



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 3084

DATE FILMED 11/28/90 CAMERA NO. 4

CAMERAMAN AS

2004081101

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 17 May 1990

ANALYST: Kenneth Davis

I. COMMITTEE:

Ray Ellison Industries Inc.
Political Action Committee
C00140731
Walter E. Nielsen, Treasurer
P.O. Box 5250
San Antonio, TX 78201

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

III. BACKGROUND:

Receipt of Excessive Contributions from Individuals

The Ray Ellison Industries, Inc. Political Action Committee ("the Committee") received excessive contributions from four (4) individuals totalling \$6,249.98 during the 1989 Mid-Year and Year End reporting periods.

On July 27, 1989, the Committee filed its 1989 Mid-Year Report. This report disclosed the receipt of a \$7,391.40 contribution from an individual dated June 30, 1989 (Attachment 2).

On February 5, 1990 the Committee filed its 1989 Year End Report.

This report disclosed the receipt of three (3) excessive contributions from three (3) individuals plus another contribution from the individual referenced in the 1989 Mid-Year Report.

Three (3) contributions of \$2,826.05 dated December 31, 1989 brought the aggregate year-to-date totals for the other three (3) individuals to \$5,416.66 each (Attachment 3). However, the Committee's report incorrectly reported these totals as \$5,216.66 each.

1004031102

RAY ELLISON INDUSTRIES, INC.
POLITICAL ACTION COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

A \$2,608.60 contribution dated December 31, 1989 brought the aggregate year-to-date total of the original contributor to \$10,000.

On March 28, 1990 a Request for Additional Information ("RFAI") was sent to the Committee referencing the Mid-Year and Year End Reports. The RFAI notified the Committee that it had received excessive contributions and recommended the Committee refund to the donor, transfer-out to a non-federal account with the donor's consent, and/or seek reattribution of the excessive amounts (Attachment 4).

The Committee notified the Commission by a letter received April 10, 1990, that the receipt of the excessive contributions was an error on the part of the Committee's treasurer. The letter further stated it had refunded \$5,000 to one (1) contributor and \$216.66 to each of the other three (3) contributors. The Committee enclosed a photocopy of the four (4) refund checks, one that was dated March 27, 1990 and the other three dated April 5, 1990, totalling \$5,649.98 (Attachment 5).

In the process of preparing this referral, it was discovered that the Committee's aggregate year-to-date figures for the three individuals were incorrectly reported. Therefore, the Committee needed to refund \$200 more per individual.

On April 30, 1990, the RAD analyst called the Committee's treasurer regarding the additional refunds. When notified of the reporting error, the treasurer agreed to make the additional refunds (Attachment 6).

On May 8, 1990, the Committee's response arrived. The letter contained copies of the additional refunded checks, all dated May 3, 1990 (Attachment 7).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

9004081103

Attachment 1

ELECTION COMMISSION
1989-1990

DATE 17MAY90

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILE		
RAY ELLISON INDUSTRIES INC POLITICAL ACTION COMMITTEE				ID #000140701 NON-PARTY NON-QUALIFIED		
SELECTED ORGANIZATION: RAY ELLISON INDUSTRIES INC						
1989	MID-YEAR REPORT	20,145	13,522	1JAN89 - 30JUN89	8	90FED/670/0991
	REQUEST FOR ADDITIONAL INFORMATION			1JAN89 - 30JUN89	4	90FED/670/1697
	YEAR-END	15,521	8,840	1JUL89 - 31DEC89	7	90FED/670/10071
	YEAR-END - AMENDMENT	-	-	1JUL89 - 31DEC89	5	90FED/670/5795
	YEAR-END - AMENDMENT	-	-	1JUL89 - 31DEC89	4	90FED/670/1415
	REQUEST FOR ADDITIONAL INFORMATION			1JUL89 - 31DEC89	4	90FED/670/1701
1990	PRE-PRIMARY	3,559	7,450	1JAN90 - 21FEB90	6	90FED/670/5034
	PRE-RUN-OFF	2,513	1,800	22FEB90 - 21MAR90	5	90FED/670/1790
	APRIL QUARTERLY	1,259	200	22MAR90 - 31MAR90	5	90FED/670/4060
	TOTAL	42,002	25,912		49	TOTAL PAGES

All reports have been reviewed.

Ending cash-on-hand as of 3/31/90: \$21,628.05

Debts and obligations owed to the committee as of 3/31/90: \$0

Debts and obligations owed by the committee as of 3/31/90: \$0

SCHEDULE A

INDIVIDUAL CONTRIBUTIONS

1989 Mid-Year report

(Indicate whether this is a copy of the original contribution or a duplicate copy)

 PAGE 1
 OF 11

Any information stated from each Receipt and Statement may not be due or used by any person for the purpose of obtaining contributions or for campaign purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE OR FUND

Ray Ellison Industries, Inc., Political Action Committee

A. Full Name, Mailing Address and ZIP Code John H. Williams P.O. Box 5250 San Antonio, Texas 78201 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Ray Ellison Industries, Inc. Occupation President Aggregate Year-to-Date > \$2,590.61	Date (month, day, year) 06/30/89	Amount of Cash Received this Period 2,590.61
B. Full Name, Mailing Address and ZIP Code Jack Robinson P.O. Box 5250 San Antonio, Texas 78201 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer RayCo., Inc. Occupation Vice President Aggregate Year-to-Date > \$2,590.61	Date (month, day, year) 06/30/89	Amount of Cash Received this Period 2,590.61
C. Full Name, Mailing Address and ZIP Code Jack Riegler P.O. Box 5250 San Antonio, Texas 78201 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Ray Ellison Industries, Inc. Occupation Financial, V.P. Aggregate Year-to-Date > \$2,590.61	Date (month, day, year) 06/30/89	Amount of Cash Received this Period 2,590.61
D. Full Name, Mailing Address and ZIP Code Frank Marapalli P.O. Box 5250 San Antonio, Texas 78201 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Lackland City Water Company Occupation President Aggregate Year-to-Date > \$2,590.61	Date (month, day, year) 06/30/89	Amount of Cash Received this Period 2,590.61
E. Full Name, Mailing Address and ZIP Code John Crone P.O. Box 5250 San Antonio, Texas 78201 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Ray Ellison Industries, Inc. Occupation Vice President Aggregate Year-to-Date > \$2,391.40	Date (month, day, year) 06/30/89	Amount of Cash Received this Period 2,391.40
F. Full Name, Mailing Address and ZIP Code Ray Ellison P.O. Box 5250 San Antonio, Texas 78201 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Ray Ellison Industries, Inc. Occupation Chairman of the Board Aggregate Year-to-Date > \$7,391.40	Date (month, day, year) 06/30/89	Amount of Cash Received this Period 7,391.40
G. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Cash Received this Period

SUBTOTAL of Receipts This Page (optional)

20,145.24

TOTAL This Period (last page this line number only)

20,145.24

SCHEDULE A

ITEMIZED RECEIPTS

1989 Year End report

Use separate schedule for each category of the Detailed Summary Page

PAGE 1 OF 1
FORM LINE NUMBER 11

Any information received from such Reports and Statements may not be used by any person for the purpose of soliciting contributions or for campaign or business other than using the name and address of any person committed to solicit contributions from such contributors

NAME OF COMMITTEE (in Full)

Ray Ellison Industries, Inc., Political Action Committee

A Full Name, Mailing Address and ZIP Code

John H. Willome
P.O. Box 5250
San Antonio, Texas 78201Name of Employer
Ray Ellison
Industries, Inc.Date (month
day, year)Amount of Each
Receipt this Period

12/31/89

1,826.05

Occupation
PresidentReceipt for ☐ Primary ☐ General

Other (Specify)

Aggregate Year-to-Date > \$ 4,416.66

B Full Name, Mailing Address and ZIP Code

Jack Robinson
P.O. Box 5250
San Antonio, Texas 78201Name of Employer
Rayco, Inc.Date (month
day, year)Amount of Each
Receipt this Period

12/31/89

2,826.05

Occupation
Vice PresidentReceipt for ☐ Primary ☐ General

Other (Specify)

Aggregate Year-to-Date > \$ 5,216.66

C Full Name, Mailing Address and ZIP Code

Jack Biegler
P.O. Box 5250
San Antonio, Texas 78201Name of Employer
Ray Ellison
Industries, Inc.Date (month
day, year)Amount of Each
Receipt this Period

12/31/89

2,826.05

Occupation
Financial, V.P.Receipt for ☐ Primary ☐ General

Other (Specify)

Aggregate Year-to-Date > \$ 5,216.66

D Full Name, Mailing Address and ZIP Code

Frank Marupelli
P.O. Box 5250
San Antonio, Texas 78201Name of Employer
Lackland City
Water CompanyDate (month
day, year)Amount of Each
Receipt this Period

12/31/89

2,826.05

Occupation
Vice PresidentReceipt for ☐ Primary ☐ General

Other (Specify)

Aggregate Year-to-Date > \$ 5,216.66

E Full Name, Mailing Address and ZIP Code

John Crone
P.O. Box 5250
San Antonio, Texas 78201Name of Employer
Ray Ellison
Industries, Inc.Date (month
day, year)Amount of Each
Receipt this Period

12/31/89

2,608.60

Occupation
Vice PresidentReceipt for ☐ Primary ☐ General

Other (Specify)

Aggregate Year-to-Date > \$ 5,000.00

F Full Name, Mailing Address and ZIP Code

Ray Ellison
P.O. Box 5250
San Antonio, Texas 78201Name of Employer
Ray Ellison
Industries, Inc.Date (month
day, year)Amount of Each
Receipt this Period

12/31/89

2,608.60

Occupation Chairman of
the BoardReceipt for ☐ Primary ☐ General

Other (Specify)

Aggregate Year-to-Date > \$10,000.00

G Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month
day, year)Amount of Each
Receipt this Period

Occupation

Receipt for ☐ Primary ☐ General

Other (Specify)

Aggregate Year-to-Date > \$

SUBTOTAL of Receipts This Page (Option)

15,521.40

Total This Period as Shown This Page

15,521.40

9 8 0 3 0 3 4 0 7 3 1 7 1 0 6

YE 89



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

RQ-2

MAR 28 1990

Walter E. Nielsen, Treasurer
Ray Ellison Industries, Inc.
Political Action Committee
P.O. Box 5250
San Antonio, TX 78201

Identification Number: C00140731

Reference: Mid-Year (1/1/89-6/30/89) and Year End (7/1/89-12/31/89) Reports

Dear Mr. Nielsen:

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 A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from another political committee or person in excess of \$5,000 per calendar year. (2 U.S.C. §441a(f) and 11 CFR §110.1(d))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution(s) you received exceeds the limits, you should either refund to the donor the amount in excess of \$5,000 or, if appropriate, seek reattribution of the contribution pursuant to 11 CFR §110.1(k). Alternatively, if you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor in writing and provide the contributor with the option of receiving a refund. You may wish to seek a written authorization (either before or after the transfer-out) from the donor for any transfer-out to protect the donor's interests. (11 CFR §§103.3(b) and 110.1(k))

Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In the best interests of the committee,

all refunds, reattributions and transfers-out should be made within sixty (60) days of the treasurer's receipt of the contribution. See 11 CFR §103.3(b). Refunds and transfers-out should be disclosed on a supporting Schedule B for Line 26 or 20 of the report covering the period during which they are made. Reattributions are reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received.

Although the Commission may take further legal steps regarding the acceptance of an excessive contribution(s), prompt action by you to refund, seek reattribution and/or transfer-out the excessive amount will be taken into consideration.

A written response or 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,

Kenneth Davis, Jr.

Kenneth A. Davis, Jr.
Reports Analyst
Reports Analysis Division

000004031103

Ray Ellison

Homebuilding • Neighborhood Development • Mortgage Banking • ~~FOR FIDELITY~~ Development

April 6, 1990

Federal Election Committee
Mr. Kenneth A. Davis, Jr.
Reports Analysis Division
Washington, D.C. 20463

Identification Number: C00140731

Dear Mr. Davis:

In reference to your letter of March 28, 1990, the contributions exceeded the annual limit of \$5000. This was an error on my part.

We have refunded the excess amount to the contributors and there is a copy of the checks attached to this letter. Disclosure of these refunds will be on our next report.

Sincerely,

Ray Ellison Industries, Inc.
Political Action Committee


Walter E. Nielsen
Treasurer

9 0 0 34 603 3 15 3 0 7 0

VALLEY NATIONAL BANK SAN ANTONIO, TEXAS	RAY ELISON INDUSTRIES POLITICAL ACTION COMMITTEE P. O. BOX 8900 549-1111 SAN ANTONIO, TEXAS 78201	0221
	PAY TO THE ORDER OF <i>Jack B. Egler</i> APR 5 - 1990	8 216 ⁰⁰
	REGISTERED <i>\$21600.66</i> DOLLARS	
	<i>Excess Pte. Cont'n. 1989</i>	
	#000221# 1111000860# #23 256 4P	

VALLEY NATIONAL BANK SAN ANTONIO, TEXAS	RAY ELISON INDUSTRIES POLITICAL ACTION COMMITTEE P. O. BOX 8900 549-1111 SAN ANTONIO, TEXAS 78201	0220
	PAY TO THE ORDER OF <i>Jack Robinson</i> MAR 27 1990	8 216 ⁰⁰
	REGISTERED <i>\$21600.66</i> DOLLARS	
	<i>Excess Pte. Cont'n. 1989</i>	
	#000220# 1111000860# #23 256 4P	

90036335398

**RAY ELLISON INDUSTRIES
POLITICAL ACTION COMMITTEE -**
P. O. BOX 8888 848-1111
SAN ANTONIO, TEXAS 78201

0223

APR 6 - 1990

PAY TO THE ORDER OF RAY ELLISON \$ 5,000.00 DOLLARS

REGISTERED \$5,000.00

FARRIS MC COMB	
1989	

⑈000223⑈ ⑆114000860⑆ ⑈23 256 4⑈

**RAY ELLISON INDUSTRIES
POLITICAL ACTION COMMITTEE**
P. O. BOX 8888 848-1111
SAN ANTONIO, TEXAS 78201

0223

APR 5 - 1990

PAY TO THE ORDER OF FRANK W. WHEELER \$ 216.44 DOLLARS

REGISTERED \$216.44

FARRIS MC COMB	
1989	

⑈000223⑈ ⑆114000860⑆ ⑈23 256 4⑈

ANALYST: Kenneth Davis, Jr. (236)

CONVERSATION WITH: Walter E. Nielsen

COMMITTEE: Ray Ellison Industries, Inc. Political Action Committee

DATE: April 30, 1990

SUBJECT(S): I informed Mr. Nielsen that an error was made and Jack Robinson, Jack Biegler, and Frank Manupelli would each have to be refunded \$200 more. Mr. Nielsen agreed to send the additional refunds.

9004081112

Ray Ellison

Homebuilding • Neighborhood Development • Mortgage Banking • Commercial Development

Attachment 7 (1 of 3)

May 3, 1990

Federal Election Committee
Mr. Kenneth A. Davis, Jr.
Reports Analysis Division
Washington, DC 20463

Identification Number: C00140731

Dear Mr. Davis,

Pursuant to our telephone conversation April 30, 1990,
please find copies of checks issued to 3 contributors, who
contributed in excess of \$5000.00 during 1989.

These checks should clear the matter for 1989, and we
will be certain it will not happen again in 1990.

Sincerely,



Walter E. Nielsen

Treasurer

Ray Ellison Industries, Inc.

Political Action Committee

P.O. Box 5250

San Antonio, Tx. 78201

90 MAY -8 AM 8:12

VHNB
VALLEY-HI NATIONAL BANK
P.O. BOX 27066 SAN ANTONIO, TEXAS 78227

**RAY ELLISON INDUSTRIES
POLITICAL ACTION COMMITTEE**
P. O. BOX 5250 349-1111
SAN ANTONIO, TEXAS 78201

0225

MAY 3 - 1990

PAY
TO THE
ORDER OF

JACK ROBINSON

19

\$ 200 ⁰⁰/₁₀₀

DOLLARS

THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNTS

REFUND OF EXCESS	
CONTRIB 1989	

[Signature]

⑈000225⑈ ⑆114000860⑆ ⑈23 256 4⑈

4031114
VHNB
VALLEY-HI NATIONAL BANK
P.O. BOX 27066 SAN ANTONIO, TEXAS 78227

**RAY ELLISON INDUSTRIES
POLITICAL ACTION COMMITTEE**
P. O. BOX 5250 349-1111
SAN ANTONIO, TEXAS 78201

0226

MAY 3 - 1990

PAY
TO THE
ORDER OF

JACK BISLER

\$ 200 ⁰⁰/₁₀₀

DOLLARS

THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNTS

REFUND OF EXCESS	
CONTRIB 1989	

[Signature]

⑈000226⑈ ⑆114000860⑆ ⑈23 256 4⑈

4031114
VHNB
VALLEY-HI NATIONAL BANK
P.O. BOX 27066 SAN ANTONIO, TEXAS 78227

**RAY ELLISON INDUSTRIES
POLITICAL ACTION COMMITTEE**
P. O. BOX 5250 349-1111
SAN ANTONIO, TEXAS 78201

0227

MAY 3 - 1990

PAY
TO THE
ORDER OF

FREDERICK W. WATSON

\$ 200 ⁰⁰/₁₀₀

DOLLARS

THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNTS

REFUND OF EXCESS	
CONTRIB 1989	

[Signature]

⑈000227⑈ ⑆114000860⑆ ⑈23 256 4⑈

SCHEDULE A

ITEMIZED RECEIPTS

Amended 1989 Year End Report

(3 of 3)

Use separate schedule(s) for each category of the Divided Summary Page

PAGE 1 OF 1
FOR LINE NUMBER 11

Any information received from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for any other purpose other than using the name and address of any person(s) authorized to solicit contributions from such committee

NAME OF COMMITTEE (in Full)

Ray Ellison Industries, Inc., Political Action Committee

A Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
John H. Willome P.O. Box 5250 San Antonio, Texas 78201	Ray Ellison Industries, Inc.	12/31/89	1,826.05
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Occupation: Resident	Aggregate Year-to-Date > \$ 4,416.66
Jack Robinson P.O. Box 5250 San Antonio, Texas 78201	RayCo, Inc.	12/31/89	2,826.05
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Occupation: Vice President + 200.00	Aggregate Year-to-Date > \$ 5,216.66 #22
Jack Biegler P.O. Box 5250 San Antonio, Texas 78201	Ray Ellison Industries, Inc.	12/31/89	2,826.05
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Occupation: Financial, V.P. + 200.00	Aggregate Year-to-Date > \$ 5,216.66 #22
Frank Marupelli P.O. Box 5250 San Antonio, Texas 78201	Lackland City Water Company	12/31/89	2,826.05
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Occupation: Vice President + 200.00	Aggregate Year-to-Date > \$ 5,216.66 #22
John Crane P.O. Box 5250 San Antonio, Texas 78201	Ray Ellison Industries, Inc.	12/31/89	2,608.60
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Occupation: Vice President	Aggregate Year-to-Date > \$ 5,000.00
Ray Ellison P.O. Box 5250 San Antonio, Texas 78201	Ray Ellison Industries, Inc.	12/31/89	2,608.60
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Occupation: Chairman of the Board	Aggregate Year-to-Date > \$10,000.00 #223
G Full Name, Mailing Address and ZIP Code			
Name of Employer		Date (month, day, year)	Amount of Each Receipt this Period
Occupation			
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Aggregate Year-to-Date > \$	

SUBTOTAL of Receipts This Page (optional)

15,521.40

TOTAL of Receipts for This Period on Page This and

15,521.40

YE 89

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

FIRST GENERAL COUNSEL'S REPORT

**RAD Referral #90L-22
STAFF MEMBER Todd S. Hageman**

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

**RESPONDENT: The Ray Ellison Industries, Inc.
Political Action Committee, and
Walter E. Nielsen, as treasurer**

RELEVANT STATUTE: 2 U.S.C. § 441a(f)

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was referred to the Office of the General Counsel by the Reports Analysis Division ("RAD").

II. FACTUAL AND LEGAL ANALYSIS

Reports filed by The Ray Ellison Industries, Inc. Political Action Committee ("the Committee") disclose that the Committee accepted excessive contributions from four (4) individuals totalling \$6,249.98. The Committee's 1989 Mid-Year and Year-End Reports disclose that one individual, Ray Ellison, made two contributions totaling \$10,000, one of \$7,391.40 receipt dated June 30, 1989, and one of \$2,608.60 dated December 31, 1989.

The Committee's Year-End Report also discloses excessive aggregated contributions from three (3) additional individuals. The Committee reported contributions of \$2,826.05 each from Jack Robinson, Jack Biegler and Frank Manupelli dated December 21, 1989. Each had earlier contributed \$2,590.61. Thus, the later

9
0
0
4
0
0
6
1
1
1
1
1
0
8
3
6

9004031117

contributions brought the respective aggregate year-to-date contribution totals for each of these individuals to \$5,416.66. The Committee erroneously reported these totals as \$5,216.66

On March 28, 1990 RAD sent the Committee a Request for Additional Information ("RFAI") concerning the receipt of excessive contributions. The Committee's response revealed that refunds of \$5,000 to Ray Ellison and \$216.66 respectively to the remaining three individuals were made between March 27, 1990 and April 5, 1990. The RAD analyst informed the Committee by telephone that \$200 in excessive contributions from the same three individuals remained outstanding. On May 8, 1990 the Committee responded by documenting the additional \$200 in refunds made to these persons.

According to the Federal Election Campaign Act, ("the Act") it is unlawful for any unauthorized political committee to knowingly accept aggregated contributions from individuals in excess of \$5,000 per calendar year. 2 U.S.C. § 441a(f). Therefore, this Office recommends that the Commission find reason to believe the Ray Ellison Industries, Inc. Political Action Committee, and Walter E. Nielsen, as treasurer, violated 2 U.S.C. § 441a(f).

III. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the Ray Ellison Industries Inc. Political Action Committee, and Walter E. Nielsen, as treasurer,

violated 2 U.S.C. § 441a(f).

3. Approve the appropriate letter and the attached Factual and Legal Analysis.

Lawrence M. Noble
General Counsel

Date 7/3/90

BY: 
Lois G. Lerner
Associate General Counsel

Attachment

1. Referral Materials
2. Factual and Legal Analysis

2004081118

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

The Ray Ellison Industries, Inc.)
Political Action Committee, and)
Walter E. Nielsen, as treasurer)

RAD Referral #90L-22

(MUR)
3084

CERTIFICATION


I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 10, 1990, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #90L-22:

1. Open a MUR.
2. Find reason to believe that the Ray Ellison Industries Inc. Political Action Committee, and Walter E. Nielsen, as treasurer, violated 2 U.S.C. § 441a(f).
3. Approve the appropriate letter and the Factual and Legal Analysis, as recommended in the General Counsel's Report dated July 3, 1990.

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

Attest:

July 10, 1990
Date


for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Thursday, July 5, 1990 3:30 p.m.
Circulated to the Commission: Friday, July 6, 1990 12:00 p.m.
Deadline for vote: Tuesday, July 10, 1990 4:00 p.m.

dh



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

July 13, 1990

Mr. Walter E. Nielsen, Treasurer
Ray Ellison Industries, Inc.
Political Action Committee
P.O. Box 5250
San Antonio, TX 78201

RE: MUR 3084
Ray Ellison Industries,
Inc. Political Action
Committee, and Walter
E. Nielsen, as
treasurer

Dear Mr. Nielsen:

On July 10, 1990, the Federal Election Commission found that there is reason to believe that the Ray Ellison Industries, Inc. Political Action Committee ("the Committee") and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("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. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating 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

9004081120

Mr. Nielsen

Page 2

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.

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.

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.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Todd S. Hageman, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


Lee Ann Elliott
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form

204031121

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: The Ray Ellison Industries, Inc.
Political Action Committee, and
Walter E. Nielsen, as treasurer

MUR: 3084

Reports filed by The Ray Ellison Industries, Inc. Political Action Committee ("the Committee") disclose that the Committee accepted excessive contributions from four (4) individuals totalling \$6,249.98. The Committee's 1989 Mid-Year and Year-End Reports disclose that one individual, Ray Ellison, made two contributions totalling \$10,000, one of \$7391.40 dated June 30, 1989, and one of \$2,608.60 dated December 31, 1989.

The Committee's Year-End Report also discloses excessive aggregated contributions from three (3) additional individuals. The Committee reported contributions of \$2826.05 each from Jack Robinson, Jack Biegler and Frank Manupelli dated December 21, 1989. Each had earlier contributed \$2590.61. Thus, the later contributions brought the respective aggregate year-to-date contribution totals for each of these individuals to \$5,416.66. The Committee erroneously reported these totals as \$5,216.66.

On March 28, 1990, the Reports Analysis Division ("RAD") analyst sent the Committee a Request for Additional Information ("RFAI") concerning the receipt of excessive contributions. The Committee's response revealed that refunds of \$5,000 to Ray Ellison and \$216.66 respectively to the remaining three individuals were made between March 27, 1990 and April 5, 1990. The RAD analyst informed the Committee by telephone that \$200 in excessive contributions from the same three individuals remained

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outstanding. On May 8, 1990 the Committee responded by documenting the additional \$200 in refunds made to these persons.

According to the Federal Election Campaign Act, ("the Act") it is unlawful for any unauthorized political committee to knowingly accept aggregated contributions from individuals in excess of \$5,000 per calendar year. 2 U.S.C. § 441a(f). Therefore, there is reason to believe that the Ray Ellison Industries, Inc. Political Action Committee, and Walter E. Nielsen, as treasurer, violated 2 U.S.C. § 441a(f).

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OGC 7111

RECEIVED
FEDERAL ELECTION COMMISSION

90 JUL 30 AM 9:48

**RAY ELLISON INDUSTRIES, INC.
POLITICAL ACTION COMMITTEE
P.O. Box 5250
San Antonio, Texas 78201**

July 25, 1990

General Counsel
Federal Election Commission
Washington, D.C. 20461

Re: Letter of July 13, 1990 from Ms. Lee Ann Elliott
MUR 3084

Ladies and Gentlemen:

In response to Ms. Elliott's letter of July 13, 1990, I have consulted an attorney but have not retained an attorney for representation. This response is personally made. If the commission finds that other action should be taken, I expect to retain an attorney for representation. My statement is as follows:

In response to the March 28, 1990 letter from Kenneth Davis, Jr., Reports Analyst, Federal Election Commission, I reviewed the contributions to Ray Ellison Industries, Inc. Political Action Committee and confirmed that an error was made in that excessive contributions were received. In accordance with the directions in the letter, all excess contributions were immediately refunded. I fully complied with the directions in the letter, a copy of the relevant correspondence is enclosed.

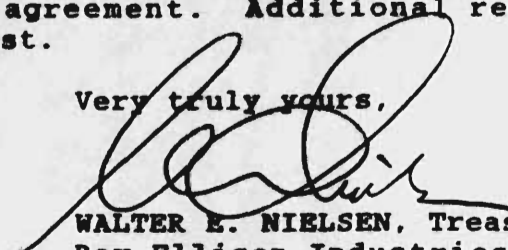
Also, steps have been taken to assure that no excessive contributions will be accepted in the future.

The acceptance of the excessive contribution was a bona fide error. There was no intent to violate the law. There were no committee payments from the contributions received in error.

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I believe that a conciliation agreement is appropriate and am requesting such an agreement. Additional response will be provided upon request.

Very truly yours,


WALTER E. NIELSEN, Treasurer
Ray Ellison Industries, Inc.
Political Action Committee

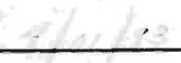
THE STATE OF TEXAS

COUNTY OF BEXAR

On this day personally appeared WALTER NIELSEN, Treasurer of Ray Ellison Industries, Inc. Political Action Committee, who, after being first by me duly sworn, on his oath did state that the contents of the foregoing statement are within his knowledge, true and correct. He further stated that he executed the statement as his personal state and on behalf of Ray Ellison Industries, Inc. Political Action Committee.

Date: July 25, 1990


Notary Public, State of Texas

My Commission Expires:




9025

cc: Ms. Lee Ann Elliott, Chairman
Federal Election Commission
Washington, D.C. 20461

90040311125



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 13, 1990

Mr. Walter E. Nielsen, Treasurer
Ray Ellison Industries, Inc.
Political Action Committee
P.O. Box 5250
San Antonio, TX 78201

RE: MUR 3084
Ray Ellison Industries,
Inc. Political Action
Committee, and Walter
E. Nielsen, as
treasurer

Dear Mr. Nielsen:

On July 10, 1990, the Federal Election Commission found that there is reason to believe that the Ray Ellison Industries, Inc. Political Action Committee ("the Committee") and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("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. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating 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

204031126

Received 7/16/90

Mr. Nielsen
Page 2

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.

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.

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.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Todd S. Hageman, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


Lee Ann Elliott
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

9004031127

Ray Ellison

Homebuilding • Neighborhood Development • Mortgage Banking • Commercial Development

CE 17

May 3, 1990

Federal Election Committee
Mr. Kenneth A. Davis, Jr.
Reports Analysis Division
Washington, DC 20463

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— Identification Number: C00140731

— Dear Mr. Davis,

Pursuant to our telephone conversation April 30, 1990, please find copies of checks issued to 3 contributors, who contributed in excess of \$5000.00 during 1989.

These checks should clear the matter for 1989, and we will be certain it will not happen again in 1990.

Sincerely,

Walter E. Nielsen
Treasurer
Ray Ellison Industries, Inc.
Political Action Committee
P.O. Box 5250
San Antonio, Tx. 78201

Ray Ellison

Homebuilding • Neighborhood Development • Mortgage Banking • Commercial Development

CO19

April 6, 1990

Federal Election Committee
Mr. Kenneth A. Davis, Jr.
Reports Analysis Division
Washington, D.C. 20463

Identification Number: C00140731

Dear Mr. Davis:

In reference to your letter of March 28, 1990, the contributions exceeded the annual limit of \$5000. This was an error on my part.

We have refunded the excess amount to the contributors and there is a copy of the checks attached to this letter. Disclosure of these refunds will be on our next report.

Sincerely,

Ray Ellison Industries, Inc.
Political Action Committee

By:
Walter E. Nielsen
Treasurer



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-2

MAR 28 1990

Walter E. Nielsen, Treasurer
Ray Ellison Industries, Inc.
Political Action Committee
P.O. Box 5250
San Antonio, TX 78201

Identification Number: C00140731

Reference: Mid-Year (1/1/89-6/30/89) and Year End (7/1/89-12/31/89) Reports

Dear Mr. Nielsen:

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 A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from another political committee or person in excess of \$5,000 per calendar year. (2 U.S.C. §441a(f) and 11 CFR §110.1(d))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution(s) you received exceeds the limits, you should either refund to the donor the amount in excess of \$5,000 or, if appropriate, seek reattribution of the contribution pursuant to 11 CFR §110.1(k). Alternatively, if you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor in writing and provide the contributor with the option of receiving a refund. You may wish to seek a written authorization (either before or after the transfer-out) from the donor for any transfer-out to protect the donor's interests. (11 CFR §§103.3(b) and 110.1(k))

Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In the best interests of the committee,

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all refunds, reattributions and transfers-out should be made within sixty (60) days of the treasurer's receipt of the contribution. See 11 CFR §103.3(b). Refunds and transfers-out should be disclosed on a supporting Schedule B for Line 26 or 20 of the report covering the period during which they are made. Reattributions are reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received.

Although the Commission may take further legal steps regarding the acceptance of an excessive contribution(s), prompt action by you to refund, seek reattribution and/or transfer-out the excessive amount will be taken into consideration.

A written response or 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,

Kenneth Davis, Jr.

Kenneth A. Davis, Jr.
Reports Analyst
Reports Analysis Division

2004031131

90 AUG 30 PM 4:19

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3084
The Ray Ellison)
Industries, Inc.)
Political Action)
Committee and Walter E.)
Nielsen, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On July 10, 1990 the Commission found reason to believe that The Ray Ellison Industries, Inc. Political Action Committee (the "Committee") and Walter E. Nielsen, as treasurer, violated 2 U.S.C. § 441a(f). Specifically, the Committee accepted excessive contributions from four (4) individuals totalling \$6,249.98.¹

Mr. Nielsen filed a response to the Commission's findings on July 30, 1990 requesting pre-probable cause conciliation. See Attachment 1. In the Committee's response, Mr. Nielsen asserts that the Committee's acceptance of the excessive funds was an error that was undetected until the Commission notified the Committee of its error. Upon receipt of the RFAI, the

1. The Committee's 1989 Mid-Year and Year-End Reports disclose that one individual, Ray Ellison, made two contributions totalling \$10,000. The Committee's Year-End Report also discloses excessive aggregated contributions from three (3) additional individuals of \$5,416.66 respectively. On March 28, 1990, RAD sent the Committee a Request for Additional Information ("RFAI") concerning the receipt of excessive contributions. The Committee responded by refunding the excessive amounts to each of the four individuals. The refunds were completed by May 8, 1990.

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Committee complied with the Commission's directions and fully refunded the excessive contributions. Furthermore, Mr. Nielsen stated that steps have been taken to assure that no excessive contributions will be accepted in the future.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

III. RECOMMENDATIONS


1. Enter into conciliation with The Ray Ellison Industries, Inc. Political Action Committee and Walter E. Nielsen, as treasurer, prior to a finding of probable cause to believe.

2 2 0 4 0 3 1 1 1 3 3

2. Approve the attached proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

Date 8/28/90

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Request for conciliation
2. Proposed Conciliation Agreement

Staff assigned: Todd S. Hageman

90040811134

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Ray Ellison Industries, Inc.) MUR 3084
Political Action Committee and)
Walter E. Nielsen, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 20, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 3084:

1. Enter into conciliation with The Ray Ellison Industries, Inc. Political Action Committee and Walter E. Nielsen, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and the appropriate letter, as recommended in the General Counsel's Report dated August 29, 1990.

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

Attest:

9-20-90
Date

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

Received in the Secretariat:	Thurs., August 30, 1990	4:19	p.m.
Circulated to the Commission:	Fri., August 31, 1990	12:00	p.m.
Deadline for vote:	Thurs., Sept. 20, 1990	4:00	p.m.

dr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

September 24, 1990

Mr. Walter E. Nielsen, Treasurer
Ray Ellison Industries, Inc.
Political Action Committee
P. O. Box 5250
San Antonio, TX 78201

RE: MUR 3084
Ray Ellison Industries,
Inc. Political Action
Committee and Walter E.
Nielsen, as treasurer

Dear Mr. Nielsen:

On July 10, 1990, the Federal Election Commission found reason to believe that the Ray Ellison Industries, Inc. Political Action Committee (the "Committee") and you, as treasurer, violated 2 U.S.C. § 441a(f). At your request, on September 20, 1990, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Todd S. Hageman, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

RAY ELLISON INDUSTRIES, INC.
POLITICAL ACTION COMMITTEE
P.O. Box 5250
San Antonio, Texas 78201

50 OCT 15 PM 4:34

October 8, 1990

Mr. Lawrence M. Noble
General Counsel
Federal Election Committee
Washington, D.C. 20463

Re: Conciliation Agreement
MUR 304
Ray Ellison Industries, Inc. Political Action
Committee and Water E. Nielsen, Treasurer

Dear Mr. Noble:

Pursuant to your letter of September 24, 1990, by Lois G. Lerner, Associate General Counsel, requesting a civil penalty and execution of a conciliation agreement, both penalty and executed agreement are enclosed.

The receipt of excess funds and their prompt return, upon discovery of the error, are not disputed. I recognize that errors create liability for civil penalties. I do continue to deny any criminal intent related to this transaction. It has always been my intention, as Treasurer, to fully comply with the law.

Procedures have been established to prevent future receipt of excess funds.

Thank you for your consideration. I trust this closes all issues relating to the excess collections.

Very truly yours,


WALTER E. NIELSEN

CERTIFIED MAIL NO. P491211265

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90 OCT 24 PM 3:57

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Ray Ellison Industries, Inc.)
Political Action Committee and)
Walter E. Nielsen, as treasurer)

MUR 3084

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Walter E. Nielsen, the treasurer of The Ray Ellison Industries, Inc. Political Action Committee.

The attached agreement contains no changes from the agreement approved by the Commission on September 20, 1990. A check for the civil penalty has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with The Ray Ellison Industries, Inc. Political Action Committee and Walter E. Nielsen, as treasurer.

2. Close the file.

3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

10/23/90
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check

Staff Assigned: Todd S. Hageman

900403

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3084
The Ray Ellison Industries, Inc.)
Political Action Committee and)
Walter E. Nielsen, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 29, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 3084:

1. Accept the conciliation agreement with The Ray Ellison Industries, Inc. Political Action Committee and Walter E. Nielsen, as treasurer, as recommended in the General Counsel's Report dated October 23, 1990.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated October 23, 1990.

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

Attest:

Oct. 29, 1990

Date

Hilda Arnold
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., October 24, 1990 3:57 p.m.
Circulated to the Commission: Thurs., October 25, 1990 11:00 a.m.
Deadline for vote: Mon., October 29, 1990 11:00 a.m.

dh



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 5, 1990

Mr. Walter E. Nielsen, Treasurer
Ray Ellison Industries, Inc.
Political Action Committee
P.O. Box 5250
San Antonio, TX 78201

CLOSED

RE: MUR 3084

Dear Mr. Nielsen:

On October 29, 1990, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Todd Hageman, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

4031140

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The Ray Ellison) MUR 3084
Industries, Inc.)
Political Action)
Committee and Walter E.)
Nielsen, as treasurer)

CONCILIATION AGREEMENT

2004061141
This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that The Ray Ellison Industries, Inc. Political Action Committee and Walter E. Nielsen, as treasurer ("Respondents"), violated 2 U.S.C. § 441a(f).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Ray Ellison Industries, Inc. Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Walter E. Nielsen is the treasurer of The Ray Ellison Industries, Inc. Political Action Committee.

3. Section 441a(a)(1)(C) of Title 2 limits individual contributions to \$5,000 per committee per calendar year.

4. Section 441a(f) of Title 2 provides that no political committee shall knowingly accept excessive contributions.

5. Respondents accepted contributions from four individuals in excess of \$5,000. The aggregate amount of the excessive contributions total \$6,249.98.

V. Respondents accepted excessive contributions from four individuals totalling \$6,249.98 in violation of 2 U.S.C. § 441a(f).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand, Six-Hundred dollars (\$1,600), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement

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or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.


IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

11/2/90
Date

FOR THE RESPONDENTS:


Walter E. Nielsen
Treasurer

10-8-90
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3084

DATE FILMED 11/28/90 CAMERA NO. 2

CAMERAMAN AS

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