



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3464

DATE FILMED 3-27-72 CAMERA NO. 3

CAMERAMAN T.M.H.

92040895351

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: NOV 25 1991

ANALYST: Andrew Zehe

I. COMMITTEE: Dan Branch for Congress
(C00251199)
R. Byron Carlock, Jr., Treasurer
3809 Colgate
Dallas, TX 75225

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 Dan Branch for Congress committee ("the Committee") has failed to file three (3) or 100% of the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for candidate loans totalling \$61,501 received prior to the 1991 Special Election.

The candidate was involved in the 1991 Special Election held on May 4, 1991. Prior Notice was sent to the Committee on April 4, 1991 (Attachment 2). The Notice includes a section titled "Last-Minute Contributions". This section reads "Committees participating in the Special Election and/or the Special Runoff must also file special notices on contributions (including contributions and loans from the candidate) of \$1,000 or more, received between the 20th day and 48 hours before the day of the election. (See below.)"

Special Election: 4/15/91 through 5/1/91

Special Runoff: 5/5/91 through 5/15/91

The notices must reach the appropriate federal and state offices within 48 hours of the committee's receipt."

Schedule C of the 1991 Mid-Year Report indicates that the Committee failed to file three (3) 48-Hour Notices for candidate loans received during the aforementioned period

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(Attachment 3). The following is a list of the loans for which no 48-Hour Notices were filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Daniel H. Branch (loan from candidate's personal funds)	4-16-91	\$21,500
Daniel H. Branch (bank loan guaranteed by candidate)	4-17-91	\$25,001
Daniel H. Branch (bank loan guaranteed by candidate)	4-29-91	\$15,000

On September 17, 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 that the Committee 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 October 4, 1991 the treasurer of the Committee, R. Byron Carlock, phoned a Reports Analysis Division analyst (Attachment 5). The analyst listed the coverage dates for 48-Hour Notices. Mr. Carlock stated that a consultant had told him that the reporting requirement did not apply to the Committee. The analyst stated that the reporting requirement did apply to the Committee and that the Committee's failure to file 48-Hour Notices would probably result in a referral to the Office of General Counsel.

On October 15, 1991 the Committee responded by letter (Attachment 6). The letter states that the failure to file 48-Hour Notices "resulted from a misinterpretation of the Texas 3rd Special Bulletin in the Federal Election Commission Record, Volume 17, Number 5. That misinterpretation was consistent with our consultant's recommendation that F.E.C. waived such reports due to the usually abbreviated campaign period and quarterly filing in late April. Our understanding was that only runoff candidates would be required to file 48 hour reports from May 5 through May 15."

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION
1991-1992
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (3)

DATE 18NOV91

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOLICIT	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
BRANCH, DANIEL H		HOUSE 03 REPUBLICAN PARTY			TEXAS		1991 ELECTION	ID# H8TX00004	
1. STATEMENT OF CANDIDATE									
1991 STATEMENT OF CANDIDATE							12MAR91	1	91-FEB/428/8247
2. PRINCIPAL CAMPAIGN COMMITTEE									
DON BRANCH FOR CONGRESS							ID #D22251199	HOUSE	
1991 STATEMENT OF ORGANIZATION							19MAR91	1	91-FEB/427/8746
PRE-SPECIAL			127,542		73,174	26FEB91 -14APR91	32	91-FEB/427/3425	
PRE-SPECIAL - AMENDMENT			127,642		73,174	26FEB91 -14APR91	32	91-FEB/428/8322	
REQUEST FOR ADDITIONAL INFORMATION						14APR91 -14APR91	2	91-FEB/697/2744	
REQUEST FOR ADDITIONAL INFORMATION 2ND						26FEB91 -14APR91	3	91-FEB/699/3623	
MID-YEAR REPORT			133,362		167,553	15APR91 -30JUN91	27	91-FEB/431/1457	
MID-YEAR REPORT - AMENDMENT			133,362		167,553	15APR91 -30JUN91	2	91-FEB/434/3757	
MID-YEAR REPORT - AMENDMENT						-15APR91 -30JUN91	1	91-FEB/434/4736	
REQUEST FOR ADDITIONAL INFORMATION						15APR91 -30JUN91	2	91-FEB/711/3468	
REQUEST FOR ADDITIONAL INFORMATION 2ND						15APR91 -30JUN91	3	91-FEB/713/1162	
TOTAL			2	241,024	2	242,727		121	TOTAL PAGES

3. AUTHORIZED COMMITTEES

4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

All reports reviewed.

Cash on Hand as of 6-30-91 = \$276.65

Debts outstanding as of 6-30-91 = \$72,600.42

9 2 0 4 0 3 5 5 4

REPORT NOTICE

Attachment #2
Page 1 of 2

FEDERAL ELECTION COMMISSION

Texas Special
Congressional Committees

April 4, 1991

I. IF ONLY ONE ELECTION¹/ IS HELD (5/4):

REPORT	REPORTING PERIOD ² /	REG./CERT.	FILING
		MAILING DATE ³ /	DATE
Pre-Special	01/01/91 - 04/14/91	04/19/91	04/22/91
Post-Special	04/15/91 - 05/24/91	06/03/91	06/03/91
Mid-Year	05/25/91 - 06/30/91	07/31/91	07/31/91

**II. IF TWO ELECTIONS ARE HELD, AND A COMMITTEE IS INVOLVED
IN BOTH; SPECIAL ELECTION (5/4) AND SPECIAL RUNOFF (5/18):**

REPORT	REPORTING PERIOD ² /	REG./CERT.	FILING
		MAILING DATE ³ /	DATE
Pre-Special	01/01/91 - 04/14/91	04/19/91	04/22/91
Pre-Runoff ⁴ /	04/15/91 - 04/28/91	05/06/91	05/06/91
Post-Runoff	04/29/91 - 06/07/91	06/17/91	06/17/91
Mid-Year	06/08/91 - 06/30/91	07/31/91	07/31/91

**III. IF TWO ELECTIONS ARE HELD, BUT A COMMITTEE IS INVOLVED
IN ONLY THE FIRST, SPECIAL ELECTION (5/4):**

REPORT	REPORTING PERIOD ² /	REG./CERT.	FILING
		MAILING DATE ³ /	DATE
Pre-Special	01/01/91 - 04/14/91	04/19/91	04/22/91
Mid-Year	04/15/91 - 06/30/91	07/31/91	07/31/91

WHO MUST FILE

Principal campaign committees of congressional candidates who seek election in the Texas Special Election on May 4, 1991, and, if held, the Special Runoff on May 18, 1991.

- 1/ If no candidate achieves a majority of the votes cast in the Special Election, the two top vote-getters, regardless of party affiliation, will go on to the Special Runoff Election.
- 2/ 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.
- 3/ Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.
- 4/ Committees involved in the Special Runoff Election may use the May 6 filing date as the mailing date for the Pre-Runoff Report.

(over)

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**Texas Special
Congressional Committees**

WHAT MUST BE REPORTED

All financial activity that occurred during the reporting period (or before, if not previously reported).

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.

LABEL

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

LAST-MINUTE CONTRIBUTIONS

Committees participating in the Special Election and/or the Special Runoff must also file special notices on contributions (including contributions and loans from the candidate) of \$1,000 or more, received between the 20th day and 48 hours before the day of the election. (See below.)

Special Election: 4/15/91 through 5/1/91

Special Runoff: 5/5/91 through 5/15/91

The notices must reach the appropriate federal and state offices within 48 hours of the committee's receipt.

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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FOR INFORMATION, Call: 800/424-9530 or 202/376-3120

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1991 Mid-Year Report
 (Page 1 of 2)

LOANS

1991 Mid-Year Report
 (Page 1 of 2)

Part A (Continued in Part 1)
Debt Burden for Congress

A. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Guaranteed Payments To Date	Balance Outstanding at Close of This Period
Daniel H. Branch 8809 Colgate Dallas, TX 75225 - Student <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	21,500	- . .	21,500
Terms: Date Incurred <u>4-16</u> Date Due <u>As Payable</u> Interest Rate <u>9</u> <input type="checkbox"/> Short <input checked="" type="checkbox"/> Long			
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

Part B

B. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Guaranteed Payments To Date	Balance Outstanding at Close of This Period
Northern Trust Bank of Texas 2020 Ross Avenue Dallas, TX 75201 - Student <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	25,001	- . .	25,001
Terms: Date Incurred <u>4-17-91</u> Date Due <u>10-17-91</u> Interest Rate <u>8.25</u> <input type="checkbox"/> Short <input checked="" type="checkbox"/> Long			
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 (bottom):	46,501
TOTALS This Period (all pages in this line only):	46,501

Carry forward any balance only to LRS 2, Schedule B, for this line. If no Schedule B, carry forward to appropriate line of Summary.

A2

A2

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FD-204 (2-78)

LOANS

Do not check this box unless you are reporting on a loan that is not a direct loan.

Name of Contributor (to Full)

Pin Branch for Congress

A. Full Name, Mailing Address and ZIP Code of Loan Source

Northern Trust Bank of Texas
2020 Ross Avenue
Dallas, TX 75201Original Amount
of Loan

15,000

Cumulative Payments
To Date

-0-

Balance Outstanding at
Close of This Period

15,000

Election: ☐ Primary ☐ General ☐ Other (specify)

Terms: Date Incurred 4-29

Date Due 10-17-91

Interest Rate 12% (short)

☐ 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

Original Amount
of LoanCumulative Payments
To DateBalance Outstanding at
Close of This PeriodElection: ☐ Primary ☐ General ☐ Other (specify)

Terms: Date Incurred

Date Due

Interest Rate (short)

☐ 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)

15,000

TOTALS This Period (fill page in this line only)

64,501

Carry outstanding balance only to LINE 3, Schedule D, for this line. If on Schedule B, carry forward to appropriate line of Summary.

-9-2040-895358
91014311482



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

RQ-2

SEP 17 1991

R. Byron Carlock, Jr., Treasurer
Dan Branch for Congress
3809 Colgate
Dallas, TX 75225

Identification Number: C00251199

Reference: Mid-Year Report (4/15/91-6/30/91)

Dear Mr. Carlock:

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:

-When 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))

-Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please amend your report to correct the Column B discrepancies for Line(s) 22 and any subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the year-to-date totals for calendar year 1991.

-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-Special 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

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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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-Please provide a Schedule B to support the amount reported on Line 20(a), Column A, of the Detailed Summary Page. Each contribution refund or other offset to contributions must be itemized on Schedule B if the refund is part of a contribution which was previously itemized as a receipt on Schedule A. (2 U.S.C. §434(b)(5)(E))

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) 219-3580.

Sincerely,

Andrew Zehe

Andrew Zehe
Reports Analyst
Reports Analysis Division

9204033513687

MEMORANDUM FOR FILES: Telecon

SUBJECT: MY RFAI

FROM: R. Byron Carlock 214-979-5164

TO: A. Zehe

NAME OF COMMITTEE: Dan Branch for Congress

DATE: 10-4-91

Mr. Carlock called to ask about the Mid-year RFAI. He asked about the 48 hour notice requirements, and I listed the coverage dates for him. He stated that a consultant to the campaign had told him that the requirement did not apply to the Committee. I explained that it did and explained exactly what a 48 hour notice is.

He stated that the candidate loan was from personal funds and that he would state this in a letter for the public record. I asked if the candidate was the guarantor of the other two loans. He said the candidate was and I explained how he should report the candidate as the guarantor.

I informed him that the matter of the 48 hour notices might be referred to OGC. He asked that I notify him when that determination was made.

R. BYRON CARLOCK, JR.

2001 TRANSMILL CROW CENTER

2001 RYAN AVENUE

DALLAS, TEXAS 75201

214/978-6100

FEDERAL

10/10/91

Fed. Elec. Comm.

91 OCT 15 AM 9:45

October 10, 1991

Mr. Andrew Zehe
Reports Analysis Division
Federal Election Commission
Washington D.C. 20463

139122

OCT 16 PM 12:43

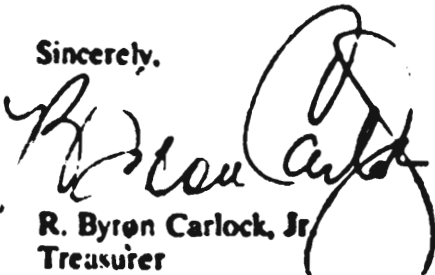
Dear Andrew:

Thank you for your time on the phone earlier this week regarding the Dan Branch for Congress Committee mid-year report on the Texas 3rd U.S. congressional District Special Election. The identification number for the committee is C00251199.

As we discussed, it should be noted that Loan A on Schedule C of the report was made from personal funds of the candidate, Daniel Branch. Loans B and C are personally guaranteed (as maker) by the candidate to Northern Trust Bank of Texas. Second, I have attached a revised Detailed Summary Page of the report reflecting the amount on Line 17, Column B (year to date total) to be \$240,228.55, based upon your characterization of the \$250 refund. Third, our failure to provide 48 hour reports resulted from a misinterpretation of the Texas 3rd Special Bulletin in the Federal Election Commission Record, Volume 17, Number 5. That misinterpretation was consistent with our consultant's recommendation that F.E.C. waived such reports due to the usually abbreviated campaign period and quarterly filing in late April. Our understanding was that only runoff candidates would be required to file 48 hour reports from May 5 through May 15. My sincere apologies are offered; I would be pleased to offer any back-up filings or information necessary for your analysis.

Please feel free to call me at the above stated business phone number.

Sincerely,



R. Byron Carlock, Jr.
Treasurer
Dan Branch for Congress Committee

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RECEIVED
F.E.C.
SECRET

FEDERAL ELECTION COMMISSION

999 E Street, N.W. 91070 13 PM 4:57
Washington, D.C.

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral #91L-94
STAFF MEMBER: Richard M.
Zanfardino

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

RESPONDENTS: Dan Branch for Congress, and
R. Byron Carlock, Jr. as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)
2 U.S.C. § 431(8)(A)

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on November 25, 1991. Attachment 1. The basis for the attached referral is the failure of the Dan Branch for Congress Committee, and R. Byron Carlock, Jr., as treasurer, "Respondents" to file three forty-eight hour notifications ("48 Hour Notices") for contributions totaling \$61,501. Daniel H. Branch lost the 1991 Special Election in the 3rd Congressional District in the State of Texas with ten percent (10%) of the vote.

II. FACTUAL AND LEGAL ANALYSIS

See Attachment 2.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the Dan Branch for Congress Committee, and R. Byron Carlock, 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, attached Factual and Legal Analysis, and attached proposed conciliation agreement.

Lawrence M. Noble
General Counsel

12/19/91
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

Dan Branch for Congress and R. Byron
Carlock, Jr., as treasurer.

)
)
) RAD Referral
) #91L-94

(*mur*
3464)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 26, 1991, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral #91L-94:

1. Open a MUR.
2. Find reason to believe that the Dan Branch for Congress Committee and R. Byron Carlock, 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, Factual and Legal Analysis, and proposed conciliation agreement, as recommended in the General Counsel's Report dated December 19, 1991.

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Josefiak did not cast a vote.

Attest:

12-26-91
Date

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

Received in the Secretariat: Thurs., Dec. 19, 1991 4:57 p.m.
Circulated to the Commission: Fri., Dec. 20, 1991 12:00 p.m.
Deadline for vote: Tues., Dec. 24, 1991 4:00 p.m.

bjf

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 9, 1992

R. Byron Carlock, Treasurer
Dan Branch for Congress Committee
3809 Colgate St.
Dallas, TX 75225

RE: MUR 3464
Dan Branch for Congress
and R. Bryon Carlock,
as Treasurer

Dear Mr. Carlock:

On December 26, 1991, the Federal Election Commission found that there is reason to believe the Dan Branch for Congress Committee ("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.

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R. Byron Carlock
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 Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Dan Branch for Congress
Committee, and R. Byron
Carlock, as treasurer.

MUR 3464

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).

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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).

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. Furthermore, each guarantor or endorser of a loan shall be deemed to have contributed that portion of the total amount of the loan for which the guarantor or endorser agreed to be liable until the loan is repaid. 2 U.S.C. § 431(8)(B)(vii)(I) and 11 C.F.R. § 100.7(a)(1)(i)(C).

9 2 0 4 0 3 9 5 3 6 9
The Special Election in the state of Texas was held on May 4, 1991. Pursuant to the Act, the Respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from April 15 to May 1, 1991, within 48 hours of their receipt. A review of the Committee's 1991 Mid Year Report identified three contributions received on April 16, April 17, and April 29, 1991, of \$1,000 or more, in the form of one loan and two loan guarantees totaling \$61,501. The loan by the candidate, Dan Branch, to the Committee was from the candidate's personal funds and totaled \$21,500. The loan guarantees listed the above candidate as the sole guarantor. The three contributions were initially only reported on Schedule C. The Committee later filed an amendment to their Schedule A showing receipt of the loans. The Committee did not submit 48 Hour Notices for these contributions.

Therefore, there is reason to believe that the Dan Branch for Congress Committee, and R. Bryon Carlock, as treasurer, violated 2 U.S.C. § 434(a)(6) by failing to report three

campaign contributions in excess of \$1,000 received after the 20th day, but more than 48 hours before the special election, within 48 hours of receipt of the contributions.

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RECEIVED
FEDERAL ELECTION COMMISSION
WASHINGTON

92 JAN 27 AM 9:39

DANIEL H. BRANCH
3809 Colgate
Dallas, Texas 75225

January 24, 1992

Richard M. Zanfardino, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Richard:

Thank you for taking my call earlier this week in connection with your Office's MUR 3464. I further appreciate your allowing me to call you back on the 1-800 number. Your explanation of the FEC procedures for "matters under review" was most helpful. I remain grateful for your helpful attitude and guidance regarding the appropriate parameters of our response.

Your thoughtful consideration of the circumstances surrounding our campaign will be sincerely appreciated. Please do not hesitate to contact me at (214) 855-4276 should you or your Office require any further information or explanation.

Sincerely,



Daniel H. Branch

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

92 JAN 27 PM 3:27

92040395371

R. BYRON CARLOCK, JR.

4251 Potomac
Dallas, TX 75205

January 24, 1992

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

ATTENTION: Mr. Richard M. Zanfardino

Re: MUR3464

Gentlemen:

We are in receipt of your notice that certain provisions of the Federal Election Commission regulations may have been violated by our committee in the Texas 3rd Congressional Special Election of May 4, 1991. Set forth below is the explanation of why 48 hour reports for the three candidate loans noted were not filed.

Special Election

The unusually brief special election campaign created uncertainty with regard to various filing requirements. Then Congressman Steve Bartlett resigned his office the second week of March, 1991. The candidacy filing period closed the first week of April, approximately 30 days prior to the special election itself on May 4, 1991. As the campaign got underway, it became clear that the pace would be frenetic and that all committee reporting and communication would need to be coordinated among our political consultant, the FEC, the Clerk of the House of Representatives and the Texas Secretary of State.

FEC Reporting

The combination of materials from the FEC created a question in our minds as to whether the filing of 48 hour notices for the three candidate loans was required in a special election. We began our reporting format by following the dates and guidelines set forth in the April, 1991 *FEC Record*. A copy of the applicable portion is attached. This report did not set out any requirements for 48 hour notice filings. Thereafter, we received the *FEC Campaign Guide for Congressional Candidates and Committees* which briefly mentioned "last-minute contributions" under Chapter 11, Filing Reports. Thereafter, I received a videotape from the FEC entitled "Why Me - Guide for Candidates" which did not mention either 48 hour notices or last-minute contributions.

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OFFICE OF THE GENERAL COUNSEL

January 24, 1992

Page 2

Political Consultant

Our political consultant's advice was that the FEC had apparently waived the 48 hour notice requirements for our special election. The candidate and I were concerned about the apparent uncertainty regarding the need to file 48 hour notices for the three loans. He suggested I speak with our political consultant. I contacted our consultant, Denis Calabrese, of Calabrese & Associates, Inc., Houston, Texas to verify the required FEC filings. Mr. Calabrese has advised numerous congressional campaigns and worked on Capitol Hill as an Administrative Assistant to a Member of Congress. His opinion, based in large part on the April, 1991 FEC *Record*, was that the pre-special report for the period through April 14, 1991 was the only required filing prior to the election, but he suggested that I confirm that by calling the FEC.

1-800 Number

I called the FEC 1-800 number and was informed that other than the April 14, 1991 report, no additional filings would be necessary from our committee until after the special election, unless we made the runoff. I was informed that the post-special report had been waived, except for those candidates that made the runoff, and that the next filing by the committee was not until the July 31, 1991 report for the period ending June 30, 1991. As you know, we did not reach the runoff. Our understanding seemed to be confirmed in the May, 1991 FEC *Record* (a copy of the relevant portion is attached) which set forth the adjustments to the filing of reports and mentioned 48 hour notice filings only with respect to runoff candidates.

The Candidate

I believe that the candidate and I attempted to exercise our best efforts to comply with the filing requirements of the FEC. This campaign was Dan Branch's first race for public office. The candidate has had to dig into personal savings in order to fund his campaign. The committee still has significant amounts of outstanding debt which the candidate must retire fairly soon. This will likely require the liquidation of his savings and other personal assets. The candidate has recently started a new business, and the candidate and his wife anticipate the arrival of their fourth child in mid May. Consequently, their family is under severe cash flow pressure.

This campaign was also my first opportunity to serve as a Treasurer of a campaign committee. In the course of this wildly fast-paced race, the candidate and I set aside time, often after midnight when voter contact was not possible, to digest the various filing requirements and attempt to fully comply. The candidate, a commercial lawyer by trade, noticed the "last-minute contributions" in the *Campaign Guide* and the regulations and asked me to determine whether these filings were required in this special election. As mentioned above, I attempted to confirm this and ultimately came to a conclusion, perhaps wrongly, based on a miscommunication or misinterpretation.

OFFICE OF THE GENERAL COUNSEL

January 24, 1992

Page 3

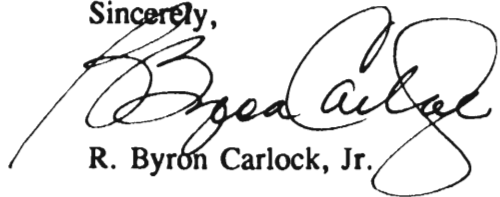
Miscommunication/Misinterpretation

It was, and remains, my intent to comply with all the regulations of the FEC. We attempted to use our best efforts to keep the committee in compliance during a very abbreviated and hectic special election campaign. In the midst of this "100 yard dash," we failed to make the 48 hour notice filings with respect to the three candidate loans due to a misinterpretation of various communications, written and otherwise, with the FEC. In hindsight, it appears that there probably was confusion as to the distinction between filings, notices and reports. Based upon your recent correspondence, our understanding that no other reports were required prior to the election was a mistake. I probably asked the questions in an imprecise way, and the FEC staff person monitoring the 1-800 number may have been focusing only on reports as opposed to other filings. This apparent miscommunication or misinterpretation, which we relied on, caused us to not file 48 hour notices for the three candidate loans received on April 16, 17 and 29.

Reviewing our actions within the context of this campaign, I believe we attempted to use our best efforts to fully comply with the FEC filing requirements. We do not take this misunderstanding lightly, and I sincerely regret any shortcomings on our part. Under the circumstances, and in light of the attempts at compliance mentioned above, we kindly request that this matter be concluded quickly by entering into a conciliation agreement and that any fine be waived.

Thank you for your help. Please let me know if we can be of further assistance.

Sincerely,



R. Byron Carlock, Jr.

SPECIAL ELECTIONS

TEXAS AND ILLINOIS SPECIAL ELECTIONS

Texas and Illinois have scheduled special elections to fill recently vacated House seats. Political committees authorized by candidates participating in these elections must file the appropriate pre- and post-election reports according to the schedules that appear on page 4. PACs and party committees may also have to report their special election activity, as explained below.

Texas Special Election

Texas will hold a special election on May 4, 1991, to fill the 3rd Congressional District seat formerly held by Congressman Steve Bartlett, who resigned on March 11 to run for mayor of Dallas.

If no candidate wins a majority of the votes in the May 4 election, a special runoff election will be held on May 18. Only the two top vote-getters in the previous election—regardless of party affiliation—will participate in the second election.

See the tables of reporting dates on page 4.

Illinois Special Elections

Illinois has scheduled special elections to fill the 15th Congressional District seat of Congressman Edward R. Madigan, who resigned on March 8 to become Secretary of Agriculture. The special primary will be held May 21, 1991; the special general will be held July 2.

See the tables of reporting dates on page 4.

Authorized Committees

Authorized committees of candidates running in the special elections must file reports according to the schedule given in the tables below. All candidates known to be on the ballot are automatically sent FEC reporting forms.

Authorized committees must additionally file special notices on contributions of \$1,000 or more received after the close of books for a report but more than 48 hours before the election. The notice must reach the appropriate federal and state filing offices within 48 hours after the committee's receipt of the contribution. Please note that this special notice requirement applies to all types of contributions, including:

- In-kind contributions;

- Loans (other than bank loans);
- Guarantees and endorsements of bank loans; and
- Contributions and loans from the candidate.

For information on the content of the notice, see 11 CFR 104.5(f).

PACs and Party Committees

Semiannual Filers. A PAC or party committee that reports on a semiannual basis during 1991 may have to file special election reports if it makes contributions or expenditures in connection with a special election during the coverage dates shown in the tables. 11 CFR 104.5(h).

Monthly Filers. PACs and party committees that file monthly during 1991 do not have to file special election reports, but PACs may have to file 24-hour reports on independent expenditures, as explained below.

PAC Reports on Independent Expenditures. Any PAC (including a monthly filer) that makes independent expenditures in connection with a special election may have to file a 24-hour report. This reporting requirement is triggered when a committee makes independent expenditures aggregating \$1,000 or more between 2 and 20 days before an election. The report must be filed with the appropriate federal and state filing offices within 24 hours after the expenditure is made. For more information on this reporting requirement, see 11 CFR 104.4(b), (c) and 104.5(g).

State Filing

In addition to filing with the appropriate federal office—the Clerk of the House or the FEC—committees filing Texas or Illinois special election reports must also file copies of reports with the appropriate state office.

- Texas: Disclosure Filing Division, Office of the Secretary of State, P.O. Box 12070, Austin, TX 78711.
- Illinois: State Board of Elections, P.O. Box 4187, Springfield, IL 62708.

Authorized committees of candidates must file the entire report; other committees must file only the portion of the report that is applicable to the candidate (for example, the Form 3X Summary Page and any schedules that disclose contributions or expenditures on behalf of the candidate). 2 U.S.C. §439(a); 11 CFR 108.3.

(continued)

**TEXAS SPECIAL ELECTION
REPORTING DATES**

Only One Election Held:
Committees That Support Candidates
in the 5/4 Special

Report	Period Covered ¹	Reg/Cert Mailing Date ²	Filing Date
Pre-special	1/1-4/14	4/19	4/22
Post-special	4/15-5/24	6/3	6/3
Mid-year	5/25-6/30	7/31	7/31

Two Elections Held:
Committees That Support Candidates in Both
the Special (5/4) and the Runoff (5/18)

Report	Period Covered ¹	Reg/Cert Mailing Date ²	Filing Date
Pre-special	1/1-4/14	4/19	4/22
Pre-runoff	4/15-4/28	5/3	5/6
Post-runoff	4/29-6/7	6/17	6/17
Mid-year	6/8-6/30	7/31	7/31

Two Elections Held:
Committees That Support Candidates in the
5/4 Special Only (not the runoff)

Report	Period Covered ¹	Reg/Cert Mailing Date ²	Filing Date
Pre-special	1/1-4/14	4/19	4/22
Mid-year	4/15-6/30	7/31	7/31

¹If the pre-special report is the first report filed by the committee, the report must disclose all activity that occurred before the committee registered and before the individual became a candidate.

²Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

**ILLINOIS SPECIAL ELECTION
REPORTING DATES**

Committees That Support Candidates
in the 5/21 Primary Only

Report	Period Covered ¹	Reg/Cert Mailing Date ²	Filing Date
Pre-primary	1/1-5/1	5/6	5/9
Mid-year	5/2-6/30	7/31	7/31

Committees That Support Candidates in Both
the 5/21 Primary and the 7/2 General

Report	Period Covered ¹	Reg/Cert Mailing Date ²	Filing Date
Pre-primary	1/1-5/1	5/6	5/9
Pre-general	5/2-6/12	6/17	6/20
Mid-year ³	waived		
Post-general	6/13-7/22	8/1	8/1

¹If the pre-primary report is the first report filed by the committee, the report must disclose all activity that occurred before the committee registered and before the individual became a candidate.

²Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

³A regularly scheduled report may be waived if it is due within 10 days of the filing date of a special election report. 11 CFR 104.5(h)(2). Therefore, the mid-year report is waived for those committees required to file the Illinois pre-general election report.

expenses only during the second half of the federal election year.

- o **Recordkeeping and Reporting Requirements.** ASDC recommends various changes to the recordkeeping and reporting requirements for allocated expenses found at 11 CFR 104.10.

FEC SUSPENDS RULEMAKING ON PUBLICLY FINANCED PRESIDENTIAL NOMINATING CONVENTIONS

On March 28, 1991, the Commission decided to suspend taking further action on proposed revisions to the Presidential nominating convention regulations until after the 1992 conventions have taken place. The agency published a Federal Register Notice to this effect on April 9, 1991 (56 FR 14319).

In the meantime, the current convention rules remain in effect. Additionally, the Commission will rely on advisory opinions that have been issued since these rules were promulgated and on policy decisions made through the audit process for past convention committees.

In letters to the Republican and Democratic National Committees, the Commission urged them to comply on a voluntary basis with the magnetic media rules found at 11 CFR 9003.6 and 9033.12. Right now, these rules apply only to publicly funded candidates, but convention committees' compliance with them will help expedite the audit process. The Commission also requested that the national committees file copies of the signed contracts between the convention committees and the cities chosen to host the 1992 conventions.

¹The original Notice of Proposed Rulemaking was published in the Federal Register on August 22, 1990. See 55 FR 34267; see also the October 1990 Record.

SPECIAL ELECTIONS

TEXAS SPECIAL RUNOFF: CHANGE IN MAILING DATE

The Commission has changed the postmark date for the pre-election report for the May 18 Texas special runoff. The new postmark date—May 6—applies only if the report is sent by registered or certified mail. (Reports not sent by registered or certified mail must be received in the filing office by May 6.) Formerly, the FEC had published the registered/certified mailing date as May 3.

The date was changed because the decision to hold a runoff will be made after the results of the May 4 special election are counted. The runoff will be held only if no candidate wins a majority of the votes in the May 4 election. Committees will therefore not know if they need to file the pre-runoff report until May 5, when the election results will be available.

The other reporting dates for the Texas special elections that were published in the April 1991 Record have not been changed.

¹Note, however, that the coverage dates for filing 48-hour notices on contributions made in connection with the runoff election have been adjusted. Contributions of \$1,000 or more received by authorized committees in connection with the special runoff between May 5 through May 15 are subject to the 48-hour notice requirement. Authorized committees must file notices on such contributions within 48 hours of the committee's receipt of the contribution. For further information on 48-hour notices, see 11 CFR 104.5(f) and the April 1991 Record, page 3.

Federal Election Commission, 999 E Street, NW, Washington, DC 20463
800/424-9530 202/376-3120 202/376-3136 (TDD)

John Warren McGarry, Chairman
Joan D. Aikens, Vice Chairman
Lee Ann Elliott
Thomas J. Josefiah
Danny L. McDonald
Scott E. Thomas

Walter J. Stewart, Secretary of the Senate,
Ex Officio Commissioner
Donald K. Anderson, Clerk of the House of
Representatives, Ex Officio Commissioner

9 2 0 4 0 3 OnePlus Banking™ 1214 32-115/1110
R. BYRON CARLOCK, JR.
LAURA BARKER CARLOCK
4251 POTOMAC 526-5580
DALLAS, TEXAS 75205
2-28 19 92

PAY TO THE ORDER OF Federal Election Commission \$ 500.00
Five hundred and 00/100 DOLLARS

TEXAS
CONFERENCE
Bank

TEXAS COMMERCE BANK, NATIONAL ASSOCIATION
2700 ROSS AVENUE
DALLAS, TEXAS 75201

0990

MEMO
MAR 3464
Brown (acat):

Byron Cael.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

) MUR 3464

Dan Branch for Congress)
Committee, and R. Byron Carlock,)
as Treasurer.)

RECEIVED
F.E.C.
MARCH 12 PM 4:03
SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by R. Byron Carlock, the treasurer of the Dan Branch for Congress Committee.

The attached agreement contains no changes from the agreement approved by the Commission on February 18, 1992.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Dan Branch for Congress Committee and R. Byron Carlock, as Treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

9 2 0 4 0 3 9 5 3 7 9
Date

3-12-92

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check

Staff Assigned: Richard M. Zanfardino

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dan Branch for Congress Committee,) MUR 3464
and R. Byron Carlock, as treasurer.)

CERTIFICATION

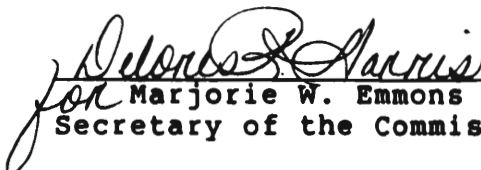
I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 17, 1992, the Commission decided by a vote of 6-0 to take the following actions in MUR 3464:

1. Accept the conciliation agreement with the Dan Branch for Congress Committee and R. Byron Carlock, as treasurer, as recommended in the General Counsel's Report dated March 12, 1992.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated March 12, 1992.

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

Attest:

3-17-92
Date


for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Thurs., March 12, 1992 4:09 p.m.
Circulated to the Commission:	Fri., March 13, 1992 12:00 p.m.
Deadline for vote:	Tues., March 17, 1992 4:00 p.m.

dr

92040895380



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

March 23, 1992

R. Byron Carlock, Jr., Treasurer
Dan Branch for Congress Committee
4251 Potomac
Dallas, TX 75205

RE: MUR 3464

Dear Mr. Carlock:

On March 17, 1992, the Federal Election Commission accepted the signed conciliation agreement and the first civil penalty installment submitted on your behalf in settlement of violations 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) 219-3690.

Sincerely,

Richard M. Zanfardino
Staff Member

Enclosure
Conciliation Agreement

RECEIVED

92040395381

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Dan Branch for Congress Committee
and R. Byron Carlock Jr., as Treasurer

)
) MUR 3464
)
)

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

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 the Dan Branch for Congress Committee and R. Byron Carlock Jr., 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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1. The Dan Branch 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 Dan Branch's 1991 congressional campaign.

2. R. Byron Carlock, Jr. is the Treasurer of the Dan Branch 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. 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. Each guarantor or endorser of a loan shall be deemed to have

92040895383

contributed that portion of the total amount of the loan for which the guarantor or endorser agreed to be liable until the loan is repaid. 2 U.S.C. § 431(8)(B)(vii)(I) and 11 C.F.R. § 100.7(a)(1)(i)(C).

5. The Respondents received on April 16, April 17, and April 29, 1991, three contributions of \$1,000 or more in the form of three loans totaling \$61,501.

6. The contributions were reported only on Schedule C of the 1991 Mid Year Report, with the candidate, Dan Branch, using personal funds for the source of one loan totaling \$21,500 and as the sole guarantor of two loans totaling \$40,001 to the Committee. The Committee later reported the contributions on an amended Schedule A.

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

V. The Respondents failed to report three campaign contributions in excess of \$1,000 received after the 20th day, but more than 48 hours before the special 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 One Thousand dollars (\$1000), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

92040395384

1. One initial payment of \$500 due on March 1, 1992;
2. One final payment of \$500 due on June 1, 1992.
3. In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the respondent(s). Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

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.

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IX. 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:

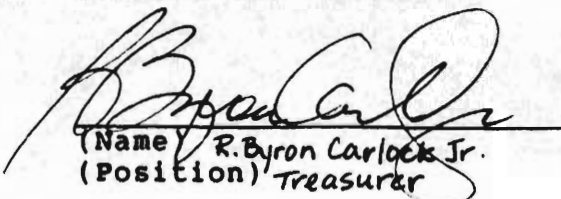
Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

3-20-92
Date

FOR THE RESPONDENTS:


(Name) R. Byron Carlisle Jr.
(Position) Treasurer

2-28-92
Date

92040895386



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3464

DATE FILMED 3-27-92 CAMERA NO. 3

CAMERAMAN IMH

92040395387



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 3464.

6/17/92

92040904877

R. BYRON CARLOCK, JR.
4251 Potomac
Dallas, Texas 75205

June 10, 1992

Via Certified Mail No. F873663304
Return Receipt Requested

Richard M. Zarfardino, Esq.
Office of the General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

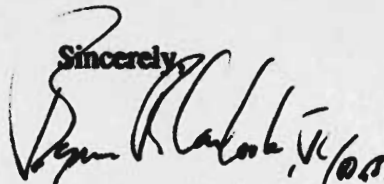
Re: MUR 3464

Dear Richard:

Enclosed is a check for the second installment payment under the Conciliation Agreement. Thanks again for your assistance on this matter.

Best regards.

Sincerely,


R. Byron Carlock, Jr.

RBC/prt
Enclosures

pr(061201)

CLOSED

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 JUN 16 PM 3:49

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
JUN 15 1 03 PM '92

92040904878



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1992

TWO WAY MEMORANDUM

TO: Virginia Whitted
OGC, Docket

FROM: Philomena Brooks *PB*
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Byron Carlock, check number 19716, dated June 10, 1992, and in the amount of \$ 500.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: Virginia Whitted
OGC, Docket

In reference to the above check in the amount of \$ 500.00, the MUR number is 3464 and in the name of DAN BRANCH FOR CONGRESS. The account into which it should be deposited is indicated below:

- ☐ Budget Clearing Account (OGC), 95F3875.16
- ☒ Civil Penalties Account, 95-1099.160
- ☐ Other: _____

Virginia Whitted
Signature

6/16/92
Date

92 JUN 16 PM 3:49

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

92040904879

Check is negotiable. The purchase of an instrument does not
guarantee the return of any funds if the bank fails to cash
or return the funds to the order of the bank.

CASHIER'S CHECK 4 8 8 8 0 17716

BYRON CARLOCK, TREAS.

DAN BRANCH FOR

REMITTER CONGRESS COMMITTEE

JUN 12 92

PAY TO THE

ORDER OF FEDERAL ELECTION COMMISSION

NORTHERN TRUST
BANK OF TEXAS

500.00

\$ 500.00

Northern Trust Bank
of Texas, N.A.

3000 Ross Avenue • 214/979-1160
Dallas, Texas 75201

By Baller

017716# 111016064# 01 4001 2#

92 JUN 16 PM 3:49

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3464.

6/17/92

92040910153



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

June 8, 1992

Dan Branch for Congress Committee
R. Byron Carlock, as treasurer
3809 Colgate
Dallas, TX 75225

RE: MUR 3464

Dear Mr. Carlock:

On March 17, 1992, the Federal Election Commission and the Dan Branch for Congress Committee ("Committee") and you, as treasurer, entered into a conciliation agreement in settlement of violations of 2 U.S.C. § 434(a)(6). According to the agreement, you were required to pay a civil penalty of \$1000. The conciliation agreement provided for installment payments, with your first payment due on March 1, 1992, and a final payment due on June 1, 1992.

According to Commission records, your payment for the month of June has not been received. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payment from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202) 219-3690.

Sincerely,

Richard M. Zanfardino
Staff Member

22040910154



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 25, 1992

MEMORANDUM

TO: PUBLIC RECORDS
FROM: DOCKET-OGC *Kas*
SUBJECT: CLOSED MUR FILES

Attached are the following closed MUR files ready for
microfilming:

Additional Material

MUR 2672
MUR 3027
MUR 3054
MUR 3069
MUR 3108
MUR 3205

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