



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3451

DATE FILMED 2/15/72 CAMERA NO. 3

CAMERAMAN J.M.H.

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 31 July 1991

ANALYST: EMILY LEONARD

I. COMMITTEE: Quillen for Congress Committee
(C00001768)
Herbert W. Hoover, Treasurer
438 Sullivan Street
P.O. Box 68
Kingsport, TN 37662

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 Quillen for Congress Committee ("the Committee") has failed to file the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for seven (7) contributions totalling \$21,000 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 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."

Schedule A of the 1990 30 Day Post-General Report indicates that the Committee failed to file seven (7) 48-Hour Notices for contributions received during the aforementioned period (Attachment 3). The following is a list of the contributions for which no 48-Hour Notices were filed:

92040392

QUILLEN FOR CONGRE COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Aircraft Owners and Pilots Association PAC	10/22/90	\$1,000
American Institute of CPA's Effective Legislation Committee	10/29/90	\$3,000
American Medical Association PAC	10/29/90	\$1,000
Dairymen, Inc. Tennessee Committee for Political Action	11/01/90	\$5,000
Electrical Construction PAC	10/22/90	\$1,000
National PAC, Inc.	11/02/90	\$5,000
Realtors PAC	10/30/90	\$5,000

On May 21, 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 June 11 and 25, 1991, the Committee filed amended 1990 30 Day Post-General Reports. The amendments fail to address this issue. To date, the Committee has failed to respond.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

FEDERAL ELECTION COMMISSION
1999-1990
CANDIDATE INDEX OF SUPPORTIVE DOCUMENTS - (E)

DATE 22JUL91

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF	MICROFILM
	OFFICE SOUGHT/	PARTY	PRIMARY	GENERAL		PAGES	LOCATION
							TYPE OF FILER
QUILLEN, JAMES HENRY	HOUSE 01 REPUBLICAN PARTY				TENNESSEE	1990 ELECTION	ID# H6TN01040
1. STATEMENT OF CANDIDATE							
1989 DISAVOWAL NOTICE					12SEP89	1	89FEC/609/1208
STATEMENT OF CANDIDATE					14SEP89	1	89HSE/384/4343
2. PRINCIPAL CAMPAIGN COMMITTEE							
QUILLEN FOR CONGRESS COMMITTEE						ID #C000001768	HOUSE
1989 MID-YEAR REPORT			175,703	59,587	1JAN89 -30JUN89	38	89HSE/382/0859
YEAR-END			111,286	57,710	1JUL89 -31DEC89	24	90HSE/388/1716
1ST LETTER INFORMATIONAL NOTICE					1JUL89 -31DEC89	1	90FEC/629/3155
1990 48 HOUR CONTRIBUTION NOTICE					26JUL90	1	90HSE/405/0013
48 HOUR CONTRIBUTION NOTICE					6AUG90	2	90HSE/405/2776
APRIL QUARTERLY			30,410	36,201	1JAN90 -31MAR90	10	90HSE/393/3058
APRIL QUARTERLY - AMENDMENT			-	-	1JAN90 -31MAR90	2	90HSE/398/4394
REQUEST FOR ADDITIONAL INFORMATION					1JAN90 -31MAR90	1	90FEC/638/1544
REQUEST FOR ADDITIONAL INFORMATION 2ND					1JAN90 -31MAR90	1	90FEC/639/5370
JULY QUARTERLY			127,670	31,450	1APR90 -30JUN90	33	90HSE/400/1808
1ST LETTER INFORMATIONAL NOTICE					1APR90 -30JUN90	4	90FEC/654/4949
PRE-PRIMARY			17,672	3,351	1JUL90 -13JUL90	10	90HSE/404/0977
OCTOBER QUARTERLY				80,452	41,309 14JUL90 -30SEP90	19	90HSE/409/0625
PRE-GENERAL				6,268	4,801 1OCT90 -17OCT90	7	90HSE/414/1003
POST-GENERAL				40,339	17,330 18OCT90 -26NOV90	9	90HSE/418/2357
POST-GENERAL - AMENDMENT				40,339	17,330 18OCT90 -26NOV90	9	91HSE/428/3369
POST-GENERAL - AMENDMENT				-	-18OCT90 -26NOV90	2	91HSE/428/4655
REQUEST FOR ADDITIONAL INFORMATION					18OCT90 -26NOV90	2	91FEC/696/3253
REQUEST FOR ADDITIONAL INFORMATION 2ND					18OCT90 -26NOV90	3	91FEC/698/0070
YEAR-END				6,736	12,552 27NOV90 -31DEC90	6	91HSE/424/0884
TOTAL			462,741	133,795	187,299	75,992	184 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: \$1,044,255.35OUTSTANDING DEBTS AS OF 12/31/90: \$0.00

REPORT NOTICE

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 32.

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.

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.

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule(s)
for each category of the
Donor Summary PagePAGE 1 OF 3
FOR LINE NUMBER
11(c)

Any information copied from an "Report and Statement" 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)

Quillen for Congress Committee

A. Full Name, Mailing Address and ZIP Code Aircraft Owners & Pilots Assoc. Political Action Committee 421 Aviation Way Fredericks, MD 21701 Receipt For: <input type="checkbox"/> Other (specify): <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date > \$ 4,000.00	Date (month, day, year) 10/22/90	Amount of Each Receipt this Period 1,000.00 EBL
B. Full Name, Mailing Address and ZIP Code Aluminium Association Political Action Committee 900 19th Street, NW Washington, DC 20006 Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date > \$ 500.00	Date (month, day, year) 11/23/90	Amount of Each Receipt this Period 500.00
C. Full Name, Mailing Address and ZIP Code American Express Committee for Responsible Government 1020 - 19th Street NW Washington, DC 20036 Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date > \$ 500.00	Date (month, day, year) 11/9/90	Amount of Each Receipt this Period 500.00
D. Full Name, Mailing Address and ZIP Code American Institute of CPA's Effective Legislation Committee 1455 Pennsylvania Avenue NW Washington, DC 20004 Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date > \$ 4,000.00	Date (month, day, year) 10/29/90	Amount of Each Receipt this Period 3,000.00 EBL
E. Full Name, Mailing Address and ZIP Code American Medical Association Political Action Committee 1101 Vermont Avenue, NW Washington, DC 20005 Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date > \$ 2,500.00	Date (month, day, year) 10/29/90	Amount of Each Receipt this Period 1,000.00 EBL
F. Full Name, Mailing Address and ZIP Code Budd Citizenship Committee Federal Fund Account 3155 W Big Beaver Troy, MI 48064 Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date > \$ 500.00	Date (month, day, year) 11/2/90	Amount of Each Receipt this Period 500.00
G. Full Name, Mailing Address and ZIP Code Dairymen, Inc. Tennessee Committee for Political Action c Edward C. Wilson R.R.2, Walker Valley Road Cleveland, TN 37311 Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date > \$	Date (month, day, year) 11/1/90	Amount of Each Receipt this Period 5,000.00 EBL Primary \$2,000.00 General \$3,000.00

SUBTOTAL of Receipts This Page (optional)

11,500.00

TOTAL This Period (last page this line number only)

1

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Related Summary Page

PAGE 2 3
FORM LINE NUMBER
11(c)

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

NAME OF COMMITTEE (in Full)

Gillen for Congress Committee

A. Full Name, Mailing Address and ZIP Code
Electrical Construction Political Action Committee
7315 Wisconsin Avenue
Bethesda, MD 20814

Receipt For: ☐ Primary ☒ General
☐ Other (specify):

Name of Employer

Occupation **Political Action Committee**

Aggregate Year-to-Date > \$ 1,000.00

Date (month, day, year)

10/22/90

Amount of Each Receipt this Period

1,000.00

EBL

B. Full Name, Mailing Address and ZIP Code
General Mills, Inc. Political Action Committee
333 13th Street, NW, Suite 490 West
Washington, DC 20004

Receipt For: ☐ Primary ☒ General
☐ Other (specify):

Name of Employer

Occupation **Political Action Committee**

Aggregate Year-to-Date > \$ 500.00

Date (month, day, year)

11/9/90

Amount of Each Receipt this Period

500.00

C. Full Name, Mailing Address and ZIP Code
ICI Americas Political Action Committee
Concord Pike & Murphy Roads
Wilmington, DE 19897

Receipt For: ☐ Primary ☒ General
☐ Other (specify):

Name of Employer

Occupation **Political Action Committee**

Aggregate Year-to-Date > \$ 500.00

Date (month, day, year)

10/29/90

Amount of Each Receipt this Period

500.00

D. Full Name, Mailing Address and ZIP Code
Ninn-Dak Farmers Cooperative Political Action Committee
Box 10
Wahpeton, ND 58075

Receipt For: ☐ Primary ☒ General
☐ Other (specify):

Name of Employer

Occupation **Political Action Committee**

Aggregate Year-to-Date > \$ 500.00

Date (month, day, year)

10/29/90

Amount of Each Receipt this Period

500.00

E. Full Name, Mailing Address and ZIP Code
Mobile Oil Corporation Political Action Committee
150 East 42nd Street
New York, NY

Receipt For: ☐ Primary ☒ General
☐ Other (specify):

Name of Employer

Occupation **Political Action Committee**

Aggregate Year-to-Date > \$ 500.00

Date (month, day, year)

10/29/90

Amount of Each Receipt this Period

500.00

F. Full Name, Mailing Address and ZIP Code
National Association of Letter Carriers AFL-CIO, Committee on Letter Carriers Political Education
100 Indiana Avenue, NW
Washington, DC 20001

Receipt For: ☐ Primary ☒ General
☐ Other (specify):

Name of Employer

Occupation **Political Action Committee**

Aggregate Year-to-Date > \$ 500.00

Date (month, day, year)

11/9/90

Amount of Each Receipt this Period

4,500.00

G. Full Name, Mailing Address and ZIP Code
National Manufactured Housing Federation Political Action Committee
1015 - 15th Street, NW, Suite 1240
Washington, DC 20005

Receipt For: ☐ Primary ☒ General
☐ Other (specify):

Name of Employer

Occupation **Political Action Committee**

Aggregate Year-to-Date > \$ 300.00

Date (month, day, year)

11/2/90

Amount of Each Receipt this Period

300.00

SUBTOTAL of Receipts This Page (optional)

7,000.00

TOTAL This Period (fill page with this number)

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Detailed Summary Page

PAGE 3 OF 3
FOR LINE NUMBER 11(C)

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

NAME OF COMMITTEE (in Full)

Quillen for Congress Committee

A. Full Name, Mailing Address and ZIP Code National PAC, Inc. Capital Plaza, Building One 355 New Jersey Avenue, NW, Suite Washington, DC 20001	Name of Employer 718 Occupation Political Action Committee Aggregate Year-to-Date \$ 5,000.00	Date (month, day, year) 11/2/90	Amount of Each Receipt this Period 5,000.00 EBL
Receipt For <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General			
B. Full Name, Mailing Address and ZIP Code Quaker Oats Company Public Interest Committee P.O. Box 9001, Suite 25-3 Chicago, IL 60604	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date \$ 500.00	Date (month, day, year) 11/9/90	Amount of Each Receipt this Period 500.00
Receipt For <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General			
C. Full Name, Mailing Address and ZIP Code Realtors Political Action Committee 430 N. Michigan Avenue Chicago, IL 60611	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date \$ 500.00	Date (month, day, year) 10/30/90	Amount of Each Receipt this Period 5,000.00 EBL
Receipt For <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General			
D. Full Name, Mailing Address and ZIP Code Smirnoff/Inglebrook Distributors Political Action Committee 16 Munson Road Farmington, CT 06032	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date \$ 500.00	Date (month, day, year) 10/22/90	Amount of Each Receipt this Period 500.00
Receipt For <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General			
E. Full Name, Mailing Address and ZIP Code Society of Real Estate Appraiser's Political Action Committee 600 New Hampshire Avenue, NW, Suite 1111 Washington, DC 20037	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date \$ 250.00	Date (month, day, year) 11/9/90	Amount of Each Receipt this Period 250.00
Receipt For <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General			
F. Full Name, Mailing Address and ZIP Code Sunbelt Good Government Committee of Winn-Dixie Stores, Inc. Box B Jacksonville, FL 32203	Name of Employer Occupation Political Action Committee Aggregate Year-to-Date \$ 1,000.00	Date (month, day, year) 11/9/90	Amount of Each Receipt this Period 1,000.00
Receipt For <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General			
G. Full Name, Mailing Address and ZIP Code 	Name of Employer Occupation Aggregate Year-to-Date \$	Date (month, day, year) 	Amount of Each Receipt this Period
Receipt For <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input type="checkbox"/> General			

SUBTOTAL of Receipts This Page (optional)

12,250.00

TOTAL This Period (from page this line number only)

31,550.00



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

RC-2

MAY 21 1991

Herbert W. Hoover, Treasurer
Quillen for Congress Committee
438 Sullivan St.-P.O. Box 68
Kingsport, TN 37662

Identification Number: C00001768

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

Dear Mr. Hoover:

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

-Schedule B of this report discloses activity outside the coverage dates. This report should include only activity that occurred from October 18, 1990 to November 26, 1990. 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.

-Column B, Line 7(b) of the Summary Page should equal Column B, Line 14 of the Detailed Summary Page.

-Schedule A of your report discloses contributions received after the 1990 General Election which are designated for the general election. These contributions may be accepted by you only to the extent that you have outstanding debts remaining from the general election. (11 CFR §110.1(b)(3)(i))

A contribution is considered to be made when the contributor relinquishes control over the contribution. A contributor shall be considered to have relinquished control over the contribution when it is delivered to the candidate, when it is delivered to an authorized committee of the candidate, or to an agent of an authorized committee of the candidate. A contribution that is mailed to any of the aforementioned recipients will be considered to have been made on the date of the postmark. Envelopes should be retained for the committee's records. (11 CFR §110.1(6))

9103 694 3253

If the contribution(s) accepted by you exceeds the amount of outstanding debt remaining from the general election, you should seek redesignation of the contribution(s), in writing, to the 1992 Primary Election.

Redesignations are reported as memo entries on a Schedule A of the report covering the period in which the authorization for the redesignation is received. (11 CFR §104.8(d)(2))

AC { -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 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 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))

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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,



Emily Leonard
Reports Analyst
Reports Analysis Division

RECEIVED
F.E.C.
STAFF

SEP 15 10:31

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral # 91L-75
STAFF MEMBER: Dawn M. Odrowski

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

RESPONDENTS: Quillen for Congress Committee and Herbert W.
Hoover, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)

GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on August 1, 1991. Attachment 1. The basis for the attached referral is the failure of Quillen for Congress Committee and Herbert W. Hoover, as treasurer ("Respondents"), to file seven (7) forty-eight hour notifications ("48 Hour Notices") for contributions totaling \$21,000. James Henry Quillen was unopposed in the 1990 General Election in the First (1st) Congressional District in the State of Tennessee.

II. FACTUAL AND LEGAL ANALYSIS

See Attachment 2.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Quillen for Congress Committee and Herbert W. Hoover, 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 appropriate letter.
4. Approve the attached Factual and Legal Analysis and proposed conciliation agreement.

Lawrence M. Noble
General Counsel

11-14-91
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Referral Materials
2. Factual and Legal Analysis
3. Proposed Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Quillen for Congress Committee) RAD Referral #91L-75
and Herbert W. Hoover as treasurer.)

(*mark*
3459)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 19, 1991, the Commission decided by a vote of 6 -0 to take the following actions in RAD Referral #91L-75:

1. Open a MUR.
2. Find reason to believe that Quillen for Congress Committee and Herbert W. Hoover, 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 appropriate letter, as recommended in the General Counsel's Report dated November 14, 1991.
4. Approve the Factual and Legal Analysis and proposed conciliation agreement, as recommended in the General Counsel's Report dated November 14, 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:	Fri., Nov. 15, 1991 10:21 a.m.
Circulated to the Commission:	Fri., Nov. 15, 1991 12:00 p.m.
Deadline for vote:	Tues., Nov. 19, 1991 4:00 p.m.

dr



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 26, 1991

Herbert W. Hoover, Treasurer
Quillen for Congress
438 Sullivan Street
P. O. Box 68
Kingsport, TN 37662

RE: Mur 3459
Quillen for Congress
and Herbert W. Hoover,
as treasurer

Dear Mr. Hoover:

On November 19, 1991, the Federal Election Commission found that there is reason to believe Quillen for Congress ("Committee") and Herbert W. Hoover, 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.

Herbert W. Hoover, Treasurer
Page 2

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 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 Dawn M. Odrowski, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Vice Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

**FEDERAL ELECTION COMMISSION
FACTUAL & LEGAL ANALYSIS**

RESPONDENTS: Quillen for Congress Committee MUR 3459
 and Herbert W. Hoover, as
 treasurer

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

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees 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 after the receipt of the contribution and to include the name of the candidate and 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).

The General Election in the state of Tennessee was held on November 6, 1990. Pursuant to the Act, the Respondents were required to notify the Commission, in writing, of all

contributions of \$1,000 or more received from October 18 to November 3, 1990, within 48 hours of their receipt. On October 1, 1990 a notice was sent to Respondents informing them of the 48 Hour reporting requirement. A review of the Committee's 1990 30 Day Post-General Report identified the following seven contributions of \$1,000 or more, totaling \$21,000, received during the relevant period for which the Committee did not submit 48 Hour Notices:

<u>Contributor</u>	<u>Date Received</u>	<u>Amount</u>
Aircraft Owners and Pilots Association PAC	10/22/90	\$ 1,000
American Institute of CPA's Effective Legislation Committee	10/29/90	3,000
American Medical Association PAC	10/29/90	1,000
Dairymen, Inc. Tennessee Committee for Political Action	11/01/90	5,000
Electrical Construction PAC	10/22/90	1,000
National PAC, Inc.	11/02/90	5,000
Realtors PAC	10/30/90	5,000

Therefore, there is reason to believe that Quillen for Congress Committee and Herbert W. Hoover, as treasurer, violated 2 U.S.C. § 434(a)(6) by failing to report campaign contributions in excess of \$1,000 received after the 20th day, but more than 48 hours before the general election, within 48 hours of receipt of the contributions.

COMMENT OF QUILLEN FOR CONGRESS
TREASURER, HERBERT W. HOOVER

(Received with signed conciliation
agreement)

This appears to
be an unusually harsh
penalty for an
inadvertent oversight
in an uncontested
election.

RECEIVED
F.E.C.
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

21 JAN 11:47

In the Matter of)

Quillen for Congress Committee and)
Herbert W. Hoover, as treasurer)

MUR 3459

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Herbert W. Hoover, the treasurer of the Quillen for Congress Committee. Attachment 1.

The attached agreement contains no changes from the agreement previously approved by the Commission. The civil penalty payment of \$2,600.00 was received on December 18, 1991. Attachment 2.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Quillen for Congress Committee, and Herbert W. Hoover, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

1/21/92

BY:


Lois G. Lerner
Associate General Counsel

Attachment

1. Conciliation Agreement
2. Photocopy of Civil Penalty check

Staff assigned: Dawn M. Odrowski

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Quillen for Congress Committee and) MUR 3459
Herbert W. Hoover, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 23, 1992, the Commission decided by a vote of 6-0 to take the following actions in MUR 3459:

1. Accept the conciliation agreement with the Quillen for Congress Committee, and Herbert W. Hoover, as treasurer, as recommended in the General Counsel's Report dated January 21, 1992.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated January 21, 1992.

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

Attest:

1-23-92
Date

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

Received in the Secretariat:	Tues., Jan. 21, 1992 11:47 a.m.
Circulated to the Commission:	Tues., Jan. 21, 1992 4:00 p.m.
Deadline for vote:	Thurs., Jan. 23, 1992 4:00 p.m.

dr



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

January 28, 1992

Herbert W. Hoover, Treasurer
Quillen for Congress
438 Sullivan St.
P.O. Box 68
Kingsport, TN 37662

RE: MUR 3459
Quillen for Congress and
Herbert W. Hoover,
as treasurer

Dear Mr. Hoover:

On January 23, 1992, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted behalf of Quillen for Congress and you, as treasurer, 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 me at (202) 219-3400.

Sincerely,

A handwritten signature in cursive script, reading "Dawn M. Odrowski", is written over the typed name.

Dawn M. Odrowski
Attorney

Enclosure
Conciliation Agreement

Q-C 3838

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Quillen for Congress Committee
and Herbert W. Hoover,
as treasurer

)
)
)
)

MUR 3459

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 Quillen for Congress Committee and Herbert W. Hoover, 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:

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WASHINGTON, D.C. 20543

1. Quillen for Congress Committee is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee for James Henry Quillen's 1990 congressional campaign.

2. Herbert W. Hoover is the treasurer of Quillen for Congress Committee.

3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees 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 after the receipt of the contribution and to include the name of the candidate and 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).

4. The Respondents received on October 22, 29, and 30, and November 1 and 2, 1990, seven (7) contributions of \$1,000 or more totaling \$21,000.

5. These contributions were reported on Schedule A of the 1990 Post-General Report.

6. The Respondents did not submit 48 Hour Notices for these contributions.

V. The Respondents failed to report campaign contributions in excess of \$1,000 received after the 20th day, but more than 48 hours before the general election, within 48 hours of receipt of the contributions, in violation of 2 U.S.C. § 434(a)(6).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Two Thousand Six Hundred dollars (\$2,600), 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.

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*
Lois G. Lerner
Associate General Counsel

1-28-92
Date

FOR THE RESPONDENTS:

QUILTER FOR CONGRESS COMMITTEE
Herbert W. Hoover
(Name)
(Position) *Treasurer*

December 13, 1991
Date



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 3459

DATE FILMED 3/13/92 CAMERA NO. 3

CAMERAMAN Truu