



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3062

DATE FILMED 5/9/91 CAMERA NO. 4

CAMERAMAN AS

91040843074

NORTHWEST REFORESTATION CONTRACTORS ASSOCIATION

345 West 13th Ave, Suite 4
Eugene, Oregon 97401
(503) 344-6179

Mailing address:
P.O. Box 2034
Eugene, Oregon 97402

May 16, 1990

MUR 3062

Federal Elections Commission
999 "E" Street NW
Washington, DC 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Northwest Reforestation Contractors Association would like to file a formal complaint against Wild-PAC. Wild-PAC registered with the FEC on October 10, 1986 (Enclosure #1).

The Association requests that the FEC investigate the following allegations:

- 1) That Wild-PAC gave \$1,000 of funds to the Tuttle for Congress campaign on April 17, 1986, nearly six months before registering with the FEC as a political action committee (Enclosure #2). Distribution of funds before registering with the FEC is a fundamental violation of the Federal Election Campaign Act.
- 2) That Wild-PAC failed to disclose on its Statement of Organization form that the Oregon Natural Resources Council was a connected organization. The treasurer of Wild-PAC, James Monteith, is the executive director of the Oregon Natural Resources Council. The Oregon Natural Resources Council has publicly stated that Wild-PAC was created by their organization.
- 3) That Wild-PAC gave \$1,000 of funds to the Tuttle for Congress campaign on October 31, 1986 and failed to report the donation (Enclosure #3).
- 4) That Wild-PAC has failed to file any Reports of Receipts and Disbursements. Federal law requires the filing of quarterly reports during an election year and semi-annual reports during a non-election year.

The Association requests that the FEC conduct audits of Wild-PAC and ONRC to determine the amount of funds that were raised by Wild-PAC, the amount of funds that were distributed to political candidates, and the amount of

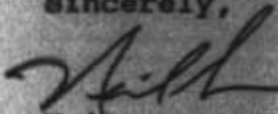
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY 21 PM 3:33

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 MAY 21 PM 1:48

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funds, if any, that were distributed to ONRC.

Sincerely,



Neil Summers
Secretary/treasurer

cc: Oregon Congressional Delegation

STATE OF OREGON)

)

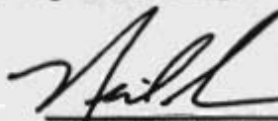
ss.

AFFIDAVIT

County of Lane)

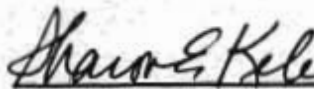
I, NEIL SUMMERS, being first duly sworn, depose and say:

That I make this affidavit in support of my formal complaint hereinabove set forth; and that the contents of said complaint are true to the best of my knowledge and belief.



NEIL SUMMERS

SUBSCRIBED AND SWORN to before me this 16th day of May, 1990.



NOTARY PUBLIC FOR OREGON

My Commission Expires: 10/8/91

91040843076

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Enclosure #1

FEC

STATEMENT OF ORGANIZATION

(See instructions only for instructions)

1. **Name of Committee for Part**
Will-PAC

2. **Check if name or address is changed**

3. **Date**
10 October 1986

4. **Address (Number and Street)**
3060 Ferry Street (P) Box 6289

5. **FEC Identification Number**

6. **City, State and ZIP Code**
Eugene, Oregon 97405

7. **Is this an amended Statement?** ☐ YES ☒ NO

8. **TYPE OF COMMITTEE (Check one)**

☐ 8a. This committee is a political campaign committee. (Complete the committee information below.)

☐ 8b. This committee is an authorized committee, and is NOT a political campaign committee. (Complete the committee information below.)

☐ 8c. This committee is an authorized committee, and is NOT a political campaign committee. (Complete the committee information below.)

☐ 8d. This committee is a political campaign committee, and is NOT an authorized committee. (Complete the committee information below.)

☐ 8e. This committee is a political campaign committee, and is NOT an authorized committee. (Complete the committee information below.)

☐ 8f. This committee is a political campaign committee, and is NOT an authorized committee. (Complete the committee information below.)

☒ 8g. This committee is a political campaign committee, and is NOT an authorized committee. (Complete the committee information below.)

Name of Any Designated Organizations or Affiliated Committees	Mailing Address and ZIP Code	Relationship

If the reporting political committee has identified a "connected organization" above, please indicate type of organization:

☐ Corporation ☐ Corporation w/o Joint Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

9. **Continuation of Report** - Use only if name, address (phone number - optional) and account number of committee bank and records.

Full Name: **James Montbrith** Mailing Address and ZIP Code: **3060 Ferry Street, Eugene** Title or Position: **Treasurer**

10. **Treasurer** - List the name and address (phone number - optional) of the treasurer of the committee, and the name and address of any designated agent (e.g., auditor) - Treasurer:

Full Name: **- same -** Mailing Address and ZIP Code: **- same -** Title or Position: **- same -**

11. **Banks or Other Depositories** - List the name and address (phone number - optional) of each depository in which the committee deposits funds, holds accounts, holds safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.: **First Interstate Bank** Mailing Address and ZIP Code: **- same -**

12. **Certificate** - I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature: **James Montbrith** Date: **10 October 1986**

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

For further information contact: **Federal Election Commission, Toll Free 800-424-9530, Local 202-633-4000**

FEC FORM 1 (3-80)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

BQ-7

January 8, 1990

James Monteith, Treasurer
Wild-PAC
3060 Perry Street
P.O. Box 5289
Eugene, OR 97405

Identification Number: C00211979

Reference: Reports not filed through 6/30/89

Dear Mr. Monteith:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Reports of Receipts and Disbursements. You were previously notified of the due dates for these reports.

It is important that you file these reports immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20461 (or with the Clerk of the House or the Secretary of the Ser as appropriate). Copies of the reports or the relevant portions should also be filed with the Secretary of State or equivalent state officer (see 2 U.S.C. §439).

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions regarding this matter, please contact Robert DiWardo on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20541

EO-6

November 16, 1986

James Monteith, Treasurer
Wild - PAC
3060 Perry Street (P.O. Box 5289)
Eugene, OR 97405

Identification Number: C90211979

Reference: Statement of Organization (10/10/86)

Dear Mr. Monteith:

This letter is to inform you that as of November 25, 1986, the Commission has not received your response to our request for additional information, dated November 5, 1986. That notice requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Joseph Rawson on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

John D. Gibeon
Assistant Staff Director
Reports Analysis Division

Enclosure

91040343079



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

EO-1

177 5

James Monteith, Treasurer
Wild - PAC
3860 Perry Street (P.O. Box 3289)
Eugene, OR 97405

Identification Number: C80211979

Reference: Statement of Organization (12/10/86)

Dear Mr. Monteith:

This letter is prompted by the Commission's preliminary review of your Statement of Organization. The review raised questions concerning certain information contained in the Statement. An itemization follows:

-Any affiliated or connected organization must be identified on your Statement of Organization. For further guidance, please refer to 11 CFR 100.3(g) and 100.6. If there are no other committees or organizations with which you share control or financing, please indicate "None" on Line 6. If you do share control or financing with other committees or organizations, please list their names, addresses, and relationships on that line. 11 CFR 102.2.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. 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,

Joseph Rawson

Joseph Rawson
Reports Analyst
Reports Analysis Division

91040343080

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SCHEDULE A

ITEMIZED RECEIPTS

Enclosure #2

See instructions on page 2 of the booklet for more information on the receipt requirements.

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 which contributions have been solicited.

Name of Committee (in Full)			
LARRY TULLER FOR CONGRESS (PAC)			
A. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)
WIND - PAC P.O. BOX 5289 FALLS CHURCH, VIRGINIA 22045		Occupation	4/17/86
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date—\$	Amount of Each Receipt This Period 500. ⁰⁰
B. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)
COMMITTEE ON POLITICAL ACTION OF THE AMERICAN POSTAL WORKERS UNION AFL-CIO 117-14th ST. N.W. WASHINGTON, D.C. 20005 (PAC)		Occupation	4/23/86
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date—\$	Amount of Each Receipt This Period 500.00
C. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)
		Occupation	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date—\$	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)
		Occupation	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date—\$	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)
		Occupation	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date—\$	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)
		Occupation	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date—\$	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)
		Occupation	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date—\$	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			\$ 1500. ⁰⁰

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SCHEDULE A

Any information required from each Report and Statement may be obtained or used for any purpose for which the information is furnished, other than using the name and address of any person or business to which contributions have been made.

NAME OF CONTRIBUTOR (in full)

LARRY TUTTLE FOR CONGRESS

Enclosure #3

<p>A. Full Name, Mailing Address and ZIP Code Leonard Bunting, LEONARD 905 N.W. 6th St. Washington, D.C. 20006</p> <p>Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employee PAC</p> <p>Amount Received \$1,750.00</p>	<p>Date Received, day, year 10-27-86</p>	<p>Amount of Cash Received this Period 250.00</p>
<p>B. Full Name, Mailing Address and ZIP Code Transportation For Ex. LEONARD 11600 Detroit Ave Cleveland, Oh. 44107</p> <p>Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employee PAC</p> <p>Amount Received \$1,500.00</p>	<p>Date Received, day, year 10-30-86</p>	<p>Amount of Cash Received this Period 500.00</p>
<p>C. Full Name, Mailing Address and ZIP Code Memorabilia and Souvenir Co., LEONARD 1100 Canal Ave. S.W. Albuquerque, N.M. 80086</p> <p>Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employee PAC</p> <p>Amount Received \$1,500.00</p>	<p>Date Received, day, year 10-31-86</p>	<p>Amount of Cash Received this Period 750.00</p>
<p>D. Full Name, Mailing Address and ZIP Code WMA - PAC P.O. Box 5209 Evansville, IN 47916</p> <p>Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employee PAC</p> <p>Amount Received \$1,000.00</p>	<p>Date Received, day, year 11-01-86</p>	<p>Amount of Cash Received this Period 100.00</p>
<p>E. Full Name, Mailing Address and ZIP Code A. F. & M. Trade, INC. 1500 Broadway N.Y. N.Y. 10036</p> <p>Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employee PAC</p> <p>Amount Received \$1,000.00</p>	<p>Date Received, day, year 11-02-86</p>	<p>Amount of Cash Received this Period 125.00</p>
<p>F. Full Name, Mailing Address and ZIP Code REYNOLDS CRYSTAL FOR LEONARD 8250 S.W. 11th St. Fort Myers, FL 33905</p> <p>Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employee PAC</p> <p>Amount Received \$1,000.00</p>	<p>Date Received, day, year 11-03-86</p>	<p>Amount of Cash Received this Period 200.00</p>
<p>G. Full Name, Mailing Address and ZIP Code SEARO CLUB Comm. of Rev. Edwards 5th Base St. San Francisco, Ca 94108</p> <p>Resident For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employee PAC</p> <p>Amount Received \$1,000.00</p>	<p>Date Received, day, year 11-04-86</p>	<p>Amount of Cash Received this Period 250.00</p>

EXCESSIVE of Receipts This Page (Optional)

4935.

TOTAL: The Period Ending day, month, year



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 24, 1990

Neil Summers
Northwest Reforestation
Contractors Association
P.O. Box 2034
Eugene, Oregon 97402

RE: MUR 3062
Wild-PAC and James
Monteith, as treasurer

Dear Mr. Summers:

This letter acknowledges receipt on May 21, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Wild-PAC and James Monteith, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3062. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

91040843083



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 24, 1990

James Monteith, treasurer
Wild-PAC
c/o Oreson Natural Resources Council
522 Southwest 5th Avenue
Suite 1050
Portland, OR 97204

RE: MUR 3062
Wild-PAC and James Monteith, as treasurer

Dear Mr. Monteith:

The Federal Election Commission received a complaint which alleges that Wild-PAC and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3062. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 5 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. 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 authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Xavier McDonnell, the attorney assigned to this matter at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY:

Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

91040843085

NORTHWEST REFORESTATION CONTRACTORS ASSOCIATION

6798
MUR 3062

345 West 13th Ave, Suite 4
Eugene, Oregon 97401
(503) 344-6179

Mailing address:
P.O. Box 2034
Eugene, Oregon 97402

June 29, 1990

Lois G. Lerner
Associate General Counsel
Federal Elections Commission
999 "E" Street NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 JUL -2 PM 12:02

The purpose of this letter is to request an update of the investigation into Wild-PAC/Oregon Natural Resources Council.

We received a response from FEC acknowledging receipt of our formal complaint a month ago. According to the response that we received from FEC, Wild-PAC is required to respond within fifteen days about the allegations.

Has Wild-PAC / Oregon Natural Resources Council responded to the complaint in a timely manner? We are particularly concerned about this complaint because Wild-PAC has refused to respond to three earlier FEC requests for information.

We request that the FEC require that Wild-PAC respond promptly or face serious consequences.

If possible, we would like to request a copy of their response to our allegations.

Sincerely,


Martin Jack Desmond

RECEIVED
FEDERAL ELECTION COMMISSION
90 JUL -2 AM 10:30

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 3, 1990

Martin Jack Desmond
Northwest Reforestation
Contractors Association
P.O. Box 2034
Eugene, OR 97402

RE: MUR 3062
Wild-Pac, and
James Monteith, as treasurer

Dear Mr. Desmond:

This is in response to your letter dated June 29, 1990, in which you request information pertaining to the complaint you filed on May 21, 1990, with the Federal Election Commission.

The Federal Election Campaign Act of 1971, as amended ("the Act") prohibits any person from making public the fact of any notification or investigation by the Commission, prior to closing the file in the matter, unless the party being investigated has agreed in writing that the matter be made public. See 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A). Because there has been no written agreement that the matter be made public, we are not in a position to release any information at this time.

As you were informed by letter dated May 24, 1990, we will notify you as soon as the Commission takes final action on your complaint.

Sincerely,

Lisa E. Klein
Assistant General Counsel

91040843087

06-C7966

NORTHWEST REFORESTATION CONTRACTORS ASSOCIATION

345 West 13th Ave, Suite 4
Eugene, Oregon 97401
(503) 344-6179

Mailing address:
P.O. Box 2034
Eugene, Oregon 97402

September 7, 1990

Lisa E. Klein
Assistant General Counsel
Federal Elections Commission
999 "E" Street
Washington, DC 20463

Re: MUR 3062
Wild-Pac and James Monteith, as treasurer

Dear Ms. Klein:

Our Association is drafting yet another letter inquiring about the status of the investigation.

We recognize that there is a prohibition on the release of any information prior to the closing of the file. However, we are continuing to monitor this investigation very closely. As we have noted in our previous letter, the FEC has failed on three separate occasions to follow up on securing the information requested from Wild-Pac and James Monteith.

Since our association has initiated many actions regarding non-compliant reforestation contractors that involve federal agencies, we have noticed that the federal agencies frequently fail to complete the investigations.

We wish to receive assurances from the FEC that this investigation is proceeding in a timely fashion. We also wish to request that our association, which filed the complaint, receive the decision of the FEC when it has been made public.

Sincerely,


Martin Jack Desmond

cc: Oregon Congressional Delegation

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RECEIVED
FEDERAL ELECTIONS COMMISSION
OFFICE OF GENERAL COUNSEL

91040343088



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 4, 1990

Martin Jack Desmond
Northwest Reforestation
Contractors Association
P. O. Box 2034
Eugene, OR 97402

RE: MUR 3062
Wild-PAC, and
James Monteith, as treasurer

Dear Mr. Desmond:

This is in response to your letter dated September 7, 1990, in which you again request information pertaining to the complaint you filed on May 21, 1990, with the Federal Election Commission.

As you were informed by letter dated July 3, 1990, the Federal Election Campaign Act of 1971, as amended ("the Act") prohibits any person from making public the fact of any notification or investigation by the Commission, prior to closing the file in the matter, unless the party being investigated has agreed in writing that the matter be made public. See 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A). Because there has been no written agreement that the matter be made public, we are not in a position to release any information at this time.

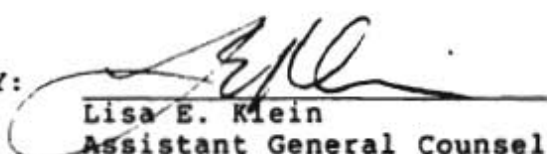
As you were informed by letter dated May 24, 1990 and by letter dated July 3, 1990, we will notify you as soon as the Commission takes final action on your complaint.

If you have further questions, please call Xavier K. McDonnell, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lisa E. Klein
Assistant General Counsel

91040843089

90 OCT 22 PM 12:40

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR #3062
DATE COMPLAINT RECEIVED
BY OGC: 5-21-90
DATE OF NOTIFICATION
TO RESPONDENTS: 5-24-90
STAFF MEMBER: Xavier K. McDonnell

COMPLAINANTS: Northwest Reforestation Contractors Association
Neil Summers, as secretary/treasurer

RESPONDENTS: Wild-PAC and James Monteith, as treasurer
Oregon Natural Resources Council and
James Monteith, as executive director

RELEVANT STATUTES: 2 U.S.C. § 431(4)(A)
2 U.S.C. § 433(a)
2 U.S.C. § 433(b)(2)
2 U.S.C. § 434(a)(4)
2 U.S.C. § 434(b)(6)(B)
11 C.F.R. § 100.5(g)
11 C.F.R. § 100.6
11 C.F.R. § 102.2

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Northwest Reforestation Contractors Association, and Neil Summers, as secretary/treasurer ("Complainants") filed a complaint against Wild-PAC (the "Committee") and James Monteith, as treasurer ("Respondents"). The complaint alleges various reporting violations.

II. FACTUAL AND LEGAL ANALYSIS

A. Applicable Law

Under the Federal Election Campaign Act of 1971, as amended (the "Act"), a political committee is defined as any committee,

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club, association or other group of persons which receives contributions or makes expenditures in excess of \$1,000 during any calendar year. 2 U.S.C. § 431(4)(A). A political committee is required to file a statement of organization within 10 days after becoming a political committee within the meaning of Section 431(4). 2 U.S.C. § 433(a).

Each political committee must disclose the name of any connected organization on its statement of organization. 2 U.S.C. § 433(b)(2); 11 C.F.R. § 102.2(a)(i),(ii). The term "connected organization" means "any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee." 2 U.S.C. § 431(7); 11 C.F.R. § 100.6(a). An organization "financially supports" a political committee when it pays the establishment, administrative and solicitation costs of such committee. 11 C.F.R. § 100.6(c). A corporation may exercise control over its separate segregated fund. 11 C.F.R. § 114.5(d).

Political committees which are not the authorized committees of a candidate are required to file either monthly or quarterly reports of receipts and disbursements with the Commission. 2 U.S.C. § 434(a)(4) and (b). These reports must disclose the name and address of each political committee which has received a contribution from the reporting committee. 2 U.S.C. § 434(b)(6)(B). The treasurer of a political committee is personally responsible for filing accurate, complete and timely reports with the Commission. 11 C.F.R. § 104.14(d).

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B. Summary of Complaint

The Complainants request that the Commission investigate the following allegations: 1) the Committee has failed to file any reports of receipts and disbursements; 2) the Committee made a \$1,000 contribution to the Tuttle Committee 6 months before registering with the Commission as a political committee and; 3) the Committee's Statement of Organization failed to identify the Oregon Natural Resources Council ("ONRC") as its connected organization. The Respondents have been sent a copy of the complaint, but no response has been received by the Commission.

C. Analysis

1. Alleged Reporting Violation

The Respondents have failed to file any reports with the Commission since submitting a Statement of Organization on October 25, 1986. See Attachment 1 at page 8. Therefore, it appears that the Respondents have violated the Act by failing to file reports with the Commission as required pursuant to 2 U.S.C. § 434(a)(4).¹ In addition, it appears that the Committee failed to report a \$1,000 contribution made to the Tuttle Committee on October 31, 1986, in apparent violation of 2 U.S.C. § 434(b)(6)(B). Accordingly, the Office of General Counsel recommends that the Commission find reason to believe that Wild-PAC and James

1. On January 8 and May 1, 1990, the Reports Analysis Division ("RAD") sent notices to Respondents stating that the failure to file disclosure reports with the Commission is an apparent violation of the Act. See Attachment 1 at page 4; Attachment 2 at page 1. The Committee has not responded to these notices.

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Monteith, as treasurer, violated 2 U.S.C. §§ 434(a) and § 434(b).

2. Alleged Registration Violation

The Complainants also allege that the Respondents violated the Act by contributing \$1,000 to the Tuttle Committee on April 17, 1986, six months before registering with the Commission as a political committee.² The Act, however, does not require a committee to register with the Commission until it either receives contributions or makes expenditures which exceed \$1,000. 2 U.S.C. § 433(a). On the other hand, the Committee has not filed reports with the Commission, even after filing its Statement of Organization. Therefore, it is not possible to determine when Wild PAC's federal activity exceeded \$1,000. Accordingly, the Office of General Counsel recommends that the Commission find reason to believe that Wild-PAC, and James Monteith as treasurer, violated 2 U.S.C. § 433(a).

3. Failure to Disclose Connected Organization

According to the Complainants, the ONRC has publicly stated that it created Wild-PAC. The Committee's Statement of Organization, however, fails to include the name of any connected organization. See Attachment 1 at page 3. In fact, during November of 1986, RAD sent two notices to the Committee, seeking clarification as to whether there was a connected organization, but the Committee failed to respond to RAD's requests. Id. at

2. Complainants assert that the "[d]istribution of funds before registering with the FEC is a fundamental violation" of the Act. See Attachment 1 at page 1. However, registration is not required until 10 days after the activity which triggers political committee status. See 2 U.S.C. § 433(a).

pages 5 & 6.

According to the complainants, James Monteith, the treasurer of Wild-PAC, is the executive director of the ONRC. 11 C.F.R. § 100.5(g); 11 C.F.R. § 100.6. In fact, an ONRC employee confirmed in a telephone conversation with a staff member of this Office that Mr. Monteith is the executive director of that nonprofit corporation. Given this connection, it appears likely that the ONRC, a corporation, may have established, administered or financially supported Wild-PAC, within the meaning of 2 U.S.C. § 431(7). Therefore, the Office of General Counsel recommends that the Commission find reason to believe that Wild-PAC, and James Monteith, as treasurer, violated 2 U.S.C. § 433(b)(2) by failing to disclose that the ONRC was a connected organization.

It is well established that a separate segregated fund is merely the political arm of a corporation, and that a corporation is permitted to exercise control over the fund. Pipefitters v. United States, 407 U.S. 385, 414-15 (1972); 11 C.F.R. § 114.5(d). Moreover, it appears that Wild-PAC may be no longer in existence.³ Therefore, in this instance, the Office of General Counsel also recommends that the Commission find reason to believe that the ONRC, and James Monteith, as executive director, violated 2 U.S.C. §§ 433(a), 433(b), 434(a) and 434(b).

3. During a telephone conversation with a staff member from this Office, an ONRC employee stated that Wild-PAC is no longer in existence. However, the Committee has not filed a termination report.

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III. DISCOVERY

The Office of General Counsel has prepared discovery to determine the extent of the Committee's federal election activities from 1986 until the present, and to clarify the Committee's relationship with the ONRC. As noted in the Report, the Respondents have failed to respond to any of RAD's requests for additional information or to the notice of this complaint. Therefore, in order to proceed with this matter more expeditiously, the Office of General Counsel recommends that the Commission approve the attached subpoena and order.

IV. RECOMMENDATIONS

1. Find reason to believe that Wild-PAC/Oregon Natural Resources Council and James Monteith, as treasurer, violated 2 U.S.C. §§ 434(a) and 434(b).
2. Find reason to believe that Wild-PAC/Oregon Natural Resources Council and James Monteith, as treasurer, violated 2 U.S.C. § 433(b).
3. Find reason to believe Wild-PAC/Oregon Natural Resources Council, and James Monteith, as treasurer, violated 2 U.S.C § 433(a).
4. Approve the appropriate letter and attached Factual and Legal Analysis, subpoena and order with questions.

Lawrence M. Noble
General Counsel

Date

10/19/90

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Complaint
2. RAD's Notification Letter
3. Factual and Legal Analysis

91040343095



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20543

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS *PAH*
COMMISSION SECRETARY

DATE: OCTOBER 25, 1990

SUBJECT: MUR 3062 - FIRST GENERAL COUNSEL'S REPORT
DATED OCTOBER 19, 1990.

The above-captioned document was circulated to the
Commission on Monday, October 22, 1990 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s)
as indicated by the name(s) checked below:

Commissioner Aikens	<u>XXX</u>
Commissioner Elliott	<u></u>
Commissioner Josefiak	<u>XXX</u>
Commissioner McDonald	<u></u>
Commissioner McGarry	<u></u>
Commissioner Thomas	<u>XXX</u>

This matter will be placed on the meeting agenda
for TUESDAY, OCTOBER 30, 1990.

Please notify us who will represent your Division before the
Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Wild-PAC and James Monteith, as
treasurer.

)
) MUR 3062
)
)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session on
October 30, 1990, do hereby certify that the Commission
decided by a vote of 6-0 to take the following actions
in MUR 3062:

1. Find reason to believe that Wild-PAC and
James Monteith, as treasurer, violated
2 U.S.C. §§ 434(a) and 434(b).
2. Find reason to believe that Wild-PAC and
James Monteith, as treasurer, violated
2 U.S.C. § 433(b).
3. Find reason to believe that Wild-PAC and
James Monteith, as treasurer, violated
2 U.S.C. § 433(a).

(continued)

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4. Approve the appropriate letter, appropriate Factual and Legal Analysis, and appropriate subpoena and order with questions.

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

Attest:

11-1-90
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

91040843098



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 14, 1990

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

James Monteith, Treasurer
Wild-PAC
c/o Oregon Natural Resources Council
522 Southwest 5th Avenue, Suite 1050
Portland, Oregon 97204

RE: MUR 3062
Wild PAC, and
James Monteith, as treasurer

Dear Mr. Monteith:

On May 24, 1990, the Federal Election Commission notified Wild-PAC (the "Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, the Commission, on October 30, 1990, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. §§ 434(a), 434(b), 433(a) and 433(b), provisions of the Act. The 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 the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted to the General Counsel's Office within 15 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena. If you intend to be represented by counsel, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and

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MUR 3026

James Monteith, Treasurer

Page 2

authorizing such counsel to receive any notification or other communications from the Commission.

In the absence of any additional information which demonstrates that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain 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.

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott
Lee Ann Elliott
Chairman

Enclosures

1. Order and Subpoena
2. Designation of Counsel Form
3. Factual and Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
)
MUR 3062

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Wild-PAC
James Monteith, Treasurer
c/o Oregon Natural Resources Council
522 Southwest 5th Avenue
Suite 1050
Portland, Oregon 97204


Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 15 days of receipt of this Order and Subpoena.

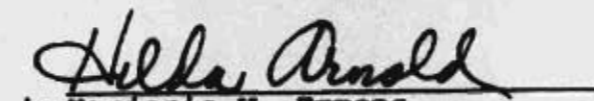
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MUR 3062
Page 2

WHEREFORE, the Chairman of the Federal Election Commission
has hereunto set her hand in Washington, D.C. on this 13, day of
November, 1990.


Lee Ann Elliott
Chairman
Federal Election Commission

ATTEST:


for Marjorie W. Emmons
Secretary to the Commission

Attachment:
Questions

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1986 until the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES

1. Describe the relationship between Wild-PAC and the Oregon Natural Resources Council ("ONRC").

a. State whether the ONRC or any persons employed by the ONRC created or assisted in creating, organizing or establishing Wild-PAC. Identify all such persons.

b. State whether any ONRC resources, funds or services were used to create, organize or maintain Wild-PAC. Describe such use.

c. State whether the ONRC and Wild-PAC shared any resources, personnel or funds. Describe all such arrangements.

d. State whether the ONRC paid any solicitation costs for Wild-PAC.

2. Describe the extent of Wild-PAC's federal and non-federal election activity.

a. State the date that Wild-PAC was first established.

b. Identify all contributions and expenditures made by Wild-PAC in connection with federal elections. Include the name of each federal candidate who received a contribution from Wild-PAC, and provide the date such contributions were made.

3. Produce all documents concerning, relating to, or pertaining to all contributions and expenditures made by Wild-PAC.

4. Produce all documents relating to the creation, organization and maintenance of Wild-PAC, including any documents relating to the relationship between the ONRC and Wild-PAC.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

NUR #3062

COMPLAINANTS: Northwest Reforestation Contractors Association
Neil Summers, as secretary/treasurer

RESPONDENTS: Wild PAC and James Monteith, as treasurer

I. GENERATION OF MATTER

The Northwest Reforestation Contractors Association, and Neil Summers, as secretary/treasurer ("Complainants") filed a complaint against Wild-PAC (or the "Committee") and James Monteith, as treasurer ("Respondents"). The complaint alleges various reporting violations.

II. FACTUAL AND LEGAL ANALYSIS

A. Applicable Law

Under the Federal Election Campaign Act of 1971, as amended (the "Act"), a political committee is defined as any committee, club, association or other group of persons which receives contributions or makes expenditures in excess of \$1,000 during any calendar year. 2 U.S.C. § 431(4)(A). A political committee is required to file a statement of organization within 10 days after becoming a political committee within the meaning of Section 431(4)(A). 2 U.S.C. § 433(a).

Each political committee must disclose the name of any connected organization on its statement of organization. 2 U.S.C. § 433(b)(2); 11 C.F.R. §§ 102.2(a)(i), (ii). The term "connected organization" means "any organization which is not a political

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committee but which directly or indirectly establishes, administers, or financially supports a political committee." 2 U.S.C. § 431(7); 11 C.F.R. § 100.6(a). An organization "financially supports" a political committee when it pays the establishment, administrative and solicitation costs of such committee. 11 C.F.R. § 100.6(c). A corporation may exercise control over its separate segregated fund. 11 C.F.R. § 114.5(d).

Political committees which are not the authorized committees of a candidate are required to file either monthly or quarterly reports of receipts and disbursements with the Commission.

2 U.S.C. § 434(a)(4) and (b). These reports must disclose the name and address of each political committee which has received a contribution from the reporting committee. 2 U.S.C.

§ 434(b)(6)(B). The treasurer of a political committee is personally responsible for filing timely, complete and accurate reports with the Commission. 11 C.F.R. § 104.14(d).

B. Summary of Complaint

The Complainants request that the Commission investigate the following allegations: 1) the Committee has failed to file any reports of receipts and disbursements, including a report for a \$1,000 contribution made to the Larry Tuttle for Congress Committee ("Tuttle Committee") on October 31, 1986; 2) the Committee made a \$1,000 contribution to the Tuttle Committee 6 months before registering with the Commission as a political committee; and 3) the Committee's Statement of Organization failed to identify the Oregon Natural Resources Council ("ONRC") as its connected organization. The Respondents have been sent a copy of

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the complaint, but no response to the Complaint has been received by the Commission.

C. Analysis

The Respondents have failed to file any reports with the Commission since submitting a Statement of Organization on October 25, 1986. Therefore, it appears that the Respondents have violated the Act by failing to file reports with the Commission as required pursuant to 2 U.S.C. § 434(a)(4).¹ In addition, it appears that the Committee failed to report a \$1,000 contribution made to the Tuttle Committee on October 31, 1986, in apparent violation of 2 U.S.C. § 434(b)(6)(B). Accordingly, there is reason to believe that Wild-PAC, and James Monteith, as treasurer, violated 2 U.S.C. §§ 434(a) and 434(b).

The Complainants also allege that the Respondents violated the Act by contributing \$1,000 to the Tuttle Committee on April 17, 1986, six months before registering with the Commission as a political committee. The Act, however, does not require a committee to register with the Commission until it either receives contributions or makes expenditures which exceed \$1,000. 2 U.S.C. § 433(a). On the other hand, the Committee has not filed any reports with the Commission even after filing a Statement of Organization. Therefore, it is not possible to determine when Wild-PAC's federal activity exceeded \$1,000. Accordingly, there

1. On January 8 and May 1, 1990, the Reports Analysis Division ("RAD") sent notices to the Respondents stating that the failure to file disclosure reports with the Commission is an apparent violation of the Act. The Committee has not responded to these notices.

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is reason to believe Wild-PAC, and James Monteith, as treasurer, violated 2 U.S.C. § 433(a).

According to the Complainants, the ONRC has publicly stated that it created Wild-PAC. The Committee's Statement of Organization, however, fails to include the name of any connected organization. In fact, during November of 1986, RAD sent two notices to the Committee, seeking clarification as to whether there was a connected organization, but the Committee failed to respond to RAD's requests.

In addition, according to the complainants, the treasurer of Wild-PAC, James Monteith, is the executive director of the ONRC. An ONRC employee confirmed in a telephone conversation with a staff member of this Office that Mr. Monteith is currently the executive director of that nonprofit corporation. Given this connection, it appears likely that the ONRC may have established, administered or financially supported Wild-PAC within the meaning of 2 U.S.C. § 431(7). 11 C.F.R. § 114.5(d). Accordingly, there is reason to believe that Wild-PAC, and James Monteith, as treasurer, violated 2 U.S.C. § 433(b) by failing to disclose that the ONRC was a connected organization.

91040343109



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1990

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

James Monteith, Treasurer
Wild-PAC
c/o Oregon Natural Resources Council
Suite 1050
522 Southwest 5th Avenue
Portland, Oregon 97204

RE: MUR 3062
Wild PAC and James Monteith,
as treasurer

Dear Mr. Monteith:

On November 19, 1990, you were notified that the Federal Election Commission found reason to believe that Wild-PAC and you, as treasurer, violated 2 U.S.C. §§ 434(a), 434(b), 433(a) and 433(b), provisions of the Federal Election Campaign Act of 1971, as amended. Included with this notification were a subpoena and order to answer questions. The responses to this subpoena and order were due on December 5, 1990, fifteen days from the date of your receipt of the notification. To date, no response has been received.

If we do not receive a response to the subpoena and order within 10 days of your receipt of this letter, the Office of the General Counsel will recommend that the Commission authorize suit under 2 U.S.C. § 437d to enforce the subpoena and order.

Should you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Derner
Associate General Counsel

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MUR 3062

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

January 15, 1991

Xavier K. McDonnell
Federal Elections Commission
999 E. Street
Washington, DC 20463

Dear Mr. McDonnell:

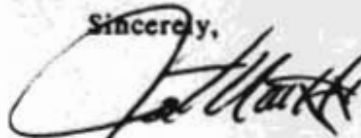
Enclosed is my response to your certified letter which I received on January 9. I apologize for not responding to the November request earlier; I spent most of the November/December period travelling and did not notice it for what it was.

The problem is that the FEC sent both the November and December correspondence to my place of employment, which has nothing to do with my past interest as a public citizen who once (years ago) served as Treasurer of a small PAC (Wild-PAC). The December letter was apparently received at my business on December 28, but I was on the road. I returned to my office and tended to my business mail first, and was not able to receive and process personal and non-business-related mail until the morning of January 9.

In my conversations with the FEC early last summer, I asked that any correspondence be sent to my home, rather than my business (which is a tax-exempt non-profit corporation and not allowed by law to be involved in political activities). My housemate is home during the day and there would not be a problem receiving certified mail. In the future, that would ensure prompt delivery of any additional correspondence.

Therefore, you should receive the enclosed response by January 19, ten days after I received your request.

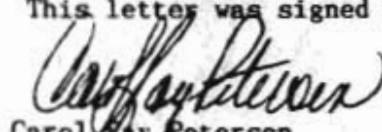
Sincerely,



James Monteith
1705 SW Clay Street
Portland, OR 97201
(503) 294-0745

State of Oregon
County of Multnomah

This letter was signed in my presence by James Monteith on 18 January 1991.



Carol Jay Petersen
Notary Public State of Oregon

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RESPONSE TO INTERROGATOR

Prior to providing answers to specific questions as outlined, I'd like to briefly review Wild-PAC's history to hopefully provide some perspective to the issue.

BACKGROUND

In the early 1980's many Oregon conservationists wanted to become involved in electoral politics. Because many of us were either staff of or volunteer for non-profit tax-exempt organizations, we knew we had to channel our efforts through a political action committee. I was asked to serve as Treasurer of Wild-PAC, which was formed at that time. We registered our PAC with the Secretary of State, and subsequently submitted our reports to that office, in a (usually) timely manner. We gave modest amounts of money to both state and federal candidates for several years, until 1986 when the PAC was dissolved.

Although we were very careful to keep our electoral and non-electoral activities separate, we were new at it, and I was unaware of one basic requirement: registering Wild-PAC with the Federal Elections Commission as well as the state. (I naively thought registering with the Secretary of State was the only requirement.) It just never came up. I disclosed all our transactions to the state. It wasn't until after we decided to dissolve the PAC in 1986, because other PACs were larger and more effective, that I became aware of the problem. I immediately notified the FEC by telephone, and then sent copies of all our records to FEC under a short cover letter which described our earlier decision to terminate Wild-PAC. Until this year, I never heard another word from FEC. Our tiny account was consumed by bank fees. I assumed the issue was moot.

In early 1989, three years after the Wild-PAC was dissolved, I moved from Eugene to Portland. I have lived in Eugene for over 16 years, and having accumulated reams of paper of all sorts, cleaned out my home before leaving. I recycled all my Wild-PAC records, in the belief they were obsolete and certainly not worth dragging around with me. Since I had submitted copies of these records to both the Secretary of State and the Federal Elections Commission, I didn't worry about losing them completely. This obviously has made it difficult to answer several of the following questions. I have requested copies of the records from the Secretary of State and will re-submit them to the Federal Elections Commission as soon as they are received.

Since 1974 I have been employed by the Oregon National Resources Council (ONRC), a 501 (c)(3) nonprofit corporation. Jack Desmond, who is the complainant in this dispute, was an ONRC employee during this period. He (along with many of us) was moderately active in electoral politics through Wild-PAC, other PACs and as an individual. (All of us, both ONRC activists and others, were extremely careful not to mix nonprofit and electoral activities -- after all, that is why we formed Wild-PAC.) Mr. Desmond served as ONRC's Publications Editor, but was not capable of handling the requirements of the job and was terminated in 1986. Even though he was dismissed, our relationship remained cordial, and the allegations he now makes were never even discussed. I am sure he remembers how incredibly careful we all were to not mix Wild-PAC activities with ONRC activities.

Mr. Desmond subsequently went to work for the Northwest Reforestation Contractors Association, an organization which depends on certain timber industry activities (clearcutting and slash burning) for its own purposes. Burning of slash (timber residues after clearcutting) is a major factor in serious degradation of air quality in Oregon. In late 1989 ONRC's Board of Directors decided to pursue this issue in court, and the Council eventually filed a lawsuit to enforce the Clean Air Act. Although this first suit did not stop the practice of slash burning in Oregon, it irritated the timber industry, and apparently irritated Mr. Desmond's organization because it threatened the industrial practice upon which they depend for their reforestation contracts. The litigation ONRC pursued was strictly within the confines and purposes of its charter, and the potential conflict with Mr. Desmond and his organization was never conceived, considered or discussed.

I believe Mr. Desmond, who may or may not be a disgruntled former employee, is attempting to cast aspersions on ONRC because of the Council's conflict with the timber industry (including his current employer) over enforcement of the Clean Air Act. He clearly is aware of the fact that Wild-PAC was not registered with the FEC, since this was openly disclosed almost five years ago. But his allegation that ONRC and Wild-PAC were intertwined in any way is completely untrue, and he knows it. I am highly distressed that he would make such obviously false charges in order to further his own business interests.

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In summary, there is no question about Wild-PAC's failure to register with the FEC, and as the Treasurer, I accept (and did so in 1986) full responsibility. In contrast, the allegation that ONRC and Wild-PAC were anything less than totally separate is completely false.

ANSWERS TO SPECIFIC QUESTIONS

1. There is no relationship other than the fact that they performed entirely separate roles. ONRC, as a tax-exempt nonprofit corporation, has had no involvement with electoral activities. Wild-PAC was formed to provide a vehicle for conservationists to be involved politically, an activity ONRC and other nonprofit organizations could not support.
 - a. ONRC (and other nonprofit organizations) had nothing to do with creating, organizing or establishing Wild-PAC. I, on my own time, was the creator of the PAC. Many other people unofficially conferred with me about the PAC's efforts and activities. The only entity was an unofficial steering committee which changed constantly. As soon as I receive copies of the records from the Secretary of State's office, I will forward any lists of names to you, but I was the only person involved officially.
 - b. None.
 - c. None. The only financial transactions between Wild-PAC and ONRC were payments Wild-PAC made to ONRC for computer services, which ONRC offered to several different organizations. Wild-PAC paid for these modest services, in order to ensure there was no mingling of resources or monies.
 - d. None.
2. This question is impossible to answer completely until I receive copies of our records from the Secretary of State. I will amend my response as soon as possible.
 - a. I believe it was 1981, but cannot be certain until I review the records.
 - b. There were several, including Larry Tuttle, Peter DeFazio and Jim Weaver. Again, I will be explicit as soon as I review the records.
 - c. See above. I must secure the records in order to re-submit them to the FEC.
 - d. The only document will be the filing with the Secretary of State. Because there was absolutely no relationship between ONRC and Wild-PAC, no such documents exist.

These answers are a full and accurate representation of my knowledge of the issue under discussion.


James Monteith

STATE OF OREGON
COUNTY OF MULTNOMAH

THIS DOCUMENT WAS SIGNED IN MY PRESENCE BY JAMES MONTEITH THIS 18th Day of ~~December~~ ^{JANUARY} 1991.


Carol Ann Peterson, Notary Public State of Oregon

91040843113

OGC 0286

NORTHWEST REFORESTATION CONTRACTORS ASSOCIATION

345 West 13th Ave, Suite 4
Eugene, Oregon 97401
(503) 344-8179

Mailing address:
P.O. Box 2034
Eugene, Oregon 97402

March 5, 1990

Lisa E. Klein
Assistant General Counsel
Federal Election Commission
Washington, DC 20463

Re: MUR 3062
Wild-Pac, and
James Monteith, as treasurer

I am writing in response to our protest that was filed against Wild-PAC on May 16, 1990. Our association has previously drafted two other letters inquiring about the status of the investigation. In addition, I contacted Xavier McDonnell about the status of the case this morning.

I recognize that the Federal Election Campaign Act prohibits the FEC from providing information about the status of an investigation, prior to closing of the file. However, I am still concerned about the length of this investigation.

Our complaint was filed nearly 10 months ago. Our complaint pointed out that the FEC had failed to follow up on three occasions to letters sent to Wild-PAC. Our association is concerned about this complaint and we will continue to routinely check with the FEC. Frankly, I don't think that this type of investigation should be so lengthy.

Sincerely,


Martin Jack Desmond

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF OFFICIAL CHANNEL
91 MAR -8 PM 2:15

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 MAR -8 PM 9:52

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STATEMENT OF ORGANIZATION
AND
APPOINTMENT OF POLITICAL TREASURER
(ORS 260.042)

06-C-0361
RECEIVED

AUG 31 8 09 AM '82

XX ORIGINAL

NORMAN PAULUS
SECRETARY OF STATE

MUR 3062

91 MAR 14 PM 1:07

1. NAME OF COMMITTEE: WILD-PAC
2. ADDRESS & ZIP CODE: 3060 Ferry Street, Eugene, Oregon 97405
3. NATURE OF COMMITTEE: (i.e. Principal interest represented) Oregon conservationists concerned about
management of Oregon's lands, waters, and natural resources
4. Does Committee intend to remain in existence for more than one year? yes
5. How does this committee intend to solicit funds? ☒ Direct Mail ☒ Personal Contact ☐ Banquets
☐ TV Commercials ☐ Newspaper Ads ☐ Radio ☐ Other

6. Name of Committee Directors	Mailing Address and Zip Code	Occupation
James Monteith	3060 Ferry Street, Eugene, Oregon 97405	professional conservation
Nancy E. Duhnkrack	2321 SW Sherwood, Portland 97201	water consultant/law student ^{1st}
Tim Lillebo	Box 9, Prairie City, Oregon 97869	professional conservationist

7. If two or more directors of this political committee are also directors of other political committee(s), complete this section:

Names of Directors	Names and Addresses of Other Committees
Nancy E. Duhnkrack	Oregon League of Conservation Voters (OLCV), PO Box 8362, Portland, Oregon 97207
Tim Lillebo	OLCV
Loren Hughes	OLCV

8. Name of Committee Treasurer	Mailing Address and Zip Code	Telephone Number
James Monteith	3060 Ferry Street, Eugene, Oregon 97405	(503) 683-1067

9. List by name, address, office sought, and party affiliation, any candidate for public office this committee is supporting or opposing by direct expenditures (do not include contributions)

Full Name of Candidate	Office Sought	Party	Supporting or Opposing
N/A			<input type="checkbox"/> <input type="checkbox"/>
			<input type="checkbox"/> <input type="checkbox"/>
			<input type="checkbox"/> <input type="checkbox"/>
			<input type="checkbox"/> <input type="checkbox"/>

10. If committee is supporting or opposing the entire ticket of a party, give name of party N/A

11. If committee is supporting or opposing a measure, or intends to support or oppose a measure, name the measure and support committee

Designation of Measure	Supporting or Opposing
none at this time	<input type="checkbox"/> <input type="checkbox"/>
	<input type="checkbox"/> <input type="checkbox"/>
	<input type="checkbox"/> <input type="checkbox"/>

Date 19 August 1982

Signature

James Monteith
(Treasurer)

Any change in information on this statement of organization must be reported on an amended SED Form 221, within 30 days of the change.

If additional space needed for information, use plain white paper and designate category by nu

Please submit this copy in duplicate. Dated copy will be returned as an acknowledgment of your filing.

T3884

SUPPLEMENT TO SED FORM No. 221 (revised 1979)

Category 6, continued

Jim Baker, 51013 McKenzie Highway, Blue River, Oregon 97413 cable splicer
Leslee Sherman, 716 Echo Drive, Roseburg, Oregon 97470 accountant
Loren Hughes, 1108 Adams, La Grande, Oregon 97850 jeweler/store owner
Wendell Wood, PO Box 1725, Eugene, Oregon 97440 biology teacher
Andy Kerr, 190 East 29th Avenue, Eugene 97405 professional conservationist
~~Levi Aschenbrenner, 309 East Logan, Enterprise 97828 stone carver delete~~
Julie Bourquin, 355 NW Columbia, Bend, Oregon 97701 wilderness ranger (gov't.)
Douglas A. Schoen, PO Box 214, Lebanon, Oregon 97355 attorney
Don Tryon, 369 West 5th Street, Prineville, Oregon 97754 professional conservationist

See letter attached 2-14-86

Category 7, continued

Leslee Sherman OLCV
Andy Kerr OLCV
Don Tryon OLCV

Joe Maitle

91040843116

Lori Aschenbrenner
309 East Logan Street
Enterprise, Oregon 97828
February 13, 1986

FEB 14 9 03 AM '86

BARBARA ROBERTS
SECRETARY OF STATE

Secretary of State Barbara Roberts
State Capitol
Salem, Oregon 97310

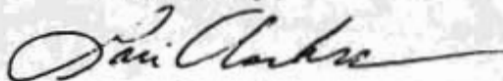
Dear Secretary Roberts:

This letter is to request that my name be removed from the records regarding the Oregon-based political action committee called WILD-PAC.

I was unknowingly appointed to the steering committee for WILD-PAC, but I do not (and never did) wish to serve in this capacity. I have also notified WILD-PAC and the Federal Elections Commission.

Thank you for your attention in this matter. If you have any further questions, you may reach me at either 426-4301 or 285-0446.

Sincerely,



Lori (Loretta G.) Aschenbrenner

91040843117

BEFORE THE FEDERAL ELECTION COMMISSION

91 MAY 14 PM 2:11

In the Matter of)
)
Wild-PAC, and)
James Monteith, as treasurer)

MUR 3062

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 30, 1990, the Commission found reason to believe that Wild-PAC (the "Committee") and James Monteith, as treasurer ("Respondents") violated 2 U.S.C. § 433(a) and (b) and 2 U.S.C. § 434(a) and (b). The Commission's findings were generated by a complaint which alleged that the Respondents had failed to register with the Commission within 10 days of becoming a political committee, that the Respondents failed to disclose contributions made to the Larry Tuttle for Congress Committee ("Tuttle Committee"), that the Respondents had failed to file any reports with the Commission since submitting a Statement or Organization in October of 1986, and that the Respondents had failed to disclose that the Committee was affiliated with the Oregon Natural Resources Counsel (the "ONRC"), an Oregon corporation. A response to the Commission's Subpoena to Produce Documents and to Submit Written Answers has been received. See Attachment 1.

II. ANALYSIS

1. Failure to Register and Report Contributions

In his response, Mr. Monteith explains that in the early 1980's he and other conservationists created Wild-PAC, registered the Committee in the state of Oregon, and for several years made modest contributions to both federal and state candidates. Attachment 1 page 2. The response indicates that Mr. Monteith and

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the other individuals involved in Wild-PAC were unaware that they were required to register Wild-PAC with the Commission until 1986, at which time they had already decided to dissolve the Committee. According to Mr. Monteith, once he became aware that he had failed to properly register and report these contributions, he telephoned the FEC, and thereafter he forwarded all of Wild-PAC's records to the Commission, along with a letter which described the circumstances and the Committee's decision to terminate. Id.¹

From the response and other information at hand, it appears that although Wild-PAC was formed in the early 1980's and was registered as a political committee in the state of Oregon in 1982, a Statement of Organization was not filed with the Commission until October of 1986. See Attachment 2.² It also appears that Wild-PAC made contributions to federal candidates, totaling at least \$1,750, prior to registering with the Commission on October 25, 1986. Specifically it appears that Wild-PAC contributed \$250 to the Weaver for Congress Committee on June 2, 1983, that it made contributions totaling \$250 each to Defazio for Congress on February 6, 1986 and on March 24, 1986, and that it made two \$500 contributions to the Tuttle Committee on April 17, 1986. See Attachment 3 and General Counsel's Report, dated October 22, 1990. In addition, Wild-PAC failed to report a \$1,000 contribution which was received by the Tuttle Committee on

1. There is nothing in the public record that confirms that these documents were submitted to the Commission.

2. The Committee's treasurer indicates that he recycled his own copies of the documents subpoenaed by the Commission, but that he would obtain copies of those documents from the Oregon Secretary of State's Office. This Office contacted the Oregon authorities in Oregon and was informed that all the state copies of records pertaining to Wild-PAC were also destroyed, except for the attached Statement of Organization. See Attachment 2.

October 31, 1986, and it failed to terminate or file any reports with the Commission. Thus it appears that the Committee violated 2 U.S.C. § 433(a) by failing to register with the Commission within 10 days of becoming a political committee, and 2 U.S.C. §§ 434(a) and (b) by failing to properly file reports with the Commission.

2. Failure to Disclose Connected Organization

The complaint also alleged that Wild-PAC was connected with the ONRC. The term "connected, organization" means "any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee." 2 U.S.C. § 431(7); 11 C.F.R. § 100.6.

Mr. Monteith states in his response that he has been employed by the ONRC since 1974, and he insists that the ONRC had nothing to do with creating, organizing or establishing Wild-PAC. Attachment 1 at page 3. Monteith asserts that he, on his own time, was the creator of the PAC, and that while he conferred with many other people, the only entity with whom he conferred was an unofficial steering committee.³ Attachment 1 at page 3. The response also indicates that the resources, funds and services of the ONRC were not used on behalf of Wild-PAC, and that such were not shared between the two organizations. Although the response indicates that Wild-PAC purchased modest computer services from the ONRC, it states that the ONRC had offered these computer services to several different organizations.

The Committee's response additionally discloses that a

3. The "steering committee" to which Mr. Monteith refers may be the list of Directors contained on the state version of Wild-PAC's Statement of Organization. See Attachment 2.

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former ONRC employee, Jack Desmond, is currently employed by the Complainant Northwest Reforestation Contractors Association ("NRCA"). Mr. Monteith suggests that Mr. Desmond, who was apparently employed by the ONRC until 1986, is well aware that the ONRC was not connected with Wild-PAC. Monteith points to two incidents which he believes may have motivated Desmond to file the complaint. First, Mr. Desmond is alleged to have been dismissed from his position with the ONRC in 1986. Second, beginning in late 1989, the ONRC apparently brought a civil enforcement action against the NRCA which alleged that the NRCA's environmental practices were contrary to law.

Regardless of the past associations and relations between the parties, from the information at hand there is no evidence that the ONRC is connected with Wild-PAC. Therefore, it does not appear that Wild-PAC, and James Monteith as treasurer, violated 2 U.S.C. § 433(a) by failing to disclose that it was connected with the ONRC.

III. SUMMARY

The information obtained through discovery confirms that Wild-PAC failed to register within 10 days of becoming a political committee, that it failed to file any reports with the Commission and that it failed to report that it had made contributions to several federal candidates. There is no evidence, however, that the ONRC is connected with Wild-PAC.

Discovery has also revealed that Wild-PAC's total federal activity appears to have been minimal, totaling \$2,750. Moreover, Wild-PAC apparently ceased operations over five years ago, and the federal activity at issue dates back to 1983. Given the amount involved in this matter, and the number of years that have elapsed

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since the violations occurred and the Committee has been in existence, the Office of General Counsel recommends that the Commission, consistent with the proper ordering of its priorities and resources, take no further action against Wild-PAC and James Monteith, as treasurer, and close the file. See Heckler v. Chaney, 470 U.S. 821 (1985).

IV. RECOMMENDATIONS

1. Take no further action against Wild-PAC and James Monteith, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

5/13/91

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response
2. State Disclosure Report.
3. Federal Election Commission Disclosure Reports

Staff Assigned: Xavier K. McDonnell

91040843122

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3062
Wild-PAC, and)
James Monteith, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 16, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3062:

1. Take no further action against Wild-PAC and James Monteith, as treasurer.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's report dated May 13, 1991.

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

Attest:

May 17, 1991
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Secretariat:
Circulated to Commission:
Deadline for Vote:

Tues., May 14, 1991. 2:11 P.M.
Tues., May 14, 1991. 4:00 P.M.
Thurs, May 16, 1991. 4:00 P.M.

mwe

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1991

CLOSED

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Martin Jack Desmond
Neil Summers
Northwest Reforestation
Contractors Association
P. O. Box 2034
Eugene, OR 97402

RE: MUR 3062
Wild-PAC and
James Monteith, as treasurer

Dear Mr. Desmond and Mr. Summers:

This is in reference to the complaint you filed with the Federal Election Commission on May 21, 1990, concerning Wild-PAC, and James Monteith, as treasurer ("Respondents").

Based on that complaint, on October 30, 1990, the Commission found that there was reason to believe the Respondents violated 2 U.S.C. §§ 433(a) and (b) and 434(a) and (b), provisions of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter. However, after considering the circumstances of this matter, the Commission determined to take no further action against the Respondents, and closed the file in this matter on May 16, 1991. This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

91040843124



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 28, 1991

James Monteith, Treasurer
Wild-PAC
1705 S.W. Clay Street
Portland, OR 97201

RE: MUR 3062
Wild PAC and
James Monteith, as treasurer

Dear Mr. Monteith:

On November 19, 1990, you were notified that the Federal Election Commission found reason to believe that Wild-PAC, and you, as treasurer ("Respondents") violated 2 U.S.C. §§ 433(a) and (b) and 434(a) and (b). On January 15, 1991, you submitted a response to the Commission's reason to believe findings.


After considering the circumstances of the matter, the Commission determined on May 16, 1991 to take no further action and closed the file. The file will be made part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The Commission reminds you that failing to register a political committee within 10 days, and failure to file reports disclosing contributions and expenditures is a violation of 2 U.S.C. §§ 433(a) and 434(a) and (b). You should insure that this activity does not occur in the future.

If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

THIS IS THE END OF MUR # 3062

DATE FILMED 5/31/91 CAMERA NO. 4

CAMERAMAN AS

91040843126



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3062 .
6/28/91

91040850213



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1991

CLOSED

Martin Jack Desmond
Neil Summers
Northwest Reforestation
Contractors Association
P. O. Box 2034
Eugene, OR 97402

RE: MUR 3062
Wild-PAC, and
James Monteith, as treasurer

Dear Mr. Desmond and Mr. Summers:

This letter is response to your recent request for documents pertaining to MUR 3062. Enclosed is a copy of the Commission's Subpoena and the responses submitted by James Monteith, treasurer of Wild-PAC. If you have any further questions, please call Xavier K. McDonnell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in cursive script, appearing to read "Lois G. Lerner".

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Subpoena
Wild PAC's responses

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