



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3528

DATE FILMED 8/26/93 CAMERA NO. 3

CAMERAMAN EES

93040943328

EDMONDSON
CONGRESS

323 West Broadway, Room 604
Muskogee, OK 74401
(918) 682-6230

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

MAY 26 9 39 AM '92

MUR 3528

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAY 26 PM 3:46

May 20, 1992

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

Clerk of the House of Representatives Office of Records and
Registration
1036 Longworth Office Building
Washington, D.C. 20515-6612

RE: Complaint for Non-Compliance, 2nd District of Oklahoma

Against: Mike Synar
2441 Rayburn House Office Building
Washington, D.C. 20515

Complainant: W.A. Edmondson
323 W. Broadway, Room 604
Muskogee, OK 74401

Gentlemen:

With this letter I am registering a complaint against Mike Synar based upon my belief that he has failed to fully comply with reporting requirements as set out in the Federal Election Campaign Act of 1971.

Specifically, Mr. Synar has failed to fully identify - as set out in Section 100.12 and Section 104.8 of the Code of Federal Regulations, entitled "Identification," -contributors to his campaign as listed on his reports due January 31, 1992 and April 15, 1992. These sections clearly define the information that must be disclosed about contributors, including occupation and the name of his or her employer.

In both reports listed above, Mr. Synar failed to list the occupation and employer of numerous contributors, instead placing the notation "sent for." Further, Mr. Synar, to my knowledge, has failed to show proof that "best efforts" were used to obtain the omitted information.

Section 104.7 of the Code of Federal Regulations states "the treasurer will not be deemed to have exercised best efforts to obtain the required information unless he or she has made at least one effort per solicitation either by a written request or by an oral request documented in writing to obtain such information from the contributor."

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It is my belief that by failing to fully identify contributors as called for under the law, and/or by failing to submit proof that best efforts were made to obtain such information, Mr. Synar has failed to comply with the intent of the law.

Further, the failure to fully identify contributors in successive reports evidences a pattern of non-compliance apparently designed to prevent public disclosures of the interests underlying the contributions received.

Attached please find:

- A copy of contributors listed on Mr. Synar's report for 1991, due January 31, 1992, whose occupations and employment were omitted. Each bears the notation "sent for." The amount totaled more than \$30,000.
- A copy of contributors listed on Mr. Synar's report for the first quarter of 1992, due April 15, 1992, whose occupations and employment were not noted. Each bears the notation "sent for." The amount totaled over \$8,000.

Your appropriate attention to this situation would be appreciated.



Subscribed and sworn to me this 22nd day of May, 1992.



Notary Public.

Encl:

1. Contributors: Synar Report of 1/31/92
2. Contributors: Synar Report of 4/15/92
3. Article, Roll Call Magazine

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAY 26 PM 3:46

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WHAT IS MIKE SYNAR HIDING?

On Mike Synar's year end report for 1991, filed with the Federal Election Commission and the Oklahoma Ethics Commission, a number of contributors were not identified as to employment and/or occupation. The notation "sent for" appeared over and over again. The result: reporters attempting to analyze Synar's funding were unable to group a large number of people according to their "special interests", if any. The following were on the report:

Donald Bowen of Houston, Texas	\$1,000.00
Monte Bricker of Portland, Oregon	1,000.00
Frank Burge of Birmingham, Alabama	1,000.00
Lance Callis of Granite City, Illinois	1,000.00
Vivian Cooper of Kalamazoo, Michigan	1,000.00
Richard Crow of Sacramento, California	1,000.00
Sander Davis of Narberth, Pennsylvania	1,000.00
Joseph Dinardo of Buffalo, New York	1,000.00
Joseph Dowley of Chicago, Illinois	500.00
Daniel Downes of Chicago, Illinois	1,000.00
Louis Fenster of Tulsa, Oklahoma	250.00
James Freeley, Jr., of Boston, Massachusetts	1,000.00
Max Garrett of Houston, Texas	1,000.00
J. Weldon Granger of Houston, Texas	1,000.00
C. Richard Greiser of Westerville, Ohio	1,000.00
Robert Harrington of Orland Park, Illinois	1,000.00
Martin Henslee of Chicago, Illinois	1,000.00
Ernest Hubbell of Kansas City, Missouri	1,000.00
Phyllis Lakin of East Alton, Illinois	1,000.00
James Langdon of Washington, D.C.	500.00
Thomas McAliley of Miami, Florida	1,000.00
Willard J. Moody of Portsmouth, Virginia	1,000.00
Charles N. Murphy, Jr., of El Dorado, Arkansas	1,000.00
Robert M. Murphy of El Dorado, Arkansas	1,000.00
Robert F. Parker of Houston, Texas	250.00
Edward Pfiester of Los Angeles, California	1,000.00
Peter M. J. Reilly, Jr., of Islip, New York	1,000.00
Tom G. Salome of Waco, Texas	1,000.00
Daniel Sawyer of Kansas City, Missouri	1,000.00
Harold Tenebaum of Little Rock, Arkansas	1,000.00
Robert T. Y. Wang of Los Angeles, California	2,000.00
William J. Yaeger of Minneapolis, Minnesota	1,000.00
Phyllis Zeligson of Tulsa, Oklahoma	<u>250.00</u>
Total:	<u>\$30,750.00</u>
Total in Contributions of \$1000 or more:	<u>\$29,000.00</u>

What is particularly ironic is that virtually all of Synar's contributors of less than \$1000.00 were fully and accurately identified as to both employer and occupation on the report.

On Mike Synar's April report dating from January 1 through March 31, 1992 filed with the Federal Election Commission and the Oklahoma Ethics Commission, a number of contributors again were not fully indentified as to employment and/or occupation. The following were on the report:

Carl T. Abele of Medina, OH	\$250.00
Andrew Athy, Jr. of Washington, DC	\$250.00
Richard E. Baker of Toluca Lake, CA	\$500.00
Brian F. Billings of Ponte Vedra Beach, FL	\$100.00
Grover Connell of Westfield, NJ	\$1000.00
Patricia Connell of Westfield, NJ	\$1000.00
Donald A. Crane of Steamboat Springs, CO	\$125.00
T.C. Godwin, Jr. of Dunn, NC	\$500.00
Max S. Goldin of Breman, GA	\$250.00
Robert D. Hadl of Beverly Hills, CA	\$500.00
Lindalyn L. Hutter of Alexandria, VA	\$250.00
Harold E. Lambert of Winter Park, FL	\$250.00
Kerley LeBoeuf of Alexandria, VA	\$250.00
Joseph F. Lesnardo of Casselberry, FL	\$250.00
Gerald M. Lowrie of Rockville, MD	\$250.00
Christopher R. O'Neill of Washington, DC	\$250.00
Teri F. Richman of Annadale, VA	\$250.00
Susan D. Savage of Las Vegas, NV	\$500.00
Robert Seng of Oneonta, NY	\$250.00
Stephen G. Sheetz of Altoona, PA	\$500.00
Diane Simmons of Siloam Springs, AR	\$500.00
Robert Weerts of Winnebago, MN	<u>\$250.00</u>

Total : \$8225.00

Grand Total : January and April 1992 \$38,975.00

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Disclosure Doesn't Stop Mystery Donors

Finding Contributors Takes Detective Work When Addresses, Professions Aren't Listed; 'Best Effort' by Campaigns Often Falls Short, Leaving Identities Unclear

By Glenn R. Simpson

Democratic Congressional challenger Drew Edmondson recently called a press conference to complain that the longtime incumbent he opposes, Rep. Mike Synar (D-Okla.), was hiding the identities of some of his biggest campaign contributors — 28 contributors of \$1,000 each, to be precise.

Wait a minute. Didn't anonymous contributions go out with Richard Nixon? Aren't they illegal? In fact, they did, and they are, but in an important sense, as Edmondson found, anonymous contributions are back.

And Synar is not in any legal jeopardy. While Synar reported to the Federal Election Commission the names of the 28 donors, he failed to list where they work, and the Federal Election Commission requires only that campaigns make their "best effort" to find such information. And, to the FEC, best efforts don't necessarily require finding out employers or even occupations.

There is no way for the public to know from Synar's report what special interests are represented by these contributors, Edmondson noted, alleging "a pattern of deception that should not be permitted."

To back up the charge, Edmondson said that while the Synar campaign failed to identify nearly half of its 56 biggest 1991 contributors, it somehow managed to get the same information for about 95 percent of the 191 contributions received that were for amounts less than \$1,000.

While the public, and Edmondson, have few means of identifying who Synar's mystery donors are, reporters can do so with a bit of computer- and telephone-assisted detective work. By checking other instances where Synar's unidentified 28 made political contributions, calling contributors, and consulting other sources, Edmondson's allegation that the donations comprise hidden special-interest money can be factually supported, at least in part.

Our research found that at least 24 of the 28 contributions come from trial attorneys — a group that forcefully opposes putting caps on liability judgments.

For example, when asked why he gave to Judiciary Committee member Synar, Chicago attorney Daniel J. Downes answered, "Because I thought he had an interest in the plaintiffs' trial bar...that he stood up for the rights of lawyers."

Among the contributors who were not identified in FEC filings as attorneys were Kansas City lawyers Ernest Hubbell and his partner Daniel Sawyer. Hubbell is a former president of the Missouri Association of Trial Attorneys. However, not all of the unidentified contributors were personal-injury attorneys. John B. Hayes, who with his



Photo by Laura Patterson

Rep. Mike Synar was slammed by his primary challenger for failing to disclose fully the identities of 28 of his \$1,000 donors. Most turned out to be trial attorneys — interested in stopping caps on liability judgments.

wife Gail Hayes gave \$2,000, is the CEO of a nursing home, and said he gave to Synar because of his strong support for health care reform.

Another contributor who was not identified in Synar's filings is Tom Salome of Waco,

Sen. Packwood failed to list places of employment for more than 800 individual contributors last year, just under half of all his donors.

Texas, a businessman who usually gives to Republicans, including Rep. Joe Barton (R-Texas) and President Bush.

Darcy Moydell, Synar's office manager, says that, contrary to Edmondson's allegations, no obfuscation was intended. Moydell volunteered to Roll Call the information that the unidentified contributors were trial lawyers, but she said that the donations arrived at Synar's campaign very late in the filing cycle — late December — and there was no time before the deadline to pursue information the contributors had failed to include.

Synar refuses to accept political action committee (PAC) money and is a longtime proponent of campaign finance reform. However, it's clear that his personal PAC has doesn't stop special-interest money from flowing into his coffers. Had the trial lawyers' contributions come via the American Trial Lawyers Association PAC, the special-interest nature of the money would have been clear, even if it came in on the last day.

Moydell says she has always been told by the FEC "that our form is one of the most complete up there." She's right about that. Some campaigns fail to list places of employment for half or more of all their individual contributors, though one-third is about the average, according to Ellen Miller, director of the Center for Responsive Politics.

Sen. Bob Packwood (R-Ore), for instance, failed to list places of employment for more than 800 individual contributors last year, slightly less than half of all of his donors.

An examination of contributions to other candidates by many of the individuals who were not identified on Packwood's forms reveals that they are bankers, real estate investors, or attorneys — all of whom may have an interest in Packwood's tax-writing work as the top Republican on the Senate Finance Committee.

Similarly, a recent probe by the Anchorage Daily News found that Sen. Frank

Murkowski (R-Alaska), who is up for reelection this year, had failed to disclose occupational information for nearly \$230,000 in individual contributions in 1991 alone.

According to the newspaper, the unidentified gifts make up nearly 75 percent of Murkowski's large individual contributions and 57 percent of all individual contributions. Murkowski's campaign treasurer told the Daily News the campaign wasn't trying to hide anything, and called the missing information "a clerical situation."

Candidates get away with leaving out the information because the Federal Election Commission has been prohibited by a 1979 court ruling from enforcing its requirement that such material be included. The ruling grew out of a 1976 case in which the FEC wanted Ronald Reagan's presidential campaign to disclose more about its donors.

Miller, whose group has set up a data base to help journalists identify contributors but charges for its use, disputes the frequent explanation that contributors are at fault, not campaigns. "When they are told they have to do it, they do it," she says.

Miller recently complained in a letter to FEC Chairwoman Joan Aikens that the commission was "shirking its responsibility" to require identification.

Aikens responded early this month that the commission shares the center's concern but that the law limits what the FEC can do. She did note that outside groups are able to file complaints alleging that campaigns failed to

The FEC asked Congress to beef up enforcement laws, but the campaign finance bill passed by the House recently is silent on the subject.

make their "best effort" to get such information. However, under the current weak legal definition, it's not hard for campaigns to prove they made a "best effort."

Aikens also noted that the FEC recently asked Congress to address the problem. The FEC suggested that Congress might want to require campaigns to make "one written request for contributor information or one oral contact with the contributor after the contribution is received."

But the current campaign finance bill, which among other things restricts PAC giving, is silent on this subject.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 1, 1992

W. A. Edmondson
323 W. Broadway, Room 604
Muskogee, OK 74401

RE: MUR 3528

Dear Mr. Edmondson:

This letter acknowledges receipt on May 26, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Honorable Mike Synar, Mike Synar for Congress Committee, and Gene Moffitt, as treasurer. The respondents will be notified of this complaint within five days.

Your campaign manager, John Terry, has been informed by telephone that this office did not receive the itemized enclosures referred to at the end of your complaint. This letter will serve to confirm that Mr. Terry has agreed to forward those materials to us by Federal Express.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3528. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lisa E. Klein
Assistant General Counsel

Enclosure
Procedures

9304094334



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 1, 1992

Mike Synar for Congress Committee
Gene Moffitt, Treasurer
212 North Fourth Street
Muskogee, OK 74401

RE: MUR 3528

Dear Mr. Moffitt:

The Federal Election Commission received a complaint which indicates that the Mike Synar for Congress Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3528. Please refer to this number in all future correspondence.

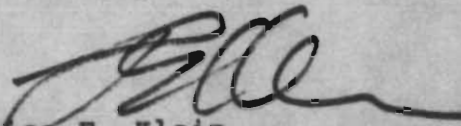
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of the supporting materials. If no response is received within 15 days of receipt of the materials, the Commission may take further action based on the available information.

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 matter to be made public. 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.

9304094335

If you have any questions, please contact Lawrence Calvert, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Statement of Designation of Counsel

93040943336



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 1, 1992

The Honorable Mike Synar
2441 Rayburn House Office Building
Washington, DC 20515

RE: MUR 3528

Dear Mr. Synar:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3528. Please refer to this number in all future correspondence.

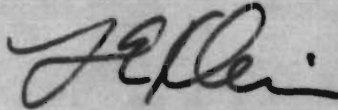
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 matter to be made public. 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.

9304094337

If you have any questions, please contact Lawrence Calvert, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Statement of Designation of Counsel

93040943338

Mike
Synar
CONGRESS

212 NORTH 4TH STREET • MUSKOGEE, OKLAHOMA 74401

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

JUN 17 1 15 PM '92

Federal Election Commission
General Counsel
Attn: Lawrence Calvert
999 E Street NW
Washington, DC 20463
June 12, 1992

92 JUN 18 PM 12:01

RE: MUR 3528

Dear Mr. Calvert,

This is in response to the letter Congressman Synar received from Lisa E. Klein, Assistant General Counsel, regarding the complaint filed by W.A. "Drew" Edmondson. We appreciate the opportunity to respond to Mr. Edmondson's accusations and have enclosed documentation to prove that there is no basis for his allegation.

I have included the following information in our response packet:

1. Enclosure I --- sample copy of postcard mailed to donors requesting additional information.
2. Enclosure II--- two cover pages listing donors in question on the year-end report covering 7/1/91 through 12/31/91 which was initially filed on 1/25/92. The report indicates the date each contribution was received; the date the additional information was requested; and the date the information was returned.

Attachments --- eleven pages showing the documentation in question. The smaller card is retained by the Synar for Congress Committee which shows the date the information was requested; the information requested; and the date the information was returned. The larger card indicates the donor's response. (There is no card when the donor has not responded.)

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3. Enclosure III-- two cover pages listing the donors in question on the report covering 1/1/92 through 3/31/92 which was filed on 4/15/92. The report indicates the date each contribution was received; the date the additional information was requested; and the date the information was returned.

Attachments --- seven pages showing the documentation in question.

When a donation is received by the Synar for Congress Committee, our office administrator deposits the contribution in the campaign's checking account. She then writes a receipt for the donation based upon the information on the check. If the donor's employer and occupation information is in our computer, we simply note that information on the receipt and list it on the FEC report. However, if we do not have their employer and occupation in our computer files, the office administrator sends the donor a postcard requesting the necessary information (see Enclosure I). If we have not received their response by the time the next FEC report is compiled, we make a notation of "sent for" in the appropriate place on the FEC report.

We feel our procedure is in compliance with Section 104.7 of the Code of Federal Regulations which states, "the treasurer will not be deemed to have exercised best efforts to obtain the required information unless he or she has made at least one effort per solicitation either by a written request or by an oral request documented in writing to obtain such information from the contributor". It is our interpretation that we are exercising "best efforts" by sending a written request for the required information. We have enclosed a copy of the written request for each donation in question.

Please note concerning the donations in question, the vast majority were received near the FEC closing date. I feel if the donations had been received earlier in the reporting period, we would have been able to identify the occupations and employers of more donors. In addition, I would like to point out that from 1/1/91 through 3/31/92, only 11% of our itemized receipts required a notation of "sent for" regarding occupation and employer. We were able to provide all required information on approximately 580 of 650 donors. The remaining 70 donors were identified as to their name, address, date and amount of contribution. Regardless of Mr. Edmondson's allegations, the Synar for Congress Committee makes every attempt to disclose the identity of our donors.

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page 3

It was also alleged in Mr. Edmondson's complaint that our campaign's "failure to fully identify contributors in successive reports evidences a pattern of non-compliance apparently designed to prevent public disclosures of the interests underlying the contributions received". Nothing could be further from the truth. There is no "pattern of non-compliance" because we follow the guidelines set forth in the Code of Federal Regulations and will continue to do so---in the same manner.

We appreciate the opportunity to respond to Mr. Edmondson's complaint. It is regrettable that he chose to submit his unfounded allegations to the media before he contacted the FEC or the Synar Campaign. It is becoming a common occurrence for Mr. Edmondson's vicious attacks to be based on fiction rather than the facts.

It has always been, and will continue to be, the practice of the Synar for Congress Committee to comply with the Federal Election Campaign Act and the regulations of the FEC.

We welcome your inquiry and look forward to your response.

Sincerely,

Cindy Tate-Ball
Cindy Tate-Ball
Assistant Treasurer

Signed and sworn to me on 6-12-92 by Cindy Tate Ball.

Andrea Nicole Minnick
Notary Public

My commission expires 5/18/93

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Enclosure I

Date Sent: _____

Sent To: _____

Dear _____:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

Information Requested:

- ☐ Home Address
- ☐ Name of Employer
- ☐ Address of Employer
- ☐ Occupation:

☐ HOME ADDRESS: _____

☐ NAME OF EMPLOYER: _____

☐ ADDRESS OF EMPLOYER: _____

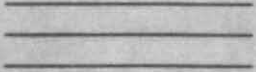
☐ OCCUPATION: _____

Date Information Returned _____

P.S. PLEASE RETURN AS SOON AS POSSIBLE.



93040943343

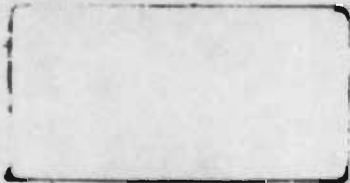
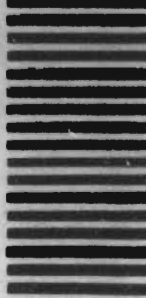


BUSINESS REPLY MAIL
FIRST CLASS PERMIT NO. 32 MUSKOGEE, OK.

SYNAR
DEMOCRAT FOR CONGRESS

Mike Synar for Congress Committee
212 North Fourth Street
Muskogee, Oklahoma 74401

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



ENCLOSURE II---two cover pages, eleven pages of supporting
documentation

RE: FEC REPORT COVERING PERIOD 7/1/91 THROUGH 12/31/91

NAME	CONTRIBUTION RECEIVED	INFORMATION REQUESTED	INFORMATION RETURNED
J. Donald Bowen	12/23/91	12/31/91	1/29/92
Monte Bricker	12/23/91	12/31/91	---
Frank O. Burge, Jr.	12/23/91	12/31/91	2/4/92
Lance Callis	12/23/91	12/31/91	1/31/92
Vivian E. Cooper	12/2/91	12/3/91	---
Richard E. Crow II	12/23/91	12/31/91	2/3/92
G. Sander Davis	12/23/91	12/31/91	2/5/92
Joseph Dinardo	12/23/91	12/31/91	2/13/92
Joseph K. Dowley	12/2/91	12/31/91	2/10/92
Daniel J. Downes	12/23/91	12/31/91	2/6/92
Louis Fenster	12/23/91	12/31/91	1/30/92
James F. Freeley, Jr.	12/23/91	12/31/91	---
Max Garrett	12/23/91	12/31/91	1/30/92
J. Weldon Granger	12/23/91	12/31/91	---
C. Richard Grieser	12/23/91	12/31/91	2/7/92
Robert E. Harrington, Jr.	12/23/91	12/31/91	4/10/92
Martin K. Henslee	12/23/92	12/31/91	1/30/92
Ernest Hubbell	12/23/91	12/31/91	2/7/92
Phyllis Jean Lakin	12/23/91	12/31/91	2/11/92
James C. Langdon	12/17/91	12/31/91	---
Thomas W. McAliley	12/23/91	12/31/91	1/28/92
Willard J. Moody	12/23/91	12/31/91	---

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ENCLOSURE II, page 2

RE: FEC REPORT COVERING PERIOD 7/1/91 THROUGH 12/31/91, cont.

NAME	CONTRIBUTION RECEIVED	INFORMATION REQUESTED	INFORMATION RETURNED
Chas H. Murphy, Jr.	12/30/91	12/31/91	1/30/92
Robert Madison Murphy	12/30/91	12/31/91	1/29/92
Robert F. Parker	10/22/91	10/24/91	10/30/91*
R. Edward Pfiester, Jr.	12/23/91	12/31/91	---
Peter M.J. Reilly, Jr.	12/23/91	12/31/91	3/3/92
Tom G. Salome	12/20/91	12/31/91	2/5/92
Daniel D. Sawyer	12/23/91	12/31/91	2/8/92
Harold S. Tenebaum	12/20/91	12/31/91	1/30/92
Robert T.Y. Wang	10/22/91	10/24/91	---
William J. Yaeger	12/27/91	**	**
Phyllis K. Zeligson	12/23/91	12/31/91	---

* Robert F. Parker's information card was evidently returned prior to the compilation of the year end FEC report. The card was inadvertently misfiled and the information was not available to me at the time I submitted the report.

** Contrary to Mr. Edmondson's accusation, William J. Yaeger's employer and occupation were listed on the FEC report (see page 36 of 37 for line 11 (a)(i)). Therefore, additional information was not requested.

93040943345

Date Sent: 12/31/91

Sent To: J. Donald Bowen
2929 Allen Parkway
Houston, TX 77019

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

1/29/92 postmark

Dear Donald:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS:

☒ NAME OF EMPLOYER: HELM, Pletcher, Hagen, Bowen & Saunders

☐ ADDRESS OF EMPLOYER: 2929 ALLEN PARKWAY #2700
HOUSTON TX 77019

☒ OCCUPATION: LAWYER

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: J. Donald Bowen
2929 Allen Parkway
Houston, TX 77019

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

Date Sent: 12/31/91

Sent To: Frank D. Burger
2300 Southern Power
Birmingham, AL 35203

Information Requested: 3204

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

2/4/92

Dear Frank:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS:

☒ NAME OF EMPLOYER: BURLE & PLETTERMARK

☐ ADDRESS OF EMPLOYER: 2300 SOUTHWEST TOWER
BIRMINGHAM, ALA. 35201-3104

☒ OCCUPATION: LAWYER

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: Lance Callis
12346
Dudman
Granite City, IL
62040

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

1/31/92 postmarked

Dear Lance

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS:

☒ NAME OF EMPLOYER:

Callis Law Firm P.C.

☐ ADDRESS OF EMPLOYER:

☒ OCCUPATION:

Lawyer

P.S. PLEASE RETURN AS SOON AS POSSIBLE

Date Sent: 12/3/91

Sent To: Vivian Cooper
3605 Woodriff Dr.
Kalamazoo, MI
49008

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

Date Sent: 12/31/91

Sent To: Richard Crow, II
6293 Thangra Dairy Dr.
Sacramento, CA 95831

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

1/3/92 postmarked

Dear Richard

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS:

☒ NAME OF EMPLOYER:

Crow, Scott, Gillette, Manager... (SELF)

☐ ADDRESS OF EMPLOYER:

☒ OCCUPATION:

Attorney

P.S. PLEASE RETURN AS SOON AS POSSIBLE

Date Sent: 12/31/91

Sent To: G. Sanders Davis
616 Broad Acres Rd.
Narberth, PA
19072

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

2/5/92 postmark

Date Sent: 12/31/91

Sent To: Joseph DiNardo
215 Nottingham Terrace
Buffalo, NY 14216

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

2/13/92 postmark

Date Sent: 12/31/91

Sent To: Joseph K. Dancy
1775 Pennsylvania Ave. N.W.
Washington, D.C. 20006

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

2/10/92 (pm)

Dear Sander:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

☒ HOME ADDRESS:

616 Broad Acres Road
Narberth, PA 19072

☒ NAME OF EMPLOYER:

G. Sanders Davis + Associates

☐ ADDRESS OF EMPLOYER:

1601 Market Street, Suite 2330
Philadelphia, Pa 19103

☒ OCCUPATION:

Attorney

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Dear Joseph:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS:

☒ NAME OF EMPLOYER:

William Collins + DiNardo

☐ ADDRESS OF EMPLOYER:

217 N. Main St
Buffalo, N.Y. 14201

☒ OCCUPATION:

Attorney

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Dear Joseph:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS:

☒ NAME OF EMPLOYER:

Dewey Ballantine

☐ ADDRESS OF EMPLOYER:

1775 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

☒ OCCUPATION:

attorney

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: Daniel J. Owens

Welle D. Kento

Chicago, IL 60646

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

2/6/92

postmarked

Dear Daniel:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS:

Welle D. Kento

☒ NAME OF EMPLOYER:

Chicago IL 60646

☐ ADDRESS OF EMPLOYER:

Henslee Henslee

☒ OCCUPATION:

30 W La Salle

Chicago IL 60602

Attorney

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Dear Louis:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS:

☒ NAME OF EMPLOYER:

Self

☐ ADDRESS OF EMPLOYER:

☒ OCCUPATION:

Real Estate / Investments

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: Louis Decker

3188 60th 38th Place

Dulles, VA 74105

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

1/30/92

postmarked

Date Sent: 12/31/91

Sent To: James Bradley Jr.

One McKinney Square

Boston, MA 02109

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

Date Sent: 10/31/91

Sent To: May Barnett
811 Rusk, Suite 715
Houston, TX 77002
2883

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

4/30/92 postmarked

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.
Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.
Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS:

☒ NAME OF EMPLOYER: GARRETT LETTERER - PAYNE, INC.

☐ ADDRESS OF EMPLOYER:

☒ OCCUPATION: ATTORNEY AT LAW

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 10/31/91

Sent To: Weldon Brang
P.O. Box 4340
Houston, TX 77210

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☐ Occupation:

Date Information Returned

Date Sent: 12/31/91

Sent To: Richard Grieser
5223 Springfield Dr.
Westerville, OH
43081

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

2/7/92
postmarked

Dear Richard:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

C. RICHARD GRIESER Mike

☐ HOME ADDRESS: 5223 SPRINGFIELD DRIVE
WESTERVILLE, OH 43081

☒ NAME OF EMPLOYER: GRIESER, SCHAFER, RUMENSTIEL & SLANE,

☐ ADDRESS OF EMPLOYER: CO., LPA, 261 W. JOHNSTOWN RD.
COLUMBUS, OH 43230

☒ OCCUPATION: LAWYER

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/21/91

Sent To: Robert Harrington
8255 Arrowwood Lane
Orland Park, IL
60462

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

4/10/92 postmarked

Dear Robert:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS:

☒ NAME OF EMPLOYER: Harrington & Harrington

☐ ADDRESS OF EMPLOYER: 510 S. Michigan

Chicago, IL 60604

☒ OCCUPATION: Attorney at Law

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: Martink Henao
30 W. La Salle St.
Chicago, IL 60602

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

1/30/92 postmarked

Dear Martin:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS: 96716 N. LOLETA, Chicago, IL 60646

☒ NAME OF EMPLOYER: Self

☐ ADDRESS OF EMPLOYER: 30 W. La Salle

Chicago, IL 60602

☒ OCCUPATION: Lawyer

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: Ernest Hubbell
Power & Light Bldg.
25th Floor

Kansas City, MO
64105

- Information Requested:
☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

2/1/92

Dear Ernest:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS:

☒ NAME OF EMPLOYER: Hubbell, Sawyer, Peak & O'Neal

☐ ADDRESS OF EMPLOYER: 106 W. 14th St., 25th Fl.

Kansas City, MO 64105

☒ OCCUPATION: Lawyer

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: Phyllis Gendaki
287 Oakley Place
East Otter, Ill
62024

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

2/11/92

Dear Phyllis:

I appreciate your recent contribution, but to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mile

☐ HOME ADDRESS: _____

☒ NAME OF EMPLOYER: _____

☐ ADDRESS OF EMPLOYER: _____

☒ OCCUPATION: _____

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: James Langdon
1333 New Hampshire Ave
N.W. Suite 400
Washington, DC
20036

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

Dear Thomas:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mile

☐ HOME ADDRESS: _____

☒ NAME OF EMPLOYER: _____

☐ ADDRESS OF EMPLOYER: _____

☒ OCCUPATION: _____

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: Thomas McIlroy
66 W. Flagler St.
5th Floor

Miami, OK 33130
Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

1/28/92 postmarked

Date Sent: 12/31/91

Sent To: William Moody
500 Crawford St.
Suite 300
Portsmouth, VA 23704

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

Date Sent: 12/31/91

Sent To: Chas H. Murphy
200 N. Jefferson
Suite 400
El Dorado, AR 71730

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

1/29/92 postmarked

Dear Chas

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

- ☐ HOME ADDRESS: _____
- ☒ NAME OF EMPLOYER: MURPHY OIL CORPORATION
- ☒ ADDRESS OF EMPLOYER: 200 Peach Street
El Dorado, AR 71730
- ☒ OCCUPATION: Chairman of the Board

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: Robert Murphy
200 N. Jefferson
Suite 400
Eldorado, AR 71730

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

1/29/92 postmarked

Dear Robert

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

- ☐ HOME ADDRESS: _____
- ☒ NAME OF EMPLOYER: MURPHY OIL CORPORATION
- ☒ ADDRESS OF EMPLOYER: 200 Peach Street
El Dorado, AR 71730
- ☒ OCCUPATION: Vice President

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Oct 29, 1991

Dear Robert

I appreciate your recent contribution. In order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely, Mike

- ☐ HOME ADDRESS: _____
- ☒ NAME OF EMPLOYER: Self Employed
- ☐ ADDRESS OF EMPLOYER: _____
- ☒ OCCUPATION: Self employed

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

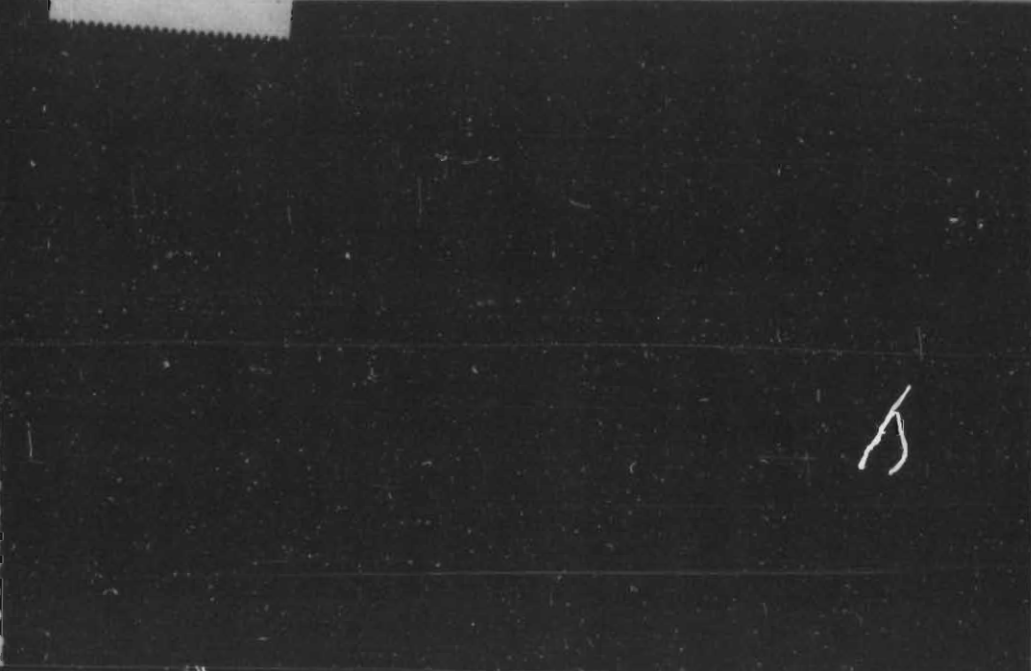
Date Sent: 12/31/91
 Sent To: Robert Baker
1400 S. TX
77051
 Information Requested:
☐ Home Address
☐ Name of Employer
☐ Address of Employer
☐ Occupation
 Date Information Returned
Postmarked

040943354

Date Sent: 12/31/91
 Sent To: Edward B. Rosta
2000 Riverside Dr. #200
Los Angeles, CA 90039

- Information Requested:
- ☐ Home Address
 - ☒ Name of Employer
 - ☐ Address of Employer
 - ☒ Occupation:

Date Information Returned _____



Date Sent: 12/31/91
 Sent To: Peter M.J. Reilly
144 Main St
Islip, NY 11751

- Information Requested:
- ☐ Home Address
 - ☒ Name of Employer
 - ☐ Address of Employer
 - ☒ Occupation:

Date Information Returned 3/3/92

Dear Peter

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely, Mike

- ☐ HOME ADDRESS: 444 MAIN ST
ISLIP NY 11751
- ☒ NAME OF EMPLOYER: SELF
- ☐ ADDRESS OF EMPLOYER: P.O. BOX 238
ISLIP NY 11751
- ☒ OCCUPATION: Lawyer

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 10/31/91

Sent To: Tom Salame

P.O. Box 1175

Waco, TX 76703

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

2/5/92 postmarked

Dear Tom:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.
Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.
Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS: _____

☒ NAME OF EMPLOYER: M. Lipitz & Co., Inc.

☐ ADDRESS OF EMPLOYER: 100 Elm Street
Waco, TX 76704

☒ OCCUPATION: Merchant

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: Daniel Savage

423 W. Red Bridge

Kansas City, MO
64114

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

2/8/92

Dear Daniel:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.
Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.
Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS: _____

☒ NAME OF EMPLOYER: Hubbell, Sawyer, Peck & O'Neal

☐ ADDRESS OF EMPLOYER: 25th Flr Power & Light Bldg
Kansas City, Mo. 64105

☒ OCCUPATION: Lawyer

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 12/31/91

Sent To: Harold Thern

#16 Iron Horse

Little Rock, AR
72211

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

1/30/92

Dear Harold:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.
Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.
Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS: _____

☒ NAME OF EMPLOYER: H. Terentian Co Inc

☐ ADDRESS OF EMPLOYER: _____

☒ OCCUPATION: Scrap Metal Processor

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: Oct. 24 1991

Sent To: Robert I. Kland

6116 Normley Ave

Los Angeles, CA

Information Requested: 90024

- ☐ Home Address
- ☒ Name of Employer
- ☐ Address of Employer
- ☒ Occupation:

Date Information Returned

Date Sent: 12/31/91

Sent To: Phyllis Zeligson

2229 So. Mary Ave.

Quincy, OK 74136

Information Requested:

- ☐ Home Address
- ☒ Name of Employer
- ☐ Address of Employer
- ☒ Occupation:

Date Information Returned

ENCLOSURE III---two cover pages; seven pages of supporting
documentation

RE: FEC REPORT COVERING PERIOD 1/1/92 THROUGH 3/31/92

NAME	CONTRIBUTION RECEIVED	INFORMATION REQUESTED	INFORMATION RETURNED
Carl T. Abele	3/30/92	4/2/92	4/29/92
Andrew Athy, Jr.	2/19/92	2/23/92	---
Richard E. Baker	3/30/92	4/2/92	5/22/92
Brian F. Billings	3/10/92	4/2/92	5/1/92
Grover Connell	1/24/92	4/2/92	5/1/92
Patricia Connell	1/24/92	4/2/92	5/1/92
Donald A. Crane	3/30/92	*	*
T.C. Godwin, Jr.	3/30/92	4/2/92	5/6/92
Max S. Goldin	3/30/92	4/2/92	4/30/92
Robert D. Hadl	3/30/93	4/2/92	---
Lindalyn L. Hutter	3/30/92	4/2/92	---
Harold E. Lambert	3/30/92	4/2/92	6/4/92
Kerley LeBoeuf	3/30/92	4/2/92	---
Joseph F. Lesnardo	3/30/92	4/2/92	4/30/92
Gerald M. Lowrie	2/19/92	4/2/92	---
Christopher R. O'Neill	2/19/92	3/1/92	---
Teri F. Reichman	3/30/92	4/2/92	5/1/92
Susan D. Savage	3/16/92	4/2/92	5/6/92
Robert Seng	3/30/92	4/2/92	5/4/92

93040943357

ENCLOSURE III, page 2

RE: FEC REPORT COVERING PERIOD 1/1/92 THROUGH 3/31/92

NAME	CONTRIBUTION RECEIVED	INFORMATION REQUESTED	INFORMATION RETURNED
Stephen G. Sheetz	3/30/92	4/2/92	5/5/92
Diane Simmons	3/16/92	4/2/92	4/29/92
Robert Weerts	3/30/92	4/2/92	4/30/92

* Donald A. Crane should not have been listed on the FEC report dated 4/15/92. Although he did make the contribution as listed, his aggregate year-to-date was \$125 which is under the \$200 threshold.

93040943358

Date Sent: 2/23/92
Sent To: Andrew
1310 Northeast St.
N.W.

Washington, DC

Information Requested: 20036

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

Date Sent: 4-2-92
Sent To: Carl T. Asule
317 Street Meadows Dr.
Medina, OH
44056

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned
4/29/92 received

Dear Carl:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

- ☐ HOME ADDRESS: CARE ASULE
317 STREET MEADOWS DR.
MEDINA, OH 44056
☒ NAME OF EMPLOYER: Stop - North of Medina Inc.
☐ ADDRESS OF EMPLOYER: 216 W. Liberty
Medina, OH 44056
☒ OCCUPATION: Retail Food & Hardware Sales.

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92
Sent To: Richard Baker
220 S. Valley
Toluca Lake, CA
91505

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned
5/11/92 returned

Dear Richard:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

- ☐ HOME ADDRESS: _____
☒ NAME OF EMPLOYER: MCA INC
☐ ADDRESS OF EMPLOYER: 100 UNIVERSAL CITY PL
UNIV. CITY CA 91608
☒ OCCUPATION: EXECUTIVE

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92
Sent To: Brian Billing
2636 Sycamore Blvd
Ponte Vedra Beach, FL
32082

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

5/1/92

Dear Brian:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.
Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.
Thank you for your assistance.

Sincerely,

Mike

- ☐ HOME ADDRESS: _____
☒ NAME OF EMPLOYER: none
☐ ADDRESS OF EMPLOYER: _____
☒ OCCUPATION: Private Investor

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92
Sent To: Choues Connell
207 Watchung Park
Westfield, NJ
07090

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

5/1/92 *postmarked*

Dear Choues:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.
Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.
Thank you for your assistance.

Sincerely,

Mike

- ☐ HOME ADDRESS: _____
☒ NAME OF EMPLOYER: The Connell Company
☐ ADDRESS OF EMPLOYER: 45 Cardinal Drive
Westfield, NJ 07090
☒ OCCUPATION: President

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92
Sent To: Patricia Connell
207 Watchung Park
Westfield, NJ
07090

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

5/1/92 *postmarked*

Dear Patricia:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.
Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.
Thank you for your assistance.

Sincerely,

Mike

- ☐ HOME ADDRESS: _____
☒ NAME OF EMPLOYER: The Connell Company
☐ ADDRESS OF EMPLOYER: 45 Cardinal Drive
Westfield, NJ 07090
☒ OCCUPATION: Director

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92

Sent To: T.C. Downing
P.O. Box 1369
Dunn, NC
28334

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

5/6/92 *postmarked*

Dear T.C.:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS: _____

☒ NAME OF EMPLOYER: T-Mart Food Stores, Inc.

☐ ADDRESS OF EMPLOYER: _____

☒ OCCUPATION: President/Owner

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92

Sent To: Max Holden
100 Little Venice Rd.
P.O. Box 660
Bremen, GA 30110

Information Requested:

- ☐ Home Address
☐ Name of Employer
☐ Address of Employer
☐ Occupation:

Date Information Returned

4/30/92

Dear Max:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS: P.O. 660 100 Little Venice Rd
Bremen, GA 30110

☒ NAME OF EMPLOYER: Super Food Stores

☐ ADDRESS OF EMPLOYER: 831-D Pacific Ave
Bremen GA 30110

☒ OCCUPATION: CONVENIENCE STORE

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92

Sent To: Robert Nade
200 N. Elm Dr.
Beverly Hills, CA
90210

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☐ Occupation:

Date Information Returned

Date Sent: 4-2-92

Sent To: Linda Lynn L. Hutter
271 So. Pickett St.
Alexandria, VA 22304

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

Date Sent: 4-2-92

Sent To: Phyllis Lambert
2437 Via Sierra
Winter Park, FL 32789

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

6/4/92 postmark

Dear Alfred

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop the postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Willie

☐ HOME ADDRESS:

☒ NAME OF EMPLOYER: TOC Retail

☐ ADDRESS OF EMPLOYER:

☒ OCCUPATION: Attorney

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92

Sent To: Kerley de Booy
904 Clifton Dr.
Alexandria, VA 22308

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

Date Sent: 4-2-92

Sent To: Joseph Leonardo
495 Sherman Blvd.

Suite 185
Casaleberry, GA 30707
Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned
4/30/92 postmark

Dear Joseph:

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS: _____

☒ NAME OF EMPLOYER: TOC Retail, Inc

☐ ADDRESS OF EMPLOYER: _____

☒ OCCUPATION: President + C.E.O.

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92

Sent To: Harold Laurie
6424 Windemere
Circle
Rockville, MD 20852

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

Date Sent: 3-1-92

Sent To: Christopher R. O'Neil
1310-19th St N.W.

Washington, DC 20036
Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

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9

Date Sent: 4-2-92

Sent To: Uri Richmond
4009 King Arthur Rd
Annandale, VA
22003

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

5/1/92
postmarked

Dear Uri

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS: _____

☒ NAME OF EMPLOYER: National Assn. of American Stores

☐ ADDRESS OF EMPLOYER: 1605 King St
Alex. VA 22314

☒ OCCUPATION: Cashier

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92

Sent To: Susan Savage
2852 Manzanilla Way
Las Vegas, NV
89128

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

5/6/92

Dear Susan

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS: 2852 Manzanilla Way

Las Vegas, Nevada 89128

☒ NAME OF EMPLOYER: Student / UNLV

☐ ADDRESS OF EMPLOYER: _____

☒ OCCUPATION: Student

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92

Sent To: Robert Seng
57 Dietz St.
Oneonta, NY
13820

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

5/4/92 postmarked

Dear Robert

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again.

Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail.

Thank you for your assistance.

Sincerely,

Mike

☐ HOME ADDRESS: 2

☒ NAME OF EMPLOYER: PUMP N. PANTRY

☐ ADDRESS OF EMPLOYER: _____

☒ OCCUPATION: PRESIDENT

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92
Sent To: Stephen Sheets
5700 Sixth Ave.
Altoona, PA
16602

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

5/5/92

Dear Stephen

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

- ☐ HOME ADDRESS: _____
☒ NAME OF EMPLOYER: Sheets, Inc.
☐ ADDRESS OF EMPLOYER: 5700-6th Ave
Altoona, Pa. 16602
☒ OCCUPATION: President

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92
Sent To: Diane Simmons
P.O. Box 430
Siloam Springs, AR
72761

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

4/29/92

postmarked

Dear Diane

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

- ☐ HOME ADDRESS: 410 W Central
Siloam Springs, AR 72761
☒ NAME OF EMPLOYER: none
☐ ADDRESS OF EMPLOYER: _____
☒ OCCUPATION: Home maker

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

Date Sent: 4-2-92
Sent To: Robert Weerts
RR 2 Box A
Winnebago, MN
56098

Information Requested:

- ☐ Home Address
☒ Name of Employer
☐ Address of Employer
☒ Occupation:

Date Information Returned

4/30/92

postmarked

Dear Robert

I appreciate your recent contribution, but in order to comply with Federal Election Commission requirements, I need your help again. Please supply the information in the spaces checked below. Then just drop this postage paid postcard in the mail. Thank you for your assistance.

Sincerely,

Mike

- ☐ HOME ADDRESS: _____
☒ NAME OF EMPLOYER: Weerts C
☐ ADDRESS OF EMPLOYER: RR 2 Box A
Winnebago, MN 56098
☒ OCCUPATION: Self Employed

P.S. PLEASE RETURN AS SOON AS POSSIBLE.

RECEIVED
F.E.C.
SECRETARIAT

92 JUL 22 PM 1:59

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR # 3528
DATE COMPLAINT RECEIVED
BY OGC: May 26, 1992
DATE OF NOTIFICATION TO
RESPONDENTS: June 1, 1992
STAFF MEMBER: Lawrence L. Calvert, Jr.

COMPLAINANT: W. A. Edmondson

RESPONDENTS: Mike Synar for Congress Committee and
Gene Moffitt, as treasurer

Mike Synar

RELEVANT STATUTES: 2 U.S.C. § 431(11)
2 U.S.C. § 431(13)
2 U.S.C. § 432(1)
2 U.S.C. § 434(a)(1)
2 U.S.C. § 434(b)(3)(A)
11 C.F.R. § 104.7(b)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On May 26, 1992, W. A. Edmondson filed a complaint against the Mike Synar for Congress Committee and Gene Moffitt, as treasurer ("the Committee"), and the candidate, U. S. Representative Mike Synar of Oklahoma. The complaint asserts that respondents have failed to fully identify all contributors during the 1991-92 election cycle as required by 2 U.S.C. § 434(b)(3)(A). Specifically, the complaint alleges that the Committee failed to provide employer and/or occupation information for 33 individuals in its 1991 Year-end Report and 22 individuals in its April 1992 Quarterly Report. The

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Committee's 1991 Year-end Report shows that the Committee listed as "sent for" employer and/or occupation information for 37 individuals who contributed a total of \$30,770. And, in its April 1992 Quarterly Report, the Committee designated as "sent for" employer and/or occupation information for 24 individuals who contributed a total of \$8,505. A response has been received from the Committee. See Attachment A.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended (the "Act"), requires that the treasurer of a political committee file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(1). Under 2 U.S.C. § 434(b)(3)(A), each report must disclose the identification of each person making aggregate contributions to the reporting committee in excess of \$200 in the calendar year. The term "person" includes individuals. 2 U.S.C. § 431(11). Identification of an individual includes the name, mailing address and occupation of the individual and the name of the individual's employer. 2 U.S.C. § 431(13).

Where the treasurer of the committee can show that he or she has made best efforts to obtain, maintain and submit the information required by 2 U.S.C. § 431(13), any report or records of the committee shall be considered in compliance with the Act. 2 U.S.C. § 432(i). The treasurer will not be deemed to have exercised best efforts to obtain the information required by Section 431(13) unless he or she has made at least one effort per solicitation, either by a written request or by

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an oral request documented in writing, to obtain the required information from the contributor; the request must be clear and must inform the contributor that reporting of the information is required by law. 11 C.F.R. § 104.7(b).

In response to the complaint, the Committee detailed its procedures for acquiring contributor information. It appears that whenever a contributor fails to provide the information required by Section 431(13), the Committee inserts the phrase "sent for" in the identification blocks of its Schedule A forms. In its response, the Committee explains that

[i]f [a] donor's employer and occupation information is in our computer, we simply note that information on the receipt and list it on the FEC report. However, if we do not have their employer and occupation in our computer files, the office administrator sends the donor a postcard requesting the necessary information If we have not received their response by the time the next FEC report is compiled, we make a notation of "sent for" in the appropriate place on the FEC report.

Attachment A at 2.

The response also included a sample postcard. The postcard requests the missing information and informs contributors the information is necessary "in order to comply with Federal Election Commission requirements." Id. at 4. It is attached to a stub, which the Committee retains to indicate when, to whom, and why the postcard was sent, and the date, if any, on which it was returned. Id. The response also provided photocopies of the postcard stubs for all but two of the contributors identified in the complaint; where the postcards had been returned, the response included photocopies of the

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returned postcards.¹ However, the response did not provide any information regarding incompletely identified contributors not named in the complaint.

The Committee asserts that it meets the "best efforts" standard of 11 C.F.R. § 104.7(b) because it routinely requests missing information from its contributors. It appears that the Committee makes at least one written effort per solicitation to obtain the required information. Furthermore, the request is clear and states that reporting of the information is required by law. Thus, the committee makes "best efforts" to obtain the information within the meaning of Section 104.7(b). Moreover, it appears that the Committee maintains any information it receives in its internal records.

However, 2 U.S.C. § 432(i) requires that a treasurer make best efforts to "obtain, maintain, and submit" the required information (emphasis added). In MUR 2674, for example, where a committee obtained and maintained missing information for 96 contributors but failed to amend its reports accordingly, the Commission found reason to believe the committee violated the Act.²

1. One of the two was adequately identified in the original report; the other had contributed less than \$200 in 1992, and the Committee felt that no further identification was required. Attachment A at 6, 19.

2. See also MUR 3114. In that case, the respondent committee asserted it had met the best efforts standard of 11 C.F.R. § 104.7, but neither amended its disclosure forms nor submitted returned contributor information in its response to the complaint. The Commission found reason to believe the committee had violated 2 U.S.C. § 434(b). When, upon investigation, it turned out that the committee had gone beyond

9 3 0 4 0 9 4 3 3 7 0

In this case, it appears that the Committee routinely fails to submit missing contributor information even after contributors supply the information to the Committee. For instance, the Committee has now obtained identifying information from at least 23 of the 37 contributors who were incompletely identified in the original 1991 Year-end Report. Nevertheless, the Committee did not include any of this information in its March 15, 1992 amendment to the Year-end Report, and it has made no further amendments to the report. Moreover, even though the Committee has received employer and/or occupation information for at least 15 of the 24 contributors incompletely identified in the April 1992 Quarterly Report, it has not amended that report. Because the Committee has apparently failed to make best efforts to submit the information received from these contributors, this Office recommends that the Commission find reason to believe that the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A).

The violations appear to relate solely to the Committee's record keeping and disclosure, and Representative Synar does not appear to be personally involved with the reporting problems. Accordingly, this Office recommends that the Commission find no reason to believe that Mike Synar violated 2 U.S.C. § 434(b)(3)(A).

(Footnote 2 continued from previous page)
the requirements of Section 104.7 but still obtained very little of the required information, the Commission found no probable cause to believe.

III. CONCILIATION AGREEMENT AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Find reason to believe that the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A).
2. Find no reason to believe that Mike Synar violated 2 U.S.C. § 434(b)(3)(A), and close the file as it pertains to Mike Synar.
3. Enter into conciliation with the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, prior to a finding of probable cause to believe.
4. Approve the appropriate letters, Factual and Legal Analysis, and proposed conciliation agreement.

Lawrence M. Noble
General Counsel

7/22/92
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

- A. Committee's Response
- B. Factual and Legal Analysis
- C. Proposed Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20461

MEMORANDUM

TO: LAWRENCE NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS /DONNA ROACH *DR*
COMMISSION SECRETARY

DATE: JULY 27, 1992

SUBJECT: MUR 3528 - FIRST GENERAL COUNSEL'S REPORT
DATED JULY 22, 1992.

The above-captioned document was circulated to the
Commission on Wednesday, July 22, 1992 at 4:00 p.m.

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

Commissioner Aikens	_____
Commissioner Elliott	<u>XXX</u>
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Potter	_____
Commissioner Thomas	<u>XXX</u>

This matter will be placed on the meeting agenda
for Tuesday, August 4, 1992.

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

93040943373

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3528
Mike Synar for Congress Committee)
and Gene Moffitt, as treasurer;)
Mike Synar.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 4, 1992, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3528:

1. Find reason to believe that the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A).
2. Find no reason to believe that Mike Synar violated 2 U.S.C. § 434(b)(3)(A), and close the file as it pertains to Mike Synar.
3. Enter into conciliation with the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, prior to a finding of probable cause to believe.

(continued)

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4. Approve the appropriate letters, Factual and Legal Analysis, and proposed conciliation agreement as recommended in the General Counsel's report dated July 22, 1992.

Commissioners Aikens, Elliott, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner McDonald recused himself from MUR 3528 and was not present during its consideration.

Attest:

8-5-92
Date

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

93040943375



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 13, 1992

Mike Synar for Congress Committee
Gene Moffitt, Treasurer
212 North Fourth Street
Muskogee, OK 74401

RE: MUR 3528

Dear Mr. Moffitt:

On June 1, 1992, the Federal Election Commission notified the Mike Synar for Congress Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by the Committee, the Commission, on August 4, 1992, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 434(b)(3)(A), a provision of 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

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probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you 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 Frances B. Hagan, the staff member assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

93040943377

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3515

RESPONDENTS: Mike Synar for Congress Committee
and Gene Moffitt, as treasurer

This matter was generated by a complaint filed by W. A. Edmondson with the Federal Election Commission on May 26, 1992.

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that the treasurer of a political committee file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(1). Under 2 U.S.C. § 434(b)(3)(A), each report must disclose the identification of each person making aggregate contributions to the reporting committee in excess of \$200 in the calendar year. The term "person" includes individuals. 2 U.S.C. § 431(11). Identification of an individual includes the name, mailing address and occupation of the individual and the name of the individual's employer. 2 U.S.C. § 431(13). Where the treasurer of the committee can show that he or she has made best efforts to "obtain, maintain, and submit" the information required by 2 U.S.C. § 431(13), any report or records of the committee shall be considered in compliance with the Act. 2 U.S.C. § 432(i) (emphasis added).

Review of the 1991 Year-end Report filed by the Committee shows that the Committee listed as "sent for" employer and/or occupation information for 37 individuals who contributed a

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total of \$30,770. And, in its April 1992 Quarterly Report, the Committee designated as "sent for" employer and/or occupation information for 24 individuals who contributed a total of \$8,505. In its response, the Committee explains that

[i]f [a] donor's employer and occupation information is in our computer, we simply note that information on the receipt and list it on the FEC report. However, if we do not have their employer and occupation in our computer files, the office administrator sends the donor a postcard requesting the necessary information If we have not received their response by the time the next FEC report is compiled, we make a notation of "sent for" in the appropriate place on the FEC report.

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The response also included a sample postcard. The postcard requests the missing information and informs contributors the information is necessary "in order to comply with Federal Election Commission requirements." It is attached to a stub, which the Committee retains to indicate when, to whom, and why the postcard was sent, and the date, if any, on which it was returned. The response also provided photocopies of the postcard stubs for all but two of the contributors identified in the complaint; where the postcards had been returned, the response included photocopies of the returned postcards.¹ However, the response did not provide any information regarding incompletely identified contributors not named in the complaint.

The Committee asserts that it meets the "best efforts" standard of 11 C.F.R. § 104.7(b) because it routinely requests

1. One of the two was adequately identified in the original report; the other had contributed less than \$200 in 1992, and the Committee felt that no further identification was required.

missing information from its contributors. It appears that the Committee makes at least one written effort per solicitation to obtain the required information. Furthermore, the request is clear and states that reporting of the information is required by law. Thus, the committee makes "best efforts" to obtain the information within the meaning of Section 104.7(b). Moreover, it appears that the Committee maintains any information it receives in its internal records.

However, 2 U.S.C. § 432(i) requires that a treasurer make best efforts to "obtain, maintain, and submit" the required information (emphasis added). Moreover, in MUR 2674, where a committee obtained and maintained missing information for 96 contributors but failed to amend its reports accordingly, the Commission found reason to believe the committee violated the Act.²

In this case, it appears that the Committee routinely fails to submit missing contributor information even after contributors supply the information to the Committee. For instance, the Committee has now obtained identifying information from at least 23 of the 37 contributors who were incompletely identified in the original 1991 Year-end Report.

2. See also MUR 3114. In that case, the respondent committee asserted it had met the best efforts standard of 11 C.F.R. § 104.7, but neither amended its disclosure forms nor submitted returned contributor information in its response to the complaint. The Commission found reason to believe the committee had violated 2 U.S.C. § 434(b). When, upon investigation, it turned out that the committee had gone beyond the requirements of Section 104.7 but still obtained very little of the required information, the Commission found no probable cause to believe.

Nevertheless, the Committee did not include any of this information in its March 15, 1992 amendment to the Year-end Report, and it has made no further amendments to the report. Moreover, even though the Committee has received employer and/or occupation information for at least 15 of the 24 contributors incompletely identified in the April 1992 Quarterly Report, it has not amended that report. Therefore, there is reason to believe that the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A).

93040943381



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 13, 1992

The Honorable Mike Synar
2441 Rayburn House Office Building
Washington, DC 20515

RE: MUR 3528

Dear Mr. Synar:

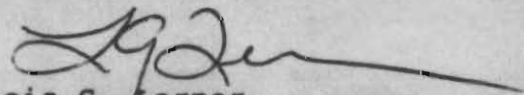
On June 1, 1992, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On August 4, 1992, the Commission found, on the basis of the information in the complaint, that there is no reason to believe you violated 2 U.S.C. § 434(b)(3)(A). Accordingly, the Commission closed its file in this matter as it pertains to you.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all other respondents involved. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

93040943382

OGC 6251

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

August 31, 1992

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

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 AUG 31 PM 4:04

Re: MUR 3528 - Mike Synar for Congress Committee

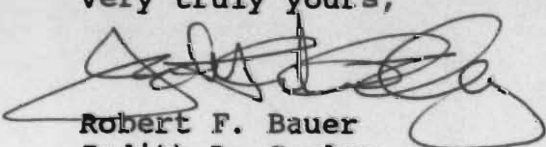
Dear Ms. Hagan:

Please find enclosed a facsimile copy of a designation of counsel in the above-referenced matter under review. We will forward the original to you as soon as it has been received.

Because of firm was retained by the Synar Committee only late last week and received the designation of counsel only today, we request an extension of time of 20 days to respond to the Commission's finding of reason to believe in this matter. The additional time will be necessary to gather the relevant factual information and prepare a response.

With the 20 day extension, the response would be due on September 21, 1992. If you have any questions, or need additional information, please do not hesitate to contact one of the undersigned.

Very truly yours,


Robert F. Bauer
Judith L. Corley
Counsel for Respondent

JLC:jlc

93040943383

STATEMENT OF DESIGNATION OF COUNSEL

NUM 3528
NAME OF COUNSEL: Judy Corley and Bob Bauer
ADDRESS: Parkins, Coie
607 14th Street NW
Washington, DC 20005-2011
TELEPHONE: 202-628-6600

RECEIVED
 FEDERAL ELECTION COMMISSION
 OFFICE OF GENERAL COUNSEL
 92 AUG 31 PM 4:05

The above-named individual is hereby designated as my
 counsel and is authorized to receive any notifications and other
 communications from the Commission and to act on my behalf before
 the Commission.

8/28/92
DATE

Cindy Tate-Bell
Signature Asst. Treasurer
Mike Synar for Congress Committee
 on behalf of Mike Synar

RESPONDENT'S NAME: Mike Synar for Congress Committee

ADDRESS: 212 North Fourth
Muskogee, OK 74401

HOME PHONE: 918-682-7716
BUSINESS PHONE: 918-682-7716 or 918-687-1642

93040943384



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 1, 1992

Robert F. Bauer, Esq.
Judith L. Corley, Esq.
Perkins Cole
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3528
Mike Synar for Congress
Committee
Gene Moffitt, as treasurer

Dear Mr. Bauer and Ms. Corley:

This is in response to your letter dated August 31, 1992, requesting an extension of 20 days to respond to the Commission's reason to believe finding.

Considering the Federal Election Commission's responsibilities to act expeditiously in the conduct of investigations, the Office of the General Counsel cannot grant your full request, but can agree to a lesser extension. Accordingly, the response is due by close of business on September 14, 1992.

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

Sincerely,

A handwritten signature in cursive script, reading "Frances B. Hagan", is written over the typed name.

Frances B. Hagan
Paralegal Specialist

93040943385

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

September 9, 1992

92 SEP -9 PM 12:58

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL

Frances B. Hagan
Office of the General Counsel
Federal Election Commission
999 E Street, N.W., 6th Floor
Washington, D.C.

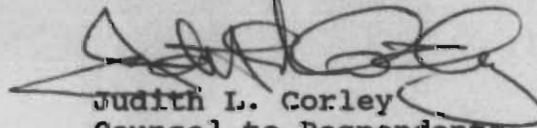
Re: MUR 3528 - Mike Synar for Congress Committee

Dear Ms. Hagan:

Pursuant to my letter of August 31, 1992, enclosed please find an original designation of counsel for the above-referenced Matter Under Review.

If you have any questions or need additional information, please contact the undersigned.

Very truly yours,


Judith L. Corley
Counsel to Respondents

Enc.

93040943386

STATEMENT OF DESIGNATION OF COUNSEL

NR 3528

NAME OF COUNSEL: Judy Corley and Bob Bauer

ADDRESS: Perkins, Coie

607 14th Street NW

Washington, DC 20005-2011

TELEPHONE: 202-628-6600

92 SEP - 9 PM 12:58

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

8/28/92
Date

Cindy Tate-Bell
Signature Asst. Treasurer
Mike Synar for Congress Committee
on behalf of Mike Synar

RESPONDENT'S NAME: Mike Synar for Congress Committee

ADDRESS: 212 North Fourth

Muskogee, OK 74401

HOME PHONE: 918-682-7716

BUSINESS PHONE: 918-682-7716 or 918-687-1642

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PERKINS COIE

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS 92 SEP 24 PM 4: 35
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

September 24, 1992

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

Re: MUR 3528 - Mike Synar for
Congress Committee

Dear Ms. Hagan:

This is in response to the Commission's letter dated August 13, 1992, finding reason to believe in the above-referenced Matter Under Review. Respondents ask that the Commission dismiss this matter and take no further action.

The Commission found reason to believe that the Mike Synar for Congress Committee ("the Committee") violated the federal campaign laws by failing to comply fully with the "best efforts" requirements of the law. More specifically, the Commission found that the Committee failed to amend its reports to reflect information on the occupation and employer of contributors obtained after the filing date of the report. Respondents believe they were in complete compliance with the best efforts requirements as those requirements had been communicated to candidates and committees at the time. Any efforts to enforce a new Commission policy on best efforts requirements without prior notice is a violation of due process.

The statutory language of the best efforts requirements states "when a treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by the Act, any report or records of such committee shall be considered in compliance" 2 U.S.C. § 432(i). The General Counsel's report emphasizes the ". . . and submit . . ." language of this section as the justification that the failure to amend reports is a violation of this provision. While this may be one way to interpret the statute, there is no explicit requirement here to amend reports. Further, the language could also be read to mean simply that the treasurer is required to submit any

[04031-0001/DA922650.013]

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information that he or she obtained through best efforts at the time the relevant report is filed. This reading supports the subsequent language in this section which states that "any report or records" will be considered in compliance with the Act once best efforts have been used. If the reports were required to be amended, the "or records" language would be superfluous.

The Commission, of course, has the authority to interpret the statute. Where language is ambiguous, however, it is incumbent upon the Commission to accurately and clearly communicate its interpretation of the statute to those who are required to comply with it. In the case of the best efforts requirements, the Commission has only recently begun to communicate its interpretation that reports must be amended. Up to the last two months, that requirement had never been stated in any general public pronouncement, nor communicated to candidates and committees:

- The Commission's own regulations do not clearly state this requirement. Neither Section 102.9(d) nor Sections 104.7(a) or (b) contain any requirement that reports be amended to reflect information obtained through best efforts. Yet Section 104.7 discusses at some length what efforts a treasurer must make to meet the best efforts requirement.
- The Commission has acknowledged this lack of specificity in the proposed rulemaking contained in Agenda Document 92-118. The rulemaking would amend Section 104.7 to include the requirement for submitting amended reports.
- The Commission's Campaign Guide for Congressional Candidates and Committees, while containing a lengthy explanation of the best efforts requirement, does not include any reference to a requirement to submit amended reports.
- The General Counsel's report refers to two Matters Under Review where the Commission found violations of this provision for failure to amend reports. The holdings of these MURs, however, have never

been publicized or made available generally to candidates or committees.

- In the August edition of The Record, the Commission reports on a letter it sent to presidential campaigns notifying them of the requirement to submit occupation and employer information on amended reports. The letter, mysteriously, was not sent to all candidates, even though all candidates are ostensibly required to meet this requirement. The article, while apparently designed to give notice to all campaigns, states that the letter was addressed to Presidential campaigns and that failure to comply will have an adverse effect on the Presidential campaigns during the audit process. It is not unreasonable for a congressional campaign to believe that this policy, as other policies, applied only to publicly-funded Presidential campaigns.¹

The Commission has never before now placed a high priority on enforcing this position. Even a brief review of the public record reveals that the failure to submit occupation and employer is a chronic problem for campaigns. The record also reveals that, despite some campaigns' failure to provide the required information at rates exceeding 50% of their contributors, the Commission has not enforced the requirement to amend against these campaigns. The General Counsel's report cites only two MURs that have addressed this issue.²

¹It is in any event moot in this case, since the letter was sent and publicized after the Commission began its MUR against the Committee. It can not be argued, therefore, that this letter, or The Record article, provided any notice to the Committee.

²The Commission has also not addressed the practical consequences of its new requirement: when is a campaign required to submit the amendment to its report? Each time new information is received? At weekly intervals? Indefinitely into the future? The requirement to amend could become an administrative nightmare.

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Fran Hagan
September 24, 1992
Page 4

This lack of notice to campaigns of the Commission requirement is particularly troublesome to its efforts to penalize the Committee in this case. Here is a campaign that has established an elaborate system (described in its earlier submission) to meet what it understood to be the Commission's requirements on best efforts. The system clearly meets and exceeds the efforts described as adequate in the regulations and Campaign Guide.

Further, the system established by the Committee has been successful. All information obtained before the report is filed has been provided to the Commission and the remaining contributors total only 11 percent, far below many other campaigns. The majority of the missing information is from contributions received shortly before the close of the reporting period, where the Committee does not have enough time to obtain the information before filing its report.

The Commission's Reports Analysis Division has reviewed all reports filed by the Committee. They have periodically sent Requests for Additional Information to the Committee about these reports. The Committee has faithfully responded to all issues raised in these requests. None of the requests has ever questioned the best efforts of the Committee nor have the Reports Analysts ever orally questioned the Committee's best efforts. No communication from the Commission has ever asked the Committee to amend its reports to reflect information gathered by its best efforts.

The Commission by its own admission has limited enforcement resources. It should not waste those resources on cases like this: the campaign has made a serious effort to comply with a provision of the law that is ambiguous and that the Commission has not, until recently, clarified. A simple letter advising the Committee of the need to amend its reports would have accomplished the same goal, without need for either the Commission or the Committee to go through the time and expense involved in this MUR.

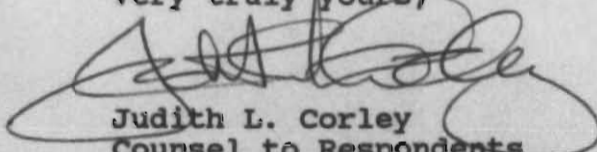
Despite this, the Committee wants to be in complete compliance with the requirements of the law. To this end, it will submit amendments to its prior reports to reflect information gathered as a result of the Committee's best efforts. Further, the Committee will continue to file amendments in the future to reflect best efforts information received after the filing date of future reports. Respondents

Fran Hagan
September 24, 1992
Page 5

would appreciate, however, receiving guidance from the Commission on the appropriate method and the timing for filing such amended reports (see questions in footnote 2 above).

Respondents ask that this matter be dismissed with no further action.

Very truly yours,



Judith L. Corley
Counsel to Respondents

93040943392

BEFORE THE FEDERAL ELECTION COMMISSION

92 DEC -1 AM 11:06

In the Matter of)
)
Mike Synar for Congress Committee) MUR 3528
Gene Moffitt, treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On August 4, 1992, the Commission found reason to believe that the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, ("the Committee") violated 2 U.S.C. § 434(b)(3)(A) by failing to make best efforts to submit available contributor information. At the same time, the Commission approved a proposed conciliation agreement in resolution of the issue.

The Committee failed to fully identify 37 contributors on the 1991 Year End Report and 24 contributors on the 1992 April Quarterly Report. Of these contributors, the Committee obtained, but failed to submit identifying information from at least 23 contributors on the 1991 Year End Report and from at least 15 contributors on the 1992 April Quarterly Report. Moreover, when the Committee amended its 1991 Year End Report, it failed to include the additional contributor information already in its possession.

After receiving an extension of time, the Committee responded to the reason to believe finding and the conciliation proposal by requesting that the Commission take no further action regarding this matter. The Committee reiterated that they were in complete compliance with the best efforts requirements "as those requirements had been communicated to candidates and

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committees at the time." See Attachment.

II. DISCUSSION

The Federal Election Campaign Act of 1971, as amended (the "Act"), requires that the treasurer of a political committee file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(1). Under 2 U.S.C. § 434(b)(3)(A), each report must disclose the identification of each person making aggregate contributions to the reporting committee in excess of \$200 in the calendar year. Identification of an individual includes the name, mailing address and occupation of the individual and the name of the individual's employer. 2 U.S.C. § 431(13).

Where the treasurer of the committee can show that he or she has made best efforts to obtain, maintain and submit the information required by 2 U.S.C. § 431(13), any report or records of the committee shall be considered in compliance with the Act. 2 U.S.C. § 432(i).

2 U.S.C. § 432(i) requires that a treasurer make best efforts to "obtain, maintain, and submit" the required information (emphasis added). The Committee acknowledged both the Commission's interpretation that emphasizes the "... and submit ..." language at 2 U.S.C. § 432(i), and the controlling nature of the Commission's interpretation. However, respondents argue that there is no explicit requirement to amend reports and that the language could be read to mean simply that the treasurer must submit information obtained at the time the relevant report is filed. In their view, maintaining "any report or records" until the next reporting date would satisfy the

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statutory requirement of best efforts.¹

On the contrary, however, the Committee has an obligation to file amended reports if additional contributor information is obtained after the applicable reporting period. Respondents' theory defeats the disclosure purpose of 2 U.S.C. § 432(i), for there would never be any need to submit acquired information if maintaining the information in its internal files were sufficient for best efforts. If, in fact, respondents agree that the Act requires them to submit information, their argument against amending reports is indefensible. "Submit" in this context has no meaning but to disclose information when it becomes available. This the Committee failed to do, even when it amended one of the reports in question for other purposes.

The Act's long-standing requirement to submit all available contributor information is an essential element of a committee treasurer's "best efforts" to identify the source of campaign contributions. 2 U.S.C. § 432(i). Amended reports are a necessary extension of the best efforts requirement in order to achieve effective contribution disclosure. Arguments to the contrary fail to embrace the spirit of the Act which has as its cornerstone complete, timely disclosure of campaign financing information.

1. Respondents argue that the Commission's interpretation of "and submit" makes the disjunctive phrase "or records" in Section 432(i) "superfluous." On the contrary, without "best efforts to submit," neither the report nor the records could be considered "in compliance with this Act." The question here, which respondents' argument begs, is whether the Committee made "best efforts to ... submit."

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Furthermore, the Commission's interpretation of Section 432(1) is not new. In MUR 2674, for example, where a committee obtained and maintained missing information for 96 contributors but failed to amend its reports accordingly, the Commission found reason to believe the committee violated the Act.² Although respondents complain this decision was not "publicized," it was fully available through the Public Disclosure Division.

Respondents also challenge pursuit of this matter on grounds that the Commission's regulations at 11 C.F.R. §§ 102.9(d) and 104.7(a) and the Campaign Guide for Congressional Candidates and Committees do not clearly state the requirement to amend reports, thereby necessitating a proposed rulemaking to amend Section 104.7. The Committee noted that a letter concerning amending reports was mailed to presidential campaigns only, and it was reported in the August Record after this MUR commenced.

With these arguments, the Committee places the onus on the Commission to "communicate" directly the results of pertinent past MURs, and to otherwise "notify" committees of their particular responsibility to amend reports to disclose financial information. However, there is no support for the position that the FEC is obligated to publicize closed MURs which are already

2. See also MUR 3114. In that case, the respondent committee asserted it had met the best efforts standard of 11 C.F.R. § 104.7, but neither amended its disclosure forms nor submitted returned contributor information in its response to the complaint. The Commission found reason to believe the committee had violated 2 U.S.C. § 434(b). When, upon investigation, it turned out that the committee had gone beyond the requirements of Section 104.7 but still obtained very little of the required information, the Commission found no probable cause to believe.

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available for review on public record. Further, the proposed rulemaking, like so many other in the Commission's history, would not establish new policy, but would simply codify the policy already in place.³

Therefore, the Office of the General Counsel recommends that the Commission reject the Committee's request to take no further action in this matter. Further, as more than 30 days have elapsed in pre-probable cause conciliation, barring Commission objection, this Office will move to the next stage of enforcement if a signed agreement is not received within five days of receipt of the letter.

III. RECOMMENDATIONS

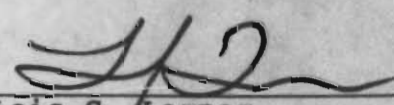
1. Reject the request of the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, to take no further action regarding this matter.
2. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

11/30/98

BY:


Lois G. Lerner
Associate General Counsel

Attachment

Response to Conciliation Proposal

Staff Assigned: Frances B. Hagan

3. The Committee stated that the Reports Analysis Division had never questioned the Committee's "best efforts" regarding contributor information. Actually, RAD was prepared to request additional information concerning best efforts on the Committee's 1992 April Quarterly Report. Because of the ongoing MUR on this issue, this Office requested that the best efforts references be omitted from the RFAI.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Mike Synar for Congress Committee) MUR 3528
and Gene Moffitt as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 4, 1992, the Commission decided by a vote of 4-0 to take the following actions in MUR 3528:

1. Reject the request of the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, to take no further action regarding this matter.
2. Approve the appropriate letter, as recommended in the General Counsel's Report dated November 30, 1992.

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

Attest:

12-7-92
Date

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

Received in the Secretariat: Tues., Dec. 1, 1992 11:06 a.m.
Circulated to the Commission: Tues., Dec. 1, 1992 4:00 p.m.
Deadline for vote: Fri., Dec. 4, 1992 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

December 9, 1992

Judith L. Corley, Esquire
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3573
Mike Synar for Congress Committee
Gene Moffit, as treasurer

Dear Ms. Corley:

This letter is to confirm the Federal Election Commission's receipt on September 24, 1992, of your request on your client's behalf that the Commission dismiss this matter and take no further action. The Commission has reviewed and rejected the request.

The Commission is still hopeful that this matter can be settled through a conciliation agreement. Insofar as the 30 day period for pre-probable cause conciliation has elapsed, you should respond within five days of your receipt of this notification. If a signed agreement is not received within this period, this matter will proceed to the next stage of the enforcement process.

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

Sincerely,

A handwritten signature in cursive script, reading "Frances B. Hagan".

Frances B. Hagan
Paralegal Specialist

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SECRETARIAT

93 JAN -8 PM 3:53



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

January 8, 1993

Judith L. Corley, Esquire
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3528
Mike Synar for Congress
Gene Moffitt, as treasurer

Dear Ms. Corley:

Based on a complaint filed with the Federal Election Commission on May 26, 1992, and information you and your clients supplied, the Commission, on August 4, 1992, found that there was reason to believe your clients violated 2 U.S.C. § 434(b)(3)(A), and instituted an investigation of this matter. On December 9, 1992, you were notified that the Commission rejected your clients' request to take no further action in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

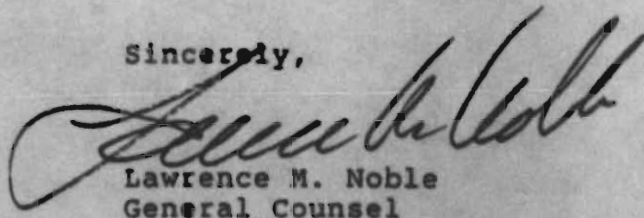
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Judith L. Corley, Esquire
Page 2

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 219-3400.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lawrence M. Noble", written in a cursive style.

Lawrence M. Noble
General Counsel

Enclosure
Brief

93040943401

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mike Synar for Congress Committee) MUR 3528
Gene Moffitt, treasurer)
)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On August 4, 1992, the Commission found reason to believe that the Mike Synar for Congress Committee ("the Committee") and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) by failing to make best efforts to submit available contributor information. The Committee failed to fully identify 37 contributors on the 1991 Year End Report and 24 contributors on the 1992 April Quarterly Report. Of these contributors, the Committee obtained, but failed to submit identifying information from at least 23 contributors on the 1991 Year End Report and from at least 15 contributors on the 1992 April Quarterly Report.

II. ANALYSIS

The Federal Election Campaign Act of 1971, as amended (the "Act"), requires that the treasurer of a political committee file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(1). Under 2 U.S.C. § 434(b)(3)(A), each report must disclose the identification of each person making aggregate contributions to the reporting committee in excess of \$200 in the calendar year. The term "person" includes individuals. 2 U.S.C. § 431(11). Identification of an individual includes the name, mailing address and occupation of the individual and the name of

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the individual's employer. 2 U.S.C. § 431(13).

Where the treasurer of the committee can show that he or she has made best efforts to obtain, maintain and submit the information required by 2 U.S.C. § 431(13), any report or records of the committee shall be considered in compliance with the Act. 2 U.S.C. § 432(i). The treasurer will not be deemed to have exercised best efforts to obtain the information required by Section 431(13) unless he or she has made at least one effort per solicitation, either by a written request or by an oral request documented in writing, to obtain the required information from the contributor; the request must be clear and must inform the contributor that reporting of the information is required by law. 11 C.F.R. § 104.7(b).

According to the Committee, when a contributor fails to provide the information required by Section 431(13), the Committee inserts the phrase "sent for" in the identification blocks of its Schedule A forms. A postcard is sent to the contributor requesting the missing information and informing that the information is necessary "in order to comply with Federal Election Commission requirements." It is attached to a stub which the Committee retains to indicate when, to whom, and why the postcard was sent, and the date on which it was returned.

The Committee asserted that it meets the "best efforts" standard of 11 C.F.R. § 104.7(b) because it routinely requests missing information from its contributors. It appears that the Committee makes at least one written effort per solicitation to obtain the required information. The request is clear and states

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that reporting of the information is required by law. Thus, the committee makes "best efforts" to obtain the information within the meaning of Section 104.7(b). Further, it appears that the Committee maintains any information it receives in its internal records.

2 U.S.C. § 432(i) requires that a treasurer make best efforts to "obtain, maintain, and submit" the required information (emphasis added). The Committee acknowledged both the Commission's interpretation that emphasizes the "... and submit ..." language at 2 U.S.C. § 432(i), and the controlling nature of the Commission's interpretation. However, respondents argue that there is no explicit requirement to amend reports, and that the language could be read to mean simply that the treasurer must submit information obtained at the time the relevant report is filed. In their view, maintaining "any report or records" until the next reporting date would satisfy the statutory requirement of best efforts.¹

On the contrary, however, the Committee has an obligation to file amended reports if additional contributor information is obtained after the applicable reporting period. Respondents' theory defeats the disclosure purpose of 2 U.S.C. § 432(i), for there would never be any need to submit acquired information if

1. Respondents argue that the Commission's interpretation of "and submit" makes the disjunctive phrase "or records" in Section 432(i) "superfluous." On the contrary, without "best efforts to submit," neither the report nor the records could be considered "in compliance with this Act." The question here, which respondents' argument begs, is whether the Committee made "best efforts to ... submit."

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maintaining the information in their internal files were sufficient for best efforts. If, in fact, respondents agree that the Act requires them to submit information, their argument against amending reports is indefensible. "Submit" in this context has no meaning but to disclose information when it becomes available. This the Committee failed to do, even when it amended one of the reports in question for other purposes.

The Act's long-standing requirement to submit all available contributor information is an essential element of a committee treasurer's "best efforts" to identify the source of campaign contributions. 2 U.S.C. § 432(i). Amended reports are a necessary extension of the best efforts requirement in order to achieve effective contribution disclosure. Arguments to the contrary fail to embrace the spirit of the Act which has as its cornerstone complete, timely disclosure of campaign financing information.

Furthermore, the Commission's interpretation of Section 432(i) is not new. In MUR 2674, for example, where a committee obtained and maintained missing information for 96 contributors but failed to amend its reports accordingly, the Commission found reason to believe the committee violated the Act.² Although

2. See also MUR 3114. In that case, the respondent committee asserted it had met the best efforts standard of 11 C.F.R. § 104.7, but neither amended its disclosure forms nor submitted returned contributor information in its response to the complaint. The Commission found reason to believe the committee had violated 2 U.S.C. § 434(b). When, upon investigation, it turned out that the committee had gone beyond the requirements of Section 104.7 but still obtained very little of the required information, the Commission found no probable cause to believe.

respondents complain this decision was not "publicized," it was fully available through the Public Disclosure Division.

Respondents also challenge pursuit of this matter on grounds that the Commission's regulations at 11 C.F.R. §§ 102.9(d) and 104.7(a) and the Campaign Guide for Congressional Candidates and Committees do not clearly state the requirement to amend reports, thereby necessitating a proposed rulemaking to amend Section 104.7. The Committee noted that a letter concerning amending reports was mailed to presidential campaigns only, and it was reported in the August Record after this MUR commenced.

With these arguments, the Committee places the onus on the Commission to "communicate" directly the results of pertinent past MURs, and to otherwise "notify" committees of their particular responsibility to amend reports to disclose financial information. However, there is no support for the position that the FEC is obligated to publicize closed MURs which are already available for review on public record. Further, the proposed rulemaking, like so many other in the Commission's history, would not establish new policy, but would simply codify the policy already in place.

Therefore, because the committee failed to make best efforts to submit available contributor information, there is probable cause to believe that the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) in this matter.

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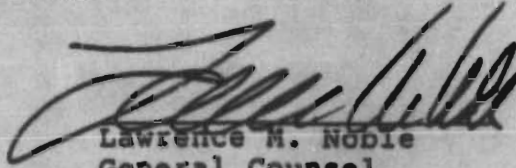
III.

GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe that the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A).

Date

1/8/93


Lawrence M. Noble
General Counsel

93040943407

DGC 8340

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

January 29, 1993

93 JAN 29 AM 11:40

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

Re: MUR 3528 - Mike Synar for Congress and Gene
Moffitt, as Treasurer

Dear Ms. Hagan:

While Respondents continue to believe, for the reasons stated in their September 24, 1992 letter (incorporated here by reference), that this action against them is unwarranted, they cannot justify the continued expense of public and private funds in pursuit of the right result. Respondents reluctantly submit a revised conciliation agreement to resolve this matter.

The
General Counsel's brief in support of a probable cause finding
once again relies on the language of Section 432

[04031-0043/DA930290.007]

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("Organization of Political Committees") to argue that the Committee was required to submit amendments containing "best efforts" information obtained after its original reports were filed. The Brief states flatly "the Committee has an obligation to file amended reports if additional contributor information is obtained after the applicable reporting period." General Counsel's Brief, p.3. There is no citation to authority. This is understandable, since there is no authority to cite. Neither Section 432, nor the reporting provisions of the statute, in Section 434, contain any requirement to amend reports, much less a specific requirement to amend reports for best efforts purposes.

Nor do the Commission's regulations address this requirement. To the contrary, where the Commission expects a committee to make amendments, it so states specifically and without ambiguity. See e.g., 11 C.F.R. § 104.11(b). Further, in a similar situation (involving reallocation and redesignation of contributions), where the Commission requires a committee to provide additional information on a contribution obtained after the original report of the contribution is filed, the Commission does not require an amendment. Rather, the information is submitted as a memo entry on a subsequent report. Where the Commission has specific requirements relating to the submission of information, its regulations clearly spell those requirements.

This is not the case with the best efforts provision. Respondents are not disputing the Commission's authority to interpret the statute to require such amendments (and assume that the rulemaking currently pending is designed to do just that), but contend only that, if the Commission chooses to make this interpretation, it has an obligation to inform the regulated community of the requirement before enforcing the law against them. The General Counsel's brief disagrees with this position, citing a single MUR from 1989, and stating that "there is no support for the position that the FEC is obligated to publicize closed MURs which are already on the public record."

Besides its flat inconsistency with the Commission's long-standing policy of attempting to obtain voluntary compliance through informational and educational efforts, where an unpublicized MUR is the only statement of Commission policy, and there has been no effort to enforce the policy to this point, this approach is also contrary to principles of

administrative law. Even in instances where an agency has authority to act, but in the past has chosen not to exercise this authority, there arises an obligation to protect parties from reliance on the agency practice. Eastern Carolina Broadcasting Co. v. F.C.C., 762 F.2d 95 (1985). "Abrupt changes in discretionary agency practice or interpretation require some degree of notice . . . when the change threatens to penalize parties for reasonable reliance on the prior practice." Id.

Finally, the FEC's own original conciliation agreement points to the difficulties with enforcement in this case. In that agreement, Paragraph V, the statement of violation, read:

Respondents violated 2 U.S.C. § 434(b)(3)(A) by failing to submit employer and occupation information for 38 contributors whose contributions totaled \$28,475.

However, the Committee has since submitted the information in question in an amendment to its reports. There would appear, therefore, to be no violation of the section cited. Presumably the Commission could argue that the amendments were not timely -- except for the fact that the statute does not contain any requirement to amend, much less a requirement to amend within a particular time period. If it is argued by analogy to the amendment requirement for a statement of organization, 2 U.S.C. § 433(c), that the amendment should have been submitted with 10 days of any change, the Commission will create an administrative and logistical nightmare of requiring committees to submit amendments constantly as responses are received from contributors to a committee's best efforts.¹

If there is no longer a violation of Section 434, the only provision left is the requirement to "submit" under Section 432. But here, too, the requirement has been met by the filing of the amendments. Once again, the statute contains no time requirement for the amendments.

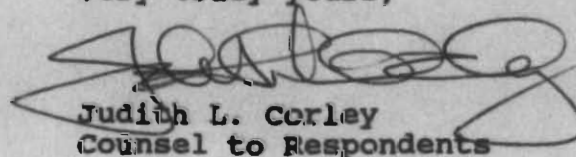
¹Presumably the Commission will address the administrative issues of amending reports for best efforts purposes in its pending rulemaking.

Frances B. Hagan
January 29, 1993
Page 4

All this adds up at most to confusion in the law. It is, in such a case, inappropriate for the Commission to single out the Committee for enforcement where there has been no prior clear guidance, and no prior effort at enforcement across the board. The FEC should not penalize a committee that had made substantial efforts to establish a system to comply with the law, but failed to predict an unpublished change in the Commission's enforcement policy.

Respondents ask that if the Commission cannot dismiss this matter without further action, that it accept the Committee's counteroffer to resolve this case. If you have any questions or need additional information, please contact the undersigned.

Very truly yours,


Judith L. Corley
Counsel to Respondents

93040943411



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 1, 1993

Judith L. Corley, Esquire
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3528
Mike Synar for Congress
Gene Moffitt, as treasurer

Dear Ms. Corley:

This is to confirm receipt on January 29, 1993, of your response to the General Counsel's Brief in the above-referenced matter. In the response, you make arguments for dismissal, or in the alternative, you request acceptance of a pre-probable cause counteroffer.

You were advised on December 9, 1992, that this Office would proceed to the next enforcement stage absent a signed conciliation agreement within five days. You submitted no agreement in that time. According to long-standing Commission policy, pre-probable cause conciliation proposals will not be entertained after mailing the brief on probable cause. Thus, your arguments for dismissal will be addressed when the Commission considers recommendations concerning probable cause.

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

Sincerely,

Frances B. Hagan
Frances B. Hagan
Paralegal Specialist

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SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

93 MAR 10 PM 12:33

In the Matter of)

) MUR 3528

Mike Synar for Congress Committee)

Gene Moffitt, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On August 4, 1992, the Commission found reason to believe that the Mike Synar for Congress Committee ("the Committee") and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A), and determined to enter into pre-probable cause conciliation. The Commission based its finding on the Committee's failure to submit unreported contributor identification information after contributors supplied it. On September 24, 1992, the Committee requested that the Commission take no further action regarding this matter. The Commission rejected the Committee's request on December 4, 1992. In notifying the Committee of the Commission's decision, the Office of the General Counsel advised respondents that absent a signed agreement within five days, this Office would proceed to the next enforcement stage.

On January 8, 1993, having received no further communication from counsel, this Office sent a brief notifying the Committee of our intention to recommend that the Commission find probable cause to believe that a violation occurred. On January 29, 1993, the Committee submitted a response to the General Counsel's Brief. The response again requested dismissal of this matter, or in the alternative, acceptance of a counter to the Commission's pre-probable cause conciliation proposal.

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II. ANALYSIS

As stated in the General Counsel's Brief dated January 8, 1993 (incorporated herein by reference), under 2 U.S.C. § 434(b)(3)(A), each report of receipts and disbursements must disclose the identification of each person making aggregate contributions to the reporting committee in excess of \$200 in the calendar year. Identification of an individual includes the name, mailing address and occupation of the individual and the name of the individual's employer. 2 U.S.C. § 431(13). 2 U.S.C. § 432(i) states that where a committee treasurer makes best efforts to "obtain, maintain, and submit" (emphasis added) contributor information required by 2 U.S.C. § 431(13), any report or records of the committee shall be considered in compliance with the Act.

In its response to the brief, counsel for the Committee reiterated arguments raised in the earlier request for dismissal. The Committee again argued that neither the Act nor Commission Regulations provide a specific requirement to amend reports for best efforts, and that the Commission did not sufficiently inform the regulated community before enforcing its interpretation of the law. This Office detailed the deficiencies of these arguments in the General Counsel's Report dated November 30, 1992; and the Commission rejected them in denying respondents' request to dismiss this matter. As the General Counsel's Brief illustrates, and the Commission's prior decision confirms, those very arguments do not constitute a basis for concluding that respondents exercised "best efforts" under Section 432(i). See Response to Brief, Attachment A.

Therefore, this Office recommends that there is probable

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cause to believe that the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) in this matter.

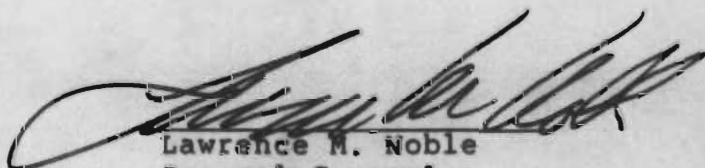
III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

IV. GENERAL COUNSEL'S RECOMMENDATION

1. Find probable cause to believe that the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A).
2. Approve the attached conciliation agreement and appropriate letter.

Date

3/10/93


Lawrence M. Noble
General Counsel

Attachment:

- A. Response to Brief
 - B. Proposed Conciliation Agreement
- Staff assigned: Frances B. Hagan

93040943415

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Mike Synar for Congress Committee) MUR 3528
Gene Moffitt, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 15, 1993, the Commission decided by a vote of 5-0 to take the following actions in MUR 3528:

1. Find probable cause to believe that the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A).
2. Approve the conciliation agreement and appropriate letter, as recommended in the General Counsel's Report dated March 10, 1993.

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

Attest:

3-15-93
Date

Deborah Hardy
for Marjorie W. Emmons
Secretary of the Commission

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

Wed., Mar. 10, 1993 12:33 p.m.
Wed., Mar. 10, 1993 4:00 p.m.
Mon., Mar. 15, 1993 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 17, 1993

Judith L. Corley, Esquire
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3528
Mike Synar for Congress
Gene Moffitt, as treasurer

Dear Ms. Corley:

On March 15, 1993, the Federal Election Commission found that there is probable cause to believe your clients, the Mike Synar for Congress Committee and Gene Moffitt, as treasurer, violated 2 U.S.C. § 434(b)(3)(A), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the filing of contributor information.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

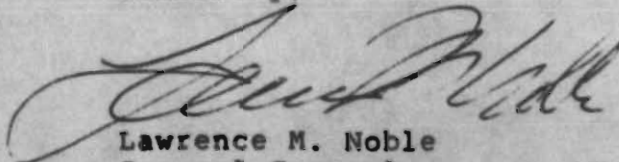
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it along with the civil penalty to the Commission within ten days. I will then recommend that the Commission accept the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

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Judith L. Corley, Esquire
Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 219-3400.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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PERKINS COIE

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011
(202) 628-6600 • FACSIMILE (202) 434-1690

93 APR 30 PM 1:37

April 30, 1993

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

Re: MUR 3528 - Mike Synar for Congress

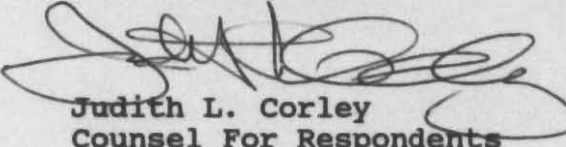
Dear Ms. Hagan:

Enclosed is the executed conciliation agreement in this matter.

As we discussed, I have also enclosed a letter on behalf of Congressman Synar that he would like to have placed in the file when it is made public. In addition, I understand that you will circulate this letter to the Commissioners when they consider the conciliation agreement.

If you have any questions or need additional information, please let me know.

Very truly yours,


Judith L. Corley
Counsel For Respondents

[04031-0001/DA931200.008]

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OFFICE OF GENERAL COUNSEL

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(202) 628-6600 • FACSIMILE (202) 434-1690

93 APR 30 PM 1:37

April 30, 1993

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3528 - Mike Synar for Congress and Gene
Moffitt, as Treasurer

Dear Commissioners:

Congressman Synar has today reluctantly asked me to sign a conciliation agreement in the above-referenced Matter Under Review. This letter, which we ask the Commission to place on the public record with the file for this case, is designed to express clearly his views on this matter which are not accurately reflected in the conciliation agreement.

This case involves the disclosure of information about the employers and occupations of certain contributors on reports filed by his reelection committee. Long before this case began, his committee had in place an elaborate and successful system for obtaining this information from contributors. The committee has filed reports with the Commission for 15 years and the adequacy of providing contributor information was never questioned during that time.

Nonetheless, in this case, the Commission found that the committee had violated the law by failing to amend reports to disclose information gathered after a report had been filed. The Commission made this finding despite the fact that the Commission's regulations do not contain this requirement; despite the fact that the Commission had never publicized this as a requirement; despite the fact that after this matter was started against the committee, the Commission published a notice of proposed rulemaking to establish clearly for the first time this requirement; and despite the fact that the Commission had not made any effort to enforce the law in this manner against other committees.

[04031-0001/DA931190.044]

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This lack of effort to enforce this provision of the law against other committees is especially troubling to Congressman Synar because news reports have made clear that many other committees have been substantially less successful than his in providing information on their contributors for the public record. One presidential campaign was cited as failing to provide this information for over 60 percent of its contributors.

It is unclear why the Commission has singled out Congressman Synar's committee in this fashion. His public record reflects a strong belief in the need for public disclosure and for compliance with all provisions of the campaign laws. His instructions to the committee have conformed to those beliefs.

If the Commission truly believed that the failure to amend reports in this case was in violation of the campaign laws, Congressman Synar believes it should have been actively enforcing the law against all committees in violation of this provision. In fact, the Commission could cite only two other past cases where this issue was considered during its 19-year history. If, on the other hand, this enforcement effort is a new policy of the Commission (as apparently indicated by the proposed rulemaking it has recently undertaken), Congressman Synar believes it should have made efforts to inform committees of the new requirement and then allowed a reasonable time for committees to comply with the new requirement, rather than simply pursuing committees that have made every effort to comply with the law, but that have been unable to predict unpublished changes in the Commission's enforcement policy.

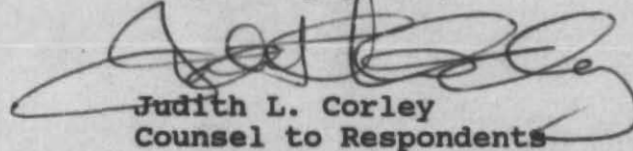
Because of the minor nature of the issue involved, and the already substantial legal expenses incurred, a decision has been made not to pursue the right decision in the courts. Congressman Synar made this decision reluctantly, because he came away from this proceeding with the regrettable but firm conviction that the Commission's approach has been misguided and unfair. He believes that it is unfortunate that the cost of seeking vindication in a matter such as this is so high.

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Federal Election Commission
April 30, 1993
Page 3

that it is plainly not worth pursuing. But he is very troubled by the agency's handling of this matter and he feels compelled by principle to have this stated for the record.

Very truly yours,



Judith L. Corley
Counsel to Respondents

93040943422

BEFORE THE FEDERAL ELECTION COMMISSION MAY -4 PM 12:54

In the Matter of)

Mike Synar for Congress Committee)
Gene Moffitt, as treasurer)

MUR 3528

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement signed by Judith L. Corley, counsel for the Mike Synar for Congress Committee and Gene Moffitt, as treasurer.

Also attached for your review is the respondents' closing statement for the public record. We have not received a check for the civil penalty.

II. RECOMMENDATIONS


1. Accept the attached conciliation agreement with the Mike Synar for Congress Committee and Gene Moffitt, as treasurer.
2. Close the file.

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3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 5/4/93

BY: 
Lois G. Lerner
Associate General Counsel

Attachment

- A. Conciliation Agreement
- B. Respondents' Statement

Staff Assigned: Frances B. Hagan

93040943424

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Mike Synar for Congress Committee
and Gene Moffitt, as treasurer.

MUR 3528

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 6, 1993, the Commission decided by a vote of 6-0 to take the following actions in MUR 3528:

1. Accept the conciliation agreement with the Mike Synar for Congress Committee and Gene Moffitt, as recommended in the General Counsel's Report dated May 4, 1993.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated May 4, 1993.

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

Attest:

May 7, 1993
Date

Deborah Hardy
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tues., May 4, 1993 12:54 p.m.
Circulated to the Commission: Tues., May 4, 1993 4:00 p.m.
Deadline for vote: Fri., May 7, 1993 4:00 p.m.

lbjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

F.Y.I.
RECEIVED
F.E.C.
SECRETARIAT

93 MAY 11 AM 11:18

MEMORANDUM

TO: Marjorie W. Emmons
Commission Secretary

FROM: Danny L. McDonald *DLM*
Commissioner

RE: Withdrawal of approval.

DATE: MAY 11, 1993

I would like to withdraw my approval in MUR 3528, Mike Synar for Congress Committee. I inadvertently approved this MUR and I am recused in this matter.

I am sorry for any inconvenience this may have caused.

93040943426



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 12, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

W. A. Edmondson
323 W. Broadway, Room 604
Muskogee, OK 74401

RE: MUR 3528

Dear Mr. Edmondson:

This is in reference to the complaint you filed with the Federal Election Commission on May 26, 1992, concerning the Honorable Mike Synar, the Mike Synar for Congress Committee, and Gene Moffitt, as treasurer.

After conducting an investigation in this matter, the Commission found that there was probable cause to believe the Mike Synar for Congress Committee violated 2 U.S.C. § 434(b)(3)(A), a provision of the Federal Election Campaign Act of 1971, as amended. On May 6, 1993, the Commission accepted a conciliation agreement signed by respondents' counsel, thereby concluding the matter. Accordingly, the Commission closed the file in this matter on May 6, 1993. A copy of this agreement is enclosed for your information.

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

Sincerely,

Frances B. Hagan
Paralegal Specialist

Enclosure
Conciliation Agreement

93040943427



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MAY 12, 1993

The Honorable Mike Synar
2441 Rayburn House Office Building
Washington, D.C. 20515

RE: MUR 3528

Dear Mr. Synar:

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

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

Sincerely,

Frances B. Hagan
Frances B. Hagan
Paralegal Specialist

93040943428



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MAY 12, 1993

Judith L. Corley, Esquire
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3528
Synar for Congress Committee
Gene Moffitt, as treasurer

Dear Ms. Corley:

On May 6, 1993, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(b)(3)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

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

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. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Frances B. Hagan
Frances B. Hagan
Paralegal Specialist

Enclosure
Conciliation Agreement

93040943429

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Mike Synar for Congress)
Committee) MUR 3528
Gene Moffitt, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by W. A. Edmondson. An investigation was conducted and the Federal Election Commission ("Commission") found probable cause to believe that the Mike Synar for Congress Committee and Gene Moffitt, as treasurer ("Respondents") violated 2 U.S.C. § 434(b)(3)(A).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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. The Mike Synar for Congress Committee ("Committee") is a principal campaign committee within the meaning of 2 U.S.C. § 431(5).

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2. Gene Moffitt is treasurer of the Committee.

3. The Federal Election Campaign Act of 1971, as amended ("Act") requires that the treasurer of a political committee file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(1). Under 2 U.S.C. § 434(b)(3)(A), each report must disclose the identification of each person making aggregate contributions to the reporting committee in excess of \$200 in the calendar year. The term "person" includes individuals. 2 U.S.C. § 431(11).

4. Pursuant to 2 U.S.C. § 431(13), identification of an individual means the name, mailing address and occupation of the individual and the name of the individual's employer.

5. Pursuant to 2 U.S.C. § 432(i), where the treasurer of the committee can show that he or she has made best efforts to "obtain, maintain, and submit" the information required by 2 U.S.C. § 431(13), any report or records of the committee shall be considered in compliance with the Act.

6. On the 1991 Year-End Report filed pursuant to 2 U.S.C. § 434(a)(1), Respondents failed to provide the employer and/or occupation of 37 individual contributors. Subsequently, Respondents obtained this information for at least 23 of these individuals. On October 7, 1992, after the Commission's initial findings in this matter, Respondents amended the 1991 Year-End Report to reflect the newly obtained information.

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7. On the April 1992 Quarterly Report filed pursuant to 2 U.S.C. § 434(a)(1), Respondents failed to provide the employer and/or occupation of 24 individual contributors. Subsequently, Respondents obtained this information for at least 15 of these individuals. On October 7, 1992, after the Commission's initial findings in this matter, Respondents amended the April 1992 Quarterly Report to reflect the newly obtained information.

8. Although Respondents obtained and maintained the identifying information about the contributors in question, they initially failed to amend their reports accordingly, and thus did not satisfy the "best efforts" requirement of 2 U.S.C. § 432(1).

V. Respondents violated 2 U.S.C. § 434(b)(3)(A) by failing to submit employer and occupation information for 38 contributors whose contributions totaled \$28,475 until the Commission found reason to believe a violation had occurred.

VI. Respondents contend that the violation was not knowing and willful.

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of two thousand dollars (\$2,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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

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agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

XI. 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,

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that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

5-11-93
Date

FOR THE RESPONDENTS:


Judith L. Corley
Counsel to Respondents

4/30/93
Date

93040943434



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3528

DATE FILMED 5/26/93 CAMERA NO. 3

CAMERAMAN EEJ

93040943435



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

☒ Microfilm
☐ Public Rcds
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 3528.

6/15/93

93040950454

CD A CWC 0730

RECEIVED
FEDERAL ELECTION COMMISSION

93 JUN -1 AM 11:06



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1993

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Philomena Brooks *PH*
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Mike Sympar, check number 352, dated May 18, 1993, and in the amount of \$ 2,000.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

* No Correspondence

TO: Philomena Brooks
Accounting Technician

FROM: OGC, Docket *By aa*

In reference to the above check in the amount of \$ 2,000.00, the MUR number is 3528 and in the name of Mike Sympar for Congress Conts.. The account into which it should be deposited is indicated below:

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

Anita Alexander
Signature

6-2-93
Date

93040950455

5152

MIKE SYNAR 10-80
FOR CONGRESS COMMITTEE
212 NORTH 4TH 918-687-1642
MUSKOGEE, OK 74401

May 18 1993

49-55/1031

PAY
TO THE
ORDER OF

FEC

\$2,000.00

Two thousand dollars & 00/100

DOLLARS

memo.	MUR3-528			

THIS CHECK IS DELIVERED FOR PAYMENT ON THE ACCOUNTS LISTED

⑈005152⑈ ⑆103100551⑆ ⑈000309856⑈

[Signature]
for Montana



CITIZENS NATIONAL BANK
FOR DEPOSIT ONLY
MUSKOGEE, OKLAHOMA 74401

93 JUN 11 11:06

FEDERAL RESERVE NOTE

93040950456