



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3340

DATE FILMED 12/24/81 CAMERA NO. 2

CAMERAMAN AS

21040882692

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: April 22, 1991

ANALYST: JACK MACDONALD

I. COMMITTEE:

Don Davis for Congress
(C00241562)
Joyce L. Hall, Treasurer
P.O. Box 247
Erwin, NC 28339

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(6)
11 CFR §104.5(f)

III. BACKGROUND:

Failure to File Forty-Eight Hour Notifications

The Don Davis for Congress committee ("the Committee") has failed to file the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for three (3) contributions /loans totalling \$16,500 received prior to the 1990 General Election.

The candidate was involved in the 1990 General Election held on November 6, 1990. Prior Notice was sent to the Committee on October 1, 1990 (Attachment 2). The Notice includes a section titled "Last-Minute Contributions". This section reads "Committees must also file special notices if contributions of \$1,000 or more are received during the period October 18 through November 3, 1990. The notices must reach the appropriate Federal and State offices within 48 hours of the committee's receipt of the contributions."

Schedules A and C of the 1990 30 Day Post-General Report indicate that the Committee failed to file three (3) 48-Hour Notices for contributions/loans received during the aforementioned period (Attachment 3). The following is a list of the contributions/loans for which no 48-Hour Notices were filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Don Davis	10/29/90	\$ 5,000
(candidate loans)	10/31/90	\$ 1,500
	11/02/90	\$10,000

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On January 8, 1991, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI notes on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice requests the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice states that although the Commission may take legal steps, any response would be taken into consideration.

On January 25, 1991, a written response was received from the Committee which stated that they regret failing to have filed all of the required 48-Hour Notices (Attachment 5).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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1989-1990
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

ATTACHMENT 1

PAGE 1

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

DAVIS, DONALD SPENCER	HOUSE 03 REPUBLICAN PARTY						NORTH CAROLINA 1990 ELECTION	ID# H0NC03040	
1. STATEMENT OF CANDIDATE									
1990 STATEMENT OF CANDIDATE							8FEB90		1 90HSE/391/4867
2. PRINCIPAL CAMPAIGN COMMITTEE									

DON DAVIS FOR CONGRESS							ID #000241562 HOUSE		
1990 STATEMENT OF ORGANIZATION							8FEB90		1 90HSE/391/4868
APRIL QUARTERLY			13,264		11,326		1JAN90 -31MAR90		8 90HSE/395/5310
APRIL QUARTERLY - AMENDMENT			-		-		1JAN90 -21MAR90		3 90HSE/396/1118
NOTICE OF FAILURE TO FILE							1APR90 -18APR90		1 90FEC/638/3893
PRE-PRIMARY			1,435		1,169		31MAR90 -22APR90		5 90HSE/397/1345
PRE-PRIMARY - AMENDMENT			-		-		31MAR90 -22APR90		1 90HSE/398/2819
REQUEST FOR ADDITIONAL INFORMATION							31MAR90 -22APR90		1 90FEC/639/3923
JULY QUARTERLY				14,587		14,375	23APR90 -30JUN90		11 90HSE/401/1922
JULY QUARTERLY - AMENDMENT			-		-		-23APR90 -31JUL90		1 90HSE/406/0012
REQUEST FOR ADDITIONAL INFORMATION							23APR90 -30JUN90		1 90FEC/651/1519
OCTOBER QUARTERLY			19,761			19,470	1JUL90 -30SEP90		22 90HSE/413/0736
OCTOBER QUARTERLY - AMENDMENT			-		-		- 1JUL90 -30SEP90		1 90HSE/422/0982
OCTOBER QUARTERLY - AMENDMENT			19,761			19,970	1JUL90 -30SEP90		18 90HSE/422/1551
REQUEST FOR ADDITIONAL INFORMATION							1JUL90 -30SEP90		3 90FEC/670/2404
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JUL90 -30SEP90		4 90FEC/671/4341
PRE-GENERAL				5,520		4,894	1OCT90 -17OCT90		9 90HSE/414/5452
1ST LETTER INFORMATIONAL NOTICE							1OCT90 -17OCT90		1 90FEC/670/1330
POST-GENERAL				32,250		31,714	18OCT90 -26NOV90		19 90HSE/420/2263
POST-GENERAL - AMENDMENT				32,000		31,714	18OCT90 -26NOV90		3 91HSE/423/4465
REQUEST FOR ADDITIONAL INFORMATION							18OCT90 -26NOV90		2 91FEC/680/0704
YEAR-END			1,471		712		27NOV90 -31DEC90		11 91HSE/425/3285
YEAR-END - AMENDMENT			-		-		27NOV90 -31DEC90		4 91HSE/425/3281
YEAR-END - AMENDMENT			1,471		712		27NOV90 -31DEC90		8 91HSE/426/4152
YEAR-END - AMENDMENT			-		-		27NOV90 -31DEC90		1 91HSE/426/5048
YEAR-END - AMENDMENT			-		-		27NOV90 -31DEC90		1 91HSE/427/2324
REQUEST FOR ADDITIONAL INFORMATION							27NOV90 -31DEC90		1 91FEC/689/1298
TOTAL			16,170	71,968	13,207	70,953			141 TOTAL PAGES

3. AUTHORIZED COMMITTEES

4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

All reports have been reviewed.

Ending cash on hand as of 12/31/90: \$4477.33

Outstanding debts owed by the committee as of 12/31/90: \$39,300.00

GENERAL ELECTION REPORT NOTICE

ATTACHMENT 2

Page 1 of 2

FEDERAL ELECTION COMMISSION

CONGRESSIONAL CANDIDATES

October 1, 1990

Report	Reporting Period	Reg./Cert. Mailing Date*	Filing Date
Pre-General	10/01/90**-10/17/90	10/22/90	10/25/90
Post-General	10/18/90 - 11/26/90	12/06/90	12/06/90

WHO MUST FILE

All 1990 general election principal campaign committees must file the pre- and post-general election reports.

WHO NEED NOT FILE

Principal campaign committees of candidates not active in the 1990 elections (i.e., committees active in past or future elections) and 1990 campaign committees not participating in the general election do not file the pre- and post-general reports.

WHAT MUST BE REPORTED

All financial activity (not previously reported) that occurred during the reporting period.

REPORTING FORMS

Candidate committees use FORM 3 (enclosed). If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on FORM 3Z.

WHERE TO FILE

Consult the instructions on the back of the FORM 3 Summary Page. Note State filing requirements also.

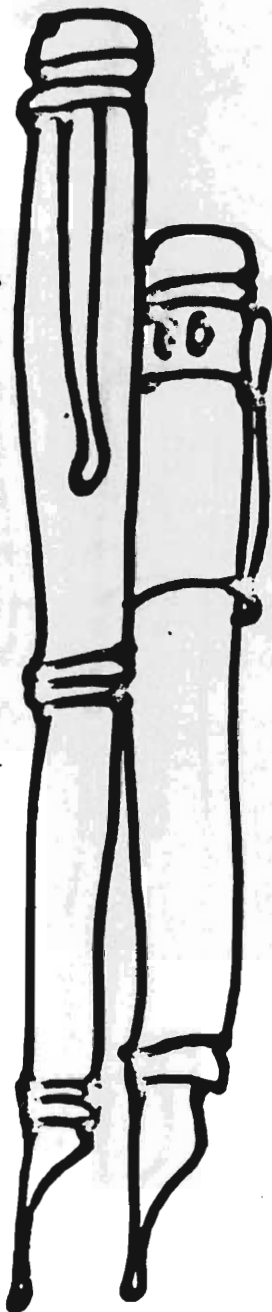
LAST-MINUTE CONTRIBUTIONS

Committees must also file special notices if contributions of \$1,000 or more are received during the period of October 18 through November 3, 1990. The notices must reach the appropriate Federal and State offices within 48 hours of the committee's receipt of the contributions.

*Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

**The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

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CONGRESSIONAL CANDIDATES

GENERAL ELECTION

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Correction should be made on the label.

COMPLIANCE

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

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SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Detailed Summary Page

PAGE 1 of 4
1 2
FOR LINE NUMBER 13. (a)

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

NAME OF COMMITTEE (in Full)

Don Davis for Congress

C00241562

A. Full Name, Mailing Address and ZIP Code Don Davis P.O. Box 363 Erwin, N.C. 28339	Name of Employer Retired	Date (month, day, year) 2/7/90	Amount of Each Receipt this Period 850.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
B. Full Name, Mailing Address and ZIP Code Same as above	Name of Employer	Date (month, day, year) 5/9/90	Amount of Each Receipt this Period 1,450.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
C. Full Name, Mailing Address and ZIP Code Same as above	Name of Employer	Date (month, day, year) 6/22/90	Amount of Each Receipt this Period 4,500.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
D. Full Name, Mailing Address and ZIP Code Same as above	Name of Employer	Date (month, day, year) 6/29/90	Amount of Each Receipt this Period 3,000.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
E. Full Name, Mailing Address and ZIP Code Same as above	Name of Employer	Date (month, day, year) 10/5/90	Amount of Each Receipt this Period 1,200.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
F. Full Name, Mailing Address and ZIP Code Same as above	Name of Employer	Date (month, day, year) 10/12/90	Amount of Each Receipt this Period 3,800.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
G. Full Name, Mailing Address and ZIP Code Same as above	Name of Employer	Date (month, day, year) 10/29/90	Amount of Each Receipt this Period 5,000.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		

SUBTOTAL of Receipts This Page (optional)

19,800.00

TOTAL This Period (last page this line number only)

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Detailed Summary Page

PAGE 2 OF 2
FOR LINE NUMBER 12. (A)

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 commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

Don Davis for Congress C00241562

<p>A. Full Name, Mailing Address and ZIP Code</p> <p>Don Davis P.O. Box 363 Erwin, N.C. 28339</p> <p>Receipt For: Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) _____</p>	<p>Name of Employer</p> <p>Retired</p> <p>Occupation</p> <p>Aggregate Year-to-Date \$ 21,300.00</p>	<p>Date (month, day, year)</p> <p>10/31/90</p>	<p>Amount of Each Receipt this Period</p> <p>1,500.00</p>
<p>B. Full Name, Mailing Address and ZIP Code</p> <p>Same as above</p> <p>Receipt For: Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) _____</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date \$ 31,300.00</p>	<p>Date (month, day, year)</p> <p>11/2/90</p>	<p>Amount of Each Receipt this Period</p> <p>10,000.00</p>
<p>C. Full Name, Mailing Address and ZIP Code</p> <p>Same as above</p> <p>Receipt For: Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) _____</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date \$ 38,800.00</p>	<p>Date (month, day, year)</p> <p>11/7/90</p>	<p>Amount of Each Receipt this Period</p> <p>7,500.00</p>
<p>D. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) _____</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
<p>E. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) _____</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
<p>F. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) _____</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
<p>G. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) _____</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>

SUBTOTAL of Receipts This Page (optional)

19,000.00

TOTAL This Period (last page this line number only)

38,800.00

9
2
6
2
9
9
8
8
0
4
9
9

LOANS

Name of Committee (in Full) Don Davis for Congress C00241562			
A. Full Name, Mailing Address and ZIP Code of Loan Source Don Davis P.O. Box 363 Erwin, N.C. 28339		Original Amount of Loan 5,000.00	Cumulative Payment To Date 0 -
Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Balance Outstanding at Close of This Period 5,000.00	
Terms: Date Incurred 10/29/90 Date Due --- Interest Rate --- % (apri) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding \$	
2. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding \$	
3. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding \$	
B. Full Name, Mailing Address and ZIP Code of Loan Source Don Davis P.O. Box 363 Erwin, N.C. 28339		Original Amount of Loan 1,500.00	Cumulative Payment To Date - 0 -
Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Balance Outstanding at Close of This Period 1,500.00	
Terms: Date Incurred 10/31/90 Date Due --- Interest Rate --- % (apri) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding \$	
2. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding \$	
3. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding \$	
SUBTOTALS This Period This Page (optional)			6,500.00
TOTALS This Period (next page in this line only)			
Carry outstanding balances only to LINE 2, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

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SCHEDULE C
(Revised 2/80)

LOANS

Page 5 of 8
LINE NUMBER 137a
(Run separate schedule for each numbered line)

Name of Committee (in Full) Don Davis for Congress C00241562			
A. Full Name, Mailing Address and ZIP Code of Loan Source Don Davis P.O. Box 363 Erwin, N.C. 28339 Election <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Original Amount of Loan 10,000.00	Cumulative Payments To Date - 0 -	Balance Outstanding at Close of This Period 10,000.00
Terms: Date Incurred <u>11/2/90</u> Date Due <u> </u> Interest Rate <u> </u> % (per) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
B. Full Name, Mailing Address and ZIP Code of Loan Source Don Davis P.O. Box 363 Erwin, N.C. 28339 Election <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Original Amount of Loan 7,500.00		Cumulative Payments To Date - 0 -	
		Balance Outstanding at Close of This Period 7,500.00	
Terms: Date Incurred <u>11/7/90</u> Date Due <u> </u> Interest Rate <u> </u> % (per) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
SUBTOTALS This Period This Page (optional)			17,500.00
TOTALS This Period (last page in this line only)			38,800.00
Carry outstanding balance only to LINE 2, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

RQ-2

JAN 8 1991

Joyce L. Hall, Treasurer
Don Davis for Congress
P.O. Box 247
Erwin, NC 28339

Identification Number: C00241562

Reference: 30 Day Post-General Report (10/18/90-11/26/90)

Dear Ms. Hall:

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:

-Each time a committee reports receiving a loan from the candidate, it is necessary to clarify whether or not the candidate used his/her personal funds or borrowed the money from a lending institution or any other source. If the candidate borrowed funds from a lending institution, or any other source, please provide the name of the lending institution and the complete terms of the loan. If the loan(s) was from personal funds, please acknowledge that fact in an amendment to this report. It is important to note that "personal funds" is strictly defined by Commission Regulations and may be found in 11 CFR §110.10. (11 CFR §§100.7(a)(1) and 104.3(d))

-Schedule A of this report discloses activity outside the coverage dates. This report should include only activity that occurred from 10/18/90 to 11/26/90. Please amend this report and any previous reports so that all activity is disclosed in the report covering the period in which the activity occurred.

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-General (10/1/90-10/17/90) report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then

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reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to make concerning this matter will be taken into consideration.
(11 CFR §104.5(f))

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 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,

Jack MacDonald

Jack MacDonald
Reports Analyst
Reports Analysis Division

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January 22, 1991

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Clerk of House of Representatives
1036 Longworth House Office Bldg.
Washington, D.C. 20515

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

Identification Number: C00241562

RE: Amendment to 30-Day Post General Report (10/18/90-11/26/90)

Dear Sir:

I am in receipt of Mr. Jack MacDonald's letter of January 8, 1991, concerning needed corrections in the above-mentioned report. The following information is supplied in answer to the questions raised in the letter from Mr. MacDonald.

-To the best of my knowledge, all loans made by the candidate were from his personal funds.

-On Schedule A, please delete receipts as follows:

Previously reported:

Don Davis	2/7/90	\$ 850.00
Don Davis	5/9/90	1,450.00
Don Davis	6/22/90	4,500.00
Don Davis	6/29/90	3,000.00
Don Davis	10/5/90	1,200.00
Don Davis	10/12/90	3,800.00

(I regret failing to have notified the Commission of the following four contributions [all loans from the candidate to his campaign]. After receiving Mr. MacDonald's letter and reading further, I fully realize my error.)

Don Davis	10/29/90	\$ 5,000.00
Don Davis	10/31/90	1,500.00
Don Davis	11/2/90	10,000.00
Don Davis	11/7/90	7,500.00

Please delete the following contribution from Schedule A.

Mrs. John H. Wellons..11/30/90...\$ 250.00

To be corrected on End-of-Year Report.

I have also included corrected copies of "Report of Receipts" and "Disbursements and Detailed Summary Page" reflecting this correction. If you need further information, please let me know.

Sincerely,

Joyce L. Hall

Joyce L. Hall
Treasurer
Don Davis for Congress

Enclosure

cc: Jack MacDonald, Reports Analyst
K.C. Board of Elections

SECRET 11:45

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral 91L-43
Staff Member Jose Rodriguez

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

RESPONDENTS: Don Davis for Congress and Joyce L. Hall,
as treasurer

RELEVANT STATUTES: 2 U.S.C § 434(a)(6)
11 C.F.R. § 104.5(f)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On April 22, 1991, the Report Analysis Division ("RAD") referred Don Davis for Congress and Joyce L. Hall, as treasurer, (the "Committee") to the Office of the General Counsel for failure to file the required Forty-Eight (48) Hour Notifications for three (3) contribution/loans totaling \$16,500 (Attachment 1). Don Davis, the candidate, lost the 1990 General Election in the 3rd Congressional District in North Carolina receiving forty-one percent (41%) of the vote.

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, see Attachment 2.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

21040882705

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe Don Davis for Congress and Joyce L. Hall, as treasurer, violated 2 U.S.C. § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

6/7/91
Date

BY:


Lois G. Zerner
Associate General Counsel

Attachments

1. Referral Materials
2. Factual and Legal Analysis
3. Proposed agreement

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I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 12, 1991, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #91L-43:

1. Open a MUR.
2. Find reason to believe Don Davis for Congress and Joyce L. Hall, as treasurer, violated 2 U.S.C. § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis and conciliation agreement, and the appropriate letter, as recommended in the First General Counsel's Report dated June 7, 1991.

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

Attest:

6-14-91
Date

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

Received in the Secretariat: Mon., June 10, 1991 11:45 p.m.
Circulated to the Commission: Mon., June 10, 1991 4:00 p.m.
Deadline for vote: Wed., June 12, 1991 4:00 p.m.

b j f



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 1991

Joyce L. Hall, Treasurer
Don Davis for Congress
P.O. Box 247
Erwin, NC 28339

RE: MUR 3340
Don Davis for Congress
and Joyce L. Hall,
as treasurer

Dear Ms. Hall:

On June 12, 1991, the Federal Election Commission found that there is reason to believe Don Davis for Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6), 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.

In order to expedite the resolution of this matter, the Commission has also decided to offer 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.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation

8 7 0 2 8 8 4 0 0 1 9

Joyce L. Hall, Treasurer
Don Davis for Congress
Page 2

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.

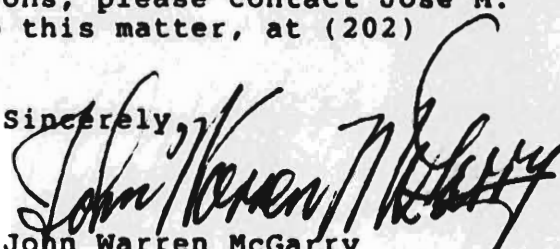
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Jose M. Rodriguez, the attorney assigned to this matter, at (202) 376-5690 .

Sincerely,


John Warren McGarry
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

21040882709

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Don Davis for Congress
and Joyce L. Hall, as
treasurer

MUR 3340

I. GENERATION OF MATTER

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

II. FACTUAL AND LEGAL ANALYSIS

Don Davis (the "Candidate") was a candidate for the United States House of Representatives in the 3rd Congressional District in North Carolina. The Candidate designated, Don Davis for Congress and Joyce L. Hall, as treasurer, (the "Committee") as his principal campaign committee.

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires the principal campaign committee of candidates for federal office to notify in writing either the Secretary of the Senate, the Clerk of the U.S. House of Representatives or the Commission, as appropriate, and the Secretary of State, of each contribution totaling \$1,000 or more received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours of the receipt of the contribution and to

21040882710

include the name of the candidate and the office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B). According to 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid.

The Candidate was involved in the 1990 General Election held on November 6, 1990. Therefore, special notices were required for all contributions of \$1,000 or more received between October 18 and November 3, 1990. An examination of the Committee's 1990 Post-General Report indicates that the Committee failed to file 48-Hour Notices for three contributions received between October 18 through November 3, 1990, totaling \$16,500. All three contributions were in the form of loans from the Candidate. The following is a list of the contribution/loans for which no 48-Hour Notices were filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Don Davis	10/29/90	\$ 5,000
(candidate Loans)	10/31/90	\$ 1,500
	11/02/90	\$10,000

As demonstrated, the respondents have failed to file 48-Hour Notices for three (3) contributions/loans. Therefore, there is reason to believe Don Davis for Congress and Joyce L. Hall, as treasurer, violated 2 U.S.C. § 434(a)(6).

Don Davis

U.S. Congress

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

(919) 897-7282

91 JUL -1 AM 10:57

P.O. Box 1113
Dunn, N.C. 28335

June 24, 1991

Mr. Jose M. Rodriguez
Attorney
Federal Election Commission
Washington, DC 20463

RE: MUR 3340
Don Davis for Congress
and Joyce L. Hall,
as treasurer

91 JUL -1 PM 2:26

Dear Mr. Rodriguez:

This letter is in reference to the above-mentioned Matter Under Review (MUR). I was on vacation until June 23, 1991 when I received Mr. McGarry's letter and attached documents.

I regret the oversight of 48-hour Notices for the three loans/contributions totaling \$16,500.00 made by Mr. Davis to his campaign. (I did make note of the oversight of reporting these three loans/contributions in my letter to the Clerk of House of Representatives dated January 22, 1991. Copy attached.)

During this period of time, Mr. Davis was traveling day and night, with it being toward the end of the campaign.

This is both my and Mr. Davis' first experience in a campaign of this nature and magnitude AND working with the Federal Election Commission. We have tried to comply with the letter of the law, and I think if you will review our reports, you will find that they have been made in a timely manner and submitted neatly.

We sincerely regret the unintentional oversight in reporting this particular phase of Mr. Davis' loans to the campaign. I am sure you are aware that a challenger has a tremendous amount of pressure in raising money compared to his opponent (incumbent) when no PAC money is available to the challenger but all going to the opponent. My opponent had over \$450,000 compared to my less than \$100,000.

A MAN WHO CARES ★★ ★ VOTE FOR A CONSERVATIVE VOICE FOR 3rd DISTRICT

Paid for by Don Davis Campaign Committee

Mr. Jose M. Rodriguez
Attorney
Federal Election Commission
Page 2

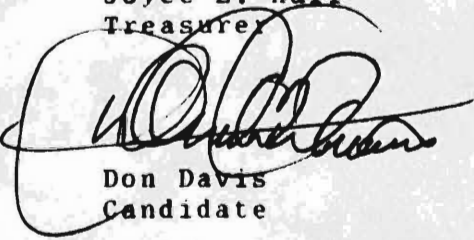
We look forward to any favorable consideration that may be
afforded us.

Sincerely,

DON DAVIS FOR CONGRESS

Joyce L. Hall

Joyce L. Hall
Treasurer


Don Davis
Candidate

Attachment

21040882713

January 22, 1991

Clerk of House of Representatives
1036 Longworth House Office Bldg.
Washington, D.C. 20515

Identification Number: C00241562

RE: Amendment to 30-Day Post General Report (10/18/90-11/26/90)

Dear Sir:

I am in receipt of Mr. Jack MacDonald's letter of January 8, 1991, concerning needed corrections in the above-mentioned report. The following information is supplied in answer to the questions raised in the letter from Mr. MacDonald.

-To the best of my knowledge, all loans made by the candidate were from his personal funds.

-On Schedule A, please delete receipts as follows:

Previously reported:

Don Davis	2/7/90	\$ 850.00
Don Davis	5/9/90	1,450.00
Don Davis	6/22/90	4,500.00
Don Davis	6/29/90	3,000.00
Don Davis	10/5/90	1,200.00
Don Davis	10/12/90	3,800.00

(I regret failing to have notified the Commission of the following four contributions [all loans from the candidate to his campaign]. After receiving Mr. MacDonald's letter and reading further, I fully realize my error.)

Don Davis	10/29/90	\$ 5,000.00
Don Davis	10/31/90	1,500.00
Don Davis	11/2/90	10,000.00
Don Davis	11/7/90	7,500.00

Please delete the following contribution from Schedule A.

Mrs. John H. Wellons..11/30/90...\$ 250.00
To be corrected on End-of-Year Report.

I have also included corrected copies of "Report of Receipts" and "Disbursements and Detailed Summary Page" reflecting this correction. If you need further information, please let me know.

Sincerely,

Joyce L. Hall
Treasurer
Don Davis for Congress

Enclosure

cc: Jack MacDonald, Reports Analyst
N.C. Board of Elections

21040882714

Office of the Clerk
U.S. House of Representatives
Washington, DC 20515-6601

August 7, 1991

TO: Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission

FROM: Pat A. Bias, Director *pub*
Records and Registration

RE: MUR 3340

91 AUG -8 PM 2:36

RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL

Enclosed please find a letter from Joyce L. Hall, Treasurer of the Davis for Congress Committee, which was received by this office.

Since this letter concerns a matter under review by the Commission, I am forwarding it to you for whatever action you deem appropriate. This document has not been microfilmed nor included in our computer index.

If I can be of further assistance, please contact me at 225-1300.

Enclosure

cc: Doug Patton
Steve Ross

T.S.M.

2104082715

Joyce L. Hall
P.O. Box 247
Erwin, North Carolina
897-5113

August 2, 1991

Mr. Don Davis
P. O. Box 363
Erwin, N.C. 28339

RE: FEC# C00241562

Dear Don,

Please accept this letter as my notice of resignation, effective August 2, 1991, as Treasurer of your Don Davis for Congress 1990 campaign.

You will need to notify NCNB of this change with respect to the campaign checking account; I am notifying the FEC by copy of this letter.

As you are aware, I have multiple sclerosis and it has become impossible for me to continue as your Treasurer. My physical condition has become progressively worse and I have been instructed by my physician to curtail my activities.

I have sent your mid-year report, due July 31, 1991, to the appropriate agency, and will notify them of my resignation as your Treasurer.

I will run copies of all pertinent files in my computer and past reports sent to the FEC for you as soon as I am able to do so.

I am very appreciative of all your kindnesses extended to me and my family. Both Earl and I wish you and your family the best and success in your future endeavors.

Sincerely,

Joyce L. Hall

- cc: 1. Clerk, House of Representatives
2. Jack MacDonald
Federal Election Commission
3. NC State Board of Elections

21040882716

Joyce L. Hall
P.O. Box 247
Erwin, North Carolina 28339
(919) 897-5113

06-C 2411
RECEIVED
FEDERAL ELECTION COMMISSION
MAIN COPY ROOM

91 SEP -9 PM 12:29

September 5, 1991

Mr. Jose M. Rodriguez
Attorney
Federal Election Commission
Washington, DC 20463

RE: MUR 3340
Don Davis for Congress
and Don Davis as
Assistant Treasurer

Dear Mr. Rodriguez:

As noted in the enclosed copy of my letter of August 2, 1991 to Mr. Davis, I resigned as treasurer of his campaign on that date due to my doctor's orders. I notified the FEC and the NC State Board of Elections, copy of the August 2 letter, on the same date.

Most documents pertaining to his campaign have been returned to him. Mr. Davis did make me a copy of the July 31, 1991, bank statement per your request of last week. However, the rest of his bank statements are included in the documents returned to him. I am sure he will be most happy to provide copies of any other statements you require per your telephone request of yesterday.

His telephone number is (919) 897-7282, with mailing address as follows:

Mr. Donald S. Davis
P.O. Box 363
Erwin, NC 28339.

I hope these documents will provide the information you require.

Sincerely,

Joyce L. Hall
Joyce L. Hall

Enclosures

91 SEP -9 PM 3:45

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE

21040882717

Summary

Account Number
Statement Date
Items Enclosed612551791
07-31-91
1

Page

1

☐ Please check if your address is
incorrect and complete reverse side.DON DAVIS CAMPAIGN FUND
PO BOX 1113
DUNN NC 28335-1113IRS REQUIRES THAT YOU REPORT YOUR SOCIAL SECURITY NUMBER OR TAXPAYER
IDENTIFICATION NUMBER TO NCNB. IF YOUR NUMBER IS **NOT CORRECTLY LISTED BELOW**,
PLEASE FURNISH IT TO US AT ANY OF OUR CONVENIENT OFFICES.0503990 N3
4200 0

SERVICES SUMMARY	SERVICE NOW CHECKING	ACCOUNT NUMBER 612551791	ENDING BALANCE 846.70
---------------------	-------------------------	-----------------------------	--------------------------

NON CHECKING SUMMARY 612551791	SOCIAL SECURITY NUMBER	494-20-6824
	BEGINNING BALANCE AS OF 07-01-91	216.42
	1 WITHDRAWALS/DEBITS TOTALING	100.00
	2 DEPOSITS/CREDITS TOTALING	740.00
	INTEREST EARNED	0.49
	SERVICE CHARGES	10.21
	ENDING BALANCE AS OF 07-31-91	846.70

DEBITS ENCLOSED	CHECK NUMBER	REFERENCE NUMBER	DATE POSTED	AMOUNT	CHECK NUMBER	REFERENCE NUMBER	DATE POSTED	AMOUNT
	313	063883443	07-02	100.00				

OTHER DEBITS	DESCRIPTION	REFERENCE NUMBER	DATE POSTED	AMOUNT
	SERVICE CHARGE	110041717	07-31	10.21

DEPOSITS/ CREDITS	DESCRIPTION	REFERENCE NUMBER	DATE POSTED	AMOUNT
	INTEREST PAYMENT	110041716	07-31	0.49
	CUSTOMER DEPOSIT	071016125	07-31	210.00
	CUSTOMER DEPOSIT	071016124	07-31	530.00

INTEREST INFORMATION	DAILY INTEREST RATES											
	FROM	THRU	%RATE	FROM	THRU	%RATE	FROM	THRU	%RATE	FROM	THRU	%RATE
	07-01	07-31	04.64									
	INTEREST EARNED FOR THIS CALENDAR MONTH											\$ 0.49
	INTEREST EARNED YEAR TO DATE											\$ 4.10
	INTEREST PAID ON COLLECTED BALANCES LESS RESERVES MAINTAINED WITH THE FEDERAL RESERVE.											

DAILY BALANCE SUMMARY	BOOK BALANCES*							
	DATE	\$ BALANCE	DATE	\$ BALANCE	DATE	\$ BALANCE	DATE	\$ BALANCE
	07-02	116.42	07-31	846.70				

COLLECTED BALANCES*							
DATE	\$ BALANCE	DATE	\$ BALANCE	DATE	\$ BALANCE	DATE	\$ BALANCE
07-01	216.42	07-02	116.42	07-31	816.70		

* BALANCES SHOWN ARE PROVISIONALLY CREDITED, SUBJECT TO FINAL PAYMENT OF ITEMS DEPOSITED.

Summary

Account Number
Statement Date
Items Enclosed612551791
07-31-91
1

Page 2

☐ Please check if your address is
incorrect and complete reverse side.DON DAVIS CAMPAIGN FUND
PO BOX 1113
DUNN NC 28335-1113SERVICE
CHARGE
ANALYSIS

SUMMARY OF ACTIVITY CHARGES

ACTIVITY	VOLUME	AMOUNT
MAINTENANCE		9.00
DEBITS	1	.15
CREDITS	2	.80
ITEMS DEPOSITED	3	.24
FEE FOR FDIC INSURANCE PER \$1,000 LEDGER		.02
TOTAL ACTIVITY CHARGES		10.21

MAXIMUM FREE ACTIVITY CHARGES ALLOWED
SERVICE CHARGE0.00
10.21INQUIRY
INFORMATION

IF YOU HAVE QUESTIONS CONCERNING:

CHECKING/SAVINGS ----- CALL (919) 892-6071 OR WRITE US AT P O BOX 1220
DUNN NC 28334LOST OR STOLEN CARDS -- CALL US IMMEDIATELY TOLL FREE (24 HOURS A DAY)
(NCNB 24, DELUXE, VISA WITHIN N.C. AT 1 (800) 521-4641
CHECKMATE, MASTERCARD). OUTSIDE N.C. AT 1 (800) 845-0022FOR ROUTINE INQUIRY QUESTIONS ON CHECKING, SAVINGS, CONSUMER LOAN/LINES OF CREDIT,
VISA/MASTERCARD, AND CERTIFICATE OF DEPOSIT ACCOUNTSCALL NCNB EXPRESS SERVICE (TOUCHTONE PHONE REQUIRED)
IN CHARLOTTE (704) 335-NCNB
NATIONWIDE 1-800-333-NCNB

Don Davis

U.S. Congress

06C 3393
(919) 897-7293

P.O. Box 1118
Dunn, N.C. 28335

Federal Election Commission
Attn. Jose M. Rodriguez, Attorney
Washington, DC 20463

RE: Correspondence of Oct. 11, 91.
Phone Conversation of
Oct. 28, 91.
Correspondence of Oct. 30, 91.

MJR 3340

Don Davis for Congress and
Don Davis, acting as treasurer

Dear Mr. Rodriguez,

Enclosed you will find the revised conciliation agreement with my
signature affixed thereupon.

Also enclosed is a check in the amount of \$450.00. This payment should
be added to the \$150.00 payment made by me in July of 1991. This will pay in
full the agreed civil penalty of \$600.00 per my understanding of your letter
dated 11 October 1991.

Respectfully,


Don Davis

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 NOV 13 AM 10:57

RECEIVED
FEDERAL ELECTION COMMISSION
91 NOV 12 AM 10:01

210408822720
A MAN WHO CARES * VOTE FOR A CONSERVATIVE VOICE FOR 3rd DISTRICT**

Paid for by Don Davis Campaign Committee

21040882721

339

DON DAVIS CAMPAIGN FUND
CANDIDATE FOR US CONGRESS
P. O. BOX 1113, PH. 919-887-7282
DUNN, NC 28335

11-8 9/51

PAY
TO THE
ORDER OF

F.E.C.

Four hundred Fifty dollars & 00/100

\$ 450.00
10/100 DOLLARS

NCNB National Bank
of North Carolina
Dunn, NC 28334-4999

10K 3340

[Signature]

FOR

⑈00000339⑈ ⑈053100258⑈ 61255129⑈

RECEIVED
F.E.C.
STATEMENT

SEP 13 PM 2:03

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Don Davis for Congress and)

Don Davis, acting as treasurer)

MUR 3340

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Don Davis, acting as treasurer of Don Davis for Congress.

The attached agreement contains no change in the amount of the civil penalty contained in the conciliation agreement approved by the Commission on October 8, 1991.

A check for \$450 has been received from the Committee. This check when aggregated with the \$150 check previously submitted by the Committee during the conciliation process suffices to satisfy the proposed civil penalty.

21040882722

Therefore, this Office recommends that the Commission accept the attached conciliation agreement with Don Davis for Congress and close the file.

II. RECOMMENDATIONS


1. Accept the attached conciliation agreement with Don Davis for Congress and Don Davis, acting as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

11/15/91

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty checks (2)

Staff Assigned: Jose M. Rodriguez

31040882723

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Don Davis for Congress and) MUR 3340
Don Davis, acting as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 20, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3340:

1. Accept the conciliation agreement with Don Davis for Congress and Don Davis, acting as treasurer, as recommended in the General Counsel Report dated November 15, 1991.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated November 15, 1991.

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

Attest:

11-20-91
Date

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

Received in the Secretariat:
Circulated to the Commission:
Deadline for vote:

Mon., Nov. 18, 1991 2:09 p.m.
Mon., Nov. 18, 1991 4:00 p.m.
Wed., Nov. 20, 1991 4:00 p.m.

21040882724

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Don Davis for Congress and) MUR 3340
Don Davis, acting as treasurer)

CONCILIATION AGREEMENT

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 Don Davis for Congress and Joyce L. Hall, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(6).

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. Don Davis for Congress is a principal campaign

21040882725

committee within the meaning of 2 U.S.C. § 431(5).

2. From February 8, 1990, to August 6, 1991, the respondent committee's treasurer of record was Joyce L. Hall. On August 6, 1991, Don Davis assumed responsibility for the committee's affairs.

3. Don Davis is acting as treasurer of Don Davis for Congress.

4. Don Davis was a candidate for election to the United States House of Representatives in the 1990 General Election in the 3rd Congressional District in North Carolina.

5. The General Election was held on November 6, 1990.

6. Don Davis designated Don Davis for Congress as his principal campaign committee.

7. Respondents were required to file Forty-Eight (48) Hour Notifications for any contributions of \$1,000 or more received during the period of October 18 through November 3, 1990.

8. Respondents received three (3) contributions of \$1,000 or more totaling \$16,500 during the period October 18 through November 3, 1990.

9. Respondents failed to file the required Forty-Eight (48) Hour Notifications for three (3) contributions of \$1,000 or more received during October 18 through November 3, 1990.

V. Respondents failed to file Forty-Eight (48) Hour Notifications for three (3) contributions, in violation of 2 U.S.C. § 434(a)(6).

91040882726

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Six Hundred Dollars (\$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 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 requirement contained in this agreement and to so notify the Commission.


21040882727

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. Letner
Associate General Counsel

Date

12/4/91

FOR THE RESPONDENTS:

Name:
Position:

Date

11-8-91

21040882728



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1991

CLOSED

Don Davis, Treasurer
Don Davis for Congress
P.O. Box 363
Erwin, NC 28339

RE: MUR 3340
Don Davis for Congress and
Don Davis, acting as treasurer

Dear Mr. Davis:

On November 20, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of Don Davis for Congress in settlement of a violation of 2 U.S.C. § 434(a)(6), 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 Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

21040882729



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 3340

DATE FILMED 12/21/71 CAMERA NO. 2

CAMERAMAN AS

21040882730