



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3482

DATE FILMED 7-9-92 CAMERA NO. 4

CAMERAMAN E.E.S.

92040904977

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: January 21, 1992

ANALYST: Robert B. DiNardo

I. COMMITTEE:

California Avocado Proponent
(C00111047)
Chris Miller, Treasurer (4/19/91-present)
Warren Currier, Treasurer
(7/1/85-4/19/91)
1200 Third Avenue, Suite 700
San Diego, CA 92101

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

III. BACKGROUND:

Receipt of Contributions from Apparent Corporations

California Avocado Proponent ("the Committee") received eleven (11) contributions, totalling \$5,870, from eleven (11) apparent corporations during the 1991 Mid-Year reporting period.

On July 31, 1991, the Committee filed its 1991 Mid-Year Report which disclosed a total of \$8,220 in receipts from eighteen (18) apparent corporations between February 25 and April 5, 1991 (Attachment 2).

On October 30, 1991, a Request for Additional Information ("RFAI") was sent to the Committee. The RFAI notified the Committee it may have received corporate contributions. If the contributions were received from corporations, the RFAI recommended that the Committee refund and/or transfer-out the entire amount. If the contributions were received from partnerships, the RFAI requested partner attribution information (Attachment 3).

On November 21, 1991, a Second Notice was sent to the Committee for failure to respond to the RFAI (Attachment 4).

On December 11, 1991, Chris Miller, a representative of the Committee, called the Reports Analysis Division ("RAD")

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analyst. Mr. Miller requested advice on procedures the Committee should take. The RAD analyst told him to find out if the contributions were received from corporations or partnerships. If received from partnerships, the Committee needed to provide partner attribution information. If received from corporations, the Committee needed to transfer-out and/or refund the amount, and provide the Commission with a photocopy of the refund/transfer check. The RAD analyst also told Mr. Miller to provide a written response outlining the problem (Attachment 5).

On December 16, 1991, the Commission received a written response from the Committee. The Committee listed a total of \$5,870 in contributions from eleven (11) separate corporations. These contributions were erroneously deposited into the federal account and were transferred to the Committee's non-federal account on December 11, 1991. The Committee also provided a photocopy of the transfer check and provided memo schedules which disclosed the partnership attribution information for the other seven (7) contributions noted in the RFAI (Attachment 6).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFIL LOCATION
						TYPE OF FILER

CALIFORNIA AVOCADO PROPONENT		ID NC00111047 NON-PARTY QUALIFIED				
CONNECTED ORGANIZATION: AVOCADO ADVOCATE; CALIFORNIA - STATE						
1991	STATEMENT OF ORGANIZATION - AMENDMENT			12APR91	2	91FEC/692/2861
	STATEMENT OF ORGANIZATION - AMENDMENT			29APR91	2	91FEC/694/2627
	MID-YEAR REPORT	42,361	11,123	1JAN91 - 30JUN91	13	91FEC/708/1670
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN91 - 30JUN91	14	91FEC/723/1541
	REQUEST FOR ADDITIONAL INFORMATION			1JAN91 - 30JUN91	9	91FEC/716/5134
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN91 - 30JUN91	10	91FEC/725/3849
TOTAL		42,361	0 11,123 0	50 TOTAL PAGES		

All reports listed have been reviewed.

Ending cash-on-hand as of 6/30/91: \$31,453.27

Debts and obligations owed to the committee as of 6/30/91: \$0

Debts and obligations owed by the committee as of 6/30/91: \$0

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1991 Mid-Year Report

ATTACHMENT #2
PAGE 1 of 5
Page: 1 of 8

SCHEDULE A

ITEMIZED RECEIPTS

Line Number 11A

Statement Covers Period From 01/01/91 through 06/30/91

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

Name of Committee: CALIFORNIA AVOCADO PROponent - PFD

Donor Name	Employer	Date	Amount
Deacon Hills Ranch P. O. Box 271220 Escondido CA 92027	Best Effort	02/25/91	\$ 1,300.00
Receipt For: Primary		Occupation: Best Effort	Aggregate YTD: \$ 1,300.00

Donor Name	Employer	Date	Amount
Volbert J. Bernbeck 851 Hospital Road Newport Beach CA 92663	Best Effort	03/05/91	\$ 600.00
Receipt For: Primary		Occupation: Best Effort	Aggregate YTD: \$ 600.00

Donor Name	Employer	Date	Amount
John Berchard 15 Carriage South Oxnard CA 93030	Best Effort	03/05/91	\$ 300.00
Receipt For: Primary		Occupation: Best Effort	Aggregate YTD: \$ 300.00

Donor Name	Employer	Date	Amount
Michael Cavaletto 902 North Thompson Avenue Hesperia CA 93446	Best Effort	03/27/91	\$ 500.00
Receipt For: Primary		Occupation: Best Effort	Aggregate YTD: \$ 500.00

Donor Name	Employer	Date	Amount
Cloveridge Ranch 2046 Oro Verde Road Escondido CA 92027	Best Effort	03/05/91	\$ 300.00
Receipt For: Primary		Occupation: Best Effort	Aggregate YTD: \$ 300.00

Donor Name	Employer	Date	Amount
Crason Ranch P. O. Box 2957 Culver City CA 92030	Best Effort	03/05/91	\$ 225.00
Receipt For: Primary		Occupation: Best Effort	Aggregate YTD: \$ 225.00

Donor Name	Employer	Date	Amount
Deaver Grove Management 911 Deodar Road Escondido CA 92026	Best Effort	02/28/91	\$ 250.00
Receipt For: Primary		Occupation: Best Effort	Aggregate YTD: \$ 250.00

SUBTOTAL of Receipts This Page..... \$ 3,525.00

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SCHEDULE A

ITEMIZED RECEIPTS

Line Number 11A

Statement Covers Period From: 01/01/91 through 06/30/91

Name of Committee: CALIFORNIA AVOCADO PROPONENT - FED

Employer	Date	Amount
John V. Delviche 7032 Casitas Pass Road Carpinteria CA 93013 Receipt For: Primary	03/28/91	\$ 810.00
Occupation: Best Effort Aggregate YTD: \$ 810.00		
Timothy Deheny Route 1, Box 234A Calesta CA 93117 Receipt For: Primary	03/28/91	\$ 100.00
Occupation: Best Effort Aggregate YTD: \$ 100.00		
Don Frechberg 630 North Brand Boulevard Glendale CA 91203 Receipt For: Primary	03/28/91	\$ 300.00
Occupation: Best Effort Aggregate YTD: \$ 300.00		
John B. Friedrich 4101 Santa Clara Avenue Oakland CA 93638 Receipt For: Primary	03/21/91	\$ 252.00
Occupation: Best Effort Aggregate YTD: \$ 252.00		
Grace Farms & Orchards 7015 Vista del Rincon Ventura CA 93001 Receipt For: Primary	03/21/91	\$ 1,000.00
Occupation: Best Effort Aggregate YTD: \$ 1,000.00		
Edward P. Grangetto 2601 Mountain View Drive Escondido CA 92027 Receipt For: Primary	02/26/91	\$ 210.00
Occupation: Best Effort Aggregate YTD: \$ 210.00		
Henry Ranch P. O. Box 27867 Escondido CA 92027 Receipt For: Primary	02/25/91	\$ 390.00
Occupation: Best Effort Aggregate YTD: \$ 390.00		
Max Hoepfner 33518 Conner Canyon Road Valley Center CA 92082 Receipt For: Primary	05/01/91	\$ 228.00
Occupation: Best Effort Aggregate YTD: \$ 228.00		

SUBTOTAL of Receipts This Page..... \$ 3,287.00

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SCHEDULE A

ITEMIZED RECEIPTS

Line Number 11A

Statement Covers Period From 01/01/91 through 06/30/91

Name of Committee: CALIFORNIA AVOCADO PROponent - FED

Employer	Date	Amount
Walter Hoffman 1000 South Seaward Avenue Ventura CA 93001 Receipt For: Primary	03/01/91	\$ 300.00
Occupation: Best Effort Aggregate YTD: \$		300.00

Employer	Date	Amount
Baron House P. O. Box 548 Yorba Linda CA 92686 Receipt For: Primary	04/17/91	\$ 109.00
Occupation: Best Effort Aggregate YTD: \$		309.00

Employer	Date	Amount
La Conchita Ranch 7015 Vista del Rincon Ventura CA 93001 Receipt For: Primary	03/11/91	\$ 1,000.00
Occupation: Best Effort Aggregate YTD: \$		1,000.00

Employer	Date	Amount
Le Fon - Patagoff 2476 Briarwood Court Escondido CA 92025 Receipt For: Primary	03/04/91	\$ 350.00
Occupation: Best Effort Aggregate YTD: \$		350.00

Employer	Date	Amount
Robert B. Lamb 2037 Hilltop Lane Canarillo CA 93010 Receipt For: Primary	03/28/91	\$ 450.00
Occupation: Best Effort Aggregate YTD: \$		450.00

Employer	Date	Amount
Hsiung Wei Li 24233 Keece Street Torrance CA 90505 Receipt For: Primary	03/05/91	\$ 330.00
Occupation: Best Effort Aggregate YTD: \$		330.00

Employer	Date	Amount
Lilac Mountain Ranch P. O. Box 1537 Teneccula CA 92390 Receipt For: Primary	03/13/91	\$ 360.00
Occupation: Best Effort Aggregate YTD: \$		360.00

Employer	Date	Amount
Los Ranchos Buena Vista P. O. Box 1237 Teneccula CA 92390 Receipt For: Primary	03/21/91	\$ 240.00
Occupation: Best Effort Aggregate YTD: \$		240.00

SUBTOTAL of Receipts This Page..... \$ 3,339.00

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1991 Mid - Year Report

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SCHEDULE A

ITEMIZED RECEIPTS

Line Number 11A

Statement Covers Period From 01/01/91 through 06/30/91

Name of Committee: CALIFORNIA AVOCADO PROPONENT - FED

Robert C. Lucy 3312 Sol Vista Fallbrook Receipt For: Primary	CA 92028	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 1,900.00	Date 06/16/91	Amount \$ 1,900.00
Glen S. Parks Route 1, Box 244 Colton Receipt For: Primary	CA 93117	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 1,000.00	Date 03/28/91	Amount \$ 1,000.00
John Peck, Jr. P.O. Box 278 Rancho Santa Fe Receipt For: Primary	CA 92067	Employer Peck Ranch Occupation: Rancher Aggregate YTD: \$ 675.00	Date 03/27/91	Amount \$ 675.00
Adrian Pinkerton P. O. Box 4099 Ventura Receipt For: Primary	CA 93004	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 2,300.00	Date 02/22/91 02/22/91	Amount \$ 2,000.00 \$ 300.00
Rancho Abuelos 2231 Bozsey Road Santa Paula Receipt For: Primary	CA 93060	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 300.00	Date 03/05/91	Amount \$ 300.00
Rancho Erico 2355 East Lincoln Avenue P. O. Box 28767 Escondido Receipt For: Primary	CA 920270660	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 240.00	Date 02/25/91	Amount \$ 240.00
Rancho Eugenio 2355 East Lincoln Avenue P. O. Box 27867 Escondido Receipt For: Primary	CA 920270666	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 300.00	Date 02/25/91	Amount \$ 300.00
Rancho Trio 2355 East Lincoln Avenue P. O. Box 27867 Escondido Receipt For: Primary	CA 920670668	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 240.00	Date 02/25/91	Amount \$ 240.00

SUBTOTAL of Receipts This Page..... \$ 6,945.00

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SCHEDULE A

ITEMIZED RECEIPTS

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PAGE 5 of 5

Line Number 11A

Statement Covers Period From 01/01/91 through 06/30/91

Name of Committee: CALIFORNIA AVOCADO PROPONENT - FED

Rice Company 10590 Cramer Way Valley Center CA 92082 Receipt For: Primary	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 450.00	Date 03/04/91	Amount \$ 450.00
San Luis Rey/Merced Group P. O. Box 301220 Escondido CA 92026 Receipt For: Primary	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 600.00	Date 02/25/91	Amount \$ 600.00
Sierra Pacific AG Investments PO Box 1837 Menlo Park CA 94025 Receipt For: Primary	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 325.00	Date 03/13/91	Amount \$ 325.00
Solk Ranch 101 State Place, #1 Escondido CA 92029 Receipt For: Primary	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 300.00	Date 04/05/91	Amount \$ 300.00
Leonard Teysaier 825 Huirlands Drive La Jolla CA 92037 Receipt For: Primary	Employer Atomic Investment, Inc. Occupation: President Aggregate YTD: \$ 140.00	Date 03/11/91	Amount \$ 400.00
Donald F. Wild 1660 Wild Acres Road Vista CA 92084 Receipt For: Primary	Employer Self Wild Acres Ranch Occupation: Grower Aggregate YTD: \$ 420.00	Date 04/17/91	Amount \$ 420.00
William Vitman 13868 San Pasqual Road Escondido CA 92025 Receipt For: Primary	Employer Best Effort Occupation: Best Effort Aggregate YTD: \$ 300.00	Date 02/26/91	Amount \$ 300.00

SUBTOTAL of Receipts This Page..... \$ 2,875.00

TOTAL This Period.....\$ 20,081.00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

20-3

Chris Miller, Treasurer
California Avocado Proponent
1300 Third Avenue, Suite 700
San Diego, CA 92101

OCT 30 1991

Identification Number: C00111047

Reference: Mid-Year Report (1/1/91-6/30/91)

Dear Mr. Miller:

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:

-Your report discloses a contribution(s) which may have been drawn on a corporate account(s) (pertinent portion(s) attached). You are advised that contributions from corporations are prohibited by the Act, unless made from separate segregated funds established by the corporations. (2 U.S.C. 541b) If you have received a contribution(s) from a corporation(s), the Commission recommends that you refund the full amount(s) to the donor(s) in accordance with 11 CFR §103.3(b). Alternatively, if you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor(s) in writing and provide the contributor(s) with the option of receiving a refund(s). You may wish to seek a written authorization(s) (either before or after the transfer(s)-out) from the donor(s) for any transfer(s)-out to protect the donor's interests.

Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In the best interests of the committee, all refunds and transfers-out should be made within thirty (30) days of the treasurer's receipt of the contribution. See 11 CFR §103.3(b). Refunds and transfers-out should be disclosed on a supporting Schedule B for Line 28 or 23 of the report covering the period during which they are made.

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the

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contributions in question were received from an unincorporated proprietorship or partnership, then generally, these are to be attributed to each person based on their percentage of ownership in the firm. Each person who has contributed in excess of \$200 since January 1 should be identified by name, address, occupation, name of employer, amount of contribution, and aggregate total on Schedule A. 11 CFR §110.1(h)

Although the Commission may take further legal steps concerning the acceptance of prohibited contributions, prompt action on your part to refund or transfer-out any such prohibited contributions will be taken into consideration.

-The identification of each contributor, including the person's occupation and name of employer, must be provided if the person has contributed in excess of \$200 in the aggregate during the calendar year. Please amend Schedule A supporting Line 11(a)(1) for each entry lacking a contributor's occupation and name of employer.

Note: If your committee has made at least one effort per solicitation, either by a written request or by an oral request documented in writing to obtain this information from the contributor, your committee may have exercised "best efforts." Under 11 CFR 104.7(b), such effort shall consist of a clear request for the information (i.e., name, mailing address, occupation, and name of employer) which request informs the contributor that the reporting of such information is required by law. If you believe that your committee satisfies the "best efforts" provision, you should provide a copy of your solicitation or an explanation of the method(s) used to obtain contribution information. Clarification regarding "best efforts" should be disclosed during each two year election cycle beginning with the first report filed in the non-election year. 11 CFR §104.3(a)(4)(i)

-Your report discloses activity that indicates your committee pays for the expenses incurred in administering the committee (pertinent portions attached). Please be advised you may need to allocate, between your federal and non-federal accounts, expenses that jointly benefit federal and non-federal candidates and elections.

A separate segregated fund must allocate expenses for administrative costs, generic voter drives, fundraising programs or events, if such expenses are not paid by the separate segregated fund's connected organization. (CFR §106.6(b)(1))

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Any expenditures made on behalf of both federal and non-federal candidates (including in-kind contributions and independent expenditures) must also be allocated between your committee's federal and non-federal accounts. (CFA §106.1(a))

If you believe your committee should not be allocating shared activity, please provide the Commission with an explanation.

If you find you should have been allocating shared activity from January 1, 1991, the Commission recommends that you take steps to correct any noncompliance with the regulations. Also, your committee should establish procedures to ensure future compliance with the allocation regulations.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,



Robert B. DiNardo
Reports Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20543

80-3

November 21, 1991

Chris Miller, Treasurer
California Avocado Proponent
1200 Third Avenue, Suite 700
San Diego, CA 92101

Identification Number: C00111047

Reference: Mid-Year Report (1/1/91-6/30/91)

Dear Mr. Miller:

This letter is to inform you that as of November 10, 1991, the Commission has not received your response to our request for additional information, dated October 30, 1991. That notice requested information essential to full public disclosure of your federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Robert DiMarco on our toll-free number (800) 424-9530 or our local number (202) 219-3500.

Sincerely,

A handwritten signature in dark ink, appearing to read "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosure

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TELEPHONE LOG

Committee: California Avocado Proponent C00111047
Contact: Chris Miller
Date: December 11, 1991
Analyst: Robert B. DiNardo
Subject: 1991 Mid-Year Report

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Mr. Miller called at 4:00 regarding the 1991 Mid-Year Report. Mr. Miller asked advice on what procedures the committee should take to correct the receipt of contributions from apparent corporations. I told him to find out if the contributions were received from corporations or partnerships. If received from partnerships, he needed to provide memo entries breaking down the partner shares of the contributions. If received from corporations, he needed to transfer the amount into a non-federal account, or refund the money to the contributors. The committee also needs to provide the Commission with a photocopy of the transfer/refund check. I finally told him to provide a written response outlining the problem. RD

Mr. Miller also told me the committee was in the process of acquiring the missing contributor information required on Schedule A. I told him the committee could show "best efforts" by providing a copy of the solicitation notice the committee sends to all the contributors.

MILLER/BOOS & COMPANY
POLITICAL REPORTING CONSULTANTS

91 DEC 16 AM 9:52

DATE: December 12, 1991

MEMO TO: Robert B. DiZardo

FROM: Chris Miller

RE: California Avocado Proponent - Federal
I. D. PC00111067

Per our telephone conversation on 12/11/91, you said the following would serve as an amendment to the above referenced committee:

- 1) Attached is a sample of the letter sent to obtain additional information (Occupation & Employer)
- 2) Attached is a sample of the letter sent to obtain partnership information
- 3) Revised Individual Schedule A (to include occupation and employer)
- 4) Revised Partnership Schedule A
- 5) List of contributors banked in Federal PAC in error by previous Treasurer and transferred to State PAC
- 6) Copy of transfer check attached

If you have any questions, please don't hesitate to contact me at our San Diego office.

IR
MILLER/ROOS & COMPANY
POLITICAL REPORTING CONSULTANTS

AMENDED 1991 MID-YEAR REPORT
ATTACHMENT #6
PAGE 2 of 10

John B. Friedrich
4101 Santa Clara Avenue
Oxnard, California 93030

Dear Mr. Friedrich:

Thank you for your contribution to the California Avocado Proponent-Federal Committee. The Federal Election laws require that we report your occupation and the name of the company for whom you work or your business name, if you are self-employed.

We would appreciate your completing the form below and returning it to us as soon as possible. Again, thank you for your contribution. It was greatly appreciated.

Kindly complete items with red checks:

OCCUPATION

EMPLOYER

BUSINESS NAME,
IF SELF-EMPLOYED

Yours truly,

Chris Miller
Assistant to the Treasurer

Enclosure

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**MILLER/ROOS & COMPANY**
POLITICAL REPORTING CONSULTANTS

Thank you for your contribution to the California Avocado Proponent - Federal written on the below listed payer's account. Certain information is required by Federal Election laws when business checks (opposed to personal checks) are received. Kindly check the appropriate box below and furnish us with the required information indicated.

PAYER: Beacon Hills Ranch

☐ Sole Proprietor2. ☐ Partnership3. ☐ CorporateSOLE PROPRIETOR

NAME: _____

OCCUPATION: _____

EMPLOYER: _____

IF SELF-EMPLOYED - BUSINESS NAME: _____PARTNERSHIPPARTNERS NAME(s), PERCENTAGE FOR EACH, OCCUPATION, EMPLOYER, IF SELF-EMPLOYED - BUSINESS NAME: (Use separate sheet if more space is needed.)

_____3. CORPORATE

According to Federal Election laws, corporate checks can not be accepted. We will return your contribution and would be pleased to accept your non-corporate check as a replacement.

Yours truly,

Chris Miller
Office of the Treasurer

SCHEME A

ITEMIZED RECEIPTS

Line Number 114

Statement Covers Period From 01/01/91 Through 06/30/91

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

Name of Comm. Sec: CALIFORNIA AVOIDADO PROPONENT - PED

Employer	Date	Amount
Deacon Hills Ranch P. O. Box 271220 Escondido CA 92027 Occupation: Best Effort Aggregate YTD: \$ 1,350.00 Receipt For: Primary	02/25/91	\$ 1,350.00
Volkert J. Bernbeck 351 Hospital Road Newport Beach CA 92663 Occupation: Surgeon Aggregate YTD: \$ 600.00 Receipt For: Primary	03/15/91	\$ 600.00
John Borchard 15 Carriage South Oxnard CA 93030 Occupation: Rancher Aggregate YTD: \$ 300.00 Receipt For: Primary	03/15/91	\$ 300.00
Michael Cavaletto 902 North Thompson Avenue Hesperia CA 93144 Occupation: Avocado Grower Aggregate YTD: \$ 500.00 Receipt For: Primary	03/21/91	\$ 500.00
Beaver Grove Management 911 Deodar Road Escondido CA 92026 Occupation: Best Effort Aggregate YTD: \$ 250.00 Receipt For: Primary	02/24/91	\$ 250.00
John V. Delwiche 7032 Casitas Pass Road Carpinteria CA 93013 Occupation: Ranching Aggregate YTD: \$ 510.00 Receipt For: Primary	03/24/91	\$ 510.00
Timothy Bohens Route 1, Box 234A Goleta CA 93117 Occupation: Ranching Aggregate YTD: \$ 800.00 Receipt For: Primary	03/28/91	\$ 800.00

SUBTOTAL of Receipts This Page..... \$ 4,010.00

SCHEDULE A

**ITEMIZED RECEIPTS
PARTNERSHIPS**

Use these schedules for each category of the Divided Surplus Page

PAGE 5 OF 8
FOR LINE NUMBER 11a

Any information shown from each Page 11 and Schedule may not be used or used by any person for the purpose of obtaining contributions or for purposes of business other than using the name and address of any partner's committee to solicit contributions from such committee

NAME OF COMMITTEE in Full

ATTACHMENT # 5
PAGE 5 of 10

California Avocado Proponent - Federal

<p>A. Full Name, Mailing Address and ZIP Code Henry Ranch P. O. Box 27867 Escondido, California 92027</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employer N/A</p> <p>Occupation N/A</p> <p>Aggregate Year to Date > \$ 390.00</p>	<p>Date (month, day, year) 2/25/91</p>	<p>Amount of Each Receipt (the Period) 390.00</p>
<p>B. Full Name, Mailing Address and ZIP Code Charles Henry P. O. Box 27867 Escondido, CA 92027</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employer Henry Avocado Company</p> <p>Occupation Avocado Sales</p> <p>Aggregate Year to Date > \$ 117.00</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt (the Period) N/A</p>
<p>C. Full Name, Mailing Address and ZIP Code Warren Henry P. O. Box 27867 Escondido, CA 92027</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employer Henry Avocado Company</p> <p>Occupation Avocado Sales</p> <p>Aggregate Year to Date > \$ 117.00</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt (the Period) N/A</p>
<p>D. Full Name, Mailing Address and ZIP Code Philip Henry P. O. Box 27867 Escondido, CA 92027</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employer Henry Avocado Company</p> <p>Occupation Avocado Sales</p> <p>Aggregate Year to Date > \$ 39.00</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt (the Period) N/A</p>
<p>E. Full Name, Mailing Address and ZIP Code Richard Opel P. O. Box 27867 Escondido, CA 92037</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employer Henry Avocado Company</p> <p>Occupation Avocado Sales</p> <p>Aggregate Year to Date > \$ 39.00</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt (the Period) N/A</p>
<p>F. Full Name, Mailing Address and ZIP Code Donald Hoy P. O. Box 27867 Escondido, CA 92027</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employer Henry Avocado Company</p> <p>Occupation Avocado Sales</p> <p>Aggregate Year to Date > \$ 39.00</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt (the Period) N/A</p>
<p>G. Full Name, Mailing Address and ZIP Code Victor Vavac P. O. Box 27867 Escondido, CA 92027</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):</p>	<p>Name of Employer Henry Avocado Company</p> <p>Occupation Avocado Sales</p> <p>Aggregate Year to Date > \$ 39.00</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt (the Period) N/A</p>

SUBTOTAL of Receipts This Page (optional)

390.00

TOTAL This Period (see page one line number only)

92040904995
2137231540

SCHEDULE A

ITEMIZED RECEIPTS

The separate schedule for each category of the Detailed Summary Page

PAGE 6 of 10
FOR LINE NUMBER 11a

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

NAME OF COMMITTEE TO FILL

California Avocado Proponent - Federal

ATTACHMENT #6
PAGE 6 of 10

<p>A. Full Name, Mailing Address and ZIP Code Lilac Mountain Ranch P. O. Box 1537 Tulare, CA 92380</p>	<p>Name of Employer N/A Occupation N/A</p>	<p>Date (month, day, year) 3/13/91</p>	<p>Amount of Each Receipt (this Period) 260.00</p>
<p>Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Aggregate Year to Date 360.00</p>		
<p>B. Full Name, Mailing Address and ZIP Code Samuel A. McIntyre P. O. Box 1537 Tulare, CA 92380</p>	<p>Name of Employer Groomer Occupation Lilac Mountain Ranch</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt (this Period) N/A</p>
<p>Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Aggregate Year to Date 180.00</p>		
<p>C. Full Name, Mailing Address and ZIP Code Scott A. McIntyre P. O. Box 1537 Tulare, CA 92380</p>	<p>Name of Employer Groomer Occupation Lilac Mountain Ranch</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt (this Period) N/A</p>
<p>Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Aggregate Year to Date 180.00</p>		
<p>D. Full Name, Mailing Address and ZIP Code Sierra Pacific AG Investments P. O. Box 1537 Tulare, CA 92380</p>	<p>Name of Employer N/A Occupation N/A</p>	<p>Date (month, day, year) 3/13/91</p>	<p>Amount of Each Receipt (this Period) 225.00</p>
<p>Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Aggregate Year to Date 325.00</p>		
<p>E. Full Name, Mailing Address and ZIP Code Scott A. McIntyre P. O. Box 1537 Tulare, CA 92380</p>	<p>Name of Employer Sierra Pacific Farms, Inc. Occupation Farmer</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt (this Period) N/A</p>
<p>Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Aggregate Year to Date 342.50</p>		
<p>F. Full Name, Mailing Address and ZIP Code Larry R. Weaver P. O. Box 1537 Tulare, CA 92380</p>	<p>Name of Employer Sierra Pacific Farms, Inc. Occupation Farmer</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt (this Period) N/A</p>
<p>Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Aggregate Year to Date 362.50</p>		
<p>G. Full Name, Mailing Address and ZIP Code Rice Company 10590 Coulter way Valley Center, CA 92082</p>	<p>Name of Employer N/A Occupation N/A</p>	<p>Date (month, day, year) 3/4/91</p>	<p>Amount of Each Receipt (this Period) 450.00</p>
<p>Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Aggregate Year to Date</p>		

SUBTOTAL of Receipts This Page (optional)

1,135.00

TOTAL This Period (see page one line number only)

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Detailed Summary Page

PAGE 7 OF 8
FOR LINE NUMBER 11a

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

NAME OF COMMITTEE in Full

ATTACHMENT #0
PAGE 7 of 10

California Avocado Proponent - Federal

A. Full Name, Mailing Address and ZIP Code Irving Rice 10590 Couser Way Valley Center, CA 92082 Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employer Farmer Occupation Rice Company Aggregate Year-to-Date > \$ 225.00	Date (month, day, year) 	Amount of Each Receipt this Period MEMO 225.00
B. Full Name, Mailing Address and ZIP Code Olive Rice-Parrell 10590 Couser Way Valley Center, CA 92082 Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employer Farmer Occupation Rice Company Aggregate Year-to-Date > \$ 225.00	Date (month, day, year) 	Amount of Each Receipt this Period MEMO 225.00
C. Full Name, Mailing Address and ZIP Code Carson Ranch P. O. Box 2957 Culver City, CA 92030 Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employer N/A Occupation N/A Aggregate Year-to-Date > \$ 225.00	Date (month, day, year) 3/5/91	Amount of Each Receipt this Period 225.00
D. Full Name, Mailing Address and ZIP Code Ella Hay Crane P. O. Box 2957 Culver City, CA 92030 Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employer N/A Occupation Retired Aggregate Year-to-Date > \$ 225.00	Date (month, day, year) 	Amount of Each Receipt this Period MEMO 225.00
E. Full Name, Mailing Address and ZIP Code Rancho Abuelos 1211 Boosey Road Santa Paula, CA 93060 Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employer N/A Occupation N/A Aggregate Year-to-Date > \$ 300.00	Date (month, day, year) 3/5/91	Amount of Each Receipt this Period 300.00
F. Full Name, Mailing Address and ZIP Code William L. Orcutt 1211 Boosey Road Santa Paula, CA 93060 Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employer Grower Occupation Rancho Abuelos Aggregate Year-to-Date > \$ 300.00	Date (month, day, year) 	Amount of Each Receipt this Period MEMO 300.00
G. Full Name, Mailing Address and ZIP Code Cloveridge Ranch 2046 Oro Verde Road Escondido, CA 92027 Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employer N/A Occupation N/A Aggregate Year-to-Date > \$ 300.00	Date (month, day, year) 3/5/91	Amount of Each Receipt this Period 300.00
SUBTOTAL of Receipts This Page (optional)			825.00
TOTAL This Period (see page this line number only)			2,081.00

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3137231550

SCHEDULE A

**AMENDED 1991 MID YEAR REPORT
ITEMIZED RECEIPTS**

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

PAGE 8 OF 8
FOR LINE NUMBER 11a

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

NAME OF COMMITTEE On File

ATTACHMENT #6
PAGE 8 of 10

California Avocado Proponent - Federal

A. Full Name, Mailing Address and ZIP Code

Dean Wylie
2046 Oro Verde Road
Escondido, CA 92027

Name of Employer

Cloveridge Ranch

Date (month,
day, year)

Amount of Each
Receipt this Period

MEMO

Receipt For

☐ Primary

☐ General

☐ Other (specify)

Occupation

Avocado Grower

Aggregate Year-to-Date > \$ 300.00

300.00

B. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)

Amount of Each
Receipt this Period

Occupation

Aggregate Year-to-Date > \$

Receipt For

☐ Primary

☐ General

☐ Other (specify)

C. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)

Amount of Each
Receipt this Period

Occupation

Aggregate Year-to-Date > \$

Receipt For

☐ Primary

☐ General

☐ Other (specify)

D. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)

Amount of Each
Receipt this Period

Occupation

Aggregate Year-to-Date > \$

Receipt For

☐ Primary

☐ General

☐ Other (specify)

E. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)

Amount of Each
Receipt this Period

Occupation

Aggregate Year-to-Date > \$

Receipt For

☐ Primary

☐ General

☐ Other (specify)

F. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)

Amount of Each
Receipt this Period

Occupation

Aggregate Year-to-Date > \$

Receipt For

☐ Primary

☐ General

☐ Other (specify)

G. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)

Amount of Each
Receipt this Period

Occupation

Aggregate Year-to-Date > \$

Receipt For

☐ Primary

☐ General

☐ Other (specify)

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

92040904998

AMENDED 1991 D- FBR REF
ATTACHMENT 10
PAGE 10
RD

**LIST OF CONTRIBUTORS BANKED IN FEDERAL PAC IN ERROR AND ARE NOW
TRANSFERRED TO THE STATE PAC:**

Deacon Hills Ranch	\$1,350.00
Deaver Grove Management	250.00
Grace Farms & Orchards	1,000.00
La Conchita Ranch	1,000.00
La Fon - Patopaff	350.00
Los Ranchos Buena Vista	240.00
Rancho Erice	340.00
Rancho Eugenio	300.00
Rancho Trio	240.00
San Luis Rey/Merced Group	600.00
Solk Ranch	300.00
Total Transferred	\$5,670.00

92J40904999

AMENDED 1991 MID-YEAR REPORT

ATTACHMENT 16
PAGE 10 of 10

ED

CALIFORNIA AVOCADO PROPONENT-FED
1000 THIRD AVENUE, SUITE 700
SAN DIEGO, CA 92101
(619) 596-3201

RECEIVED - STATE					

1039

10-71
1220

The sum of 5870 and 0/100

TO THE ORDER OF	DATE	CHECK NO.	CHECK AMOUNT
CALIF. AVOCADO PROPONENT-STATE	12/11/91	1039	5870--
TRANSFER			

DEPOSITED IN FULL PAYMENT OF

POD1039 61220002186113501062 11

92040905000

92 MAR -6 PM 4:45

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral: 92L-01
STAFF MEMBER: Richard H.
Zanfardino

SOURCE: INTERNALLY GENERATED

RESPONDENTS: California Avocado Proponent and Chris Miller,
as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441b(a)
11 C.F.R. § 102.5(a)(1)(i)

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was referred to the Office of the General Counsel from the Reports Analysis Division ("RAD") in accordance with the RAD Review and Referral Procedures for Unauthorized Committees. The basis for the attached referral is the acceptance by California Avocado Proponent, and Chris Miller, as treasurer ("Respondents") of \$5,870 in apparent corporate contributions. Respondents subsequently transferred these funds to their non-federal account. Respondents did not transfer these funds within 30 days of their receipt.

1/ During the time of the violation, Warren Currier served as the Committee's treasurer.

92040905001

II. FACTUAL AND LEGAL ANALYSIS

The 1991 Mid-Year report of California Avocado Proponent ("the Committee") disclosed receiving 18 contributions from apparent corporations totaling \$8,820. The 18 contributions were donated to the Committee on various dates between February 25, 1991 and April 5, 1991.

On October 30, 1991 the Reports Analysis Division ("RAD") sent the Committee a Request for Additional Information ("RFAI") regarding the above mentioned contributions.

On December 11, 1991 the treasurer of the Committee, Chris Miller, called the RAD analyst to inquire as to what steps the Committee should take to correct the receipt of apparent corporate contributions. The analyst informed him that if any of the questioned funds were from corporations, then the Committee should either refund the money or transfer it to a non-federal account.

On December 16, 1991 the Commission received a written response from the Committee. The Committee provided Schedule A memo entries for seven of the contributions that were from partnerships. The Committee noted however, that 11 contributions totaling \$5,870 had been transferred to its non-federal account. This transfer took place on December 11, 1991.

According to 11 C.F.R. § 103.3(b)(1) contributions that

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present genuine questions as to whether they were made by corporations, labor organizations, foreign nationals, or Federal contractors may be, within ten days of the treasurer's receipt, deposited into a campaign depository or returned to the contributor. If the contribution is deposited, the treasurer shall then make his or her best efforts to determine the legality of the contribution. Furthermore, if a contribution cannot be determined to be legal, the treasurer shall, within thirty days of the treasurer's receipt of the contribution, refund the contribution to the contributor.

The Committee made no attempts to determine the legality of the apparent corporate contributions until it was notified by RAD that the contributions were questionable. The transfer of the apparent corporate contributions took place more than eight months after their receipt.

According to 11 C.F.R. § 102.5(a)(1)(i) an organization financing political activity in both federal and non-federal elections may establish a separate federal account in a depository in accordance with 11 C.F.R. part 103. Such an account shall be treated as a separate federal political committee which shall comply with the requirements of the Act including the registration and reporting requirements of 11 C.F.R. parts 102 and 104. Only funds subject to the prohibitions and limitations of the Act shall be deposited in

92040905003

the federal account.

According to 2 U.S.C. § 441b(a), it is unlawful for any corporation or labor organization to make a contribution or expenditure in connection with any federal election or for any political committee to knowingly accept such a contribution. 2 U.S.C. § 441b(b) defines a contribution or expenditure as any direct or indirect payment, loan, advance, or any services, or anything else of value.

Therefore, there is reason to believe California Avocado Proponent and Chris Miller, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a)(1)(i).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

92040905004

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that California Avocado Proponent and Chris Miller, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a)(1)(i), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis.
4. Approve the attached proposed conciliation agreement.
5. Approve the appropriate letter.

Lawrence H. Noble
General Counsel

Date

3/6/92

BY:

Lois G. Lerner
Associate General Counsel

Attachments:

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

22040905005

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

California Avocado Proponent and
Chris Miller, as treasurer.

RAD Referral #92L-01

(MUR
3432)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 11, 1992, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #92L-01:

1. Open a MUR.
2. Find reason to believe that California Avocado Proponent and Chris Miller, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a)(1)(i), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis, as recommended in the General Counsel's Report dated March 6, 1992.
4. Approve the proposed conciliation agreement, as recommended in the General Counsel's Report dated March 6, 1992.

(Continued)

92040905006

Federal Election Commission
Certification for RAD Referral #92L-01
March 11, 1992

Page 2

5. Approve the appropriate letter, as recommended in the General Counsel's Report dated March 6, 1992.

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

Attest:

3-11-92
Date

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

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

Fri., March 6, 1992 4:45 p.m.
Mon., March 9, 1992 11:00 a.m.
Wed., March 11, 1992 11:00 a.m.

dr

92040905007



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 16, 1992

Chris Miller, Treasurer
California Avocado Proponent
1200 Third Ave., Suite 700
San Diego, CA 92101

RE: MUR 3482

Dear Mr. Miller:

On March 11, 1992, the Federal Election Commission found that there is reason to believe California Avocado Proponent ("Committee") and you, as treasurer, violated 2 U.S.C. § 441b(a), and 11 C.F.R. § 102.5(a)(1)(i), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") and the Commission's regulations. 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.

Chris Miller
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 30 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. Zarfardino, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

Joan Aikens

Joan D. Aikens
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

92040905009

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: California Avocado
Proponent, and Chris
Miller, as treasurer.

NUR 3482

22040905010
This matter was initiated by the Commission in the normal course of carrying out its supervisory responsibilities. The 1991 Mid-Year report of California Avocado Proponent ("the Committee") disclosed receiving 18 contributions from apparent corporations totaling \$8,820. The 18 contributions were donated to the Committee on various dates between February 25, 1991 and April 5, 1991.

On October 30, 1991 the Reports Analysis Division ("RAD") sent the Committee a Request for Additional Information ("RFAI") regarding the above mentioned contributions.

On December 11, 1991 the treasurer of the Committee, Chris Miller, called the RAD analyst to inquire as to what steps the Committee should take to correct the receipt of apparent corporate contributions. The analyst informed him that if any of the questioned funds were from corporations, then the Committee should either refund the money or transfer it to a non-federal account.

On December 16, 1991 the Commission received a written response from the Committee. The Committee provided Schedule A memo entries for seven of the contributions that were from partnerships. The Committee noted however, that 11

contributions totaling \$5,870 had been transferred to its non-federal account. This transfer took place on December 11, 1991.

According to 11 C.F.R. § 103.3(b)(1) contributions that present genuine questions as to whether they were made by corporations, labor organizations, foreign nationals, or Federal contractors may be, within ten days of the treasurer's receipt, deposited into a campaign depository or returned to the contributor. If the contribution is deposited, the treasurer shall then make his or her best efforts to determine the legality of the contribution. Furthermore, if a contribution cannot be determined to be legal, the treasurer shall, within thirty days of the treasurer's receipt of the contribution, refund the contribution to the contributor.

The Committee made no attempts to determine the legality of the apparent corporate contributions until it was notified by RAD that the contributions were questionable. The transfer of the apparent corporate contributions took place more than eight months after their receipt.

According to 11 C.F.R. § 102.5(a)(1)(i) an organization financing political activity in both federal and non-federal elections may establish a separate federal account in a depository in accordance with 11 C.F.R. part 103. Such an account shall be treated as a separate federal political committee which shall comply with the requirements of the Act including the registration and reporting requirements of

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11 C.F.R. parts 102 and 104. Only funds subject to the prohibitions and limitations of the Act shall be deposited in the federal account.

According to 2 U.S.C. § 441b(a), it is unlawful for any corporation or labor organization to make a contribution or expenditure in connection with any federal election or for any political committee to knowingly accept such a contribution. 2 U.S.C. § 441b(b) defines a contribution or expenditure as any direct or indirect payment, loan, advance, or any services, or anything else of value.

Therefore, there is reason to believe California Avocado Proponent and Chris Miller, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a)(1)(i).

92040905012

MILLER, ROOS & COMPANY
FEDERAL REPORTING CONSULTANTS

March 22, 1991

Federal Election Commission
 985 "E" Street, N. W.
 Washington, D. C. 20543

Attention: Richard M. Koscakian

Dear Richard:

I am writing you regarding the letter from the Federal Election Commission dated March 15, 1991, regarding the contributions to the campaign of the Treasurer of the State of California, which were deposited into a campaign depository or returned to the contributor. In addition, on Page 2 Paragraph 2 you identify these contributions as "apparent corporate contributions". As you can see by the list below the 18 contributions in question were not prohibited on their face and did not present genuine questions and were deposited.

Beacon Hills Ranch	2/25/91	\$1,350.00
*Cloveridge Ranch	3/5/91	300.00
*Carson Ranch	3/5/91	225.00
Deaver Grove Management	2/28/91	250.00
Grace Farms & Orchards	3/21/91	1,000.00
*Henry Ranch	2/25/91	390.00
La Conchita Ranch	3/11/91	1,000.00
La Fon-Patapoff	3/4/91	350.00
*Lilac Mountain Ranch	3/13/91	360.00
Los Ranchos Buena Vista	3/21/91	240.00
*Rancho Abuelos	3/5/91	300.00
**Rancho Erico	2/25/91	240.00
**Rancho Segenio	2/25/91	300.00

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As a result of the investigation, the Commission was
informed that the individual in question was
of this transition during the month of April and May, 1991.
Follow-up details were overlooked in obtaining the proper
documentation of the questionable contribution. When we were
notified by BAO, we acted immediately. I spoke with an
analyst on December 11, 1991 and filed the information with
your office on December 12, 1991. Your office received the
response on December 16, 1991 (see Page 1 Paragraph 3 and 4).

Based upon the arguments above, I would request the Commission to
make a finding of no probable cause to believe and to close the file.

If you have any questions or more clarification, please contact me
at our San Diego Office.

Sincerely,


Chris Miller

CJM/LA



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 3, 1992

BY FACSIMILE

Jim Cleminger, Acting Chief
Corporations Division
Office of the Secretary of State
1230 J St., Room 100
Sacramento, CA 95814

RE: MUR 3482

To Whom It May Concern:

The Office of the General Counsel of the Federal Election Commission hereby requests your division's assistance regarding the above-referenced matter under review. This Office requests information regarding the corporate status of several California-based organizations. A list of the organizations is attached.

As the Federal Election Commission is a Federal law enforcement agency, this Office respectfully requests a waiver of any fees associated with this service.

Thank you in advance for your assistance. If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

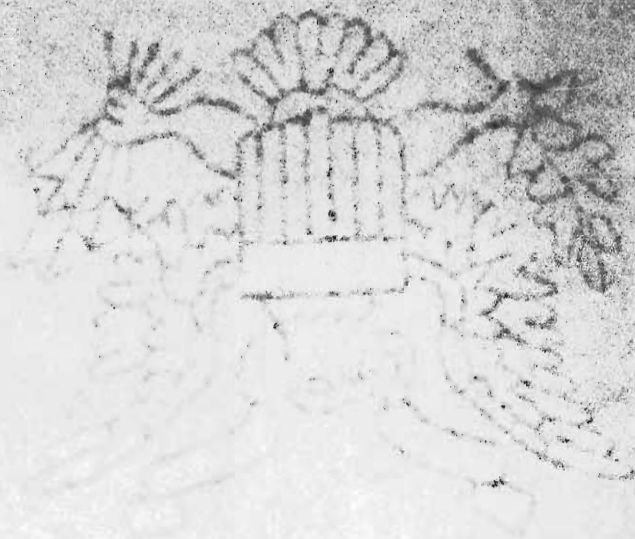
Jonathan Bernstein
Assistant General Counsel

92040905015

1. BEACON HILLS RANCH
2. RANCHO ERICO
3. RANCHO EUGENIO
4. RANCHO TRIO
5. SAN LUIS RAY
6. DEAVER GROVE MANAGEMENT
7. LA FON-PATOPAFF
8. LA CONCHITA RANCH
9. GRACE FARMS & ORCHARDS
10. LOS RANCHOS BUENA VISTA
11. SOLK RANCH

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OGC4725

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

NUK 3482

CORPORATE DIVISION



92 APR 17 AM 11:21

March Fong Eu
Secretary of State

1230 J Street
Sacramento, California 95814

Legal Review	(916) 445-0620
Certification	(916) 445-1430
Status	(916) 445-2900
Name Availability	(916) 322-2357
Trademarks	(916) 445-0672
Statement of Officers	(916) 445-2020

THIS OFFICE CANNOT PROCESS REQUESTS FOR CERTIFICATES, COPIES OF CORPORATE DOCUMENTS AND STATUS INFORMATION WITHOUT SUFFICIENT FEES. THERE IS A SPECIAL HANDLING FEE OF \$10.00 PER CORPORATION FOR CERTIFICATES AND COPIES RECEIVED OVER THE COUNTER.

REPRODUCTION OF CORPORATE DOCUMENTS

Articles of Incorporation and/or amendments \$1.00 for the first page
+ 50¢ for each additional page *

Statement of Officers \$1.00 each

Certifying Corporate Documents \$5.00 in addition to copy fee

CERTIFICATES

Certificate of Listing \$6.00 each document listed

All other Certificates (Good Standing, Nonfiling, etc.).. \$6.00 each

OTHER SERVICES

Mail Requests, Status Information \$4.00 each name

FAX Return of Status Information (U.S.) \$5.00 each corporation

FAX Return of Status Information (International) \$10.00 each corporation

Priority Telephone Service, Status Information \$4.00 each name
(A prepaid account is necessary for access to this service)

* If the number of pages is unknown when ordering copies of Articles of Incorporation *
* and/or amendments, you may send either a check in the amount of \$20.00 per corporation, *
* (refunds will be issued for amounts over \$5.00), or a blank check with "NOT TO EXCEED *
* \$20.00" written below the amount payable line. Included with your order will be a *
* notice informing you of the amount for which your check was written. If the fees *
* exceed \$20.00, a fee letter stating the total amount due will be sent to you. *

TO EXPEDITE REQUESTS: Requests for Status Information and copies of Statement of Officers should be directed to the Corporation STATUS Unit. Requests for copies of other corporate documents and certificates should be directed to the Corporation CERTIFICATION Unit. Sufficient fees must accompany requests. A self addressed envelope will also help to expedite the return of your request.

22040905017



MILLER/BOOS & COMPANY
POLITICAL REPORTING CONSULTANTS

April 20, 1992

SECOND REQUEST

Thank you for your contribution to the California Avocado Proponent - Federal written on the below listed payer's account. Certain information is required by Federal Election laws when business checks (opposed to personal checks) are received. Kindly check the appropriate box below and furnish us with the required information indicated.

PAYER: SAN LUIS REY/MERCED GROUP

1. ☐ Sole Proprietor

2. ☒ Partnership

3. ☐ Corporate

1. SOLE PROPRIETOR

NAME:

OCCUPATION:

EMPLOYER:

IF SELF-EMPLOYED - BUSINESS NAME:

2. PARTNERSHIP

Provide NAME(s), ADDRESS FOR EACH, OCCUPATION, EMPLOYER, IF SELF-EMPLOYED - BUSINESS NAME: (Use separate sheet if more space is needed.)

General partnership that owns a 200 acre avocado grove in San Diego

County. Three equal partners - Dennis Caesar, Tim Razzari (automobile dealer, Razzari Ford), Dr. Frank Wards.

3. CORPORATE

According to Federal Election laws, corporate checks can not be accepted. We will return your contribution and would be pleased to accept your non-corporate check as a replacement.

Yours truly,

Chris Miller
Office of the Treasurer

92040705018



MILLER/BOOS & COMPANY
POLITICAL REPORTING CONSULTANTS

April 20, 1992

SECOND REQUEST

Thank you for your contribution to the California Avocado Proponent - Federal written on the below listed paper's account. Certain information is required by Federal Election law when business checks (opposed to personal checks) are received. Kindly check the appropriate box below and furnish us with the required information indicated.

FROM: GOLD RANCH

1. ☒ Sole Proprietor

2. ☐ Partnership

3. ☐ Corporate

1. **NAME CONTRIBUTOR**

NAME: Dick Krupp

OCCUPATION: Investor

EMPLOYER:

IF SELF-EMPLOYED - BUSINESS NAME: Krupp Co.

2. **PARTNERSHIP**

NAME(S) OF EACH, PERCENTAGE FOR EACH, OCCUPATION, EMPLOYER, IF SELF-EMPLOYED - BUSINESS NAME: (Use separate sheet if more space is needed.)

3. **CORPORATE**

According to Federal Election laws, corporate checks can not be accepted. We will return your contribution and would be pleased to accept your non-corporate check as a replacement.

Yours truly,

Gris Miller
Office of the Treasurer

92040905019

MR
MILNER/ROOS & COMPANY
POLITICAL REPORTING CONSULTANTS

April 30, 1992

SECOND REQUEST

Thank you for your contribution to the California Avocado Proponent - Federal written on the below listed payer's account. Certain information is required by Federal Election laws when business checks (opposed to personal checks) are received. Kindly check the appropriate box below and furnish us with the required information indicated.

PAYER: DRAGON HILLS RANCH

1. ☐ Sole Proprietor

2. ☒ Partnership

3. ☐ Corporate

1. **SOLE PROPRIETOR**

NAME:

OCCUPATION:

EMPLOYER:

IF SELF-EMPLOYED - BUSINESS NAME:

2. **PARTNERSHIP**

PARTNER NAME(s), PERCENTAGE FOR EACH, OCCUPATION, EMPLOYER, IF SELF-EMPLOYED - BUSINESS NAME: (Use separate sheet if more space is needed.)

Dragon Hills Ranch is a California limited partnership with 44 limited partners,

none of which owns more than a 2.5% interest in the partnership. The managing

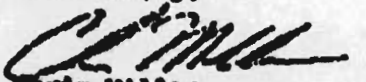
general partners who own a total of 10% of the partnership are: Earl Frey,

Charles Froehlich, Charles Henry, Warren Henry, & George Schoeffel.

3. **CORPORATE**

According to Federal Election laws, corporate checks can not be accepted. We will return your contribution and would be pleased to accept your non-corporate check as a replacement.

Yours truly,


Chris Miller
Office of the Treasurer

1200 Third Avenue, Suite 700, San Diego, California 92101 (619) 239-3061

92040905020



MILLER/BOOS & COMPANY
POLITICAL REPORTING CONSULTANTS

April 20, 1992

SECOND REQUEST

Thank you for your contribution to the California Avocado Proponent - Federal written on the below listed payer's account. Certain information is required by Federal Election laws when business checks (opposed to personal checks) are received. Kindly check the appropriate box below and furnish us with the required information indicated.

PAYER: LA FON-PATAPOFF

1. ☐ Sole Proprietor 2. ☒ Partnership 3. ☐ Corporate

1. SOLE PROPRIETOR

NWE:

OCCUPATION:

EMPLOYER:

IF SELF-EMPLOYED - BUSINESS NWE:

2. PARTNERSHIP

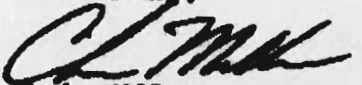
PARTNERS NWE(s), PERCENTAGE FOR EACH, OCCUPATION, EMPLOYER, IF SELF-EMPLOYED - BUSINESS NWE: (Use separate sheet if more space is needed.)

<u>RANDY LIPSON</u>	<u>50%</u>
<u>JOHN PATAPOFF</u>	<u>50%</u>

3. CORPORATE

According to Federal Election laws, corporate checks can not be accepted. We will return your contribution and would be pleased to accept your non-corporate check as a replacement.

Yours truly,


Chris Miller
Office of the Treasurer

92040905022



MILLER/ROOTS & COMPANY
POLITICAL REPORTING CONSULTANTS

April 20, 1992

SECOND REQUEST

Thank you for your contribution to the California Avocado Proponent - Federal written on the below listed payer's account. Certain information is required by Federal Election law when business checks (opposed to personal checks) are received. Kindly check the appropriate box below and furnish us with the required information indicated.

PAYER: DEAVER GROVE MANAGEMENT

1. ☒ Sole Proprietor

2. ☐ Partnership

3. ☐ Corporate

1. SOLE PROPRIETOR

NAME: James Deaver Sr.

OCCUPATION: Farm Manager EMPLOYER: self-employed

IF SELF-EMPLOYED - BUSINESS NAME: Deaver Grove Management

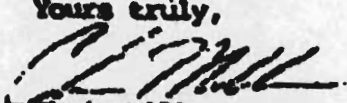
2. PARTNERSHIP

PARTNER NAME(S), PERCENTAGE FOR EACH, OCCUPATION, EMPLOYER, IF SELF-EMPLOYED - BUSINESS NAME: (Use separate sheet if more space is needed.)

3. CORPORATE

According to Federal Election law, corporate checks can not be accepted. We will retain your contribution and would be pleased to accept your non-corporate check as a replacement.

Yours truly,


Chris Miller
Office of the Treasurer

1200 Third Avenue, Suite 700, San Diego, California 92101 (619) 239-3061

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

57-27 111-23

SENSITIVE

May 27, 1992

JUN 2 1992

MEMORANDUM

EXECUTIVE SESSION

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

Lois G. Lerner
Associate General Counsel

SUBJECT: Matters Under Review and Exercise of
Prosecutorial Discretion

I. BACKGROUND

In April 1992 this Office circulated a memorandum to the Commission containing a list of cases which we believed warranted the exercise of prosecutorial discretion by the closing of the file. The memorandum also invited the Commission to suggest additional cases for consideration of such action. Presented below are the cases included in our memorandum as well as those suggested to us by a Commissioner for inclusion (as denoted by an asterick).

This report recommends closing certain matters, not closing others, and holding one matter in abeyance. This Office's recommendations as to whether the file should be closed in each matter reflect numerous factors including our present workload, the age of the case, the amount of financial activity involved, and the seriousness of the violation. Closing cases under these circumstances should not necessarily be seen as a decision on how to handle similar cases in the future.

92040905024

PAGES 2-19 AND 21-32 DO NOT PERTAIN TO THESE RESPONDENTS.

92040905025

- 11) NUR 3482* (I) California Avocado Proponent (Opened 3-11-92)

This matter involves \$5,870 in possibly corporate contributions to the Committee's Federal Account. After RAD notified the Committee of the problem, it transferred to the Non-federal Account the contributions that were identified as possibly being corporate. The contributions in question were from ranches, and RAD was unable to verify whether or not they were in fact corporations. This Office too has had the same difficulty and the treasurer of the Committee agreed to re-contact the entities whose corporate status is still questionable. The Committee has transferred out the potentially impermissible funds, has been fully cooperative with this Office (to the point of sending out a second set of inquiries), and has shown that some of the contributors in question actually were partnerships (although at least one has a corporate partner). This Office has just received another response from the Committee showing that more of the questionable contributions were actually from sole proprietorships and partnerships.

This Office believes a strong admonishment letter will ensure the Committee takes proper precautions in the future, and therefore recommends the Commission take no further action in NUR 3482 and close the file.

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III. RECOMMENDATIONS

1. Take no further action and close the file in:
 - a) MUR 3177
 - b) MUR 3419
 - c) MUR 2745
 - d) MUR 2934
 - e) MUR 3099
 - f) MUR 3127
 - g) MUR 3271
 - h) MUR 3371
 - i) MUR 3441
 - j) MUR 3482
 - k) MUR 3151
 - l) MUR 3239
2. Decline to open a Matter Under Review in:
 - a) RAD Referral 92MP-012
 - b) RAD Referral 91L-76
 - c) Pre-MUR 245
- 3.
4. Approve the appropriate letters containing admonishment language.

92040905027

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Matters Under Review and Exercise)
of Prosecutorial Discretion)

Agenda Document
#X93-43

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 2, 1992, do hereby certify that the Commission took the following actions with respect to the above-captioned matters:

1. Decided by a vote of 5-0 to

- a) Take no further action and close the file in MUR 3177, MUR 3419, MUR 2745, MUR 3099, MUR 3127, MUR 3271, MUR 3371, MUR 3441, MUR 3482, MUR 3151, and MUR 3239.
- b) Decline to open a Matter Under Review in RAD Referral 92NF-02, RAD Referral 91L-76, and Pre-MUR 245.
- c)
- d) Approve the appropriate letters containing admonishment language, as recommended in the General Counsel's report dated May 27, 1992.

Commissioners Aikens, Elliott, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner McDonald was not present at the meeting.

(continued)

92040705028

2. Decided by a vote of 4-0 to take no further action and close the file in NUR 2934.

Commissioners Aikens, Elliott, McGarry, and Thomas voted affirmatively for the decision. Commissioner McDonald was not present at the meeting. Commissioner Potter recused with respect to NUR 2934 and did not cast a vote.

Attest:

6-4-92
Date

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

92040905029



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

June 24, 1992

California Avocado Proponent
Chris Miller, as treasurer
1200 Third Ave., Suite 700
San Diego, CA 92101

RE: MUR 3482

Dear Mr. Miller:

On March 11, 1992, you were notified that the Federal Election Commission found reason to believe that California Avocado Proponent violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a)(1)(i). On March 30, 1992, and May 13, 1992, you submitted responses to the Commission's reason to believe findings.

After considering your responsiveness and cooperation in the circumstances of the matter, and in the exercise of its prosecutorial discretion, the Commission determined on June 2, 1992, to take no further action against California Avocado Proponent and you, as treasurer, and closed the file. The Commission reminds you, however, that the acceptance of contributions from business organizations without an immediate investigation of their corporate status may be a violation of 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a)(1)(i). You should take immediate steps to insure that this activity does not occur in the future.

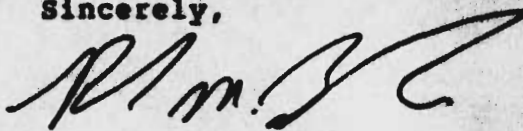
The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any 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 receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

92040905030

Chris Miller, treasurer
Page 2

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

Sincerely,

A handwritten signature in dark ink, appearing to read "R.M. Zanfardino". The signature is fluid and cursive, with the first name and middle initial being more prominent than the last name.

Richard M. Zanfardino
Staff Member

92040905031



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3482

DATE FILMED 7-7-92 CAMERA NO. 4

CAMERAMAN E.E.J.

92040905032