



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3491

DATE FILMED 7-9-72 CAMERA NO. 4

CAMERA MAN E.E.S.

92040904881

**REPORTS ANALYSIS REFERRAL**

**TO**

**OFFICE OF GENERAL COUNSEL**

**DATE:** December 12, 1991

**ANALYST:** Robin Kelly

**I. COMMITTEE:** Citizens for Christopher Hodgkins  
(C00250969)  
William E. Noonan, Treasurer  
P.O. Box 403  
Lee, MA 01238-0403<sup>1/</sup>

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

**III. BACKGROUND:**

**Failure to File Forty-Eight Hour Notifications**

The Citizens for Christopher Hodgkins ("the Committee") has failed to file the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for two (2) contributions/loans totalling \$29,000 received prior to the 1991 Special Primary Election.

The candidate was involved in the 1991 Special Primary Election held on April 30, 1991. Prior Notice was sent to the Committee on March 25, 1991 (Attachment 2). The Notice includes a section titled "Last-Minute Contributions". This section reads "Committees participating in the Special Primary and/or Special General must also file special notices on contributions of \$1,000 or more, (including contributions and loans from the candidate) received between the 20th day and 48 hours before the day of the election. (See below).

**Special Primary:** 4/11/91 through 4/27/91

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

Schedules A and C of the 1991 Mid-Year Report indicate that the Committee failed to file two (2) 48-Hour Notices for

<sup>1/</sup> Correspondence was sent to the Committee's prior address of record.

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contributions/loans received during the aforementioned period (Attachment 3). The following is a list of the contributions for which no 48-Hour Notices were filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Christopher J. Hodgkins	4/22/91	\$ 4,000
Christopher J. Hodgkins	4/24/91	\$25,000

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

On October 18, 1991, Jeff Beatrice, a committee representative, called regarding the 48-Hour Notices. He said he didn't realize they were required to file the notices. He wanted to know what he could do. Mr. Beatrice was told by the analyst that they could send in a letter ensuring the Commission that in the future these contributions would be reported (Attachment 5).

On November 25, 1991, the treasurer of the Committee, William E. Noonan, responded in a letter (Attachment 6). In the letter the treasurer stated that "This was the first time that we were involved in a campaign such as this, and, did not understand the rules. Also, this election came up very fast, and, no one was in gear or had the time to completely learn the rules." The treasurer apologized and said, in the future, "we will know what to do, and, be more careful."

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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

HODGKINS, CHRISTOPHER JOSEPH	HOUSE 01 DEMOCRATIC PARTY				MASSACHUSETTS	1992 ELECTION	ID# H2MA01946
1. STATEMENT OF CANDIDATE							
1991 STATEMENT OF CANDIDATE					18MAR91		1 91HSE/427/0128
2. PRINCIPAL CAMPAIGN COMMITTEE							

CITIZENS FOR CHRISTOPHER HODGKINS					ID #C00250969	HOUSE	
1991 STATEMENT OF ORGANIZATION					18MAR91		1 91HSE/427/0127
STATEMENT OF ORGANIZATION - AMENDMENT					18NOV91		1 91HSE/435/1551
PRE-SPECIAL		84,428			-15FEB91 -18APR91		17 91HSE/427/2704
PRE-SPECIAL - AMENDMENT		-			-15FEB91 -18APR91		3 91HSE/428/4990
PRE-SPECIAL - AMENDMENT		-			-15FEB91 -18APR91		2 91HSE/434/0695
REQUEST FOR ADDITIONAL INFORMATION					15FEB91 -18APR91		2 91FEC/697/4874
REQUEST FOR ADDITIONAL INFORMATION 2ND					15FEB91 -18APR91		3 91FEC/699/5292
REQUEST FOR ADDITIONAL INFORMATION					15FEB91 -18APR91		3 91FEC/701/4528
REQUEST FOR ADDITIONAL INFORMATION 2ND					15FEB91 -18APR91		4 91FEC/708/4571
MID-YEAR REPORT		-	68,982		11APR91 -30JUN91		13 91HSE/430/5432
MID-YEAR REPORT - AMENDMENT		-	-		11APR91 -30JUN91		2 91HSE/434/0346
MID-YEAR REPORT - AMENDMENT		-	-		11APR91 -30JUN91		6 91HSE/435/2350
REQUEST FOR ADDITIONAL INFORMATION					11APR91 -30JUN91		6 91FEC/712/5017
REQUEST FOR ADDITIONAL INFORMATION 2ND					11APR91 -30JUN91		7 91FEC/716/3315

\* TOTAL 0 84,428\* 68,982\* 0 90 TOTAL PAGES

3. AUTHORIZED COMMITTEES  
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

- All reports have been reviewed.
- Debts owed to the Committee as of 6/30/91: \$0
- Debts owed by the Committee as of 6/30/91: \$88,081
- Cash-on-hand as of 6/30/91: \$5,345\*\*

\*The Committee has failed to provide several totals on the Summary Pages and Detailed Summary Pages on its reports. RAD calculates the total amount of receipts to be \$148,653, and the total amount of disbursements to be \$143,479.

\*\*The committee has failed to provide the ending cash-on-hand total on its report. The amount above represents the ending cash-on-hand total calculated by RAD.

9204084



# REPORT NOTICE

## FEDERAL ELECTION COMMISSION

ATTACHMENT 2  
Page 1 of 2

### Massachusetts Special Elections

March 25, 1991

#### I. FOR COMMITTEES INVOLVED IN ONLY THE SPECIAL PRIMARY (4/30):

REPORT	REPORTING PERIOD1/ DATE2/	REG./CERT.	
		MAILING DATE	FILING DATE
Pre-Primary	01/01/91 - 04/10/91	04/15/91	04/18/91
Mid-Year	04/11/91 - 06/30/91	07/31/91	07/31/91

#### II. FOR COMMITTEES INVOLVED IN THE SPECIAL PRIMARY (4/30) AND SPECIAL GENERAL (6/4):

REPORT	REPORTING PERIOD1/ DATE2/	REG./CERT.	
		MAILING DATE	FILING DATE
Pre-Primary	01/01/91 - 04/10/91	04/15/91	04/18/91
Pre-General	04/11/91 - 05/15/91	05/20/91	05/23/91
Post-General	05/16/91 - 06/24/91	07/05/91	07/05/91
Mid-Year	06/25/91 - 06/30/91	07/31/91	07/31/91

#### WHO MUST FILE

Principal campaign committees of congressional candidates who seek nomination in the Massachusetts Special Primary April 30 and election in the Special General June 4, 1991.

#### WHAT MUST BE REPORTED

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

#### REPORTING FORMS

Candidate committees use Form 3 (enclosed). If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 35.

#### WHERE TO FILE

Consult the instructions on the back of the Form 3 Summary Page. Note state filing requirements also.

- 1/ The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.
- 2/ Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

(over)

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**Massachusetts  
Special Elections**

**LABEL**

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

**LAST-MINUTE CONTRIBUTIONS**

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

**Special Primary: 4/11/91 through 4/27/91**

**Special General: 5/16/91 through 6/1/91**

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

**COMPLIANCE**

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

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

92040904886



## SCHEDULE A

## ITEMIZED RECEIPTS

If you are a candidate for election to any office in the calendar year 1991

 FOR NAME OF CANDIDATE  
 11/11/91

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

NAME OF COMMITTEE (in Full)

Citizens for Christopher Hodgkins

A. Full Name, Mailing Address and ZIP Code

 Christopher J. Hodgkins  
 88 Franklin Street  
 Lee, MA 01938

Receipt For:

☒ Primary

☐ General

☐ Other (specify):

Name of Employer (for every receipt)

Candidate's Office

Contributions

Occupation

Aggregate Year-to-Date

Date (month, day, year)

4/22/91

Amount of Each Receipt (this Period)

4000

B. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date

C. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date

D. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date

E. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date

F. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date

G. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For:

☐ Primary

☐ General

☐ Other (specify):

Occupation

Aggregate Year-to-Date

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page only)

4000

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## SCHEDULE A

## ITEMIZED RECEIPTS

This report is submitted for each receipt of the Detailed Summary Page

PAGE

13

FOR DATE WORKED

13 (9)

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

NAME OF COMMITTEE (in Full)

Citizens for Christopher Hodgkins

A. Full Name, Mailing Address and ZIP Code

Christopher J. Hodgkins

Name of Employer

Legislative of Massachusetts: 6004

Date (month, day, year)

4/20/91

Amount of Each Receipt (this Period)

25,000

Receipt For

☒ Primary☐ General

Other (specify)

Occupation

Legislator

Aggregate Year-to-Date &gt; 8

B. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For

☐ Primary☐ General

Other (specify)

Occupation

Aggregate Year-to-Date &gt; 8

C. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For

☐ Primary☐ General

Other (specify)

Occupation

Aggregate Year-to-Date &gt; 8

D. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For

☐ Primary☐ General

Other (specify)

Occupation

Aggregate Year-to-Date &gt; 8

E. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For

☐ Primary☐ General

Other (specify)

Occupation

Aggregate Year-to-Date &gt; 8

F. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For

☐ Primary☐ General

Other (specify)

Occupation

Aggregate Year-to-Date &gt; 8

G. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Each Receipt (this Period)

Receipt For

☐ Primary☐ General

Other (specify)

Occupation

Aggregate Year-to-Date &gt; 8

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page only)

25,000

0320A09-044888



# LEADER

Name of Committee on Post: <u>Citizens for Christopher Hodgkins</u>			
A. Full Name, Mailing Address and ZIP Code of Loan Recd: <u>LEE BANK</u> <u>75 PARK STREET</u> <u>LEE, MA 01238</u>		Original Amount of Loan: <u>2500</u>	
Section: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Insured <u>2/24/71</u> Date Due <u>11/1/71</u> Interest Rate <u>12%</u>		<input type="checkbox"/> Other	
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code: <u>LEE BANK</u> <u>75 PARK ST.</u> <u>LEE, MA 01238</u>		Name of Employer: Occupation: Amount Guaranteed/Outstanding:	
2. Full Name, Mailing Address and ZIP Code: <u>CHRISTOPHER J. HODGKINS</u> <u>88 FRANKLIN ST.</u> <u>LEE, MA 01238</u>		Name of Employer: Occupation: Amount Guaranteed/Outstanding:	
3. Full Name, Mailing Address and ZIP Code: <u>DEBBIE HODGKINS</u> <u>88 FRANKLIN ST.</u> <u>LEE, MA 01238</u>		Name of Employer: Occupation: Amount Guaranteed/Outstanding:	
B. Full Name, Mailing Address and ZIP Code of Loan Recd: <u>WIFE + GUARANTOR</u>		Original Amount of Loan:	
Section: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Date Insured:	
Terms: Date Insured:		Date Due:	
Interest Rate:		<input type="checkbox"/> Other	
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code:		Name of Employer:	
Occupation:		Amount Guaranteed/Outstanding:	
2. Full Name, Mailing Address and ZIP Code:		Name of Employer:	
Occupation:		Amount Guaranteed/Outstanding:	
3. Full Name, Mailing Address and ZIP Code:		Name of Employer:	
Occupation:		Amount Guaranteed/Outstanding:	
TOTALS This Period This Page (Include) .....			
TOTALS This Period This Page to this file only .....			



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20541

80-2

OCT 1 1991

William E. Noonan, Treasurer  
Citizens for Christopher Hodgkins  
88 Franklin Street  
Lee, MA 01238

Identification Number: C00250969

Reference: Mid-Year Report (4/11/91-6/30/91)

Dear Mr. Noonan:

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 contribution(s) that may be from a labor organization(s) (pertinent portion attached). A contribution from a labor organization is prohibited by the Act, unless it is made from a separate segregated fund established by the labor organization. (2 U.S.C. §441b(a) and 11 CFR §103.3(b))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution you received is from a labor organization, you should refund the full amount to the donor and notify the Commission of such action. The refund must be made within thirty days of the treasurer becoming aware of the impermissibility of the contribution. (11 CFR 103.3(b)(2)) Copies of refund checks for the contribution(s) in question may be used to respond to this letter. The refund should be reported on a Schedule B supporting Line 20(a) of the report covering the period in which the refund is made. (11 CFR §104.8(d)(4))

Although the Commission may take further legal steps, prompt action by you to refund the prohibited amount will be taken into consideration.

-Schedule C of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual, including a candidate's spouse, may not make contributions to a candidate for federal office in excess of \$1,000 per election. If the contributions or loans in question

21234 P2504890



were secured by property based on joint assets, please clarify your report with the following information:

- the name and address of the lending institution
- the interest rate
- whether or not the loan was secured
- the due date or amortization schedule
- brief description of the collateral or property used as a basis for the loan
- the owners of the collateral or the property used as a basis for the loan
- the type of ownership of such property (e.g., tenants by the entireties, joint tenants, tenants in common, etc.)
- the percentage of such property owned by each owner
- value of such property
- the names of all signatories on both the security instrument and the commercial note
- the capacity in which each signatory signed (e.g., co-maker, endorser, guarantor)

21012010

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution(s) you received exceeds the limits, you should either refund to the donor the amount in excess of \$1,000 or get the donor to redesignate and/or reattribute the contribution in writing. All refunds, redesignations, and reattributions must be made within sixty days of the treasurer's receipt of the contribution. Copies of refund checks and copies of letters reattributing or redesignating the contributions in question may be used to respond to this letter. Refunds and repayments are reported on Line 20 or Line 19, respectively, of the Detailed Summary Page and on Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR §§100.7, 100.8, 110.1, and 104.8(d)(2), (3) and (4))

Although the Commission may take further legal steps, prompt action by you to refund or seek redesignation and/or reattribution will be taken into consideration.

-You should file an amended report which includes Column B figures for the Summary and Detailed Summary Pages.

-You should provide totals on Lines 8, 16, 23, 24, 25, 26 and 27.

-Line 10 of the Summary Page of your report discloses \$80,001.52 in outstanding loans/debts. The sum of Schedule C loans and Schedule D debts indicates \$10,001.52 in outstanding obligations. Please explain the discrepancy and amend your report. (11 CFR §104.3(d))

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Special Report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to make concerning this matter will be taken into consideration. (11 CFR §104.5(f))

-You must provide the occupation and name of employer for each contributor required to be itemized on Schedule A. Please amend your report by supplying the omitted information.

With respect to the occupation and name of employer of the contributor, your committee may demonstrate "best efforts" to obtain the required information. This demonstration must describe your committee's procedures for requesting the information. You may also supply a copy of the solicitation. Under 11 CFR §104.7(b), the solicitation shall consist of a clear request for the required information (i.e., name, mailing address, occupation, and name of employer). The request should also inform the contributor that the reporting of such information is required by law. See 11 CFR §104.3(a)(4)(i) and 11 CFR §104.7.

-Schedule D of your report itemizes debts with outstanding beginning balances; however, these debts were not included on your previous report. Please refer to Section 104.11(b) of the FEC Regulations and amend your report(s).

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to

2173/1237192

RK



contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3550.

Sincerely,

Robin Kelly  
Reports Analyst  
Reports Analysis Division

212-2040904893

MEMORANDUM TO FILES:

DATE October 18, 1991

TELECON X  
VISIT     

NAME OF COMMITTEE: Citizens for Christopher Hodgkins

SUBJECT: 48-Hour Notices

FEC REP: Robin Kelly, RAD Analyst

COMMITTEE REP: Jeff Beatrice

On October 18, 1991, Jeff Beatrice, a committee representative, called regarding the 48-hour notices. He said he didn't realize they were required to file the notices. He wanted to know what he could do. Mr. Beatrice was told, by the analyst, that they could send in a letter ensuring the Commission that in the future these contributions would be reported.

92040904894



**WILLIAM E. NOONAN**  
PUBLIC ACCOUNTANT

91 NOV 25 AM 11:26

**REGULAR MAIL**  
**NOV 20 1991**

139025

U.S. MAIL  
510 MAIN STREET  
ST. LOUIS, MO 63102  
PHONE: (314) 542-6000

November 20, 1991

NOV 25 AM 11:46

Federal Election Commission  
Reports Analysis Division  
Washington D. C. 20463

RE: Identification No. C90230969

Attention: Robin Kelly

Dear Ms. Kelly:

I am writing to you in reference to a request you made dated October 1, 1991 to the Citizens For Christopher Hodgkins. Unfortunately, this was not sent to my address, and, I did not receive it until recently.

I would like to report the following:

1. Concern about a "Donation from a Labor Organisation". Please see a letter of explanation enclosed.
2. Schedule C of Report - Money from spouse. Please be advised that this was a bank loan on property which is held by tenants by the entirety. A letter showing value is enclosed.
3. Occupation and name of employer for each contributor. I am enclosing a copy of one of the letters sent out requesting this information.
4. 48 Hour Notice. A letter is enclosed to you concerning this. } RK
5. Line 10. Summary Page  
\$88,001.52 includes a \$50,000 original loan.

Please review this information and forward it to proper authorities. Also, please advise me as to what I have to do to complete this case.

If I have to file additional forms please send them to me, with explanations.

9120409048-95

Federal Election Commission  
Page 2.

Thank you.

Very truly yours,



William E. Noonan  
Public Accountant

WEN/h1  
Encs.

92.200,490.8,044996



Read for by Citizens for  
Chris Hodgkins, William  
E. Noonan, Treasurer  
c/o Franklin Street, Los  
Angeles 90012-1010. To  
volunteer or contribute, call  
(415) 243-4222

1991 American Mid-Year Report  
ATTACHMENT 6  
Page 3 of 3

*Chris*  
**Hodgkins.**

U.S. Congress.

91 NOV 25 AM 11:26

REGULAR MAIL

NOV 20 1991

November 20, 1991

Federal Election Commission  
Reports Analysis Division  
Washington D. C. 20463

RE: Identification No. C00250969

Attention: Robin Kelly

Dear Ms. Kelly:

You notified our Committee about the fact that the Committee failed to file 48 Hour Notice for last minute contributions.

You are correct, our Committee did do this. This was the first time that we were involved in a campaign such as this, and, did not understand the rules. Also, this election came up very fast, and, no one was in gear or had the time to completely learn the rules.

It was our fault, and, we are sorry for this. We now know what the requirements are, and, if we are ever involved again, we will know what to do, and, be more careful.

Very truly yours,

*William E. Noonan*

William E. Noonan  
Treasurer

92-20040804097

8111

RK

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

02 MAR 19 11 04 AM  
**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

RAD Referral #91L-95  
STAFF MEMBER: Veronica Gillespie

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

RESPONDENTS: Citizens For Christopher Hodgkins  
and William E. Noonan, as treasurer

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

INTERNAL REPORTS CHECKED: Referral Materials  
Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

22040904898  
The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on December 13, 1991. Attachment 1. The basis for the attached referral is the failure of the Citizens For Christopher Hodgkins (the "Committee") and William E. Noonan, as treasurer, to file timely forty-eight hour notifications ("48 Hour Notices") for two (2) loans totaling \$29,000.

Christopher Joseph Hodgkins lost the 1991 Special Primary Election in the First Congressional District of the State of Massachusetts with seventeen percent (17%) of the vote.

II. FACTUAL AND LEGAL ANALYSIS

See Attachment 2.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY



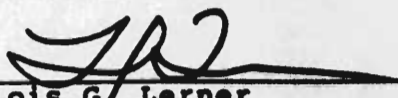
IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the Citizens For Christopher Hodgkins and William E. Noonan, as treasurer, violated 2 U.S.C. § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the appropriate letter, Factual and Legal Analysis, and proposed conciliation agreement.

Lawrence M. Noble  
General Counsel

3-17-92  
Date

BY:

  
Lois G. Lerner  
Associate General Counsel

Attachments:

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

92040904899

BEFORE THE FEDERAL ELECTION COMMISSION

(*MUR*  
3491)

In the Matter of

Citizens for Christopher Hodgkins  
and William E. Noonan, as treasurer.

RAD Referral #91L-95

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 23, 1992, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #91L-95:

1. Open a MUR.
2. Find reason to believe that the Citizens For Christopher Hodgkins and William E. Noonan, as treasurer, violated 2 U.S.C. 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the appropriate letter, Factual and Legal Analysis, and proposed conciliation agreement, as recommended in the General Counsel's Report dated March 17, 1992.

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

Attest:

3-23-92  
Date

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

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

Wed., March 18, 1992 10:48 a.m.  
Wed., March 18, 1992 4:00 p.m.  
Fri., March 23, 1992 4:00 p.m.

dr

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**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

**March 31, 1992**

**William E. Noonan, Treasurer  
Citizens for Christopher Hodgkins  
P.O. Box 403  
Lee, MA 01238-0403**

**RE: MUR 3491  
Citizens for Christopher Hodgkins  
and William E. Noonan, as treasurer**

**Dear Mr. Noonan:**

On March 23, 1992, the Federal Election Commission found that there is reason to believe the Citizens for Christopher Hodgkins ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

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William E. Noonan, Treasurer  
Page 2

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Veronica M. Gillespie, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

*Joan D. Aikens*

Joan D. Aikens  
Chairman

Enclosures

Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement

92040904902



**FEDERAL ELECTION COMMISSION  
FACTUAL & LEGAL ANALYSIS**

**MUR 3491**

**RESPONDENTS:** Citizens For Christopher Hodgkins  
and William E. Noonan, as treasurer

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

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

Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

According to the Act, a contribution is any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any



election for Federal office. 2 U.S.C. § 431(8)(A).

Christopher Joseph Hodgkins was a candidate in the April 30, 1991 Special Primary Election for the U.S. House of Representatives in the First Congressional District in the State of Massachusetts. According to the Statement of Organization filed with the Commission on March 18, 1991, the Citizens For Christopher Hodgkins (the "Committee") is the authorized principal campaign committee for Christopher Joseph Hodgkins and William E. Noonan is that committee's treasurer.

Pursuant to 2 U.S.C. § 434(a)(6)(A), the Committee was required to notify the Commission, in writing, of all contributions of \$1,000 or more received from April 11, 1991 to April 27, 1991. A review of the Committee's 1991 Mid-Year Report discloses that two (2) loans, made by the candidate Christopher Joseph Hodgkins, totaling \$29,000, was received by the Committee during April 22, 1991 through April 24, 1991, the aforementioned time period that required 48 Hour Notices:

<u>Date</u>	<u>Amount</u>
4/22/91	\$ 4,000
4/24/91	\$25,000

Accordingly, there is reason to believe that the Citizens For Christopher Hodgkins and William E. Noonan, as treasurer, violated 2 U.S.C. § 434(a)(6) by failing to file 48-Hour notices of campaign contributions in excess of \$1,000 received after the 20th day, but more than 48 hours, before the 1991 Special Primary Election, within 48 hours of receipt of the contributions.

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FEDERAL ELECTION COMMISSION  
ATT. VERONICA GILLESPIE

Re. HUR 3771  
CITIZENS FOR CONSTITUTIONAL RIGHTS  
AND WILLIAM E. NOONAN JR. TRUSTEES

AN EXTENSION OF 15 DAYS IS HEREBY  
REQUESTED TO SETtle THE MATTER DUE  
TO THE FACT THAT I AM A PUBLIC  
ACCOUNTANT AND HAVE TO MEET  
TAX DEADLINE OF 4-15-92

J. E. Noonan  
4-13-92

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RECEIVED  
FEDERAL ELECTION COMMISSION  
APR 13 1992

92 APR 13 PM 3:41



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 14, 1992

William E. Noonan, Treasurer  
Citizens for Christopher Hodgkins  
P.O. Box 403  
Lee, MA 01238-0403

RE: MUR 3491  
Citizens for Christopher Hodgkins  
and William E. Noonan, as treasurer

Dear Mr. Noonan:

This is in response to your faxed letter dated April 13, 1992, which we received the same day, requesting an extension of 15 days to respond to a reason to believe finding against the Citizens for Christopher Hodgkins and you, as treasurer, for a violation of the Federal Election Campaign Act of 1971. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 28, 1992.

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

Sincerely,

*Veronica M. Gillespie*  
Veronica M. Gillespie  
Attorney

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**TOMMASINO & TOMMASINO**

ATTORNEYS AT LAW  
THREE CENTER PLAZA  
BOSTON, MASSACHUSETTS 02108

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FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

APR 30 12 40 PM '92

TELEPHONE: (617) 723-1720  
TELECOPIER: (617) 723-6404

GERALD T. ANGLIN

28 April 1992

BY FACSIMILE

Veronica M. Gillespie, Esq.  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 3491  
Citizens for Christopher Hodgkins

Dear Ms. Gillespie:

This letter will serve to confirm that the Citizens for Christopher Hodgkins has retained me to represent the Committee in matters captioned under "MUR 3491". I look forward to addressing whatever difficulties have arisen in a prompt and responsive fashion.

Very truly yours,

  
Gerald T. Anglin, Esq.

GTA/cw

92 APR 30 PM 3:19

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FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

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**TOMMASINO & TOMMASINO**

ATTORNEYS AT LAW  
THREE CENTER PLAZA  
BOSTON, MASSACHUSETTS 02108

**GERALD T. ANGLEN**

TELEPHONE: (617) 782-1720  
TELESCOPE: (617) 782-0424

**28 April 1992****BY FACSIMILE**

**Veronica M. Gillespie, Esq.  
Federal Election Commission  
Washington, D.C. 20463**

**Re: MUR 3491**

**Citizens for Christopher Hodgkins  
and William E. Noonan, as treasurer**

**Dear Ms. Gillespie:**

Please accept this letter as "material" reflecting the reasons that "no action should be taken against the Committee" in Case No. 3491.

The Committee faced significant handicaps in attempting to comply with the laws and regulations governing campaign finances, including the following:

- a) the election involved was a "special election";
- b) candidates were required to familiarize themselves with complex matters in an extraordinarily short period of time;
- c) the customary procedures for identifying and assembling personnel fully knowledgeable with the complexities of regulations could not be accommodated within the context of the special election timetable;
- d) the rapid decompression of a campaign in a special election context clouded efforts to assemble and convey information;
- e) the candidate and committee at all times exercised good faith in its efforts to alert the Commission about monies received and expended;
- f) the matters apparently reported late and referred to in MUR 3491 were brought to the attention of the Commission by representatives of the candidate;
- g) prior to this election, the candidate had never before been engaged in a federal election.
- h) prior to this election, the campaign treasurer had never been involved in a federal election;

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- 1) personnel at the campaign did not understand that a loan constituted a contribution required to be reported on a 48-hour basis.

Please accept this as an initial presentation of material. I will be in communication with the Commission by phone in an effort to ascertain whether the Commission would deem it appropriate to receive additional material.

Very truly yours,



Gerald T. Anglin, Esq.

GTA/cw

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Paid for by Citizens for  
Christopher Hodgkins, William  
E. Noonan, Treasurer.  
88 Franklin Street, Lee,  
Massachusetts 01238. To  
volunteer or contribute, call  
(413) 243-8227.

*Chris*  
**Hodgkins.**  
U.S. Congress.

RECEIVED  
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MAIL ROOM

May 26 9 55 AM '92

Veronica M. Gillespie, Esq.  
Federal Election Commission  
Washington, D.C. 20463

May 21, 1992

Dear Attorney Gillespie:

Please find enclosed an executed copy of the Conciliation Agreement. The check for the civil penalty amount will follow forthwith.

Very truly yours,

*Christopher J. Hodgkins*  
Christopher J. Hodgkins

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FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

92 MAY 26 PM 3:43

92040904910

Paid for by Citizens for  
Christopher Hodgkins, William  
E. Noonan, Treasurer.  
88 Franklin Street, Lee,  
Massachusetts 01238. To  
volunteer or contribute, call  
(413) 243-8227.

Printed on recycled paper.

*Chris*  
**Hodgkins.**  
U.S. Congress.

*MWK  
3491*

Veronica M. Gillespie, Esq.  
Federal Election Commission  
Washington, D.C. 20463

May 22, 1992

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
92 MAY 29 AM 10:45

Dear Attorney Gillespie:

Please find enclosed a check in the amount of \$1000.00 -  
the civil penalty amount stipulated in the Conciliation  
Agreement in the Matter of Citizens For Christopher Hodgkins  
and William E. Noonan, as treasurer.

Very truly yours,

*Christopher J. Hodgkins*  
Christopher J. Hodgkins

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BEFORE THE FEDERAL ELECTION COMMISSION

100-1 PM 5:31

In the Matter of

Citizens For Christopher Hodgkins  
and William E. Noonan, as treasurer

**SENSITIVE**

NUR 3491

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 23, 1992, the Federal Election Commission found reason to believe Citizens For Christopher Hodgkins ("Committee") and William E. Noonan, as treasurer, violated 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by failing to file timely forty-eight hour notifications ("48 Hour Notices") for two candidate loans totaling \$29,000. Thereafter, the Commission entered into pre-probable cause conciliation with the Committee and William E. Noonan, as treasurer ("Respondents").

Attached is the conciliation agreement which has been signed by the Respondents.

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**II. RECOMMENDATIONS**


1. Accept the attached conciliation agreement with Citizens For Christopher Hodgkins and William E. Noonan, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble  
General Counsel

Date

5/29/92

BY:

  
Lois G. Lerner  
Associate General Counsel

**Attachment**

1. Proposed conciliation agreement

Staff Assigned: Veronica M. Gillespie

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Citizens For Christopher Hodgkins  
and William E. Noonan, as treasurer.

)  
)  
) NUR 3491  
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 5, 1992, the Commission decided by a vote of 6-0 to take the following actions in NUR 3491:

1. Accept the conciliation agreement with Citizens For Christopher Hodgkins and William E. Noonan, as treasurer, as recommended in the General Counsel's Report dated May 29, 1992.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated May 29, 1992.

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

Attest:

6-5-92  
Date

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

Received in the Secretariat: Mon., June 1, 1992 5:31 p.m.  
Circulated to the Commission: Tues., June 2, 1992 11:00 a.m.  
Deadline for vote: Fri., June 5, 1992 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1992

Gerald T. Anglin, Esq.  
Tommasino & Tommasino  
Two Center Plaza  
Boston, Massachusetts 02108

CLOSED

RE: MUR 3491  
Citizens for Christopher Hodgkins  
and William E. Noonan, as treasurer

Dear Mr. Anglin:

On June 5, 1992, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's, Citizens for Christopher Hodgkins and William E. Noonan, behalf in settlement of a violation of 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your clients.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 219-3690.

Sincerely,

*Veronica M. Gillespie*

Veronica M. Gillespie  
Attorney

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Citizens For Christopher Hodgkins  
and William E. Noonan, as treasurer

)  
)  
)  
) MUR 3491  
)

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FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Citizens For Christopher Hodgkins and William E. Noonan, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Citizens For Christopher Hodgkins is a political

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committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee, within the meaning of 2 U.S.C. § 431(5), for Christopher Joseph Hodgkins.

2. William E. Noonan is the treasurer of the Citizens For Christopher Hodgkins.

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

Id. The notification of these contributions shall be in addition to all other reporting requirements.

2 U.S.C. § 434(a)(6)(B).

4. Under the Act, a contribution is any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A).

5. Christopher Joseph Hodgkins participated in the April 30, 1991 Special Primary Election for the U.S. House of

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Representatives in the First Congressional District of the State of Massachusetts.

6. In order to comply with Section 434(a)(6)(A), the Respondents were required to file notices for all contributions of \$1,000 or more received from April 11, 1991 through April 27, 1991.

7. During the period between April 11, 1991 through April 27, 1991, the Respondents received two (2) loans from Christopher Joseph Hodgkins, the candidate, as follows:

<u>Date</u>	<u>Amount</u>
4/22/91	\$ 4,000
4/24/91	\$25,000

8. The Respondents did not submit 48 Hour reports for the two (2) loans noted in paragraph 7, supra.

V. The Respondents failed to file 48 Hour reports in violation of 2 U.S.C. § 434(a)(6). Respondents contend that the violation was not knowing and willful but occurred as a result of the challenges imposed by a special election and their lack of federal election law experience.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Dollars (\$1,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute

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a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

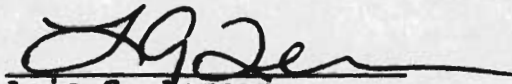
IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

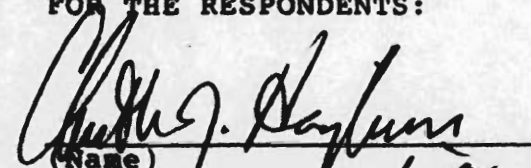
BY:

  
Lois G. Berner  
Associate General Counsel

Date

6-23-92

FOR THE RESPONDENTS:

  
(Name)  
(Position) *Confidential*

Date

5-20-92

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3491

DATE FILMED 7-9-92 CAMERA NO. 4

CAMERAMAN E.S.S.

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