



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

☒ Microfilm
☐ Public Rcds
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3468.

1/13/94

94030962737



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

DEC 10 1993

Stanley Tate Builders, Inc.
1175 NE 125th St.
Suite 102
North Miami, Florida 33161

RE: MUR 3468
Stanley Tate Builders, Inc.

Dear Sir or Madam:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public.

Although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Phillip L. Wise
Phillip L. Wise
Attorney

Date the Commission voted to close the file:

DEC 09 1993

94030962738



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3468

DATE FILMED 10/27/93 CAMERA NO. 2

CAMERAMAN MC

93040982772



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AR-92-3

January 13, 1991

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: BOB ALLEN FOR CONGRESS - MATTERS REFERABLE TO THE
OFFICE OF GENERAL COUNSEL.

Attached are Exhibits A through F which were approved by the Commission on January 8, 1992 for referral to your office.

If you have any questions regarding these matters, please contact Alberta Archie or Rick Halter at 219-3720.

Attachments:

- Exhibit A - Failure to File Reports
- Exhibit B - Misstatement of Financial Activity
- Exhibit C - Apparent Prohibited Contributions
- Exhibit D - Omission of Disclosure Information
- Exhibit E - Receipt Documentation
- Exhibit F - Debts and Obligations

93040982773

BOB ALLEN FOR CONGRESS
FAR TO OGC - MATTER REFERABLE

EXHIBIT A
PAGE 1 OF 2

A. Failure to File Report

Sections 434(a)(2)(A)(ii) and (iii) of Title 2 of the United States Code, state, that if a committee is the principal campaign committee of a candidate for the House of Representatives in any calendar year during which there is a regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file such reports: a post general election report no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day before such general election; and additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter; except that the quarter ending December 31 shall be filed no later than January 31 of the following calendar year.

The last report filed by the Committee was the Pre General Election report which covered the period October 1, 1990, through October 17, 1990. The Committee did not file a Post General Election report, October 18, 1990, through November 26, 1990, and a Year End report, November 27, 1990, through December 31, 1990.^{1/} On February 22, 1991, the Commission's Reports Analysis Division notified the Committee that the reports had not been received. Our review of bank records provided by the Committee indicated that reportable activity totaling \$49,875.37 in receipts and \$48,596.77 in disbursements occurred during this period.

The Treasurer stated that the majority of the activity during these period related to a fundraising dinner which the Vice President's wife attended. He said the records relating to the dinner were not provided to him, therefore he was unable to file a report.^{2/}

In the Interim Audit Report, the Audit staff recommended that within 30 days of service of that report, the Committee file a comprehensive amendment to include the reportable activity noted above.

^{1/} The Committee also had not filed the 1991 Mid Year report as of December 5, 1991.

^{2/} Records relating to this period were provided to the Audit staff by the candidate during fieldwork.

93040982774

BOB ALLEN FOR CONGRESS
FAR TO OGC - MATTER REFERABLE

EXHIBIT A
PAGE 2 OF 2

The Committee did not respond to the Interim Audit Report.

Recommendation #1

The Audit staff recommends that this matter be referred to the Office of General Counsel.

93040982775

Misstatement of Financial Activity

Sections 434(b)(1), (2) and (4) of Title 2 of the United States Code require a committee to report the amount of cash on hand at the beginning of each reporting period and the total amount of all receipts and disbursements for the reporting period and calendar year.

The Audit staff's reconciliation of the Committee's reported activity to its bank activity revealed that reported receipts were understated by a net amount of \$1,119.21 and reported disbursements were understated by a net amount of \$2,742.99. The misstatement in receipts was the result of interest income not reported and other unexplained miscellaneous differences. The misstatement in disbursements was the result of, disbursements not being reported, checks reported in the incorrect amount, offsets to in-kind contributions not reported, unreported bank service charges, and other miscellaneous differences. Attachment 1 details the reporting adjustments required.

At the exit conference, the Treasurer stated that he would comply with the Audit staff's recommendation.

In the Interim Audit Report, the Audit staff recommended that within 30 days of the service of that report, the Committee file comprehensive amendments for 1989 and 1990 to correct the misstatement noted above.

The Committee did not respond to the Interim Audit Report.

Recommendation #2

The Audit staff recommends that this matter be referred to the Office of General Counsel.

93040982776

Misstatement of Financial Activity

<u>Report Period</u>	<u>Receipts</u>	<u>Disbursements</u>
9/12/89-12/31/89	\$39,683.43	\$28,279.07
<u>Adjustments:</u>		
Unexplained difference	252.50	52.80
Adjusted report totals	<u>39,935.93</u>	<u>28,331.87</u>
1/1/90-10/17/90	122,937.52	131,942.68
<u>Adjustments:</u>		
1/1/90-3/31/90		
Money Market check not reported		2,142.86
Difference between gross payroll reported and net payroll negotiated by bank	<1,023.86>	
Offset to inkind contributions not reported		1,402.90
Offset not reported for voided check #1090		<67.50>
Unexplained difference	784.51	
4/1/90-6/30/90		
Difference between gross payroll reported and net payroll negotiated by bank	<772.75>	
Unreported Bank service charges		118.13
Unexplained differences	<273.81>	521.58
7/1/90-8/15/90		
Unreported bank service charge		98.79
Unexplained Difference	317.41	18.64
8/16/90-9/30/90		
Unreported Bank Service charge		71.93
Interest not reported	58.60	
Unexplained difference		<24.50>
10/1/90-10/17/90		
Unreported in-kind Contribution		1,102.80
Unexplained difference	<20.00>	<898.83>
Corrected Report Totals	<u>\$123,804.23</u>	<u>\$134,632.87</u>

93040982777

Apparent Prohibited Contributions

Section 441b(a) of Title 2 of the United States Code states, in part, that it is unlawful for any corporation to make a contribution in connection with any primary election or political convention or caucus held to select candidates for any political office or for any corporation to make a contribution in connection with any election at which a Representative to Congress is to be voted for, or for any candidate, political committee or other person knowingly to accept or receive any contribution prohibited by this section.

Our review of the Committee's contributor records which were made available identified 7 contributions, totaling \$2,870, from 6 business entities. The contributions noted above were verified with the Florida Secretary of State's Office as being incorporated (see Attachment 1).

At the exit conference, the Treasurer was provided with schedules of the apparent prohibited contributions. The Treasurer stated that he would comply with the Audit staff's recommendation.

In the Interim Audit Report, the Audit staff recommended that within 30 days of the service of that report, the Committee take the following action:

- a. Provide evidence that the contributions are not prohibited; or
- b. Refund the contributions to the contributors and provide evidence of such refunds (copies of the front and back of the negotiated refund checks).
- c. If funds are not available to refund the contributions, disclose the contributions not refunded as debts owed by the Committee on Schedule D (Debts and Obligations) of Committee disclosure reports.

The Committee did not respond to the Interim Audit Report.

Recommendation #3

The Audit staff recommends that this matter be referred to the Office of General Counsel.

93040982778

Apparent Prohibited Corporate Contributions

<u>Contributors</u>	<u>Deposit Date</u>	<u>Check Amount</u>	<u>Date of Incorporation</u>
27 Farms, Inc.	3-06-90	\$ 500	4-16-62
Florida Overseas Hwy, Inc.	5-07-90	1,000	8-09-82
H.J.C. Associates, Inc.	6-22-90	100	2-05-85
The Gothard Group	8-10-90	100	8-26-88
Stanley Tate Builder	8-10-90	1,000	1-19-56
Stanley Tate Builder	8-10-90	20	1-19-56
DJS Marketing Group, Inc.	10-31-90	150	1-18-89
		<u>\$2,870</u>	

93040982779

Omission of Disclosure Information

Section 434(b)(5)(A) of Title 2 of the United States Code states, in part, that each report under this section shall disclose the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made, together with the date, amount and purpose of such expenditure.

Our review of reported disbursements indicated the date of payment was omitted for all disbursements, (23 totaling \$8,458.48), contained in the 1990 October Quarterly report.

The Treasurer was apprised of the problem at the exit conference and he agreed to file an amendment correcting the omission.

In the Interim Audit Report, the Audit staff recommended that within 30 days of service of that report, the Committee include in its comprehensive amendment corrections of the aforementioned errors.

The Committee did not respond to the Interim Audit Report.

Recommendation #4

The Audit staff recommends that this matter be referred to the Office of General Counsel.

93040982780

E. Receipts Documentation

Sections 432(c) and (d) of Title 2 of the United States Code state, in part, that the treasurer of a political committee shall keep an account of all contributions received by or on behalf of such political committee; the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person; and, the identification of any person who makes a contribution or contributions aggregating more than \$200 during calendar year, together with the date and amount of any such contribution. The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed.

Sections 431(13)(A) and (B) of Title 2 of United States Code state that the term "identification" means -in the case of any individual, the name, the mailing address, and the occupation, as well as name of his or her employer; and in such case of any other person, the full name and address such person.

The Audit staff's review of receipts documentation indicated that for the period September 12, 1989, through October 21, 1990, the Committee maintained photocopies of contributor checks attached to deposit tickets on which the bank routing numbers were recorded. The majority of the check copies were traced to the deposit tickets for this period, however check copies were not found for deposits (or a portion thereof) totaling \$4,835.

For the period October 22, 1990 through December 31, 1990, the Committee also maintained photocopies of contributor checks, however the check copies were not attached to deposit tickets. The check copies were attached to contributor input sheets which contained contributor information but not the deposit date. Therefore it was not possible to associate a check copy with a particular deposit ticket. The contributor input sheets were presumably created to gather contributor information for input into a computerized contribution data base. The Treasurer was unable to provide any information as to whether a data base was created.

During this period deposits totaling \$50,210.85 were noted based on our review of the bank records made available. The Audit staff identified check copies totaling \$40,168.43, related to deposits, leaving a total of \$10,042.42 undocumented.

In addition, the Committee reported in-kind contributions, totaling \$4,105.70 but could not provide any

93040982781

documentation in support of these contributions (see Attachment 1). At the exit conference the Treasurer was provided with schedules of deposits for which the documentation was inadequate. The Treasurer stated that he would attempt to obtain the documentation.

In the Interim Audit Report, the Audit staff recommended that within 30 days of service of that report, the Committee provide the documentation discussed above.

The Committee did not respond to the Interim Audit Report.

Recommendation #5

The Audit staff recommends that this matter be referred to the Office of General Counsel.

93040982782

Reported In-kind Contributions

<u>Contributor</u>	<u>Report Date</u>	<u>Amount</u>	<u>Purpose</u>
Javier Nunez	12-15-89	\$ 500.00	Charity dinner
Bob Allen	01-30-90	1,402.90	Unknown
Paul Archter	05-31-90	100.00	Computer use
Scott Spages	05-31-90	250.00	Computer use
Paul Archter	06-30-90	100.00	Computer use
Scott Spages	06-30-90	250.00	Computer use
Ahil Reilly	08-13-90	400.00	Banner
Bob Allen	Unknown	1,102.80	Unknown
		<u>\$4,105.70</u>	

93040982783

F. Debts and Obligations

Section 434(b)(8) of Title 2 of the United State Code, in part, requires each report filed by the treasurer of a political committee to disclose the amount and nature of outstanding debts and obligations owed by such political committee.

Section 104.11 of Title 11 of the Code of Federal Regulations states, in part, that debts and obligations shall be continuously reported until extinguished. In addition, 11 C.F.R. § 104.11(b) states, in part, that debts of \$500 or less shall be reported as of the time payment is made or no later than 60 days after the obligation is incurred and that debts in excess of \$500 shall be reported at the time of the transaction.

The Committee did not report any debts or obligations during the period covered by the audit except for loans from the candidate. Although requested by the Audit staff, the Committee was unable to provide vendor invoices, from which the Audit staff could determine whether any reportable debt was incurred by the Committee. The Treasurer stated that the vendor invoices were not in his possession but he would attempt to obtain them. He further stated that the only debt he was aware of (other than the candidate loans) was state payroll taxes, however he was unsure how much was owed.

In the Interim Audit Report, the Audit staff recommended that within 30 calendar days of service of that report, the Committee provide the vendor invoices for the Audit staff's review. In addition, the amount due for payroll taxes should be reported in a comprehensive amendment as a debt owed by the Committee.

The Committee did not respond to the Interim Audit Report. Without access to the records requested, the Audit staff cannot calculate the exact number or dollar value of debts and obligations not reported by the Committee. However, in an attempt to calculate the payroll tax liability mentioned above, the Audit staff reviewed the Committee check register and bank statements. The Audit staff calculated the Committee's payroll tax liability, as of December 31, 1990. We identified \$1,167.24 in federal withholding and \$2,760.90 in FICA (employee's and employer's share) for a total liability of \$3,928.14. This figure does not include any estimate for interest and/or penalties which may have been/will be assessed.

Recommendation #6

The Audit staff recommends that this matter be referred to the Office of General Counsel.

93040982784

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

FIRST GENERAL COUNSEL'S REPORT

MUR #3468

STAFF MEMBER: Phillip L. Wise

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Bob Allen For Congress and Javier Nunez,
as treasurer

Stanley Tate Builders, Inc.

RELEVANT STATUTES: 2 U.S.C. § 434(a)(2)(A)(ii)
2 U.S.C. § 434(a)(2)(A)(iii)
2 U.S.C. § 434(b)(1)
2 U.S.C. § 434(b)(2)
2 U.S.C. § 434(b)(4)
2 U.S.C. § 441b(a)
2 U.S.C. § 434(b)(5)(A)
2 U.S.C. § 432(c)
2 U.S.C. § 432(d)
2 U.S.C. § 434(b)(8)
11 C.F.R. § 104.11

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Audit Division ("Audit"). The bases for the referral are the failure of Bob Allen For Congress ("Allen Committee") and Javier Nunez, as treasurer,^{1/} to file reports, misstatement of

^{1/} The Committee registered with the House of Representatives on October 6, 1989 as The Committee to Elect Bob Allen to Congress, the principal campaign committee of Bob Allen, Republican candidate for the U.S. House of Representatives for District 19 from the state of Florida. On November 27, 1989, the Committee filed an amendment to its statement of organization changing its name to Bob Allen for Congress.

The audit covered the period from the Committee's inception through December 31, 1990. The Committee reported a beginning cash balance of \$0; total receipts for the period of

93040982785

financial activity, apparent prohibited contributions, omission of disclosure information, failure to furnish receipts documentation, and failure to report debts and obligations.

II. FACTUAL AND LEGAL ANALYSIS

A. Failure to File Report

Pursuant to 2 U.S.C. §§ 434(a)(2)(A)(ii) and (iii), if a committee is the principal campaign committee of a candidate for the House of Representatives in any calendar year during which there is a regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file such reports: a post general election report no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day before such general election; and additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter; except that the quarter ending December 31 shall be filed no later than January 31 of the following calendar year.

The last report filed by the Committee was the Pre General Election report which covered the period October 1, 1990, through October 17, 1990. The Committee did not file a Post General Election report, October 18, 1990, through November 26, 1990, and a Year End report, November 27, 1990, through

(Footnote 1 continued from previous page)
\$162,660.46; total disbursements for the period of \$160,221.75; and a closing cash balance on October 17, 1990, of \$2,399.20.

December 31, 1990.^{2/} On February 22, 1991, the Commission's Reports Analysis Division notified the Committee that the reports had not been received. According to Audit, a review of bank records provided by the Committee indicated that reportable activity totaling \$49,875.37 in receipts and \$48,596.77 in disbursements occurred during this period.

The treasurer stated that the majority of the activity during this period related to a fundraising dinner which the Vice President's wife attended. He said the records relating to the dinner were not provided to him; therefore he was unable to file a report.^{3/}

Based on the foregoing, it appears that the Allen Committee has failed to file its 1990 Post General Election Report and 1990 Year End Report in violation of 2 U.S.C. §§ 434(a)(2)(A)(ii) and (iii).

B. Misstatement of Financial Activity

Pursuant to 2 U.S.C. §§ 434(b)(1), (2) and (4) a committee is required to report the amount of cash on hand at the beginning of each reporting period and the total amount of all receipts and disbursements for the reporting period and calendar year.

The Audit staff's reconciliation of the Committee's reported activity to its bank activity revealed that reported

^{2/} The Committee also has not filed the 1991 Mid Year Report or 1991 Year End Report. RAD has mailed the Committee non-filer notices with regard to these reports.

^{3/} Records relating to this period were provided to the Audit staff by the candidate during fieldwork.

93040982787

receipts were understated by a net amount of \$1,119.21 and reported disbursements were understated by a net amount of \$2,742.99. The misstatement in receipts was the result of interest income not reported and other unexplained miscellaneous differences. The misstatement in disbursements was the result of disbursements not being reported, checks reported in the incorrect amount, offsets to in-kind contributions not reported, unreported bank service charges, and other miscellaneous differences.

In view of the above, it appears that the Allen Committee has misstated its receipts and disbursements in violation of 2 U.S.C. §§ 434(b)(1), (2) and (4).

C. Apparent Prohibited Contributions

Pursuant to 2 U.S.C. § 441b(a), it is unlawful for any corporation to make a contribution in connection with any federal election or for any candidate, political committee or other person knowingly to accept or receive any contribution prohibited by this section.

According to Audit, a review of the Committee's contributor records revealed 7 contributions, totaling \$2,870, from 6 business entities. The corporate contributors were 27 Farms, Inc. (\$500 on 3/6/90), Florida Overseas HWY, Inc. (\$1,000 on 5/7/90), H.J.C. Associates, Inc. (\$100 on 6/22/90), The Gothard Group (\$100 on 8/10/90), Stanley Tate Builders, Inc. (\$1,000 and \$20 both on 8/10/90), and DJS Marketing Group, Inc. (\$150 on 10/31/90). The contributors noted above were verified with the Florida Secretary of State's Office as being incorporated.

93040982788

Based on the above, it appears that the Allen Committee knowingly accepted prohibited contributions from corporations in violation of 2 U.S.C. § 441b(a). In addition it appears that Stanley Tate Builders, Inc., has made prohibited corporate contributions to a federal campaign committee, in violation of 2 U.S.C. § 441b(a).

D. Omission of Disclosure Information

Pursuant to 2 U.S.C. § 434(b)(5)(A) each report under this section shall disclose the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made, together with the date, amount and purpose of such expenditure.

A review of the 1990 October Quarterly Report revealed that the date of payment was omitted for all disbursements, (23 items totaling \$8,458.48).

In light of the above, it appears that the Bob Allen For Congress Committee and Javier Nunez, as treasurer, failed to report the date expenditures were made for the period covered by the 1990 October Quarterly Report in violation of 2 U.S.C. § 434(b)(5)(A).

E. Receipts Documentation

Pursuant to 2 U.S.C. § 432(c) and (d), the treasurer of a political committee shall keep an account of all contributions received by or on behalf of such political

93040982789



committee; the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person; and, the identification of any person who makes a contribution or contributions aggregating more than \$200 during calendar year, together with the date and amount of any such contribution. The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed.

Pursuant to 2 U.S.C. § 431(13)(A) and (B), the term "identification" means, in the case of any individual, the name, the mailing address, and the occupation, as well as name of his or her employer; and in such case of any other person, the full name and address of such person.

The Audit staff's review of receipts documentation indicated that for the period September 12, 1989, through October 21, 1990, the Committee maintained photocopies of contributor checks attached to deposit tickets on which bank routing numbers were recorded. The majority of the check copies were traced to the deposit tickets for this period; however check copies were not found for deposits (or a portion thereof) totaling \$4,835.

For the period October 22, 1990, through December 31, 1990, the Committee also maintained photocopies of contributor checks, however the check copies were not attached to deposit tickets. The contributor input sheets were presumably created to gather contributor information for input into a computerized

93040982790

contribution data base. The Treasurer was unable to provide any information as to whether a data base was created.

During this period deposits totaling \$50,210.85 were noted based on our review of the bank records made available. The Audit staff identified check copies totaling \$40,168.43, related to deposits, leaving a total of \$10,042.42 undocumented.

In addition, the Committee reported in-kind contributions, totaling \$4,105.70 but could not provide any documentation in support of these contributions.

Based on the above, it appears that the Allen Committee failed to keep an account of all contributions received; failed to report the name and address of all persons who made any contribution in excess of \$50, together with the date and amount of such contribution; and, failed to identify all persons who made a contribution or contributions aggregating more than \$200 during the calendar year, together with the date and amount of any such contribution; and failed to preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed, in violation of 2 U.S.C. §§ 432(c) and (d).

F. Debts and Obligations

Pursuant to 2 U.S.C. § 434(b)(8), each report filed by the treasurer of a political committee must disclose the amount and nature of outstanding debts and obligations owed by such political committee. Debts and obligations shall be continuously reported until extinguished. 11 C.F.R. § 104.11. In addition, 11 C.F.R. § 104.11(b) states that debts of \$500 or

93040982791

less shall be reported as of the time payment is made or no later than 60 days after the obligation is incurred and that debts in excess of \$500 shall be reported at the time of the transaction.

The Committee did not report any debts or obligations during the period covered by the audit except for loans from the candidate. Although requested by the Audit staff, the Committee was unable to provide vendor invoices from which the Audit staff could determine whether any reportable debt was incurred by the Committee. The Treasurer stated that the vendor invoices were not in his possession but he would attempt to obtain them. He further stated that the only debt he was aware of (other than the candidate loans) was state payroll taxes; however he was unsure how much was owed.

Based on the foregoing, it appears that Bob Allen For Congress and Javier Nunez, as treasurer, failed to disclose outstanding debts and obligations in violation of 2 U.S.C. § 434(b)(8).

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

93040982792



93040982793

93040982794

9 3 0 4 0 9 8 2 7 9 5

IV. RECOMMENDATIONS

1. Find reason to believe that Bob Allen For Congress and Javier Nunez, as treasurer, violated 2 U.S.C. §§ 432(c) and (d); 434(a)(2)(A)(ii) and (iii); 434(b)(1), (2) and (4); 434(b)(5)(A); 434(b)(8); and 441b(a).
2. Find reason to believe that Stanley Tate Builders, Inc., violated 2 U.S.C. § 441b(a).
3. Enter into preprobable cause conciliation negotiations with Bob Allen For Congress and Javier Nunez, as treasurer, and Stanley Tate Builders, Inc.
4. Approve the attached Factual and Legal Analyses.


5. Approve the attached conciliation agreements
6. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date

6/9/92

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Factual and Legal Analyses (2)
2. Conciliation Agreement (2)

93040982796



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE J. ROSS *[Signature]*
COMMISSION SECRETARY

DATE: JUNE 12, 1992

SUBJECT: MUR 3468 - MEMORANDUM TO THE COMMISSION
DATED JUNE 10, 1992.

The above-captioned document was circulated to the
Commission on Wednesday, June 10, 1992 at 4:00 p.m.

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

Commissioner Aikens	_____
Commissioner Elliott	XXX
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Potter	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda
for Tuesday, June 23, 1992.

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

93040982797

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3468
Bob Allen For Congress and)
Javier Nunez, as treasurer;)
Stanley Tate Builders, Inc.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 23, 1992, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3468:

1. Find reason to believe that Bob Allen For Congress and Javier Nunez, as treasurer, violated 2 U.S.C. §§ 432(c) and (d); 434(a)(2)(A)(ii) and (iii); 434(b)(1), (2), and (4); 434(b)(5)(A); 434(b)(8); and 441b(a).
2. Find reason to believe that Stanley Tate Builders, Inc., violated 2 U.S.C. § 441b(a).
3. Enter into preprobable cause conciliation negotiations with Bob Allen For Congress and Javier Nunez, as treasurer, and Stanley Tate Builders, Inc.
4. Approve the Factual and Legal Analyses as recommended in the General Counsel's report dated June 9, 1992.

(continued)

93040982798

5. Approve the conciliation agreements as recommended in the General Counsel's report dated June 9, 1992.
6. Approve the appropriate letters as recommended in the General Counsel's report dated June 9, 1992.

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

Attest:

6-24-92
Date

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

93040982799



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 1, 1992

Javier Nunez, Treasurer
Bob Allen For Congress
2937 SW 27th Avenue, Suite 306
Miami, Florida 33133

RE: MUR 3468
Bob Allen For Congress and
Javier Nunez, as treasurer

Dear Mr. Nunez:

On June 23, 1992, the Federal Election Commission found that there is reason to believe Bob Allen For Congress ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 432(c) and (d); 434(a)(2)(A)(ii) and (iii); 434(b)(1), (2), and (4); 434(b)(1), (2), and (4); 434(b)(5)(A); 434(b)(8); and 441b(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you

93040982800

Javier Nunez, Treasurer
Page 2

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 Phillip L. Wise, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

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

93040982801

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Bob Allen For Congress and Javier Nunez, MUR: 3468
as treasurer

The Office of the General Counsel received a referral from the Audit Division ("Audit"). The bases for the referral were the failure of Bob Allen For Congress ("Allen Committee") and Javier Nunez, as treasurer,^{1/} to file reports, misstatement of financial activity, apparent prohibited contributions, omission of disclosure information, failure to furnish receipts documentation, and failure to report debts and obligations.

A. Failure to File Report

Pursuant to 2 U.S.C. §§ 434(a)(2)(A)(ii) and (iii), if a committee is the principal campaign committee of a candidate for the House of Representatives in any calendar year during which there is a regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file such reports: a post general election report no later than the 30th day after any general election in which such candidate has sought election, and which shall be

^{1/} The Committee registered with the House of Representatives on October 6, 1989 as The Committee to Elect Bob Allen to Congress, the principal campaign committee of Bob Allen, Republican candidate for the U.S. House of Representatives for District 19 from the state of Florida. On November 27, 1989, the Committee filed an amendment to its statement of organization changing its name to Bob Allen for Congress.

The audit covered the period from the Committee's inception through December 31, 1990. The Committee reported a beginning cash balance of \$0; total receipts for the period of \$162,660.46; total disbursements for the period of \$160,221.75; and a closing cash balance on October 17, 1990, of \$2,399.20.

93040982802

complete as of the 20th day before such general election; and additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter; except that the quarter ending December 31 shall be filed no later than January 31 of the following calendar year.

93040982803
The last report filed by the Committee was the Pre General Election report which covered the period October 1, 1990, through October 17, 1990. The Committee did not file a Post General Election report, October 18, 1990, through November 26, 1990, and a Year End report, November 27, 1990, through December 31, 1990.^{2/} On February 22, 1991, the Commission's Reports Analysis Division notified the Committee that the reports had not been received. According to Audit, a review of bank records provided by the Committee indicated that reportable activity totaling \$49,875.37 in receipts and \$48,596.77 in disbursements occurred during this period.

The treasurer stated that the majority of the activity during this period related to a fundraising dinner which the Vice President's wife attended. He said the records relating to the dinner were not provided to him; therefore he was unable to file a report.^{3/}

Based on the foregoing, it appears that the Allen Committee

^{2/} The Committee also has not filed the 1991 Mid Year Report or 1991 Year End Report.

^{3/} Records relating to this period were provided to the Audit staff by the candidate during fieldwork.

has failed to file its 1990 Post General Election Report and 1990 Year End Report in violation of 2 U.S.C. §§ 434(a)(2)(A)(ii) and (iii).

B. Misstatement of Financial Activity

Pursuant to 2 U.S.C. §§ 434(b)(1), (2) and (4) a committee is required to report the amount of cash on hand at the beginning of each reporting period and the total amount of all receipts and disbursements for the reporting period and calendar year.

The Audit staff's reconciliation of the Committee's reported activity to its bank activity revealed that reported receipts were understated by a net amount of \$1,119.21 and reported disbursements were understated by a net amount of \$2,742.99. The misstatement in receipts was the result of interest income not reported and other unexplained miscellaneous differences. The misstatement in disbursements was the result of disbursements not being reported, checks reported in the incorrect amount, offsets to in-kind contributions not reported, unreported bank service charges, and other miscellaneous differences.

In view of the above, it appears that the Allen Committee has misstated its receipts and disbursements in violation of 2 U.S.C. §§ 434(b)(1), (2) and (4).

C. Apparent Prohibited Contributions

Pursuant to 2 U.S.C. § 441b(a), it is unlawful for any corporation to make a contribution in connection with any federal election or for any candidate, political committee or

93040982804

other person knowingly to accept or receive any contribution prohibited by this section.

According to Audit, a review of the Committee's contributor records revealed 7 contributions, totaling \$2,870, from 6 business entities. The corporate contributors were 27 Farms, Inc. (\$500 on 3/6/90), Florida Overseas HWY, Inc. (\$1,000 on 5/7/90), H.J.C. Associates, Inc. (\$100 on 6/22/90), The Gothard Group (\$100 on 8/10/90), Stanley Tate Builders, Inc. (\$1,000 and \$20 both on 8/10/90), and DJS Marketing Group, Inc. (\$150 on 10/31/90). The contributors noted above were verified with the Florida Secretary of State's Office as being incorporated.

Based on the above, it appears that the Allen Committee knowingly accepted prohibited contributions from corporations in violation of 2 U.S.C. § 441b(a).

D. Omission of Disclosure Information

Pursuant to 2 U.S.C. § 434(b)(5)(A) each report under this section shall disclose the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made, together with the date, amount and purpose of such expenditure.

A review of the 1990 October Quarterly Report revealed that the date of payment was omitted for all disbursements, (23 items totaling \$8,458.48).

In light of the above, it appears that the Bob Allen For Congress Committee and Javier Nunez, as treasurer, failed to report the date expenditures were made for the period covered by the 1990 October Quarterly Report in violation of 2 U.S.C.

93040982805

§ 434(b)(5)(A).

E. Receipts Documentation

Pursuant to 2 U.S.C. § 432(c) and (d), the treasurer of a political committee shall keep an account of all contributions received by or on behalf of such political committee; the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person; and, the identification of any person who makes a contribution or contributions aggregating more than \$200 during calendar year, together with the date and amount of any such contribution. The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed.

Pursuant to 2 U.S.C. § 431(13)(A) and (B), the term "identification" means, in the case of any individual, the name, the mailing address, and the occupation, as well as name of his or her employer; and in such case of any other person, the full name and address of such person.

The Audit staff's review of receipts documentation indicated that for the period September 12, 1989, through October 21, 1990, the Committee maintained photocopies of contributor checks attached to deposit tickets on which bank routing numbers were recorded. The majority of the check copies were traced to the deposit tickets for this period; however check copies were not found for deposits (or a portion thereof) totaling \$4,835.

93040982806

For the period October 22, 1990, through December 31, 1990, the Committee also maintained photocopies of contributor checks, however the check copies were not attached to deposit tickets. The contributor input sheets were presumably created to gather contributor information for input into a computerized contribution data base. The Treasurer was unable to provide any information as to whether a data base was created.

During this period deposits totaling \$50,210.85 were noted based on our review of the bank records made available. The Audit staff identified check copies totaling \$40,168.43, related to deposits, leaving a total of \$10,042.42 undocumented.

In addition, the Committee reported in-kind contributions, totaling \$4,105.70 but could not provide any documentation in support of these contributions.

Based on the above, it appears that the Allen Committee failed to keep an account of all contributions received; failed to report the name and address of all persons who made any contribution in excess of \$50, together with the date and amount of such contribution; and, failed to identify all persons who made a contribution or contributions aggregating more than \$200 during the calendar year, together with the date and amount of any such contribution; and failed to preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed, in violation of 2 U.S.C. §§ 432(c) and (d).

F. Debts and Obligations

Pursuant to 2 U.S.C. § 434(b)(8), each report filed by

93040982807

the treasurer of a political committee must disclose the amount and nature of outstanding debts and obligations owed by such political committee. Debts and obligations shall be continuously reported until extinguished. 11 C.F.R. § 104.11. In addition, 11 C.F.R. § 104.11(b) states that debts of \$500 or less shall be reported as of the time payment is made or no later than 60 days after the obligation is incurred and that debts in excess of \$500 shall be reported at the time of the transaction.

93040982808
The Committee did not report any debts or obligations during the period covered by the audit except for loans from the candidate. Although requested by the Audit staff, the Committee was unable to provide vendor invoices from which the Audit staff could determine whether any reportable debt was incurred by the Committee. The Treasurer stated that the vendor invoices were not in his possession but he would attempt to obtain them. He further stated that the only debt he was aware of (other than the candidate loans) was state payroll taxes; however he was unsure how much was owed.

Based on the foregoing, it appears that Bob Allen For Congress and Javier Nunez, as treasurer, failed to disclose outstanding debts and obligations in violation of 2 U.S.C. § 434(b)(8).

Therefore, there is reason to believe that Bob Allen For Congress and Javier Nunez, as treasurer violated 2 U.S.C. §§ 432(c) and (d); 434(a)(2)(A)(ii) and (iii); 434(b)(1), (2) and (4); 434(b)(5)(A); 434(b)(8); and 441b(a).



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 1, 1992

Stanley Tate Builders, Inc.
1175 NE 125th St.
Suite 102
North Miami, Florida 33161

RE: MUR 3468
Stanley Tate Builders, Inc.

Dear Sir or Madam:

On June 23, 1992, the Federal Election Commission found that there is reason to believe the Stanley Tate Builders, Inc., violated 2 U.S.C. § 441b(a), 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.

93040982809

Stanley Tate Builders, Inc.
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 Phillip L. Wise, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Stanely Tate Builders, Inc.

MUR: 3468

Pursuant to 2 U.S.C. § 441b(a), it is unlawful for any corporation to make a contribution in connection with any federal election.

A review of the Bob Allen For Congress' contributor records filed with the Federal Election commission revealed contributions from Stanley Tate Builders, Inc., on August 10, 1990, totaling \$1,020.00.

Therefore, there is reason to believe that the Stanley Tate Builders, Inc., violated 2 U.S.C. § 441b(a).

93040982811





Tate Enterprises

06C 5126
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL

92 JUL 13 PM 3:43

1175 N.E. 125 Street • Suite 102 • North Miami, Florida 33161
Dade 891-1106 • Broward 981-4205 • Boca Raton (407) 428-8399

July 8, 1992

Ms. Joan D. Aikens, Chairman
Federal Election Commission
Washington, D. C. 20463

In re: MUR 3468 - Stanley Tate Builders, Inc.
(Stanley Tate, Builder - non corporate account)

Dear Ms. Aikens:

Relative to your July 1, 1992 letter, indicating that there is "reason to believe that Stanley Tate Builders, Inc. violated the provisions of the Federal Election Campaign Act of 1971, as amended, please be advised that the check that was tendered to the "Bob Allen for Congress" campaign was not drawn on a corporation account.

The account is one established for my use, and is entitled "Stanley Tate Builder".

We are enclosing a copy of the check you referred to (your notice reflects \$1,020.00 - the check was in the amount of \$1,000.00).

The contributor records that were filed with the Federal Election Commission by the Bob Allen for Congress office incorrectly named Stanley Tate Builders, Inc. (which is one of my corporations, but not the entity that made the contribution).

Please advise if you require something further to clear this matter.

Cordially yours,

STANLEY G. TATE

SGT:dhh

Enclosure: Front and back of cancelled check

cc: Bob Allen

OTHER OFFICE LOCATIONS:

Delray Beach, FL
(407) 498-3277

Ft. Pierce, FL
(407) 466-2701

Tallahassee, FL
(904) 681-6310

Arlington, TX
(817) 277-3434

Denver, Colo.
(303) 293-2982

Washington, D.C.
(202) 466-6112

STANLEY TATE BUILDING COMPANY
202 BE 1ST STREET, MIAMI, FLORIDA 33131

9 3 0 4 0 9 8 2 8 1 3

2388

STANLEY TATE BUILDER

P O BOX 611603
NORTH MIAMI, FL 33261-1603

61-8731010
3660

July 30, 19 90

PAY
TO THE
ORDER OF

Bob ~~Ballard~~ ~~for~~ Congressman 22 CP \$17,000.00

THE SUM **1000** DOLLARS

DOLLARS



ATICO SAVINGS BANK
202 BE 1ST STREET, MIAMI, FLORIDA 33131

DOWNTOWN MIAMI OFFICE

[Signature]

PAY TO THE ORDER OF
TOTALBANK
MIAMI, FLORIDA 33145
066009155
FOR DEPOSIT ONLY
CAMPAIGN ACCOUNT
Bob Allen for Congress
400166114 06

END OF MESSAGE

930409

001021004573***4
06600058154082 08-13/94 0940-90
12606464

*FEDERAL RESERVE BOARD OF GOVERNORS REG. CO.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bob Allen For Congress and Javier Nunez,) MUR 3468
as treasurer)

Stanley Tate Builders, Inc.)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 23, 1992, the Federal Election Commission found that there is reason to believe the Stanley Tate Builders, Inc., violated 2 U.S.C. § 441b(a). This finding was based on the fact that an Audit review of the Bob Allen For Congress's contributor records revealed what appeared to be contributions from the Stanley Tate Builders, Inc., on August 10, 1990, totaling \$1,020.00. On July 1, 1992, notice of the Commission's finding, along with a proposed conciliation agreement

On July 13, 1992, Stanley Tate responded to the Commission's reason to believe notification. (Attachment 1). In this response Mr. Tate explained that the Bob Allen For Congress's contributor records have incorrectly listed the contributions as being from his corporation, when the contributions in fact were made from his non corporate account which is entitled "Stanley Tate Builder", and was established for his use. As evidence of this fact attached to Mr. Tate's response was a copy of the front and back of a \$1,000.00 check

93040982815

drawn on this account and made payable to and negotiated by Bob Allen For Congress.

Based on the foregoing it appears that the Stanley Tate Builders, Inc. made no contributions to Bob Allen For Congress. Therefore, the General Counsel Recommends that the Commission take no further action and close this matter as it pertains to Stanley Tate Builders, Inc.

II. RECOMMENDATIONS


1. Take no further action against Stanley Tate Builders, Inc.
2. Close the file as it pertains to Stanley Tate Builders, Inc.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

7/24/92

BY:


Lois G. Lerner
Associate General Counsel

Attachment

Stanley Tate's RTB response

Staff assigned: Phillip L. Wise

93040982816

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Bob Allen For Congress and) MUR 3468
Javier Nunez, as treasurer;)
)
Stanley Tate Builders, Inc.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 29, 1992, the Commission decided by a vote of 6-0 to take the following actions in MUR 3468:

1. Take no further action against Stanley Tate Builders, Inc.
2. Close the file as it pertains to Stanley Tate Builders, Inc.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated July 24, 1992.

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

Attest:

7-29-92
Date

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

Received in the Secretariat: Thurs., July 23, 1992 3:26 p.m.
Circulated to the Commission: Fri., July 24, 1992 12:00 p.m.
Deadline for vote: Wed., July 29, 1992 4:00 p.m.

dr

93040982817



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 4, 1992

Stanley Tate Builders, Inc.
1175 NE 125th St.
Suite 102
North Miami, Florida 33161

RE: MUR 3468
Stanley Tate Builders, Inc.

Dear Mr. Tate:

On July 1, 1992, you were notified that the Federal Election Commission found that there is reason to believe the Stanley Tate Builders, Inc., violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). On July 13, 1992, you submitted a response to the Commission's reason to believe finding. After considering the circumstances of the matter, the Commission determined on July 29, 1992, to take no further action against the Stanley Tate Builders, Inc., and closed the file as it pertains to the Stanley Tate Builders, Inc. The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at
(202) 219-3690.

Sincerely,

Phillip L. Wise
Phillip L. Wise
Attorney

93040982818



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 23, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Javier Nunez, Treasurer
Bob Allen For Congress
2100 Ponce de Leon Boulevard
Suite #1110
Coral Gables, Florida 33134

RE: MUR 3468
Bob Allen For Congress and
Javier Nunez, as treasurer

Dear Nunez:

On or about August 24, 1992, you were notified that the Federal Election Commission, on June 23, 1992, found reason to believe Bob Allen For Congress and Javier Nunez, as treasurer violated 2 U.S.C. §§ 432(c) and (d); 434(a)(2)(A)(ii) and (iii); 434(b)(1), (2), and (4); 434(b)(5)(A); 434(b)(8); and 441b(a). Enclosed are copies of the material that was sent to you at that time. Under the Federal Election Campaign Act of 1971, as amended, and Commission regulations, you have an opportunity to demonstrate that no action should be taken against Bob Allen For Congress and Javier Nunez, as treasurer.

A review of our files indicates that to date you have not responded to the Commission's findings. Unless we receive a response from you within 10 days, this matter will proceed to the next stage of the enforcement process.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,

Phillip L. Wise
Phillip L. Wise
Attorney

Enclosures

93040982819



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 22, 1993

Javier Nunez, Treasurer
Bob Allen For Congress
2100 Ponce de Leon Boulevard
Suite #1110
Coral Gables, Florida 33134

RE: MUR 3468
Bob Allen For Congress and
Javier Nunez, as treasurer

Dear Nunez:

On or about August 24, 1992, you were notified that the Federal Election Commission, on June 23, 1992, found reason to believe Bob Allen For Congress and Javier Nunez, as treasurer violated 2 U.S.C. §§ 432(c) and (d); 434(a)(2)(A)(ii) and (iii); 434(b)(1), (2), and (4); 434(b)(5)(A); 434(b)(8); and 441b(a). Enclosed are copies of the material that was sent to you at that time. Under the Federal Election Campaign Act of 1971, as amended, and Commission regulations, you have an opportunity to demonstrate that no action should be taken against Bob Allen For Congress and Javier Nunez, as treasurer.

A review of our files indicated that you had not responded to the Commission's findings. Therefore, on September 23, 1992, a reminder letter was mailed to you requesting a response within 10 days and informing you that if no such response was forthcoming that this matter would proceed to the next stage of the enforcement process. No response has been received therefore be advised that this Office is now proceeding to the above mentioned next stage in the enforcement process.

Should you have any questions, please contact me at
(202) 219-3690.

Sincerely,

Phillip L. Wise
Phillip L. Wise
Attorney

93040982820

MUR # 3468

ADDITIONAL DOCUMENTS WILL BE ADDED TO THIS FILE AS THEY
BECOME AVAILABLE. PLEASE CHECK FOR ADDITIONAL MICROFILM
LOCATIONS.

93040982821



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20461

THIS IS THE End of MUR# 3468

DATE FILMED 10/27/93 CAMERA NO. 2

CAMERAMAN MC

930409828222



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

☒ Microfilm
☐ Public Records
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3468.

12/10/93

93043542643

THE READER IS REFERRED TO ADDITIONAL MICROFILM LOCATIONS
FOR THE FOLLOWING DOCUMENTS PERTINENT TO THIS CASE

1. Memo, General Counsel to the Commission, dated September 22, 1992, Subject: Priority System Report.
See Reel 354, pages 1590-94.
2. Memo, General Counsel to the Commission, dated April 14, 1993, Subject: Enforcement Priority System.
See Reel 354, pages 1595-1620.
3. Certification of Commission vote, dated April 28, 1993.
See Reel 354, pages 1621-22.
4. General Counsel's Report, In the Matter of Enforcement Priority, dated December 3, 1993.
See Reel 354, pages 1623-1740.
5. Certification of Commission vote, dated December 9, 1993.
See Reel 354, pages 1741-1746.

93043542644



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Javier Nunez, Treasurer
Bob Allen For Congress
2100 Ponce de Leon Boulevard
Suite #1110
Coral Gables, Florida 33134

RE: MUR 3468
Bob Allen For Congress and
Javier Nunez, as treasurer

Dear Nunez:

On or about July 1, 1992, you were notified that the Federal Election Commission, on June 23, 1992, found reason to believe Bob Allen For Congress and Javier Nunez, as treasurer violated 2 U.S.C. §§ 432(c) and (d); 434(a)(2)(A)(ii) and (iii); 434(b)(1), (2), and (4); 434(b)(5)(A); 434(b)(8); and 441b(a).

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no further action against the Committee and you as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receipt of your additional materials, any permissible submissions will be added to the public record when they are received.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise
Phillip L. Wise
Attorney

Attachment:
Narrative

Date the Commission voted to close the file:

DEC 09 1993

93043542645

MUR 3468
BOB ALLEN FOR CONGRESS

This MUR was initially generated by an audit referral. On June 23, 1992, the Commission found reason to believe that Bob Allen for Congress and Javier Nunez, as treasurer: failed to file certain reports; misstated certain financial activity; failed to include certain disclosure information in reports; failed to furnish receipts to document certain expenditures; and failed to report debts and obligations. The Commission also found reason to believe that respondents had violated 441b(a) by accepting \$2,870 in corporate contributions, \$1,020 of which the Commission has subsequently determined were actually proper personal contributions. The Commission authorized pre-probable cause conciliation, but the respondents have not responded to either the conciliation offer or to a recent letter.

The events that are the subject of this case had little or no impact on the process. In addition, there were no substantial amounts of money involved.

93043542646