



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2298

Date Filmed 12/19/86 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

Assignment memorandum, routing slips, blue routing cards,

references to internal practices, 12-day report, comments, internal

objection memo, internal memoranda, First general Counsel's report.

Withdrawn.

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):

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input checked="" type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents | |

Signed Lawrence E. Tabak
date December 17, 1986

FEC 9-21-77

TRW
12/17/86

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***TYPE or PRINT

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PAGE 1 of 1

MUR # 2298

MERGED WITH (not applicable)

MICROFILM LOCATION

REEL/FRAME

REEL/FRAME

REEL/FRAME

COMPLAINANT NAMES

Internal

☐ Continued

RESPONDENT NAMES

Californians for Senator Pete Wilson

Miller, Robert E. (Jr.), treasurer

☐ Continued

MUR DATES

OPENED: December 3, 1986

CLOSED: December 5, 1986

U.S. CODE CITES

C.F.R. CITES

578-441a(f)

554-441a(a)(1)(A)

2770-431(11)

560-441a(a)(2)(A)

☐ Continued

☐ Continued

SUBJECT TERMS

463-Contributions - Acceptance - of prohibited contribution

☐ Continued

L. Tobey December 17, 1986
CODER (Name and Date)

Thomas J. [Signature] 12/17/86
SUPERVISOR (Name and Date)

VERIFIED BY AND SIGNED OFF (Name and Date)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Californians for Senator Pete)
Wilson, and Robert E. Miller, Jr.,)
as treasurer)

RAD Ref. 86L-22 (MUR2298)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 5, 1986, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 86L-22:

1. Open a MUR.
2. Find reason to believe that the Californians for Senator Pete Wilson and Robert E. Miller, Jr., as treasurer, violated 2 U.S.C. § 441a(f), but take no further action in this matter.
3. Approve and send the Factual and Legal Analysis, as recommended in the First General Counsel's Report signed December 3, 1986.
4. Approve and send the letter, as recommended in the First General Counsel's Report signed December 3, 1986.
5. Close the file.

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

Attest:

12-8-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	Wed.,	12-3-86,	11:35
Circulated on 48 hour tally basis:	Wed.,	12-3-86,	4:00
Deadline for vote:	Fri.,	12-5-86,	4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 10, 1986

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert E. Miller, Jr., Treasurer
Californians for Senator Pete Wilson
1200 Third Avenue #700
San Diego, CA 92101

RE: MUR 2298

Dear Mr. Miller:

On December 5, 1986, the Commission found reason to believe that the Californians for Senator Pete Wilson, and you, as treasurer (hereinafter, "the Committee") violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced MUR. However, after considering the circumstances of this matter, the Commission determined to take no further action and closed its file. The General Counsel's Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that the knowing acceptance of excessive contributions is a violation of 2 U.S.C. § 441a(f). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Laurence E. Tobey, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Chairman

Enclosure:
Factual and Legal Analysis

05040522420

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION:

RAD Referral 86L-22
STAFF MEMBER:
L. Tobey

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: Californians for Senator Pete
 Wilson, and Robert E. Miller, Jr.,
 as treasurer

RELEVANT STATUTE: 2 U.S.C. § 441a(f)

INTERNAL REPORTS
CHECKED: 1986 Committee reports
 Multicandidate Committee Index
 MUR 2237

FEDERAL AGENCIES
CHECKED: None

GENERATION OF MATTER

This matter arose as a referral from the Reports Analysis
Division (hereinafter, "RAD"). Attachment I.

SUMMARY OF ALLEGATIONS

The Californians for Senator Pete Wilson committee, and
Robert E. Miller, Jr., as treasurer, knowingly accepted excessive
contributions from a political committee in violation of 2 U.S.C.
§ 441a(f).

FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended
(hereinafter, "the Act") provides that no person shall make

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contributions to any candidate and his authorized political committees with respect to any federal election which exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A). The term "person" includes a committee. 2 U.S.C. § 431(11). No candidate or political committee shall knowingly accept any contribution which is prohibited by 2 U.S.C. § 441a. 2 U.S.C. § 441a(f).

The Act further provides that a multicandidate political committee is a political committee which has been registered with the Commission for six months or more, which has received contributions from 50 or more persons, and which has made contributions to five or more federal candidates. 2 U.S.C. § 441a(a)(4). A multicandidate political committee may make contributions of \$5,000 to any candidate with respect to any federal election. 2 U.S.C. § 441a(a)(2)(A).

The Kilroy Industries Political Action Committee (hereinafter, "KIPAC") is a political committee which is registered with the Commission. RAD reported that KIPAC made two \$5,000 contributions to the Californians for Senator Pete Wilson (hereinafter, "the Wilson committee") on January 31, 1986. One contribution was designated for the primary, and the other contribution was designated for the general election. After correspondence with RAD, KIPAC filed a letter with the Commission on June 23, 1986 acknowledging that it was not a qualified

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multicandidate political committee at the time it made the contributions to the Wilson Committee. Attachment II. The contributions by KIPAC were the subject of RAD Referral 86L-16. On September 9, 1986, the Commission found reason to believe that the Kilroy Industries Political Action Committee violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to the Wilson committee and to another candidate's committee. However, on the same date, the Commission voted to take no further action and closed its file. See MUR 2237.

Because KIPAC was not a qualified multicandidate political committee, it was subject to the \$1,000 per election limitation. KIPAC could have permissibly made a \$1,000 contribution to the Wilson Committee for the primary, and a \$1,000 contribution for the general election. By making two \$5,000 contributions, KIPAC made two excessive contributions of \$4,000 each, for a total excessive amount of \$8,000. The RAD Referral also noted that the Wilson committee refunded \$9,000 to KIPAC on June 10, 1986.

The Wilson committee reported the two excessive contributions from KIPAC on its 1986 Mid-Year Report. Therefore, the Wilson Committee is chargeable with the knowledge that it knowingly accepted these contributions.^{1/} The Wilson Committee filed a letter with the Secretary of the Senate on September 18, 1986 acknowledging that it had received excessive contributions

^{1/}. The RAD referral contains no evidence that the Wilson Committee inquired of KIPAC whether it was a qualified multicandidate political committee.

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from KIPAC and stating that \$9,000 had been refunded. Attachment III.

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The knowing acceptance of excessive contributions is a violation of 2 U.S.C. § 441a(f). The knowledge requirement of 2 U.S.C. § 441a(f) requires only knowledge of the fact of the acceptance, and not knowledge of the illegality of the contributions. Federal Election Commission v. California Medical Association, 502 F. Supp. 196 (N.D. Cal. 1980); Federal Election Commission v. Dramesi for Congress Committee, No. 85-4039 (D. N.J., July 25, 1986); but see Federal Election Commission v. Re-Elect Hollenbeck to Congress Committee, No. 85-2239 (D. D.C., June 13, 1986). Therefore, this Office recommends that the Commission find reason to believe that the Wilson committee violated 2 U.S.C. § 441a(f). However, in light of the Commission's decision in MUR 2237 to take no further action against the Kilroy Industries Political Action Committee, this Office recommends that the Commission take no further action against the Californians for Senator Pete Wilson and Robert E. Miller, Jr., as treasurer.

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the Californians for Senator Pete Wilson and Robert E. Miller, Jr., as treasurer, violated 2 U.S.C. § 441a(f), but take no further action in this matter.
3. Approve and send the attached Factual and Legal Analysis.

4. Approve and send the attached letter.
5. Close the file.

Charles N. Steele
General Counsel

12/3/86
Date

BY:

Lawrence M. Noble
Lawrence M. Noble
Deputy General Counsel

Attachments

- I. RAD Referral
- II. Letter from KIPAC
- III. Letter from Wilson committee
- IV. Proposed Factual and Legal Analysis (1)
- V. Proposed Letter to Respondents (1)

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

24 September 1986

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA *JS*
STAFF DIRECTOR

FROM: JOHN D. GIBSON *JDG*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF THE CALIFORNIANS FOR SENATOR
PETE WILSON

This is a referral of the Californians for Senator Pete Wilson ("the Committee"). The Committee has accepted and refunded an apparent excessive contribution from a non-qualified political committee, the Kilroy Industries PAC ("KIPAC").

For your information, KIPAC was referred to your office for further examination on July 18, 1986 (see RAD Referral 86L-16, now closed MUR 2237).

If you have any questions regarding this matter, please contact Pat Sheppard at 376-2480.

Attachment

Attachment I

22426
037405

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 24 September 1986

ANALYST: Pat Sheppard

I. COMMITTEE: Californians for Senator Pete Wilson
(C00165720)
Robert E. Miller Jr., Treasurer
1200 Third Avenue, Suite 700
San Diego, CA 92101

II. RELEVANT STATUTE: 2 U.S.C. §441a(f)

III. BACKGROUND:

Receipt of Excessive Contribution - 2 U.S.C. §441a(f)

The 1986 Mid-Year Report of the Californians for Senator Pete Wilson ("the Committee") disclosed the receipt of an apparent excessive contribution from a non-qualified political committee, the Kilroy Industries PAC ("KIPAC"). The Committee's report disclosed the receipt of a \$5,000 contribution on January 31, 1986 designated for the Primary Election, and another \$5,000 contribution on January 31, 1986 designated for the General Election (Attachment 2). This resulted in an apparent excessive contribution totalling \$8,000. The Committee's report also disclosed a contribution refund of \$9,000 to KIPAC on June 10, 1986 (Attachment 3).

An Informational Notice was sent to the Committee on September 5, 1986 noting the receipt and refund of the apparent excessive amount (Attachment 4).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

FEDERAL ELECTION COMMISSION
CANDIDATE INDEX OF SUPPORT OR OPPOSITION

PAGE 1

3

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

WILSON, PETE	SENATE	REPUBLICAN PARTY			CALIFORNIA		1988 ELECTION	ID# S2CA00104	

1. STATEMENT OF CANDIDATE									
1983 STATEMENT OF CANDIDATE							6APR83	3	83SEN/003/1093
NOTE: THIS DOCUMENT WAS FILED WITH THE COMMISSION DURING A PREVIOUS ELECTION CYCLE. ADDITIONAL FINANCIAL ACTIVITY REPORTED BY THIS CANDIDATE MAY APPEAR ON INDICES COVERING THAT EARLIER PERIOD.									
2. PRINCIPAL CAMPAIGN COMMITTEE									
CALIFORNIANS FOR SENATOR PETE WILSON (1988/PCC)							ID# 00165720	SENATE	
1985 STATEMENT OF ORGANIZATION - AMENDMENT							20FEB85	3	85SEN/003/2676
STATEMENT OF ORGANIZATION - AMENDMENT							14MAY85	4	85SEN/004/1006
MID-YEAR REPORT			1,169,479		271,840		1JAN85 -30JUN85	273	85SEN/008/0319
MID-YEAR REPORT - AMENDMENT			1,169,479		271,840		1JAN85 -30JUN85	11	86SEN/006/2079
YEAR-END				681,508		387,171	1JUL85 -31DEC85	209	86SEN/004/2802
YEAR-END - AMENDMENT				681,508		387,171	1JUL85 -31DEC85	6	86SEN/006/2090
YEAR-END - AMENDMENT							1JUL85 -31DEC85	2	86SEN/006/4040
YEAR-END - AMENDMENT				681,508		387,171	1JUL85 -31DEC85	5	86SEN/011/1484
YEAR-END - AMENDMENT				681,508		387,171	1JUL85 -31DEC85	4	86SEN/011/1490
YEAR-END - AMENDMENT				681,508		387,272	1JUL85 -31DEC85	7	86SEN/012/0608
REQUEST FOR ADDITIONAL INFORMATION							1JUL85 -31DEC85	1	86FEC/407/3961
1986 STATEMENT OF ORGANIZATION - AMENDMENT							10MAR86	4	86SEN/006/2736
MID-YEAR REPORT				156,900		144,941	1JAN86 -30JUN86	75	85SEN/017/1027
1ST LETTER INFORMATIONAL NOTICE							1JAN86 -30JUN86	2	86FEC/409/5014

TOTAL			1,169,479	832,514	271,840	532,213		606	TOTAL PAGES
3. AUTHORIZED COMMITTEES									
PETE WILSON FOR U S SENATE (1982/PCC)							ID# 00144444	SENATE	
1985 STATEMENT OF ORGANIZATION - AMENDMENT							20FEB85	3	85SEN/003/2673
MID-YEAR REPORT				5,700		419	1JAN85 -30JUN85	9	85SEN/008/1280
MID-YEAR REPORT - AMENDMENT				5,700		419	1JAN85 -30JUN85	4	86SEN/006/2050
YEAR-END				759		6,750	1JUL85 -31DEC85	9	86SEN/005/3615
YEAR-END - AMENDMENT				759		6,750	1JUL85 -31DEC85	5	86SEN/006/2054
1986 MID-YEAR REPORT				1,000		250	1JAN86 -30JUN86	7	86SEN/017/1402

									37 TOTAL PAGES
									37 AUTH TOT PAGES
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

ALL REPORTS HAVE BEEN REVIEWED
CASH ON HAND AS OF 6/30/86 - \$1,471,868.02
DEBTS AS OF 6/30/86 - - \$3,497.90

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SCHEDULE A

ITEMIZED RECEIPTS

Line Number 11C

Statement Covers Period From 01/01/86 through 06/30/86

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

Name of committee: Californians for Senator Pete Wilson

Employer	Date	Amount
EM PAC P.O. Box 1470 Sacramento, CA 95825 Receipt For: Primary	06/27/86	\$ 1,000.00
American Express Committee for Responsible Government 1020 - 19th Street, N.W. Washington, DC 20036 Receipt For: Primary	06/03/86	\$ 1,000.00
CPA Public Affairs Committee 5670 Wilshire Blvd Suite 1470 Los Angeles, CA 90036 Receipt For: Primary	01/31/86	\$ 3,000.00
Food Marketing Institute PAC 1750 K Street Washington, DC 20007 Receipt For: Primary	04/02/86	\$ 1,000.00
Gruman Political Action Comm. 1111 Stewart Avenue Bethpage, NY 11714 Receipt For: Primary	05/23/86	\$ 1,000.00
Kilroy Industries Political Action Committee 2250 East Imperial Hwy., #1200 El Segundo, CA 90245 Receipt For: Primary	01/31/86	\$ 5,000.00
Kilroy Industries Political Action Committee 2250 East Imperial Hwy., #1200 El Segundo, CA 90245 Receipt For: General	01/31/86	\$ 5,000.00

SUBTOTAL of Receipts This Page..... \$ 17,000.

SCHEDULE B

ITEMIZED DISBURSEMENTS

Also indicate schedule such category of Disbursed Summary Page

FOR LINE NUMBER
20c

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

NAME OF COMMITTEE (in Full)

Californians for Senator Pete Wilson

C00165720

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
MCA Political Action Committee 100 Universal City Plaza Universal City, CA 91608	Return of contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2/18/86	1,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Kilroy Industries PAC 2250 E. Imperial Hwy., #1200 El Segundo, CA 90245	Return of contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/10/86	9,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
California Almond Growers P.O. Box 1768 Sacramento, CA 95808	Return of contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/5/86	690.83
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		

SUBTOTAL of Disbursements This Page (optional)

10,690.83

TOTAL This Period (list page this line number only)

10,690.83



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

Robert E. Miller Jr., Treasurer
Californians for Senator Pete Wilson
(1988/PCC)
1200 Third Avenue, Suite 700
San Diego, CA 92101

SEP 5 1995

Identification Number: C00165720

Reference: Mid-Year Report (1/1/86-6/30/86)

Dear Mr. Miller:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule B of your report (pertinent portion attached) discloses contributions which appear to exceed the limits set forth in the Act. An individual or a political committee other than a multicandidate committee may not make contributions to a candidate for Federal office in excess of \$1,000 per election. Additionally, a multicandidate committee may not make a contribution to a candidate for Federal office in excess of \$5,000 per election. (2 U.S.C. §§441a(a) and (f))

The Commission notes your refund of the excessive contributions. Although the Commission may take further legal steps concerning the acceptance of excessive contributions, your action in refunding the excessive amounts will be taken into consideration.

Any amendment or clarification should be filed with the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

A handwritten signature in dark ink that reads "Pat Sheppard". The signature is fluid and cursive, with the first letters of "Pat" and "Sheppard" being capitalized and prominent.

Pat Sheppard
Senior Reports Analyst
Reports Analysis Division

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- EC

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June 18, 1986

Reference: Identification No. C00195495


This is in response to your letter of June 4, 1986 regarding our April Quarterly Report.

In summary, we have received the refunds you requested. A photocopy of these checks and an amended Schedule B is enclosed. We will, on our next report, file the names of the five candidates for Federal office we supported, thus qualifying us as a multi-candidate committee.

Ms. Tammy Rollins
Federal Election Committee
June 18, 1986
Page Two

Again, thank you for all your assistance.

Sincerely,



John G. Carlson

Enclosures

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MILLER/ROOS & CO.
CERTIFIED PUBLIC ACCOUNTANTS

Robert E. Miller, Jr.
C. Moty Rinn

September 18, 1986

Secretary of the Senate
119 "D" Street, N.E.
Washington, D. C. 20510

Attention: Pat Sheppard

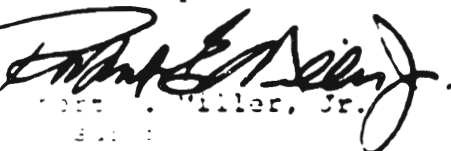
Re: Californians for Senator Pete Wilson - #C00165720
Report - 1/1/86 - 6/30/86

Gentlemen:

This letter is in response to your letter dated September 5, 1986 regarding the return of certain contributions on the above mentioned report. The committee returned the contributions immediately upon discovering they were excessive. Specifically, Kilroy Industries PAC requested a return of \$9,000 when they were informed by your office that they did not qualify as a multi-candidate committee.

We contact us if you have any additional questions.

Yours truly,


Robert E. Miller, Jr.
C. Moty Rinn

Attachment III

9

**FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL & LEGAL ANALYSIS**

MUR

STAFF MEMBER & TELEPHONE:
Laurence E. Tobey (202) 376-8200

RESPONDENT: **Californians for Senator Pete Wilson,
 and Robert E. Miller, as treasurer**

SUMMARY OF ALLEGATIONS

The Californians for Senator Pete Wilson committee and Robert E. Miller, Jr., as treasurer, violated 2 U.S.C. § 441a(f) by knowingly accepting excessive contributions of \$8,000 from the Kilroy Industries Political Action Committee.

FACTUAL BASIS AND LEGAL ANALYSIS

A. Facts

This matter arose as a referral from the Reports Analysis Division (hereinafter, "RAD"). RAD stated that reports filed by the Californians for Senator Pete Wilson committee and Robert E. Miller, Jr., as treasurer (hereinafter, "the Wilson committee") showed that on January 31, 1986, the Wilson committee accepted two \$5,000 contributions from the Kilroy Industries Political Action Committee ("KIPAC"). The Wilson committee also reported that on June 10, 1986, it refunded \$9,000 to KIPAC.

B. Legal Analysis

The Federal Election Campaign Act of 1971, as amended (hereinafter, "the Act") provides that no person shall make contributions to any candidate and his authorized political committees with respect to any federal election which exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A). The term "person" includes a

committee. 2 U.S.C. § 431(11). No candidate or political committee shall knowingly accept any contribution which is prohibited by 2 U.S.C. § 441a. 2 U.S.C. § 441a(f).

The Act further provides that a multicandidate political committee is a political committee which has been registered with the Commission for six months or more, which has received contributions from 50 or more persons, and which has made contributions to five or more federal candidates. 2 U.S.C. § 441a(a)(4). A multicandidate political committee may make contributions of \$5,000 to any candidate with respect to any federal election. 2 U.S.C. § 441a(a)(2)(A).

KIPAC is a political committee which is registered with the Commission. RAD reported that KIPAC made two \$5,000 contributions to the Wilson committee on January 31, 1986. One contribution was designated for the primary, and the other contribution was designated for the general election.

On June 23, 1986, KIPAC filed a letter with the Commission acknowledging that it was not a qualified multicandidate political committee at the time it made the contributions to the Wilson committee.

Because KIPAC was not a qualified multicandidate political committee, it was subject to the \$1,000 per election limitation of 2 U.S.C. § 441a(a)(1)(A). KIPAC could have permissibly made a \$1,000 contribution to the Wilson committee for the primary,



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert E. Miller, Jr., Treasurer
Californians for Senator Pete Wilson
1200 Third Avenue #700
San Diego, CA 92101

RE: MUR

Dear Mr. Miller:

On , 1986, the Commission found reason to believe that the Californians for Senator Pete Wilson, and you, as treasurer (hereinafter, "the Committee") violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced MUR. However, after considering the circumstances of this matter, the Commission determined to take no further action and closed its file. The General Counsel's Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that the knowing acceptance of excessive contributions is a violation of 2 U.S.C. § 441a(f). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Laurence E. Tobey, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Chairman

Enclosure:
Factual and Legal Analysis

95040622437



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

24 September 1986

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF THE CALIFORNIANS FOR SENATOR
PETE WILSON

This is a referral of the Californians for Senator Pete Wilson ("the Committee"). The Committee has accepted and refunded an apparent excessive contribution from a non-qualified political committee, the Kilroy Industries PAC ("KIPAC").

For your information, KIPAC was referred to your office for further examination on July 18, 1986 (see RAD Referral 86L-16, now closed MUR 2237).

If you have any questions regarding this matter, please contact Pat Sheppard at 376-2480.

Attachment

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 24 September 1986

ANALYST: Pat Sheppard

- I. COMMITTEE:** Californians for Senator Pete Wilson
(C00165720)
Robert E. Miller Jr., Treasurer
1200 Third Avenue, Suite 700
San Diego, CA 92101
- II. RELEVANT STATUTE:** 2 U.S.C. §441a(f)
- III. BACKGROUND:**

Receipt of Excessive Contribution - 2 U.S.C. §441a(f)

The 1986 Mid-Year Report of the Californians for Senator Pete Wilson ("the Committee") disclosed the receipt of an apparent excessive contribution from a non-qualified political committee, the Kilroy Industries PAC ("KIPAC"). The Committee's report disclosed the receipt of a \$5,000 contribution on January 31, 1986 designated for the Primary Election, and another \$5,000 contribution on January 31, 1986 designated for the General Election (Attachment 2). This resulted in an apparent excessive contribution totalling \$8,000. The Committee's report also disclosed a contribution refund of \$9,000 to KIPAC on June 10, 1986 (Attachment 3).

An Informational Notice was sent to the Committee on September 5, 1986 noting the receipt and refund of the apparent excessive amount (Attachment 4).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

86040622439

FEDERAL ELECTION COMMISSION
1985-1986

DATE 16SEP86

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - SEN

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
WILSON, PETE									
SENATE REPUBLICAN PARTY CALIFORNIA 1988 ELECTION ID# S2CA00104									
1. STATEMENT OF CANDIDATE									
1983 STATEMENT OF CANDIDATE 6APR83 3 83SEN/003/1093									
NOTE: THIS DOCUMENT WAS FILED WITH THE COMMISSION DURING A PREVIOUS ELECTION CYCLE. ADDITIONAL FINANCIAL ACTIVITY REPORTED BY THIS CANDIDATE MAY APPEAR ON INDICES COVERING THAT EARLIER PERIOD.									
2. PRINCIPAL CAMPAIGN COMMITTEE									
CALIFORNIANS FOR SENATOR PETE WILSON (1988/PCC) ID# C00165720 SENATE									
1985 STATEMENT OF ORGANIZATION - AMENDMENT 20FEB85 3 85SEN/003/2676									
STATEMENT OF ORGANIZATION - AMENDMENT 14MAY85 4 85SEN/004/1006									
MID-YEAR REPORT 1JAN85 -30JUN85 273 85SEN/008/0319									
MID-YEAR REPORT - AMENDMENT 1JAN85 -30JUN85 11 86SEN/006/2079									
YEAR-END 1JUL85 -31DEC85 209 86SEN/004/2802									
YEAR-END - AMENDMENT 1JUL85 -31DEC85 6 86SEN/006/2090									
YEAR-END - AMENDMENT 1JUL85 -31DEC85 2 86SEN/006/4040									
YEAR-END - AMENDMENT 1JUL85 -31DEC85 5 86SEN/011/1484									
YEAR-END - AMENDMENT 1JUL85 -31DEC85 4 86SEN/011/1490									
YEAR-END - AMENDMENT 1JUL85 -31DEC85 7 86SEN/012/0608									
REQUEST FOR ADDITIONAL INFORMATION 1JUL85 -31DEC85 1 86FEC/407/3961									
1986 STATEMENT OF ORGANIZATION - AMENDMENT 10MAR86 4 86SEN/006/2736									
MID-YEAR REPORT 1JAN86 -30JUN86 75 86SEN/017/1327									
1ST LETTER INFORMATIONAL NOTICE 1JAN86 -30JUN86 2 86FEC/409/5014									
TOTAL 1.169.479 832.514 271.840 532.213 606 TOTAL PAGES									
3. AUTHORIZED COMMITTEES									
PETE WILSON FOR U S SENATE (1982/PCC) ID# C00144444 SENATE									
1985 STATEMENT OF ORGANIZATION - AMENDMENT 20FEB85 3 85SEN/003/2673									
MID-YEAR REPORT 419 1JAN85 -30JUN85 9 85SEN/008/1282									
MID-YEAR REPORT - AMENDMENT 419 1JAN85 -30JUN85 4 86SEN/006/2050									
YEAR-END 759 1JUL85 -31DEC85 9 86SEN/005/3615									
YEAR-END - AMENDMENT 759 1JUL85 -31DEC85 5 86SEN/006/2054									
1986 MID-YEAR REPORT 250 1JAN86 -30JUN86 7 86SEN/017/1401									
37 TOTAL PAGES									
37 AUTH TOT PAGES									
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

ALL REPORTS HAVE BEEN REVIEWED
CASH ON HAND AS OF 6/30/86 - \$1,471,868.02
DEBTS AS OF 6/30/86 - - \$3,497.90

0 4 4 2 2 9 0 4 0 9 8

SCHEDULE A

ITEMIZED RECEIPTS

Line Number 11C

Statement Covers Period From 01/01/86 through 06/30/86

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

Name of committee: Californians for Senator Pete Wilson

		Employer	Date	Amount
ADN PAC		N/A	06/27/86	\$ 1,000.00
P.O. Box 1470				
Decatur IL 62525		Occupation: N/A		
Receipt For: Primary		Aggregate YTD: \$ 1,000.00		
American Express Committee		Employer	Date	Amount
For Responsible Government		N/A	06/03/86	\$ 1,000.00
1020 - 19th Street, N.W.				
Washington DC 20036		Occupation: N/A		
Receipt For: Primary		Aggregate YTD: \$ 1,000.00		
CPS Public Affairs Committee		Employer	Date	Amount
5670 Wilshire Blvd		N/A	01/31/86	\$ 3,000.00
Suite 1470				
Los Angeles CA 90036		Occupation: I.D. #C00076307		
Receipt For: Primary		Aggregate YTD: \$ 3,000.00		
Food Marketing Institute PAC		Employer	Date	Amount
1750 K Street		N/A	04/02/86	\$ 1,000.00
Washington DC 20007		Occupation: N/A		
Receipt For: Primary		Aggregate YTD: \$ 1,000.00		
Gruman Political Action Comm.		Employer	Date	Amount
1111 Stewart Avenue		N/A	05/23/86	\$ 1,000.00
Bethpage NY 11714		Occupation: N/A		
Receipt For: Primary		Aggregate YTD: \$ 1,000.00		
Kilroy Industries Political Action Committee		Employer	Date	Amount
2250 East Imperial Hwy., #1200		N/A	01/31/86	\$ 5,000.00
El Segundo CA 90245		Occupation: N/A		
Receipt For: Primary		Aggregate YTD: \$ 5,000.00		
Kilroy Industries Political Action Committee		Employer	Date	Amount
2250 East Imperial Hwy., #1200		N/A	01/31/86	\$ 5,000.00
El Segundo CA 90245		SEE SCHEDULE B		
Receipt For: General		Aggregate YTD: \$10,000.00		

SUBTOTAL of Receipts This Page..... \$ 17,000.

FOR LINE NUMBER
20c

C00165720

10,690.83



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

Robert E. Miller Jr., Treasurer
Californians for Senator Pete Wilson
(1988/PCC)
1200 Third Avenue, Suite 700
San Diego, CA 92101

SEP 5 1986

Identification Number: C00165720

Reference: Mid-Year Report (1/1/86-6/30/86)

Dear Mr. Miller:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule B of your report (pertinent portion attached) discloses contributions which appear to exceed the limits set forth in the Act. An individual or a political committee other than a multicandidate committee may not make contributions to a candidate for Federal office in excess of \$1,000 per election. Additionally, a multicandidate committee may not make a contribution to a candidate for Federal office in excess of \$5,000 per election. (2 U.S.C. §§441a(a) and (f))

The Commission notes your refund of the excessive contributions. Although the Commission may take further legal steps concerning the acceptance of excessive contributions, your action in refunding the excessive amounts will be taken into consideration.

Any amendment or clarification should be filed with the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Pat Sheppard
Senior Reports Analyst
Reports Analysis Division

89 65 07 34 4 2 9 2 5 0 4 1 4 3

85040522444



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 2298

Date Filmed 12/19/86 Camera No. --- 2

Cameraman AS



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2/13/87

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2298.

37010542259

Form 3811 Dec 1960

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered
☒ Show to whom, date, and address of delivery..
 2. ☐ **RESTRICTED DELIVERY**
 (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
 Carl [unclear] for Sen [unclear] [unclear]
 1200 [unclear] [unclear] [unclear]
 San Diego, Cal 92101

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL
 943832

(Always obtain signature of addressee or agent)
 I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

5. **DATE OF DELIVERY:** **POSTMARK**
 12/15/86

6. **ADDRESSEE'S ADDRESS** (Only if requested)
 1200 [unclear] [unclear] [unclear]

7. **UNABLE TO DELIVER BECAUSE:** **7a. EMPLOYEE'S INITIALS**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

866 [unclear] [unclear] [unclear] (Alb 2495)

0 9 6 0 5 0 1 1 2 6

RECEIVED AT THE REC.

DEC 22 4:17

MILLER/ROOS & CO.
POLITICAL REPORTING CONSULTANTS

CCC # 2326
RECEIVED
GENERAL Robert E. Miller, Jr., CPA
C. Marty Roos, CPA

16 DEC 22 P 3: 43

December 19, 1986

Federal Election Commission
999 "E" Street, N. W.
Washington, D. C. 20463

Re: Californians for Senator Pete Wilson - MUR 2298

Gentlemen:

This is in response to your communication dated December 10, 1986 regarding the receipt by the above-named committee of amounts totaling \$10,000 from Kilroy Industries Political Action Committee (KIPAC).

The contributions were received and deposited into the Committee's bank account in good faith with no knowledge that KIPAC was not a multi-candidate committee. Upon being notified by KIPAC that they, in fact, were not a multi-candidate committee, \$9,000 was refunded to them. This was done prior to any contact by your office with the Californians for Senator Pete Wilson committee.

Current procedures now require that each contribution received by the committee from a political action committee in excess of \$1,000 be reviewed prior to depositing for assurance that the contributor is a qualified multi-candidate political committee. This will obviate any future correspondence concerning the recurrence of a similar situation.

Yours truly,


Robert E. Miller, Jr.
Treasurer

REM/la

cc: Chip Nielsen

MILLER ROOS & CO.

CERTIFIED PUBLIC ACCOUNTANTS

1200 Third Ave., Suite 700

San Diego, CA 92101



16 DEC 22

45

28 2



Federal Election Commission
999 "E" Street, N. W.
Washington, D. C. 20463

DEC 22 11:17