



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1965

DATE FILMED 3/1/93 CAMERA NO. 3

CAMERAMAN ES

93040932410

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 13 February 1985

ANALYST: Libby Cooperman

I. COMMITTEE: Elliot S. Maggin for Congress
C00177188
Andi Johnson, Treasurer
(May 8, 1984 to Present)
Pamela King Maggin
(February 13, 1984 to May 8, 1984)
33 West Main Street
Concord, NH 03301

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(2)(A)(iii)
11 CFR 104.5(a)(1)(iii)

III. BACKGROUND:

Failure to File a Required Report

The Elliot S. Maggin for Congress Committee (the "Committee") failed to file the 1984 October Quarterly Report of Receipts and Disbursements. Prior Notice was sent on September 21, 1984, informing the Committee that the October Quarterly Report was due on October 15, 1984 (Attachment 2). A Non-Filer Notice was sent to the Committee on November 14, 1984, for failure to file the October Quarterly Report (Attachment 3). The Non-Filer Notice informed the Committee that failure to file the report might result in an audit or legal enforcement action.

On January 28, 1985, the Reports Analyst called the candidate because the treasurer could not be reached. Mr. Maggin stated that his treasurer had moved and he would try to obtain the records and file the report. The Reports Analyst also reminded the candidate that the 1984 Year End Report was due on January 31, 1985 (Attachment 4). To date, the 1984 October Quarterly Report has not been filed.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION
1983-1984
CANDIDATE INDEX OF SUPPORTING DOCUMENTS ~ (E)

DATE 8FEB85

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
MAGGIN, ELLIOT S	HOUSE 02	DEMOCRATIC PARTY					1984 ELECTION	ID# H4NH02019	
1. STATEMENT OF CANDIDATE									
1984 STATEMENT OF CANDIDATE							13JAN84		1 84HSE/251/0671
2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES									
3. PRINCIPAL CAMPAIGN COMMITTEE									
ELLIOT S MAGGIN FOR CONGRESS									
1983 YEAR-END			680		733				
1984 STATEMENT OF ORGANIZATION							ID# C00177188 HOUSE		
STATEMENT OF ORGANIZATION - AMENDMENT							2NOV83 -31DEC83		4 84HSE/257/4049
STATEMENT OF ORGANIZATION - AMENDMENT							13FEB84		1 84HSE/255/0263
STATEMENT OF ORGANIZATION - AMENDMENT							8MAY84		1 84HSE/260/0002
STATEMENT OF ORGANIZATION - AMENDMENT							17AUG84		1 84HSE/267/3458
APRIL QUARTERLY			5,170		3,954		27AUG84		1 84HSE/267/3458
JULY QUARTERLY			2,408		3,202		1JAN84 -31MAR84		5 84HSE/257/4044
PRE-PRIMARY			9,026		7,931		1APR84 -30JUN84		5 84HSE/263/0002
REQUEST FOR ADDITIONAL INFORMATION							1JUL84 -22AUG84		9 84HSE/267/3458
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JUL84 -22AUG84		1 84FEC/336/0396
NOTICE OF FAILURE TO FILE							1JUL84 -22AUG84		2 84FEC/346/1975
							1JUL84 -30SEP84		1 84FEC/348/4382
TOTAL			17,284	0	15,820	0			31 TOTAL PAGES
4. AUTHORIZED COMMITTEES									
4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES									

All reports reviewed.

Cash-on-hand as of August 22, 1984 - \$1,458.47

Debts owed by Committee - \$3,891.36

ATTACHMENT 1



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 1984

**OCTOBER 15 QUARTERLY NOTICE
FOR CONGRESSIONAL POLITICAL COMMITTEES**

WHO MUST FILE

The principal campaign committee of each Congressional candidate seeking election in 1984 must file a quarterly report by October 15, 1984. (See below for Semiannual Filing Requirements.)

WHAT MUST BE REPORTED

All financial activity must be disclosed from the last report filed through September 30, 1984. Political committees which have not filed a financial disclosure report should report all financial activity from the date of candidate status* through September 30, 1984.

WHEN TO FILE

Reports sent by registered or certified mail must be postmarked no later than October 15, 1984. Reports hand delivered or mailed first class must be received no later than close of business October 15, 1984.

WHERE AND HOW TO FILE

Committees should consult the instructions on the enclosed FEC Form 3, for details.

COMPLIANCE

Political committees are fully liable for failure to file any report required under the Act. Failure to file in a timely fashion is a serious violation. Committees are subject to enforcement action for late filing. Illegible reports which can not be clearly reproduced and reports submitted on non-FEC forms will not be accepted. Committees filing such documents will be required to refile.

SEMIANNUAL FILERS

Committees authorized by candidates for a Federal election held prior to 1984 or for a future election (i.e., a year other than 1984) need only file a year-end report by January 31, 1985, covering the later of the last report filed or the date of candidate status,* through December 31, 1984.

*The first report filed by a committee shall include all amounts received or disbursed prior to authorization by the candidate, even if such amounts were not received during the current reporting period. See 11 CFR 101.3; 104.3(a) and (b).

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RE M I N D E R F O R Q U A R T E R L Y F I L E R S

REPORTS DUE FOR THE REMAINDER OF 1984

The next report required by the principal campaign committee of a candidate who sought election in 1984, but who is not participating in the upcoming general election, is the year-end report. This report must be filed by January 31, 1985.

Committees participating in the general election will receive a notice informing them of their pre and post-general election filing requirements.

**FOR INFORMATION CALL: Office of Public Communications
800/424-9530 or 202/523-4068**

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-7

November 14, 1984

Andi Johnson, Treasurer
Elliot S. Maggin for Congress
33 W. Main Street
Concord, NH 03301

Identification Number: C00177188

Reference: October Quarterly Report (7/1/84-9/30/84)

Dear Mr. Johnson:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 1325 K Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR 108.2, 108.3, 108.4).

The failure to file this report may result in an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Libby Cooperman on our toll-free number (800) 424-9530. Our local number is (202) 523-4848.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

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DATE: January 28, 1985
FROM: Libby Cooperman, Reports Analyst
TO: Elliot Maggin, Candidate - 603-726-3691
NAME OF COMMITTEE: Elliot S. Maggin for Congress - C00177188 - New Hampshire

The Reports Analyst called the candidate because the treasurer had moved to another city and could not be reached. She told the candidate that the October Quarterly Report had not been filed. The candidate said he would try to locate the records and file the report. The Reports Analyst also reminded the candidate that the Year End Report was due on January 31, 1985.

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SENSITIVE

FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL

TO THE COMMISSION: 3/29/85 - 9:55

MUR #85NF-50

STAFF MEMBER:

Frances Hagan

25 MAR 29 9:53

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENT'S NAME:

Elliott S. Maggin for Congress
Committee
Andi Johnson, Treasurer

RELEVANT STATUTE:

2 U.S.C. § 434(a)(2)(A)(iii)
11 C.F.R. § 104.5(a)(1)(iii)

INTERNAL REPORTS

CHECKED:

RAD Referral

FEDERAL AGENCIES

CHECKED:

None

GENERATION OF MATTER

This matter was referred to the Office of General Counsel by the Reports Analysis Division as a result of that division's Review and Referral Procedures for Authorized Committees.

SUMMARY OF ALLEGATIONS

The Elliott S. Maggin for Congress Committee ("the Committee") and as treasurer, Andi Johnson, violated 2 U.S.C. § 434(a)(2)(A)(iii) by failing to file its October 1984 Quarterly report covering the period August 23, 1984 through September 20, 1984.*

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 434(a)(2)(A)(iii) requires that a principal campaign committee of a candidate for the House of

*/ The last report filed was the pre-primary report covering July 1, 1984-August 22, 1984.

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Representatives shall file "quarterly reports which shall be filed no later than the 15th day after the last day of each calendar quarter which shall be complete as of the last day of each calendar quarter except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year."

The Reports Analysis Division referred the Committee to the Office of General Counsel for failure to file the 1984 October Quarterly Report of Receipts and Disbursement. The Report was due October 15, 1984. RAD sent both a prior notice and a subsequent non-filer notice. Through a telephone call on January 28, 1985, the reports analyst contacted the candidate who explained that the treasurer had moved. The candidate stated that he would attempt to locate the records and file the required report. The analyst advised the candidate that the 1984 Year End Report was due January 31, 1985.

The Committee's last report filed for the pre-primary period July 1, 1984 through August 22, 1984, showed ending cash of \$1,458.47, receipts of \$9,026, disbursements of \$7,931 and debts of \$3,891.36. The candidate lost in the primary, garnering thirty-three percent of the vote.

Because the Committee failed to file its 1984 October Quarterly Report, this Office recommends that the Commission open

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a Matter Under Review and find reason to believe that the Committee violated 2 U.S.C. § 434(a)(2)(A)(iii).

RECOMMENDATION

1. Open a MUR.
2. Find reason to believe that the Elliot S. Maggin for Congress Committee and Andi Johnson, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii).
3. Approve attached letter and General Counsel's Factual and Legal Analysis.

March 28, 1985
Date

Charles N. Steele
General Counsel

BY: Kenneth A. Gross

Kenneth A. Gross
Associate General Counsel

Attachments

Proposed Letter and General Counsel's
Factual and Legal Analysis
Referral from RAD

93040932419

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Elliott S. Maggin for Congress) RAD Referral 85NF-50
Committee)
Andi Johnson, treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 2, 1985, the Commission decided by a vote of 4-0 to take the following actions in RAD Referral 85NF-50:

1. Open a MUR.
2. Find reason to believe that the Elliott S. Maggin for Congress Committee and Andi Johnson, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii).
3. Approve the letter and General Counsel's Factual and Legal Analysis attached to the First General Counsel's Report signed March 28, 1985.

Commissioners Elliott, Harris, McGarry and Reiche voted affirmatively in this matter; Commissioners Aikens and McDonald did not cast a vote.

Attest:

4-3-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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

3-29-85, 9:53
3-29-85, 2:00

93040932420



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

April 4, 1985

Andi Johnson, Treasurer
Elliot S. Maggin for Congress
33 W. Main Street
Concord, New Hampshire 03301

RE: MUR 1965
Elliot S. Maggin for Congress
Committee
Andi Johnson, Treasurer

Dear Mr. Johnson:

On April 2, 1985, the Federal Election Commission determined that there is reason to believe that the Elliot S. Maggin for Congress Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

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 a statement authorizing such counsel to receive any notifications and other communications from the Commission.

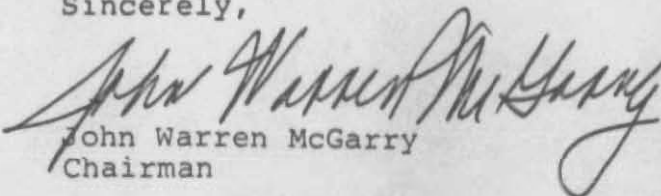
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Andi Johnson, Treasurer
Page 2

The investigation now being conducted will be 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 Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,


John Warren McGarry
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

cc: Elliott S. Maggin

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GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Elliot S. Maggin
for Congress Committee
Andi Johnson, Treasurer

MUR NO. 1965

SUMMARY OF ALLEGATIONS

The Elliott S. Maggin for Congress Committee ("the Committee") and as treasurer, Andi Johnson, violated 2 U.S.C. § 434(a)(2)(A)(iii) by failing to file its October 1984 Quarterly report covering the period August 23, 1984 through September 20, 1984.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 434(a)(2)(A)(iii) requires that a principal campaign committee of a candidate for the House of Representatives shall file "quarterly reports which shall be filed no later than the 15th day after the last day of each calendar quarter which shall be complete as of the last day of each calendar quarter except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year."

The Reports Analysis Division referred the Committee to the Office of General Counsel for failure to file the 1984 October Quarterly Report of Receipts and Disbursement. The Report was due October 15, 1984. RAD sent both a prior notice and a subsequent non-filer notice. Through a telephone call on January 28, 1985, the reports analyst contacted the candidate who explained that the treasurer had moved. The candidate stated that he would attempt to locate the records and file the required report. The analyst advised the candidate that the 1984 Year End Report was due January 31, 1985.

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The Committee's last report filed for the pre-primary period July 1, 1984 through August 22, 1984, showed ending cash of \$1,458.47, receipts of \$9,026, disbursements of \$7,931 and debts of \$3,891.36. The candidate lost in the primary, garnering thirty-three percent of the vote.

Because the Committee failed to file its 1984 October Quarterly Report, this Office recommended that the Commission open a Matter Under Review and find reason to believe that the Committee violated 2 U.S.C. § 434(a)(2)(A)(iii).

93040932424



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 29, 1985

ED
FED
MAY 29 P 3:44

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel *CN*

SENSITIVE

SUBJECT: MUR 1965

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on May 29, 1985. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondent

93040932425



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 29, 1985

Andi Johnson, Treasurer
Elliot S. Maggin for Congress Committee
P.O. Box 210
Dublin, New Hampshire 03444

RE: MUR 1965
Elliot S. Maggin for Congress
Andi Johnson, Treasurer

Dear Ms. Johnson:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on April 2, 1985, found reason to believe that the Elliot S. Maggin for Congress Committee, and you, as treasurer, had violated 2 U.S.C. § 434(a)(2)(A)(iii) and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of General Counsel, if possible. The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

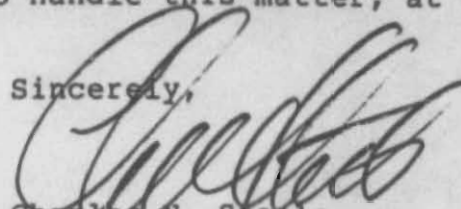
A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

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Andi Johnson, Treasurer
Page 2

Should you have any questions, please contact Frances B. Hagan, the staff member assigned to handle this matter, at (202) 523-4000.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

cc: Elliot S. Maggin

93040932427

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Elliot S. Maggin for Congress)

Committee)

Andi Johnson, Treasurer)

MUR 1965

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On April 2, 1985, the Commission found reason to believe that the Elliot S. Maggin for Congress Committee, ("the Committee") and Andi Johnson, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii) by failing to file its October 1984 Quarterly Report covering the period August 23, 1984 through September 30, 1984.

The Reports Analysis Division referred the Committee to the Office of General Counsel for failure to file the 1984 October Quarterly Report of Receipts and Disbursements. The Report was due October 15, 1984. RAD sent both a prior notice and a subsequent non-filer notice. Through a telephone call on January 28, 1985, the reports analyst contacted the candidate who explained that the treasurer had moved. The candidate stated that he would attempt to locate the records and file the required report.

The Committee's last report filed for the pre-primary period July 1, 1984 through August 22, 1984, showed ending cash of \$1,458.47, receipts of \$9,026, disbursements of \$7,931 and debts of \$3,891.36. The candidate lost in the primary, garnering thirty-three percent of the vote.

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The Committee did not respond to the Commission's reason to believe finding.

II. LEGAL ANALYSIS

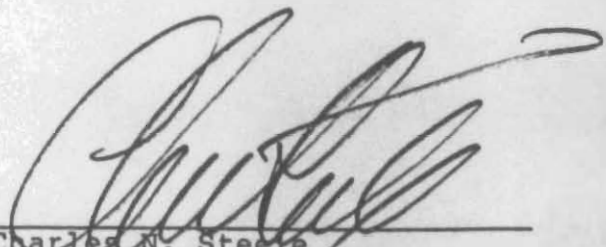
2 U.S.C. § 434(a)(2)(A)(iii) requires that a principal campaign committee of a candidate for the House of Representatives shall file "quarterly reports which shall be filed no later than the 15th day after the last day of each calendar quarter which shall be complete as of the last day of each calendar quarter except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year."

The Committee has failed to file its 1984 October Quarterly as required and is, therefore, in violation of 2 U.S.C. § 434(a)(2)(A)(iii). The Office of General Counsel is prepared to recommend probable cause to believe that such a violation occurred in this case.

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe that the Elliot S. Maggin for Congress Committee and Andi Johnson, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii).

29 May 1985
Date


Charles N. Steere
General Counsel

93040932429

SENSITIVE

EXECUTIVE SESSION

BEFORE THE FEDERAL ELECTION COMMISSION JUL 30 1985

In the Matter of)

Elliot S. Maggin for Congress)
Committee)

Andi Johnson, Treasurer)

MUR 1965

05 JUL 22 P12: 55

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 2, 1985, the Commission found reason to believe that the Elliot S. Maggin for Congress Committee, ("the Committee") and Andi Johnson, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii) by failing to file its October 1984 Quarterly Report covering the period August 23, 1984 through September 30, 1984.

On May 29, 1985, the General Counsel's Brief was mailed to the Respondent. The Committee has not responded to the reason to believe notice or to the Brief.

II. LEGAL ANALYSIS

2 U.S.C. § 434(a)(2)(A)(iii) requires that a principal campaign committee of a candidate for the House of Representatives shall file "quarterly reports which shall be filed no later than the 15th day after the last day of each calendar quarter which shall be complete as of the last day of each calendar quarter except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year."

The Committee has failed to file its 1984 October Quarterly as required and is, therefore, in violation of 2 U.S.C. § 434(a)(2)(A)(iii). The Office of General Counsel is

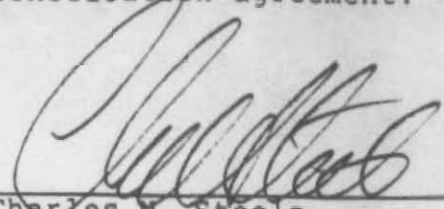
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recommending probable cause to believe that such a violation occurred in this case.

IV. RECOMMENDATION

1. Find probable cause to believe that the Elliot S. Maggin for Congress Committee and Andi Johnson, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii).
2. Approve the attached proposed conciliation agreement.
3. Approve the attached letter.

17 July 1985
Date


Charles N. Steele
General Counsel

Attachments
Proposed conciliation agreement
Letter to Respondent

93040932431

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Elliott S. Maggin for Congress Committee) MUR 1965
Andi Johnson, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 30, 1985, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 1965:

1. Find probable cause to believe that the Elliot S. Maggin for Congress Committee and Andi Johnson, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii).
2. Approve the proposed conciliation agreement attached to the General Counsel's report dated July 17, 1985.
3. Approve the letter attached to the General Counsel's report dated July 17, 1985.

Commissioners Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision; Commissioner Aikens was not present at the time of the vote.

Attest:

7-30-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

93040932432

SECRET

EXEC.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Elliot S. Maggin for Congress) MUR 1965
Committee)
Andi Johnson, as treasurer)

OCT 29 1985

GENERAL COUNSEL'S REPORT

I. BACKGROUND/PREVIOUS COMMISSION ACTION

On April 2, 1985, the Commission found reason to believe that the Elliot S. Maggin for Congress Committee, ("the Committee") and Andi Johnson, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii) by failing to file its October 1984 Quarterly Report covering the period August 23, 1984 through September 30, 1984. On May 29, 1985, the General Counsel's Brief was mailed to the Respondent. On July 30, 1985, the Commission found probable cause to believe that the violations occurred in this matter.

The Committee has not responded to any of the notices in this case. We have verified through inquiries with the local postmaster and through certified mail that the Commission's notices have been received.

We

have received no response. Therefore, because our attempts at conciliation have failed in this matter, we are recommending that the Commission authorize civil suit.

II. Recommendation


1. Authorize the Office of the General Counsel to file a civil suit for relief in the United States District

93040932433

Court against the Elliot S. Maggin for Congress
Committee and Andi Johnson, as treasurer.

2. Approve attached letter.

15 October 1985
Date


Charles N. Steele
General Counsel

Attachment
Letter to Respondent

93040932434

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Elliot S. Maggin for Congress Committee) MUR 1965
Andi Johnson, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of October 29, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1965:

1. Authorize the Office of the General Counsel to file a civil suit for relief in the United States District Court against the Elliott S. Maggin for Congress Committee and Andi Johnson, as treasurer.
2. Approve the letter attached to the General Counsel's report dated October 15, 1985.

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

Attest:

10-29-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

93040932435



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 22, 1985

Andi Johnson, Treasurer
Elliot S. Maggin for Congress Committee
P. O. Box 210
Dublin, NH 03444

RE: MUR 1965
Elliot S. Maggin for Congress
Andi Johnson, as Treasurer

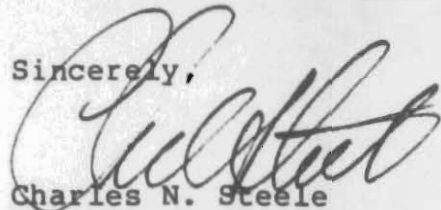
Dear Ms. Johnson:

You were previously notified that on August 9, 1985, the Federal Election Commission found probable cause to believe that the Elliot S. Maggin for Congress Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the captioned matter.

As a result of our inability to settle this matter through conciliation within the allowable time period, the Commission has authorized the institution of a civil action for relief in the U.S. District Court.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Ivan Rivera, the attorney handling this case, at (202) 523-4143 within 10 days of receipt of this letter.

Sincerely,


Charles N. Steele
General Counsel

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MUR 1965

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Federal Election Commission

v.

Civil No. 86-40-L

Elliot S. Maggin for Congress
Committee, et al.

REPORT AND RECOMMENDATION

A hearing on damages was held on July 2, 1986, with Ivan Rivera, Esq., of the Federal Election Commission (FEC), appearing for plaintiff and no one appearing for defendants.

This case grows out of Elliot S. Maggin's unsuccessful bid for the Democratic nomination for the United States House of Representatives for the second congressional district of New Hampshire in 1984. Specifically, it entails the failure of the Elliot S. Maggin for Congress Committee (Maggin Committee) and the failure of Andi T. Johnson, as treasurer of the Maggin Committee, to timely file the October 1984 quarterly financial report with the FEC as required by 2 U.S.C. § 434(a)(2)(A)(iii). The crux of the complaint is that the Maggin Committee and Andi T. Johnson, as treasurer of the Maggin Committee, violated the disclosure provisions of the Federal Election Campaign Act (Act) by failing to timely report the receipts, disbursements and financial obligations of the Maggin Committee by October 15, 1984.

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It appears from the complaint that the FEC, as required by 2 U.S.C. § 437g, attempted through informal means to obtain the requisite October 1984 quarterly report, thereby correcting the violation and a conciliation agreement regarding a civil penalty and regarding future violations of the Act. The October 1984 quarterly report was filed by the defendants on December 16, 1985, some fourteen months late and only after the FEC authorized the initiation of a civil suit under 2 U.S.C. § 437g(a)(6). FEC, failing to obtain an acceptable conciliation agreement, has sought judicial enforcement of the Act by bringing suit in the instant case on January 29, 1986.

Service was made on the Maggin Committee and Andi T. Johnson, treasurer of the Maggin Committee. Neither defendant answered the complaint. It is noted that the late filing of the October 1984 quarterly report with FEC does not satisfy defendants' obligation to answer the complaint. FEC has requested, and this Court has entered, default against each defendant.

The case is now before the Court for declaratory and injunctive relief and the imposition of civil penalty.

It is recommended that:

1. the Court declare that the Elliot S. Maggin for Congress Committee and Andi T. Johnson both violated 2 U.S.C. § 434(a)(2)(A)(iii) by failing to timely file the October 1984 quarterly report as required;

2. the Court assess a civil penalty of five thousand dollars (\$5,000) against the Elliot S. Maggin Committee and a civil penalty of five thousand dollars (\$5,000) against Andi T. Johnson as provided for in 2 U.S.C. § 437g(a)(6)(B);

3. the Elliot S. Maggin for Congress Committee and Andi T. Johnson both be permanently enjoined from further violations of the Federal Election Campaign Act of 1971 as amended; and

4. the Federal Election Commission be awarded its costs and reasonable attorney's fees.

Any objections to this Report and Recommendation must be filed with the Clerk of Court within ten days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. See Scott v. Schweiker, 702 F.2d 13, 14 (1st Cir. 1983).


United States Magistrate

July 10, 1986

cc: Robert W. Bonham, III, Esq.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1965

DATE FILMED 3/1/93 CAMERA NO. 3

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