISTERED NO. 943814

I have received the article described above.
SIGNATURE ☐ Address ☐ Authorized agent
Lee P. Glaws

DATE OF DELIVERY OCT 30 1978

4. ADDRESS (Complete only if requested)

5. UNABLE TO DELIVER BECAUSE

6. ADDRESS (Complete only if requested)

7. UNABLE TO DELIVER BECAUSE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
David Crane for Congress) MUR 628 (78)
Committee)

Conciliation Agreement

This matter having been initiated by the Commission in the ordinary course of carrying out its supervisory responsibilities, and after an investigation, the Commission having found reasonable cause to believe that the David Crane for Congress Committee (hereinafter "Respondent") violated 2 U.S.C. §432(b):

WHEREFORE, the Commission and Respondent, having duly entered into conciliation as provided for in 2 U.S.C. §437g (a)(5), do hereby agree as follows:

- I. The Federal Election Commission has jurisdiction over the Respondent and the subject matter of this case.
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters into this Agreement voluntarily with the Commission.
- IV. The pertinent facts in this matter are as follows:
 - A. Respondent in 1976 authorized the disbursal

79040107017

of twenty thousand dollars (\$20,000.00) in campaign funds to the campaign manager who, acting in his capacity as an agent for the Respondent, commingled these funds with the monies in his personal checking account in violation of 2 U.S.C. §432(b).

WHEREFORE, Respondent agrees:

- A. That authorizing the disbursement of twenty thousand dollars (\$20,000.00) to its campaign manager who commingled the funds with his personal monies.
- B. That Respondent will now, and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.
- C. That Respondent will pay a civil penalty in the amount of Two Hundred Dollars, (\$200.00), to the Secretary of the United States Treasury within ten (10) days of the effective date of this Agreement, pursuant to 2 U.S.C. §437g(a)(5)(B).

V. General Conditions

- A. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1), concerning the matter 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

79040100048

United States District Court for the District
of Columbia.

- B. This Conciliation Agreement, unless violated,
shall constitute a complete bar to any further
action by the Commission with regard to the
matters set forth in this Agreement.
- C. This is mutually agreed that this Agreement
shall become effective on the date all parties
hereto have executed the same and the Commission
has approved the entire Agreement.

79040100049
Date _____

William C. Oldaker
General Counsel

Date _____

Marion Edwyn Harrison, Attorney
David Crane for Congress
Committee



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *mwe*

DATE: OCTOBER 23, 1978

SUBJECT: MUR 628 - General Counsel's Report dated
10-19-78; Received in Office
of Commission Secretary:
10-20-78, 1:47

The above-named document was circulated on a 48
hour vote basis at 9:00, October 23, 1978.

Commissioner Staebler submitted an objection at
2:27, this date, thereby placing MUR 628 on the Amended
Agenda for October 25, 1978.

cc: Commissioner Staebler

79040107050

October 28, 1978

MEMORANDUM TO: Marge Thomas
FROM: Elissa T. Garry
SUBJECT: MUR 628

Please have the attached General Counsel's Report
on MUR 628 distributed to the Commission on a 48 hour tally
basis.

Thank you.

79040100051

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
David C. Crane for Congress)
Committee)

MUR 628 (78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 25, 1978, the Commission, meeting in an Executive Session at which a quorum was present, determined by a vote of 4-0 to adopt the recommendation of the General Counsel to take the following actions in MUR 628 (78):

1. Find reasonable cause to believe that in 1976 the David Crane for Congress Committee violated 2 U.S.C. §432(b) by authorizing the disbursement of \$20,000.00 in campaign funds to the campaign manager who acting in his capacity as an agent for the Committee commingled these funds with the monies in his personal checking account.
2. Find reasonable cause to believe that in 1976, Mr. Jerry Harkins violated 2 U.S.C. §432(b) when he commingled \$20,000.00 in campaign funds with the monies in his personal checking account.
3. Approve the letters and proposed Conciliation Agreements attached to the General Counsel's October 18, 1978 Report on MUR 628 (78).

Commissioners Aikens, Harris, Thomsen, and Tiernan voted affirmatively for the above actions. Commissioner Springer abstained.

Attest:

10/26/78
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

79040100052

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
78 OCT 20 P 1: 47
David Crane for Congress
Committee

MUR 528 (78)

GENERAL COUNSEL'S REPORT

I. History of Case

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This matter was initiated internally as a result of a random audit of the reports of receipts and expenditures maintained by the David Crane for Congress Committee, the principal campaign committee of David G. Crane. Mr. Crane was an unsuccessful candidate for election to the United States House of Representatives from the Sixth Congressional District of Indiana in the 1976 general election.

The random audit revealed inter alia, that the Committee on two separate dates (October 20, 1976, and October 28, 1976) had authorized the disbursal of a total of \$20,000.00 in campaign funds to the campaign manager.

The Committee was notified by the Audit Division of its findings and recommendations on February 8, 1978. On June 23, 1978, the Committee finally submitted an amended report as required, after submitting two previous incomplete reports on January 13, 1978, and March 1, 1978.

This matter was referred to the Office of General Counsel on June 27, 1978.

On September 5, 1978, the Commission found reason to believe that in 1976, the David Crane for Congress Committee violated 2 U.S.C. § 432(b) by authorizing the disbursal of \$20,000.00 in campaign

79040100054

funds to the campaign manager, who acting in his capacity as an agent for the Committee, commingled these funds with the monies in his personal checking account. In addition, the Commission found reason to believe that in 1976, Mr. Jerry Harkins, the campaign manager, violated 2 U.S.C. § 432(b) when he commingled the \$20,000.00 in campaign funds with the monies in his personal checking account.

The letters of notification were mailed on September 6, 1978.

On September 12, 1978, Mr. Jerry Harkins admitted to a member of the General Counsel's staff that he did in fact deposit these campaign funds into his personal checking account. He promised to forward a letter outlining the reasons as to why it was necessary to deposit campaign funds into his personal checking account.^{1/}

This letter was received in the Office of General Counsel on October 10, 1978. (Attachment I).

On September 18, 1978, the Office of General Counsel received a letter from Marion Edwyn Harrison, the attorney for the David Crane for Congress Committee. Mr. Harrison indicated that he would be contacting this office during the week of September 25, 1978. To date, we have not received further communications from Mr. Harrison. (Attachment II).

^{1/} Mr. Harkins explained over the telephone that the signatures of JohnW. Bailey and Harold A. Ducutte, Jr., treasurer and assistant treasurer respectively, were required on all Committee checks. The assistant treasurer was out of town for what became an extended period of time; therefore, \$20,000 was transferred to Mr. Harkins' personal checking account for the purposes of paying Committee bills in the absence of the assistant treasurer.

II. Analysis

2 U.S.C. § 432(b) states, in part, that all funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

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An audit of the Committee's financial reports, expenditures, and receipts revealed that on two separate dates (October 20, 1976, and October 28, 1976) the Committee authorized the disbursement of a total of \$20,000 in campaign funds to the campaign manager. These campaign funds were subsequently deposited and credited to the personal checking account of the Committee's campaign manager. Further examination by the Audit Division, which included the personal records of the campaign manager's checking account, revealed that the period commencing October 20, 1976, through November 16, 1976, thirty-two (32) expenditures were made to fourteen (14) vendors totaling \$16,526.86. The records also disclosed that the campaign manager retained \$3,375.00 as remuneration for his services. The total expended for this period from the campaign manager's personal checking account was \$19,901.86. The remaining \$98.14 was and still is not accounted for.

III. Conclusion

In light of the above, both the Committee and the campaign manager violated 2 U.S.C. § 432(b). This violation occurred when the Committee authorized the disbursement of \$20,000 in campaign funds to the campaign manager who acting as an agent for the Committee commingled these funds with the monies in his personal checking account.

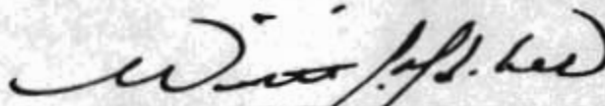
IV. Recommendations

1. Find reasonable cause to believe that in 1976 the David Crane for Congress Committee violated 2 U.S.C. § 432(b) by authorizing the disbursal of \$20,000.00 in campaign funds to the campaign manager who acting in his capacity as an agent for the Committee commingled these funds with the monies in his personal checking account.

2. Find reasonable cause to believe that in 1976, Mr. Jerry Harkins violated 2 U.S.C. § 432(b) when he commingled \$20,000.00 in campaign funds with the monies in his personal checking account.

3. Send attached letters and proposed Conciliation Agreements.

10/12/78
Date


William C. Oldaker
General Counsel

Attachments:

- letter from Harkins
- letter from Harrison
- Conciliation Agreement for Harkins
- Conciliation Agreement for Crane Committee
- RCTB lettet for Harkins
- RCTB letter for Crane Committee

79040100057



RECEIVED
FEDERAL ELECTION
COMMISSION

REC
#5493

AMERICAN HOME INVESTMENT COMPANY
P. O. Box 888
Bettendorf, Iowa 52722

78 OCT 10 AM: 55

October 3, 1978

806746

Mr. Conley Edwards
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Edwards:

In response to our recent telephone conversation, I hereby relate my recollection of what happened relative to the irregularity mentioned in the letter I received:

At one point in the campaign we had several bills to pay and only one check with which to pay them. Mr. Ducotte, who could sign additional checks was in Canada and delayed in returning. Our printers, the Post Office, TV station, etc. would not perform their services without a check. We therefore, wrote a check for \$20,000.00, deposited it in my personal account and I in turn wrote the various checks needed. A full accounting was made of these funds and we were not aware the procedure was in any way improper. As I understand it, this was essentially what you found to be true in your investigation. Any violation was certainly unintentional.

Cordially,

Jerry Harkins
Jerry Harkins

JH/jh

Attachment I

79040100053

806242

@, CC #1
4/9/14

LAW OFFICES

HARRISON, LUCEY & SAGLE

SUITE 800

1701 PENNSYLVANIA AVENUE, N. W.

WASHINGTON, D. C. 20006

TELEPHONE 202 298-9030

CABLE "MEHLAW"

MARION EDWYN HARRISON
CHARLES ENNET LUCEY
ROBERT F. SAGLE
GREGORY W. ALTSCHUN

FEDERAL ELECTION COMMISSION

78 SEP 13 PM 9:47

September 15, 1978

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463Re: David Crane for Congress Committee
MUR #628(78)

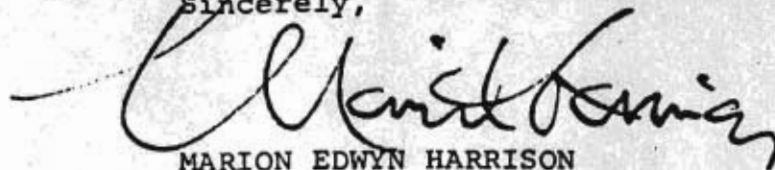
Dear Mr. Oldaker:

The Crane for Congress Committee has referred to us your letter dated September 6, 1978, evidently received in Indiana on September 8.

The Crane for Congress Committee also has forwarded portions of its file and I have requested some additional documentation.

I shall be in Los Angeles and Chicago next week on business and I imagine the additional material will be in my office by the time I return. Hence, I would anticipate contacting Mr. Edwards the following week.

Sincerely,



MARION EDWYN HARRISON

MEH:kg
cc Mr. Conley Edwards, Jr.

Attachment II

79040100059



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jerry Harkins
Box 866
Beattendorf, Iowa 52722

MUR 628(78)

Dear Mr. Harkins:

On October , 1978, the Federal Election Commission determined there was reasonable cause to believe that you violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that in 1976, you violated 2 U.S.C. § 432(b) by depositing \$20,000.00 in campaign funds you received from the David Crane for Congress Committee into your personal checking account. The depositing of campaign funds into your personal checking account constituted commingling.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the Two Hundred Dollar, (\$200.00), civil penalty to the Commission within ten days. We will then recommend that the Commission approves the agreement.

79040100060

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please feel free to contact Conley Edwards, Jr., the staff member assigned to this matter, at 202-523-4529 (or our toll free line, 800-424-9530, extension 55.)

Sincerely,

William C. Oldaker
General Counsel

Enclosure

cc: David G. Crane
John W. Bailey

79040100081



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marion Edwyn Harrison, Esquire
Harrison, Lucey and Sagle
Suite 500
1701 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

MUR 628(78)

Dear Mr. Harrison:

On October , 1978, the Federal Election Commission determined there was reasonable cause to believe that the David Crane for Congress Committee violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that in 1976, the Committee violated 2 U.S.C. § 432(b) by authorizing the disbursement of \$20,000.00 in campaign funds to Mr. Jerry Harkins, its campaign manager who, in his agency capacity, commingled these funds with his personal monies.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(B). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court.

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Dollar, (\$200.00), civil penalty to the Commission within ten days. We will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please feel free to contact Conley Edwards, Jr., the staff member assigned to this matter, at 202-523-4529 (or our toll free line, 800-424-9530, extension 50).

Sincerely,

William C. Oldaker
General Counsel

Enclosure
cc: David G. Crane
John W. Bailey

79040100063



AMERICAN HOME INVESTMENT COMPANY
P. O. Box 888
Bettendorf, Iowa 52722

RECEIVED
FEDERAL ELECTION
COMMISSION

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78 OCT 10 11:55

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October 3, 1978

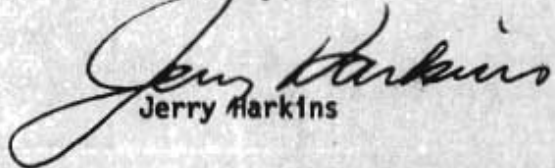
Mr. Conley Edwards
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20453

Dear Mr. Edwards:

In response to our recent telephone conversation, I hereby relate my recollection of what happened relative to the irregularity mentioned in the letter I received:

At one point in the campaign we had several bills to pay and only one check with which to pay them. Mr. Ducotte, who could sign additional checks was in Canada and delayed in returning. Our printers, the Post Office, TV station, etc. would not perform their services without a check. We therefore, wrote a check for \$20,000.00, deposited it in my personal account and I in turn wrote the various checks needed. A full accounting was made of these funds and we were not aware the procedure was in any way improper. As I understand it, this was essentially what you found to be true in your investigation. Any violation was certainly unintentional.

Cordially,


Jerry Harkins

JH/jh

7904010064



AMERICAN HOME INVESTMENT COMPANY

P. O. Box 866

Bettendorf, Iowa 52722



Mr. Conley Edwards
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

79040100063
MARION EDWYN HARRISON
CHARLES EMMET LUCEY
ROBERT F. SAGLE
GREGORY W. ALTSCHUN

252
LAW OFFICES
HARRISON, LUCEY & SAGLE

SUITE 800
1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202 338-8030
CABLE "MEHLAW"

604 4409
RECEIVED
FEDERAL ELECTION
COMMISSION

78 SEP 18 PM 9:24

September 15, 1978

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: David Crane for Congress Committee
MUR #628(78)

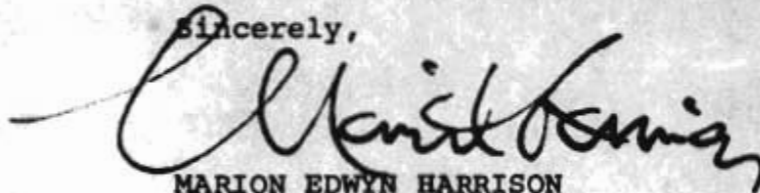
Dear Mr. Oldaker:

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I shall be in Los Angeles and Chicago next week on business and I imagine the additional material will be in my office by the time I return. Hence, I would anticipate contacting Mr. Edwards the following week.

Sincerely,



MARION EDWYN HARRISON

MEH:kg
cc Mr. Conley Edwards, Jr.

LAW OFFICES

HARRISON, LUCEY & SAGLE

SUITE 500

1701 PENNSYLVANIA AVENUE, N. W.

WASHINGTON, D. C. 20006



William C. Oldaker, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

SEP 14 1972

MARION EDWIN HARRISON
CHARLES EMMET LUCY
ROBERT F. SABLE
GREGORY W. ALTSCHUN

LAW OFFICES
HARRISON, LUCY & SABLE
SUITE 800

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
TELEPHONE 202 552-9030
CABLE "MENLAW"

RECEIVED
FEDERAL ELECTION
COMMISSION

CC #
4914

78 SEP 18 PM 8:47

September 13, 1978

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: David Crane for Congress Committee
MUR #628(78)

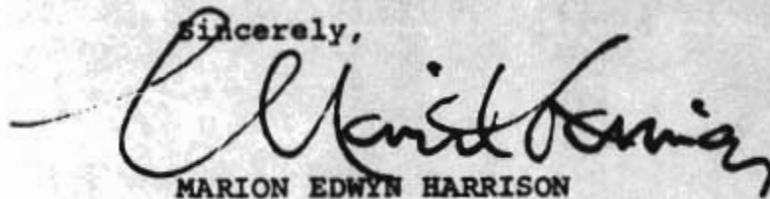
Dear Mr. Oldaker:

The Crane for Congress Committee has referred to us your letter dated September 6, 1978, evidently received in Indiana on September 8.

The Crane for Congress Committee also has forwarded portions of its file and I have requested some additional documentation.

I shall be in Los Angeles and Chicago next week on business and I imagine the additional material will be in my office by the time I return. Hence, I would anticipate contacting Mr. Edwards the following week.

Sincerely,



MARION EDWIN HARRISON

MEH:kg
cc Mr. Conley Edwards, Jr.

79040107068

LAW OFFICES

HARRISON, LUCEY & SAGLE

SUITE 500

1701 PENNSYLVANIA AVENUE, N. W.

WASHINGTON, D. C. 20006



Mr. Conley Edwards, Jr.
Federal Election Commission
Washington, D. C. 20463



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 6, 1978

John W. Bailey, Treasurer
300 South Madison Avenue
Suite #410
Greenwood, Indiana 46142

Re: MUR 628(78)

Dear Mr. Bailey:

The Federal Election Commission has found reason to believe that your committee may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that in 1976 the David Crane for Congress Committee violated 2 U.S.C. § 432(b) by authorizing the disbursement of \$20,000 in campaign funds to Mr. Jerry Harkins, your campaign manager, which were subsequently commingled with the monies in his personal checking account. We have numbered this matter 628(78).

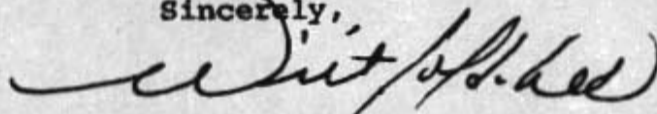
Under the Act you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials not previously submitted to the Audit Division of this Commission which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification. If we have not heard from you within that period, we will proceed on the basis of the information currently in hand. If you have any questions, please feel free to contact Conley Edwards, Jr., the staff member assigned to this matter, at (202) 523-4529.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,



William C. Oldaker
General Counsel

cc: David G. Crane

Jerry Harkins

12000104067

PS Form 3811, Apr 1977 RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

628 Stamps

1. The following service is requested (check one):
☐ Show to whom and date delivered.
☒ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
Show to whom and date delivered.
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery.
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
John W. Bailey

3. ARTICLE DESCRIPTION:
REGISTERED NO. **943088** CERTIFIED NO. INSURED NO.
(Always obtain signature of addressee)

I have received the article described above:
SIGNATURE **Kristen Bradley** ☐ Addressee ☐ Authorized agent

DATE OF DELIVERY **9-8-78**

5. ADDRESS (Complete only if registered)

6. UNABLE TO DELIVER BECAUSE

POSTMARK
SEP 10 1978
FBI



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

September 6, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jerry Harkins
Box 866
Beattendorf, Iowa 52722

Re: MUR 628(78)

Dear Mr. Harkins:

The Federal Election Commission has found reason to believe that your committee may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that in 1976 you violated 2 U.S.C. § 432(b) by depositing the \$20,000 in campaign funds you received from the David Crane for Congress Committee into your personal checking account constituting commingling. We have numbered this matter MUR 628(78).

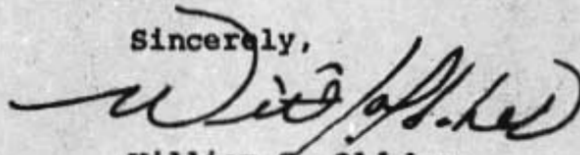
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Sincerely,



William C. Oldaker
General Counsel

cc: David G. Crane

John W. Bailey

628 Edmunds

PS Form 3811, Apr 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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☒ Show to whom, date, and address of delivery
☐ RESTRICTED DELIVERY Show to whom and date delivered
☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
David G. Crane

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
943080

(Always obtain signature of addressee or agent)

I have received the article described above:
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
9-14-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

628 Edmunds

PS Form 3811, Apr 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1. The following service is requested (check one):
☐ Show to whom and date delivered
☒ Show to whom, date, and address of delivery
☐ RESTRICTED DELIVERY Show to whom and date delivered
☒ RESTRICTED DELIVERY Show to whom, date, and address of delivery
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Gary Harkins

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
943084

(Always obtain signature of addressee or agent)

I have received the article described above:
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
9/11/78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

David Crane for Congress
Committee

MUR 628(78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 5, 1978, the Commission determined by a vote of 4-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Find reason to believe that in 1976 the David Crane for Congress Committee violated 2 U.S.C. § 432(b) by authorizing the disbursement of \$20,000 in campaign funds to the campaign manager who acting in his capacity as an agent for the Committee commingled these monies with the monies in his personal checking account.
2. Find reason to believe that in 1976 Mr. Jerry Harkins violated 2 U.S.C. § 432(b) when he commingled \$20,000 in campaign funds with the monies in his personal checking account.
3. Send the letters attached to the First General Counsel's Report, dated August 30, 1978.

Voting for these determinations were Commissioners Harris, Springer, Aikens, and Staebler.

Attest:

Date:

9/5/78

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour vote basis:

8-30-78, 2:12
8-31-78, 9:30

7901010074

August 30, 1978

MEMORANDUM TO: Marge Rasmussen
FROM: Elissa T. Gann
SUBJECT: MUR 518

Please have the attached State General Counsel's
Report on MUR 518 distributed to the Commission on a
48 hour tally basis.

Thank you.

70040100075

FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO COMMISSION AUG 30 1978

MUR NO. 628
STAFF MEMBER(S) EDWARDS

SOURCE OF MUR: INTERNALLY GENERATED AUDIT
(Attachment I)
RESPONDENT'S NAME: David Crane for Congress Committee
Jerry Harkins

RELEVANT STATUTE: 2 U.S.C. § 432(b)

INTERNAL REPORTS CHECKED: Audit Report

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

This matter was referred to the Office of General Counsel by the Audit Division as a result of a random audit of the Respondent Committee.

SUMMARY OF ALLEGATIONS

The David Crane for Congress Committee ("the Committee") and Jerry Harkins, the then campaign manager, both violated 2 U.S.C. § 432(b) when the Committee authorized the disbursement of \$20,000 in campaign funds to the campaign manager who acting as agent for the Committee commingled these campaign funds with his personal monies.

PRELIMINARY LEGAL ANALYSIS

2 U.S.C. § 432(b) states, in part, that all funds of a political committee shall be segregated from, and may not be commingled with any personal funds of officers, members, or associates of such committee.

An audit of the Committee's financial reports, expenditures, and receipts revealed that on two separate dates (20 October 1976 and 28 October 1976) the Committee authorized the disbursement of a total of \$20,000 in campaign funds to the campaign manager. These campaign funds were subsequently deposited and credited to the personal checking account of the Committee's campaign manager. Further examination by the Audit Division, which included the personal records of the campaign manager's checking account, revealed that the period commencing 20 October 1976 through 16 November 1976 thirty-two (32) expenditures were made to fourteen (14) vendors totaling \$16,526.86. The records also disclosed that the campaign manager retained \$3,375.00 as remuneration for his

services. The total expended for this period from the campaign manager's personal checking account was \$19,901.86. The remaining \$98.14 was not accounted for.

In light of the above, both the Committee and the campaign manager violated 2 U.S.C. § 432(b). This violation occurred when the Committee authorized the disbursement of \$20,000 in campaign funds to the campaign manager who acting as an agent for the Committee commingled these monies with the monies in his personal checking account.

RECOMMENDATIONS

1. Find reason to believe that in 1976 the David Crane for Congress Committee violated 2 U.S.C. § 432(b) by authorizing the disbursement of \$20,000 in campaign funds to the campaign manager who acting in his capacity as an agent for the Committee commingled these monies with the monies in his personal checking account.
2. Find reason to believe that in 1976 Mr. Jerry Harkins violated 2 U.S.C. § 432(b) when he commingled \$20,000 in campaign funds with the monies in his personal checking account.
3. Send attached letters.

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7



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John W. Bailey, Treasurer
David Crane for Congress Committee
Post Office Box 175
Prospect Heights, Illinois 60070

Re: MUR 628(78)

Dear Mr. Bailey:

The Federal Election Commission has found reason to believe that your committee may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that in 1976 the David Crane for Congress Committee violated 2 U.S.C. § 432(b) by authorizing the disbursement of \$20,000 in campaign funds to Mr. Jerry Harkins, your campaign manager, which were subsequently commingled with the monies in his personal checking account. We have numbered this matter 628(78).

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-2-

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If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: David G. Crane

Jerry Harkins

7904010007



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

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Box 866
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Sincerely,

William C. Oldaker
General Counsel

cc: David G. Crane

John W. Bailey

7901010008



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR #

628

Date Filmed

2/8/79

Camera No. --- 2

Cameraman

bpc

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