



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3999

DATE FILMED 9-13-94 CAMERA NO. 2

CAMERAMAN JmH

24043565373

REPORTS ANALYSIS REFERRAL
TO
OFFICE OF GENERAL COUNSEL

DATE: February 24, 1994

ANALYST: Debbie Manzano

I. COMMITTEE:

IMPACT (C00217679)
Barbara Lake, Treasurer
(October 20, 1993 to present)
Deborah Murphy
(October 18, 1992 to October 19, 1993)
Tim Sullivan
(pre January 1, 1991 to October 17, 1992)
909 Belmont, Suite 201
Chicago, IL 60659

II. RELEVANT STATUTE: 2 U.S.C. 441a(a)(1)(A)

III. BACKGROUND:

Apparent Excessive Contributions to Federal Candidate Committees

The IMPACT political committee made two (2) apparent excessive contributions, totalling \$7,025.00 to two (2) federal candidate committees during calendar year 1992.

On April 20, 1992, IMPACT filed its 1992 April Quarterly Report. The report disclosed one (1) contribution for \$4,025 designated for the primary election to the Ferraro for US Senate Committee on February 3, 1992 (Attachment 2).

On October 18, 1992, IMPACT filed its 1992 October Quarterly Report. The report disclosed one (1) contribution for \$5,000 designated for the general election to the Carol Moseley Braun for US Senate Committee on August 28, 1992 (Attachment 3).

On September 1, 1993, Requests for Additional Information ("RFAIs") were sent to IMPACT referencing the 1992 April and October Quarterly Reports. The RFAIs informed IMPACT that a committee which is not a multicandidate

REFERRAL OF IMPACT
PAGE 2

committee is limited to a \$1,000 contribution per candidate per election. The RFAIs recommended that IMPACT request a refund and/or redesignate the excessive portion of the contribution (Attachments 4 and 5).

On September 23, 1993, a Second Notice was sent to IMPACT for failure to respond (Attachment 6).

On October 13, 1993, the Chairman of the Board of Directors for IMPACT, Mr. Brian David, called the Reports Analysis Division ("RAD") analyst. Mr. David believed that IMPACT was of multicandidate status at the time of the apparent excessive contributions. The analyst explained the criteria for becoming a multicandidate committee to Mr. David and went on to say that, based on information contained on reports filed with the Commission, IMPACT did not have the 51 contributors needed to obtain multicandidate status. Mr. David told the analyst that he had records which could identify at least 51 contributors in 1989. He said he would send the analyst this list. (Attachment 7).

On October 25, 1993, the Commission received a letter from Mr. David. The letter explained that IMPACT had met the requirements for qualifying as a multi candidate committee. Mr. David acknowledged that the Commission had documentation for two of the three requirements but not the third. Therefore, enclosed with the letter was the list of 51 contributors from Mr. David. The names were not on FEC Form 3X, but rather forms used for filing IMPACT's non federal account activity with the State of Illinois (Attachment 8).

On November 1, 1993, the RAD analyst called Mr. David and informed him that the list of contributors he provided to prove that IMPACT was of multicandidate status was not acceptable. The analyst told Mr. David that contributors who gave to IMPACT's non federal account with intentions of influencing non-federal elections do not count towards the 51 contributor or threshold for multicandidate status. The analyst informed Mr. David that he could provide the names of the contributors categorized as unitemized in previous reports filed with the Commission in order to obtain the 51 contributors needed. The analyst further stated that Mr. David would need to provide 35 names to meet the threshold if he were to use this approach. Mr. David said he would work on this tomorrow and send it as soon as possible (Attachment 9).

On November 9, 1993, the RAD analyst called Mr. David to check on the progress of his research for contributors. Mr. David said he was still researching the unitemized

24043565315

REFERRAL OF IMPACT
PAGE 3

contributions that IMPACT received since registering with the Commission. Mr. David said he would have the list as soon as possible, and that he would call the analyst before sending it. In the event that he could not come up with enough contributors, Mr. David inquired about his other options. The analyst informed him that he would need to request a refund from the committees that received the excessive contributions. The analyst went on to say that he would need to provide the Commission with a copy of the request, as well as a copy of the refund check from the committees. Mr. David said he would be consulting with other officers of IMPACT to determine what action to take. He said he would call the RAD analyst as soon as a decision was made. (Attachment 9).

On December 3, 1993, the RAD analyst called Mr. David to inquire about the status of the situation. Mr. David said he delegated the task of proving the committee's multicandidate status to someone else. He said he thought the problem had been taken care of and apologized for the lack of response. He informed the RAD analyst that IMPACT would be holding a meeting on Tuesday, December 7, 1993 at which time he would find out the status of the research. He stated that he would call the RAD analyst on Wednesday, December 8, 1993. (Attachment 10).

On December 9, 1993, Mr. David called the RAD analyst to say that in order to prove multicandidate status, IMPACT is going to begin steps to request that contributors who gave to the committee's non-federal account in past election cycles redesignate their contributions to the federal account. He admitted that this may be a difficult task since many of the contributions were low dollar amounts, and therefore, did not require information to be provided by the contributors. The analyst advised Mr. David to send a letter to the Commission explaining what action will be taken by IMPACT (Attachment 10).

On December 14, 1993 the Commission received a letter from IMPACT which states the action they will be taking to prove its multicandidate status (Attachment 11).

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FEDERAL ELECTION COMMISSION
1991-1992

DATE 24FEB94

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
IMPACT				ID #C00217679		NON-PARTY NON-QUALIFIED
CONNECTED ORGANIZATION:	NONE					
1991 MID-YEAR REPORT		150	64	1JAN91 -30JUN91	4	91PEC/708/3581
YEAR-END		0	60	1JUL91 -31DEC91	4	92PEC/753/1483
1992 STATEMENT OF ORGANIZATION - AMENDMENT				18OCT92	1	92PEC/799/3185
APRIL QUARTERLY		4,750	4,056	1JAN92 -31MAR92	4	92PEC/753/1479
APRIL QUARTERLY - AMENDMENT		4,750	4,056	1JAN92 -31MAR92	5	93PEC/865/2134
REQUEST FOR ADDITIONAL INFORMATION				1JAN92 -31MAR92	4	93PEC/859/2885
REQUEST FOR ADDITIONAL INFORMATION 2ND				1JAN92 -31MAR92	6	93PEC/862/0374
JULY QUARTERLY		0	130	1APR92 -30JUN92	4	92PEC/772/0984
JULY QUARTERLY - AMENDMENT		0	130	1APR92 -30JUN92	5	93PEC/865/2143
REQUEST FOR ADDITIONAL INFORMATION				1APR92 -30JUN92	1	93PEC/859/2887
REQUEST FOR ADDITIONAL INFORMATION 2ND				1APR92 -30JUN92	2	93PEC/862/0372
OCTOBER QUARTERLY		5,500	5,027	1JUL92 -30SEP92	5	92PEC/798/2703
REQUEST FOR ADDITIONAL INFORMATION				1JUL92 -30SEP92	4	93PEC/859/2882
REQUEST FOR ADDITIONAL INFORMATION 2ND				1JUL92 -30SEP92	5	93PEC/862/0367
PRE-GENERAL		-	-	1OCT92 -14OCT92	5	92PEC/798/2708
PRE-GENERAL - AMENDMENT		-	-	1OCT92 -14OCT92	3	94PEC/883/2977
REQUEST FOR ADDITIONAL INFORMATION				1OCT92 -14OCT92	2	93PEC/859/2879
REQUEST FOR ADDITIONAL INFORMATION 2ND				1OCT92 -14OCT92	3	93PEC/862/0364
REQUEST FOR ADDITIONAL INFORMATION				1OCT92 -14OCT92	2	93PEC/865/4155
REQUEST FOR ADDITIONAL INFORMATION 2ND				1OCT92 -14OCT92	2	93PEC/868/0604
POST-GENERAL		1,500	1,259	1OCT92 -23NOV92	5	92PEC/813/4401
POST-GENERAL - AMENDMENT		0	9	15OCT92 -23NOV92	7	93PEC/865/2127
POST-GENERAL - AMENDMENT		0	9	15OCT92 -23NOV92	4	94PEC/883/2982
1ST LETTER INFORMATIONAL NOTICE				1OCT92 -23NOV92	1	93PEC/859/0331
REQUEST FOR ADDITIONAL INFORMATION				15OCT92 -23NOV92	2	93PEC/865/4065
REQUEST FOR ADDITIONAL INFORMATION 2ND				15OCT92 -23NOV92	2	93PEC/868/0606
YEAR-END		0	35	24NOV92 -31DEC92	5	93PEC/820/3201
YEAR-END - AMENDMENT		-	-	24NOV92 -31DEC92	2	94PEC/883/2980
REQUEST FOR ADDITIONAL INFORMATION				24NOV92 -31DEC92	1	93PEC/865/4154
REQUEST FOR ADDITIONAL INFORMATION 2ND				24NOV92 -31DEC92	3	93PEC/868/0608
TOTAL		10,400	0	9,381	0	105 TOTAL PAGES

All reports have been reviewed except for the amendments received February 7, 1994.

Ending cash-on-hand as of 12/31/92: \$1,266

Outstanding debts owed by the Committee as of 12/31/92:

\$0 (this does not include the apparent excessive contributions to be refunded)

Outstanding debts owed to the Committee as of 12/31/92: \$0

FEDERAL ELECTION COMMISSION
1993-1994

DATE 24FEB94

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	# OF COVERAGE DATES	MICROFILM PAGES	LOCATION TYPE OF FILER
IMPACT						
CONNECTED ORGANIZATION: NONE						
1993 MISCELLANEOUS REPORT	TO FEC					
		0	0	0	0	
TOTAL		0	0	0	0	

ID #CM217679 NON-PARTY NON-QUALIFIED

14 DEC 93

2 93FEC/869/1504

2 TOTAL PAGES

2 4 0 4 3 5 6 5 3 7 8

JUL B

ITEMIZED DISBURSEMENTS

1992 April Quarterly Report

Attachment 2

 Attach schedule(s)
category of the
Detailed Summary Page

 PAGE 3 OF 3
FOR LINE NUMBER

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

NAME OF COMMITTEE (in Full)

IMPACT

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Midtown Bank + Trust Company 2021 N. Clark Chicago, IL 60614	Bank Service Charge Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1/29/92	\$10.00
B. Full Name, Mailing Address and ZIP Code FERRARO for U.S. Senate 156 Fifth Avenue, #619 New York, NY. 10010	Potential Contribution Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2/3/92	\$4025.00
C. Full Name, Mailing Address and ZIP Code Midtown Bank + Trust Company 2021 N. Clark Chicago, IL 60614	Bank Service Charges Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2/24/92 3/31/92	\$ 11.20 8.10.20
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

84056.40

1992 October Quarterly Report
SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use separate schedule
 for each category in the
 Detailed Summary Page

2

4

Any information reported from such Reports and Disbursements may not be used by any person for the purpose of soliciting contributions for the purpose of other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (in Full)

IMPACT

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Branch for U.S. Senate 201 N. Wells Chicago, IL 60601	Political Contribution Disbursement for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	8-28-92	\$5000.00
Matthew Bank 201 N. Clark Chicago, IL 60601	Service Charge Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	7/31/92	10.00
Matthew Bank 201 N. Clark Chicago, IL 60601	Service Charge Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	8/1/92	9.51
Matthew Bank 201 N. Clark Chicago, IL 60601	Service Charge Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	8/30/92	8.44
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

5022.95

TOTAL This Period (last page and the number only)

5022.95

92 3 / 982704



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20461

RQ-2

Deborah Murphy, Treasurer
Impact
909 Belmont, Suite 201
Chicago, IL 60657

SEP 1 1993

Identification Number: C00217679

Reference: April Quarterly Report (1/1/92-3/31/92)

Dear Ms. Murphy:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Your calculations for Line 7, Column B appear to be incorrect. FEC calculations disclose this amount to be \$4,056.40. Please provide the corrected total on the Summary Page.

-Schedule B of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a political committee, other than a multicandidate committee, from making a contribution to a candidate for federal office in excess of \$1,000 per election. (2 U.S.C. §441a(a))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If you have made an excessive contribution, you should either notify the recipient and request a refund of the amount in excess of \$1,000 and/or notify the recipient, in writing, of your redesignation of the contribution. All refunds and redesignations must be made within sixty days of the treasurer's receipt of the contribution. Refunds are reported on Line 16 of the Detailed Summary Page and on Schedule A of the report covering the period during which they are received. Redesignations are reported as memo entries on Schedule B of the report covering the period during which the redesignation is made. (11 CFR §110.1(b))

Although the Commission may take further legal steps regarding the excessive contribution(s), your prompt

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action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.] em

-Your report discloses no payments for administrative expenses. Administrative expenses are payments made for the purpose of operating a political committee including, but not limited to, rent, utilities, salaries, telephone service, office equipment and supplies. Any such payments to a person aggregating in excess of \$200 in a calendar year must be disclosed on Schedule B, supporting Line 21 of the Detailed Summary Page. (2 U.S.C. §434(b)(5)) In addition, if expenses have been incurred but not paid in a reporting period, the activity should be disclosed as a debt on Schedule D, if the obligation is \$500 or more, or outstanding for sixty (60) days or more. 11 CFR §104.11

PLEASE NOTE: Should your committee have a non-federal account(s), these administrative expenses MUST be disclosed on Lines 18, 21(a)(i) and 21(a)(ii) of the Detailed Summary Page and Schedules H2, H3 and H4 (and possibly Schedule H1 if it has not previously been filed). (See 11 CFR §106.6(b)(2)(i)).

Any goods or services provided to your committee by a person, except volunteer activity (i.e., a person's time), would be considered an in-kind contribution from that person, and would be subject to the disclosure requirements of 2 U.S.C. §434(b)(3) and 11 CFR §104.13, and the limitations and prohibitions of 2 U.S.C. §§441a and 441b.

Please provide clarification regarding administrative expenses incurred by your committee and/or amend your report to disclose such expenses according to the referenced provisions of the Act and Commission Regulations. Clarification regarding administrative expenses should be disclosed during each two year election cycle beginning with the first report filed in the non-election year.

-Please provide a Schedule H3 to support the entry reported on Line 18 of the Detailed Summary Page. All transfers received from a committee's non-federal account for joint activity must be itemized on Schedule H3, regardless of the amount transferred. 2 U.S.C. §434(b)(3)(D)

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this

letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Debbie Manzano

Debbie Manzano
Reports Analyst
Reports Analysis Division

24043565303



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-2

Deborah Murphy, Treasurer
Impact
909 Belmont, Suite 201
Chicago, IL 60657

SEP 1 1993

Identification Number: C00217679

Reference: October Quarterly Report (7/1/92-9/30/92)

Dear Ms. Murphy:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule B of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a political committee, other than a multicandidate committee, from making a contribution to a candidate for federal office in excess of \$1,000 per election. (2 U.S.C. §441a(a))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If you have made an excessive contribution, you should either notify the recipient and request a refund of the amount in excess of \$1,000 and/or notify the recipient, in writing, of your redesignation of the contribution. All refunds and redesignations must be made within sixty days of the treasurer's receipt of the contribution. Refunds are reported on Line 16 of the Detailed Summary Page and on Schedule A of the report covering the period during which they are received. Redesignations are reported as memo entries on Schedule B of the report covering the period during which the redesignation is made. (11 CFR §110.1(b))

Although the Commission may take further legal steps regarding the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

-The total listed on Line 23, Column B of the Detailed Summary Page appears to be incorrect. Please be advised

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that you should add the "Calendar Year-to-Date" total from your previous report to the current "Total This Period" figure from Column A to derive the correct Line 23, Column B total.

-Schedule H3, supporting Line 18 of the Detailed Summary Page discloses a receipt of \$5,500 from what appears to be the non-federal account. However, your report fails to disclose any payments for administrative expenses. A nonconnected committee must allocate between its federal and non-federal account all expenses for administrative costs, generic voter drives and fundraising programs or events. (11 CFR §106.6(b)(2))

Nonconnected committees must report the estimated percentages of their direct federal and non-federal candidate support for a two-year election cycle by filing a Schedule H1. To calculate the allocation ratio for administrative and generic voter drive costs, nonconnected committees use the funds expended method. (11 CFR §106.6(c)(1)) The ratio must be continually adjusted to reflect the actual funds spent. On subsequent reports, the committee must file a new Schedule H1 reflecting the new adjusted ratio.

Schedule H2 is used by all political committees to report the allocation ratios of their joint federal and non-federal fundraising events and direct candidate support programs. Schedule H2 is filed with each report that discloses a disbursement for a shared activity. Schedule H3 is used by all political committees to report transfers received by the federal account from the non-federal account(s) to pay the non-federal share of allocable expenses.

Any expenditure made on behalf of both federal and non-federal candidates (including in-kind contributions and independent expenditures) must also be allocated between your committee's federal and non-federal accounts. Schedule H4 is used by all political committees to report payments for allocable expenses (11 CFR §106.1(a)).

Please clarify the procedures you are currently using to allocate shared activity. You are advised that 11 CFR §102.5 prohibits a non-federal account from financing activity in connection with federal elections. The Commission recommends that you take steps to correct any non-compliance with the regulations. Also, your committee should establish procedures to ensure future compliance with the allocation regulations.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this

letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Debbie Manzano

Debbie Manzano
Reports Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20541

RQ-1

September 23, 1993

Deborah Murphy, Treasurer
Impact
909 Belmont, Suite 201
Chicago, IL 60657

Identification Number: C00217679

Reference: ~~April Quarterly (1/1/92-3/31/92), July Quarterly~~
~~(4/1/92-6/30/92), October Quarterly (7/1/92-9/30/92)~~
and 12 Day Pre-General (10/1/92-10/14/92) Reports

Dear Ms. Murphy:

This letter is to inform you that as of September 23, 1993, the Commission has not received your response to our requests for additional information dated September 1, 1993. Those notices requested information essential to full public disclosure of your federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). Copies of our original requests are enclosed.

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

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

Sincerely,

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

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosures

38620374



FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

Attachment 7

TELETON

ANALYST: Debbie Manzano

CONVERSATION WITH: Mr. Brian David

COMMITTEE: IMPACT

DATE: October 13, 1993

SUBJECT(S): Multicandidate Status

Mr. Brian David, Chair, Board of Directors for IMPACT called the Reports Analysis Division ("RAD") analyst. Mr. David believed that his committee was of multicandidate status at the time of the apparent excessive contributions. The analyst explained the criteria for becoming a multicandidate committee to Mr. David and went on to say that IMPACT was seventeen (17) contributors short of the fifty-one (51) needed to obtain multicandidate status based on the information contained on past reports filed with the Commission. Mr. David told the RAD analyst that he had records which could identify at least fifty-one (51) contributors in 1989 alone. He said he would send the analyst this list.

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909 West Belmont Avenue
Suite 201
Chicago, Illinois 60657
(312) 528-5868
FAX: (312) 528-5776

October 20, 1993

Ms. Debbie Manzano
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

RE: Identification Number C00217679

Dear Ms. Manzano:

Pursuant to our conversation of October 13, 1993, please accept this letter and enclosures as a response to inquiries made by you in September, 1993. In our telephone conversation we agreed that you would send me appropriate documents explaining allocation of funds from joint activities as well as the rules governing overall management of funds and accounts where joint activities are the norm. I have just received this information and will review it carefully before responding to issues related to allocation of administrative expenses between federal and non-federal activities/accounts. For this reason, we will respond to all letters at this time except the one requesting clarification of how we manage funds for joint activities. I will endeavor to respond to the inquiry regarding the 12 Day Pre-General Report (10/1/92-10/14/92) as soon as possible. Every other letter from you is responded to below and referenced accordingly. I want to thank you for your assistance in clarifying FEC rules in these matters.

Reference: 30 Day Post-General Report (10/1/92-11/23/92)

We have revised this report to avoid overlapping with the 12 Day Pre-General Report (10/1/92-10/14/92). The revised report is enclosed for the period 10/15/92-11/23/92. The beginning balance of this report now equals the ending balance of the 12 Day Pre-General as recommended.

Reference: April Quarterly Report (1/1/92-3/31/92)

We have revised the Summary Page to correct Line 7, Column B as requested by your letter. The original figure was miswritten. The correct figure has been inserted.

David to Manzano/Federal Election Commission
October 20, 1993
Page 2

DM { IMPACT does qualify as a multi-candidate committee. Per our conversations as of 9/1/90 we had been registered for 6 months or more, had made our fifth contribution to a candidate for federal office, and had received contributions from 51 or more individuals. The FEC has documentation to account for the first two requirements listed above, but not the third requirement. Enclosed please find copies of receipt records prepared for the Illinois State Board of Elections (Schedule A of State form D2) indicating names and addresses of at least 51 contributors in 1989. The report goes on for a total of 11 pages. I have only enclosed the first 6 pages.

In regards to Schedule H3, we will respond to these issues after a thorough review and understanding of allocation and transfer regulations (as discussed in the introductory paragraph of this letter).

Reference: July Quarterly Report (4/1/92-6/30/92)

We have revised the Summary Page to correct Line 6(d), Column B as requested by your letter. The original figure was miswritten. A revised Summary Page with the correct figure inserted is enclosed.

Reference: October Quarterly Report (7/1/92-9/30/92)

DM { IMPACT does qualify as a multi-candidate committee. Per our conversations as of 9/1/90 we had been registered for 6 months or more, had made our fifth contribution to a candidate for federal office, and had received contributions from 51 or more individuals. The FEC has documentation to account for the first two requirements listed above, but not the third requirement. Enclosed please find copies of receipt records prepared for the Illinois State Board of Elections (Schedule A of State form D2) indicating names and addresses of at least 51 contributors in 1989. The report goes on for a total of 11 pages. I have only enclosed the first 6 pages.

In regards to Schedules, H2, H3 and H4, we will respond to these issues after a thorough review and understanding of allocation and transfer regulations (as discussed in the introductory paragraph of this letter). At that time we will provide

David to Manzano/Federal Election Commission
October 20, 1993
Page 3

you with a clarification of the procedures used to allocated shared activity.

Reference 12 day Pre-General Report (10/1/92-10/14/92)

In regards to Schedules, H2, H3 and H4, we will respond to these issues after a thorough review and understanding of allocation and transfer regulations (as discussed in the introductory paragraph of this letter). At that time we will provide you with a clarification of the procedures used to allocated shared activity.

I appreciate all your help in this matter and your patience in waiting for our reply. I believe that we have fairly responded to your inquiries and am confident that you will get a response to allocation issues in the very near future. Please do not hesitate to contact me directly should you have further questions, comments or suggestions. I may be reached at my personal office weekdays between 8:00 a.m. and 4:00 p.m. central time at 312/702-3194.

In addition, please accept this letter as notification of a change of officers of IMPACT. Brian David (825 W. Newport, Chicago, IL, 60657) has assumed the Chair, Armando Smith (2431 N. Sawyer, Chicago, IL, 60647) Vice-Chair, Barbara Lake (1636 N. Wells, Chicago, IL, 60614) Treasurer, and Marshall Davis (4334 N. Hazel, Chicago, IL, 60613) Secretary.

Once again, thank you for your assistance.

Sincerely,



Brian L. David
Chair, Board of Directors



Barbara Lake
Treasurer

2 4 3 4 3 8 6 5 2 1 2 9

ITEMIZED RECEIPTS

Indicate the Part of Form D-3 being itemized:

☒ PART 1 - Individual Contributions☐ PART 2 - Transfers In☐ PART 3 - Loans☐ PART 4 - Sales, Collections☐ PART 5 - Other Receipts☐ PART 6 - In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, and Zip Code	Date Received	Amount of Each Receipt (this Reporting Period)	Aggregate Amount For this Reporting Period*
GARY WENTWORTH 3534 N. L.S.D. LL CHICAGO, IL 60657	1/25/89	250 ⁻	250 ⁻
LITTLE JIM'S 13501 N. HALSTED CHICAGO, IL 60657	1/25/89	250 ⁻	250 ⁻
MICHAEL P CORNCELL 3641 N. KEELE CHICAGO, IL 60641	1/25/89	250 ⁻	250 ⁻
WPAUL FARVER 11200 N. L.S.D. CHICAGO, IL 60640	1/25/89	250 ⁻	250 ⁻
DAVID J LOCHMAJ 17200 N. ORLEANS CHICAGO, IL 60614	1/25/89 2/20/89 2/24/89	1,250 ⁻ 125 ⁻ 250 ⁻	1,625 ⁻
THOMAS HAWERKOTTE 11200 N. L.S.D. CHICAGO, IL 60640	1/25/89	250 ⁻	250 ⁻
CAMRON B ESTES 1825 BROPY PARK RIDGE, IL 60068	1/25/89	250 ⁻	250 ⁻
MICHAEL E JACKSON 900 W. AINSLIE CHICAGO, IL 60640	1/25/89	250 ⁻	250 ⁻
ANN HAITLAND 703 FOREST EVANSTON, IL 60202	1/20/89	250 ⁻	250 ⁻

*Note: In-kind contributions should be described on this form.

TOTAL THIS PERIOD \$ _____
(Last Page of this Part Only)

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being itemized:

- ☒ PART 1 - Individual Contributions
☐ PART 2 - Transfers In
☐ PART 3 - Loans
☐ PART 4 - Sales, Collections
☐ PART 5 - Other Receipts
☐ PART 6 - In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, and Zip Code	Date Received	Amount of Each Receipt this Reporting Period	Aggregate Amount For this Reporting Period
SUE + GARTIT TAYLOR 2330 GENEVA TERRACE CHICAGO, IL 60614	1/20/89	250-	250-
RIEK FOGLIA 5316 N. WAYNE CHICAGO, IL 60640	1/20/89	625-	625-
JOHN GREESON 40 N. TOWER RD OAK BROOK, IL 60521	1/20/89	250-	250-
ROBERT ADAMS 1350 N. WELLS #F318 CHICAGO, IL 60610	1/28/89	250-	250-
JOHN CONNELLY 3530 N. L.S.D CHICAGO, IL 60657	1/20/89	250-	250-
JOHN DELANEY 1420 W. NORWOOD CHICAGO, IL 60660	1/20/89	250-	250-
GARY HULS 6271 N. LEONA CHICAGO, IL 60646	2/2/89	250-	250-
CARYN BERMAN 3747 N. HERMITAGE CHICAGO, IL 60613	2/2/89	250-	250-
WILLIAM HOLT 937 W. NEWPORT CHICAGO, IL 60657	2/2/89	250-	250-

*Note: In-kind contributions should be described on this form.

TOTAL THIS PERIOD \$
(Last Page of this Part Only)

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being itemized:

- ☒ PART 1 - Individual Contributions
☐ PART 2 - Transfers In
☐ PART 3 - Loans
☐ PART 4 - Sales, Collections
☐ PART 5 - Other Receipts
☐ PART 6 - In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, and Zip Code	Date Received	Amount of Each Receipt this Reporting Period	Aggregate Amount For this Reporting Period
RON FRITSCH 3400 N. L.S.D. CHICAGO, IL 60613	2/2/89	250-	250-
KATHY WILDMAN 2152 MC DANIEL AVE EVANSTON, IL 60201	2/2/89	250-	250-
JOHN CHESTER 4100 MARINE DR #145 CHICAGO, IL 60613	2/2/89	375-	375-
WILL WHITE 2972 W. ESTES CHICAGO, IL 60645	2/2/89	250-	250-
ALLEN GOLDHAMMER 329 E ELM CT GLENCOE, IL 60022	2/2/89	250-	250-
JACKIE DENN 3736 N. MAGNOLIA #2 CHICAGO, IL 60613	2/2/89	250-	250-
JOHN MC LACHLAN 2650 N. LAKEVIEW CHICAGO, IL 60614	2/2/89	250-	250-
CHICAGO HOUSE P.O. BOX 14728 CHICAGO, IL 60614	2/2/89	290-	290-
TAPCO GRAPHICS 1313 W. MADISON CHICAGO, IL 60607	2/2/89	290-	290-

*Note: In-kind contributions should be described on this form.

TOTAL THIS PERIOD \$
(Last Page of this Form Only)

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being itemized:

- ☒ PART 1 - Individual Contributions
PART 2 - Transfers In
☐ PART 3 - Loans

- ☐ PART 4 - Sales, Collections
☐ PART 5 - Other Receipts
☐ PART 6 - In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, and Zip Code	Date Received	Amount of Each Receipt this Reporting Period	Aggregate Amount For this Reporting Period*
PAUL ANDERSON 1555 N. ASTOR CHICAGO, IL 60610	2/8/89	2,250-	2,250-
HELEN BUTLER 1455 STRATFORD RD BEEFIELD, IL 60015	2/9/89	250-	250-
SEBASTIAN PATTI 552 W. BELDEN CHICAGO, IL 60614	2/4/89 2/14/89 2/10/89	1,250- 1,250- 650-	3,150-
KATHY ADAMICK 3232 N. LAKEWOOD #2 CHICAGO, IL 60657	2/8/89	250-	250-
JEAN HARDISTY 34 DAY ST SOMERVILLE, MA. 02144	2/8/89	250-	250-
W. ROBERT BRUNDIGE RR#1 BOX 90 SUGAR GROVE, IL 60554	2/8/89	250-	250-
DUNCAN & BETH HARRIS 320 W. ILLINOIS ST CHICAGO, IL 60610	2/8/89	250-	250-
TOM VAN STEENHUYSE 2925 N. RACINE CHICAGO, IL 60657	2/8/89	250-	250-
SIDNEY MILLER 180 N. MCNIGAN CHICAGO, IL 60601	2/9/89	250-	250-

*Note: In-kind contributions should be described on this form.

TOTAL THIS PERIOD \$
(Last Page of this Part Only)

ILLINOIS IMPACT

Reporting Period

1/1/89

From Thru

LD No.

Attachment 8

(8 of 9)

For Office Use

Schedule

A

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being itemized:

☒ PART 1 - Individual Contributions☐ PART 2 - Transfers In☐ PART 3 - Loans☐ PART 4 - Sales, Collections☐ PART 5 - Other Receipts☐ PART 6 - In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, and Zip Code	Date Received	Amount of Each Receipt this Reporting Period	Aggregate Amount For this Reporting Period*
BOB OLLIS 2800 N. L.S.D CHICAGO, IL 60657	2/4/89	250-	250-
BRENDA GOLDSTEIN 70 W. BURTON PL. #2401 CHICAGO, IL 60610	2/9/89	1800-	1800-
PAUL CAMIC 1341 W. BARRY CHICAGO, IL 60657	2/10/89	250-	250-
BARBARA HAZELCORN 10 LAKEWOOD DR. GLENCOE IL 60022	2/10/89	250-	250-
JAMES LAUGHLIN 223 W. WISCONSIN 3-A CHICAGO, IL 60614	2/13/89	250-	250-
ROGER WEISS 1415 E 54 ST. CHICAGO, IL 60615	2/13/89	1,250-	1,250-
SAM TOIA 3337 N. HOYNE CHICAGO IL 60618	2/13/89	250-	250-
TIM SULLIVAN 1631 W THORNDALE CHICAGO, IL 60660	2/14/89	630-	630-
DWIGHT HARDY 1118 ASH ST WAUKEGAN, IL 60085	2/14/89	250-	250-

*Note: In-kind contributions should be described on this form.

TOTAL THIS PERIOD \$

(Last Page of this Part Only)

ILLINOIS IMPACT

Report Period

4/8/89 3/5/89

From Thru

Attachment 8

(9 of 9)

I.D. No.

Schedule

A

For Office Use

ITEMIZED RECEIPTS

Indicate the Part of Form D-2 being itemized:

☒ PART 1 - Individual Contributions

☐ PART 2 - Transfers In

☐ PART 3 - Loans

☐ PART 4 - Sales, Collections

☐ PART 5 - Other Receipts

☐ PART 6 - In-kind Contributions

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

Full Name, Mailing Address, and Zip Code	Date Received	Amount of Each Receipt this Reporting Period	Aggregate Amount For this Reporting Period*
MARJORIE BENTON 585 INGLESTIDE EVANSTON, IL 60201	2/14/89	200 -	200 -
LAWRENCE FURSTADL 3411 N. ELAINE PL. CHICAGO, IL 60657	2/14/89	250 -	250 -
UNABRIDGED BOOKS 3251 N. BROADWAY CHICAGO, IL 60657	2/14/89	500 -	500 -
LEONAS 3215 N. SHEFIELD CHICAGO, IL 60657	2/14/89	240 -	240 -
CAROLE POWELL 330 W. DIVERSEY CHICAGO, IL 60657	2/20/89	250 -	250 -
NAN SCHAFFER LINCOLN PARK 200 CHICAGO, IL 60614	2/20/89 2/20/89 2/25/89	1,000 - 500 - 830 -	2,430 -
ARTUR JOHNSTON 2107 N. MAGNOLIA CHICAGO, IL 60614	2/20/89 2/28/89	1,250 - 105 -	1,355
NANCY KATZ 2118 W. WAUWATAM CHICAGO, IL 60618	2/20/89	500 -	500 -
J. FRED SHICK 2500 N. LAKEVIEW CHICAGO, IL 60614	2/20/89	625 -	625 -

*Note: In-kind contributions should be described on this form.

TOTAL THIS PERIOD \$

(Last Page of this Part Only)



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

Attachment 9

TELECON

ANALYST: Debbie Manzano

CONVERSATION WITH: Mr. Brian David

COMMITTEE: IMPACT

DATE: November 1, 1993

SUBJECT(S): Multicandidate status

The RAD analyst called Mr. David and informed him that the list of contributors he provided to prove that IMPACT was of multicandidate status was not acceptable. The analyst told Mr. David that contributors who gave to the committee with intentions of influencing non-federal elections only, do not count towards the fifty-one (51) contributor threshold for multicandidate status. The analyst informed Mr. David that he could provide the names of the contributors categorized as unitemized in previous reports filed with the Commission in order to obtain the names needed. The analyst went on to say that Mr. David would need to provide thirty-five (35) names to meet the threshold if he were to use this approach to resolve the situation. Mr. David said he would work on this tomorrow and send it as soon as possible.

ANALYST: Debbie Manzano

CONVERSATION WITH: Mr. Brian David

COMMITTEE: IMPACT

DATE: November 9, 1993

SUBJECT(S): Multicandidate status

The RAD analyst called Mr. David to check on the progress of his research for contributors. Mr. David said he is currently still researching the unitemized contributions that the committee received since registering with the Commission. Mr. David said he would have a list as soon as possible, and that he would call the analyst before sending it. In the event that he could not come up with enough contributors, Mr. David inquired about his options. The analyst informed him that he would need to request a refund from the two committees that received the excessive contributions. The analyst went on to say that he would need to provide the Commission with a copy of the letter requesting the refund as well as a copy of the refund check from both committees. Mr. David said that he would be consulting with other officers of IMPACT to determine what action to take. He said he would call the RAD analyst as soon as decision was made.



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

Attachment 10

TELECON

ANALYST: Debbie Manzano

CONVERSATION WITH: Mr. Brian David

COMMITTEE: IMPACT

DATE: December 3, 1993

SUBJECT(S): Multicandidate status

The RAD analyst called Mr. David to inquire about the status of the situation. Mr. David said he had delegated the task of proving the committee's multicandidate status to someone else. He said he thought the problem had been taken care of and apologized for their lack of response. He informed the analyst that the committee would be holding a meeting on Tuesday, December 7, 1993 at which time he would find out the status of the research. He went on to say that he would call the RAD analyst on Wednesday, December 8, 1993.

ANALYST: Debbie Manzano

CONVERSATION WITH: Mr. Brian David

COMMITTEE: IMPACT

DATE: December 9, 1993

SUBJECT(S): Multicandidate status

Mr. David called the RAD analyst and said that in order to prove multicandidate status, IMPACT is going to begin steps to request that contributors who gave to the committee's non-federal account in past election cycles, redesignate their contributions to the federal account. He admitted that this may be difficult since many of the contributions were low dollar amounts and therefore, did not require them to provide information. The analyst advised Mr. David to send a letter to the Commission explaining what action will be taken by the committee. The analyst went on to say that a copy of the letter authorizing IMPACT to redesignate their contributions should be submitted for each contributor.

IMPACT

ILLINOIS' GAY AND LESBIAN POLITICAL ACTION COMMITTEE

Attachment 11

Dec 14 9 05 AM '93

09 December 1993

909 West Belmont Avenue
Suite 201
Chicago, Illinois 60657
(312) 528-5868
FAX: (312) 528-5776

Ms. Debbie Manzano
Federal Election Commission
Reports Analysis Division
999 "E" Street, NW
Washington, D.C. 20463

Dear Ms. Manzano:

To confirm our conversation of this morning regarding IMPACT's qualifications as a multi-candidate committee, it is clear to us that IMPACT does qualify in that it has made contributions to 5 or more candidates for federal office, it has been registered for more than 6 months, and has had more than 50 contributors. The issue is how the organization has reported revenues from shared fund raising activities.

We have done a considerable amount of research and continue to search our files and discuss the matter with knowledgeable individuals. However, I fear that we may need to redesignate the requisite number of state contributions as federal contributions. The unitemized revenues reported in the early years of the organization are not well documented (quite likely because they represent a great number of small dollar contributions for which detailed records have not been required) and redesignated contributions may well be the best alternative. We are meeting with former staff of IMPACT who are familiar with these old reports and making inquiries with the State of Illinois. Our meeting with former staff will take place on Monday, December 13 and discussions with the State have already begun.

You indicated that you would discuss the issue of redesignating contributions with your supervisor and communicate to me any objections she might have. I trust that if redesignation is the route we take, then all will be settled in short order.

As I said before, thank you for your great assistance and patience in this matter.

Sincerely,



Brian L. David
Chair, Board of Directors

kar

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

RECEIVED
FEB 10 1994
JAN 20 1994
SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral #94L-13
Date Activated: 4/8/94
Staff Member: Frances B. Hagan

SOURCE: INTERNALLY GENERATED

RESPONDENTS: IMPACT
Barbara Lake, Treasurer

RELEVANT STATUTES: 2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(a)(4)

INTERNAL REPORTS CHECKED: Disclosure Indexes, Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was referred from the Reports Analysis Division in accordance with the 1991-1992 RAD Review and Referral Procedures for Unauthorized Committees.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign of 1971, as amended, limits contributions by persons to a candidate committee to \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The term "person" includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons. 2 U.S.C. § 431(11). The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A).

2 U.S.C. § 441a(a)(4) defines a multicandidate committee as

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a political committee which has been registered for six months, has received contributions from more than 50 persons, and has made contributions to five or more federal candidates. 2 U.S.C. § 441a(a)(2)(A) limits contributions by a multicandidate political committee to any candidate committee to \$5,000 per election.

According to the RAD referral, disclosure reports show that during 1992, IMPACT ("Committee") and Barbara Lake, as treasurer, made a primary election contribution to an authorized candidate committee, and a general election contribution to another authorized candidate committee in excess of limitations at 2 U.S.C. § 441a(a)(1)(A). The contributions of \$4,025 to the Ferraro for U.S. Senate Committee and \$5,000 to the Carol Moseley Braun for U.S. Senate Committee exceeded limits by \$3,025 and \$4,000, respectively, because the Committee apparently had not attained multicandidate status. 2 U.S.C. § 441a(a)(2)(A). At the time the contributions were made, Committee disclosure reports showed receipts from fewer than 50 contributors. 2 U.S.C. § 441a(a)(4).

Responding to RAD's inquiries, the Chairman of IMPACT's Board of Directors at first asserted that the Committee had enough contributors to qualify as a multicandidate committee. However, the list he submitted to support the assertion consisted solely of

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contributors to the Committee's non-federal account.² Because the contributions were not made to the federally-registered committee, these contributors do not count toward the number required to establish a qualified multicandidate committee. Thus, the documentation does not support the Committee's claim of multicandidate status.

Subsequently, the Committee stated it would provide the names of unitemized contributors to the federal committee to meet the multicandidate criteria. Failing that, the Committee would request that non-federal contributors redesignate contributions to the federal account. To date, however, the Committee has not provided any additional information or documentation, and their efforts to demonstrate multicandidate status have not been successful. Therefore, it appears that IMPACT and Barbara Lake, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in this matter.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

2. The Committee submitted names appearing on forms reporting non-federal account activity to the State of Illinois.

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that IMPACT and Barbara Lake, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A).
3. Approve the attached Factual and Legal Analysis, proposed Conciliation Agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date

6/22/94

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

- A. Referral Materials
- B. Factual and Legal Analysis
- C. Proposed Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

IMPACT and Barbara Lake, Treasurer.

)
)
) RAD Referral
) #94L-13

MUR 3999

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 28, 1994, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #94L-13:

1. Open a MUR.
2. Find reason to believe that IMPACT and Barbara Lake, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A).
3. Approve the Factual and Legal Analysis, proposed Conciliation Agreement, and the appropriate letter, as recommended in the General Counsel's Report dated June 22, 1994.

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

Attest:

6-28-94
Date

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

Received in the Secretariat: Thurs., June 23, 1994 9:26 a.m.
Circulated to the Commission: Thurs., June 23, 1994 11:00 a.m.
Deadline for vote: Tues., June 28, 1994 4:00 p.m.

bjr



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

JUNE 29, 1994

Barbara Lake, Treasurer
IMPACT
909 Belmont, Suite 201
Chicago, IL 60657

RE: MUR 3999
IMPACT
Barbara Lake, as treasurer

Dear Ms. Lake:

On June 28, 1994, the Federal Election Commission found that there is reason to believe that IMPACT ("Committee") and you, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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 additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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

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

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Barbara Lake, Treasurer
Page 2

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.

For the Commission,

Joan D. Aikens

Joan D. Aikens
Commissioner

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

24043565407

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS:

IMPACT

MUR: 3999

Barbara Lake, as treasurer

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

The Federal Election Campaign of 1971, as amended, limits contributions by persons to a candidate committee to \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The term "person" includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons. 2 U.S.C. § 431(11). The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A).

2 U.S.C. § 441a(a)(2)(A) limits contributions by a multicandidate political committee to any candidate committee to \$5,000 per election. 2 U.S.C. § 441a(a)(4) defines a multicandidate committee as a political committee which has been registered for six months, has received contributions from more than 50 persons, and has made contributions to five or more federal candidates.

Disclosure reports filed with the Commission show that during 1992, IMPACT ("Committee") and Barbara Lake, as treasurer, made a primary election contribution to an authorized candidate

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committee, and a general election contribution to another authorized candidate committee in excess of limitations at 2 U.S.C. § 441a(a)(1)(A). The contributions of \$4,025 to the Ferraro for U.S. Senate Committee and \$5,000 to the Carol Moseley Braun for U.S. Senate Committee exceeded limits by \$3,025 and \$4,000, respectively, because the Committee apparently had not attained multicandidate status. 2 U.S.C. § 441a(a)(2)(A). At the time the contributions were made, Committee disclosure reports showed receipts from fewer than 50 contributors. 2 U.S.C. § 441a(a)(4).

Responding to the Reports Analysis Division's inquiries, the Chairman of IMPACT's Board of Directors at first asserted that the Committee had enough contributors to qualify as a multicandidate committee. However, the list he submitted to support the assertion consisted solely of contributors to the Committee's non-federal account.¹ Because the contributions were not made to the federally-registered committee, these contributors do not count toward the number required to establish a qualified multicandidate committee. Thus, the documentation does not support the Committee's claim of multicandidate status.

Subsequently, the Committee stated it would provide the names of unitemized contributors to the federal committee to meet the multicandidate criteria. Failing that, the Committee would request that non-federal contributors redesignate contributions to the federal account. To date, however, the Committee has not provided any additional information or documentation, and their

1. The Committee submitted names appearing on forms reporting non-federal account activity to the State of Illinois.

efforts to demonstrate multicandidate status have not been successful. Therefore, there is reason to believe that IMPACT and Barbara Lake, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in this matter.

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IMPACT

ILLINOIS' GAY AND LESBIAN POLITICAL ACTION

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Jul 15 3 37 PM '94

909 West Belmont Avenue
Suite 201
Chicago, Illinois 60657
(312) 530-5848
FAX: (312) 520-5776

06 July 1994

Ms. Joan Aikens
Commissioner
Federal Election Commission
Washington, D.C. 20463RE: MUR 3999
IMPACT
Barbara Lake, as treasurer

Dear Ms. Aikens,

We are in receipt of your letter dated June 29, 1994 and enclosures outlining the Commission's proposed Conciliation Agreement to settle this matter.

IMPACT did not knowingly or with any intent violate Federal election law. We are primarily a state political action committee making contributions to candidates for municipal and statewide offices. Unfortunately, our predecessors as officers were unaware of proper bookkeeping procedures to insure that IMPACT would qualify as a multi-candidate committee and therefore, be allowed to make contributions of up to \$5,000 to candidates for federal office. They assumed that we were in full compliance with federal regulations because of our history (established in 1987, made contributions to more than 5 candidates for federal office, and have contributions from more than 50 individuals). What they did not know was that their predecessors had reported all contributions from mixed, federal and state, fund-raisers as state committee contributions. Therefore, as you know, we have not officially qualified as a multi-candidate committee. This, we believe, is wholly due to poor bookkeeping procedures and not through any pre-meditated intent on the part of the organization or its officers. (Note that almost all IMPACT fund-raisers have been mixed, federal and state. Contributions to the federal committee were credited after receiving explicit designation from the donors.)

We are now operating with all new volunteer corporate officers, including treasurer, and a new paid executive director will begin work 1 August. Those responsible for accounting, reporting, and management of IMPACT at the time of the contributions are no longer with the organization. We regret that they had a deficient understanding of political action committee procedures. However, it should be noted that until 1992, IMPACT made relatively small dollar contributions to candidates for federal office and, therefore, had little knowledge of or need to have knowledge of the intricacies of federal campaign finance regulations.

While IMPACT has been in existence since late 1987 and registered as a federal committee a short time after that, relatively small amounts of money and few contributions have designated their contributions for strictly federal purposes. All fund-raisers, with few exceptions, have been mixed, federal and state. We do have a desire to qualify as a multi-candidate committee and feel that we have the number of contributors necessary to do so. Unfortunately, most contributions in the past have been reported as contributions to the state fund. We will continue to solicit funds for the federal committee and will

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insure that proper accounting and reporting is maintained. It is our intention to qualify as a multi-candidate committee as soon as possible.

IMPACT is not a high dollar, major player in the overall political scene in Illinois or the country as a whole. We fill a relatively small, albeit important, niche in our local political structure. Contributions to federal candidates have been, and most likely will continue to be, a small part of our activities. The contributions in question (\$5,000 and \$4,025 to the campaigns of Senate candidates Carol Moseley Braun and Geraldine Ferraro, respectively) were exceptional cases in that they were two of the three largest contributions ever made (or even contemplated) by IMPACT. The contribution to the Ferraro campaign was the first contribution over \$1,000 to be made by IMPACT. No other candidates for federal office have ever received or were even considered to be given more than \$1,000; therefore federal regulations limiting contributions made by committees has never been an issue for IMPACT. For these reasons we request that the Commission eliminate the civil penalty being assessed.

As stated above, IMPACT is a relatively small part of the State's and country's overall election mechanism. As such, our fund-raising abilities are limited and tend to be restricted to state activities.

Please take the necessary time to consider these facts and, we hope, reduce the civil penalty with the understanding that IMPACT had no intent to violate campaign finance regulations and will do what is necessary to insure that the infraction is never repeated.

Effective July 5, 1994, Mr. Joseph Turek is Treasurer of IMPACT. We will notify the appropriate office at the FEC. Mr. Turek has been delegated the task of completing negotiations of this matter and may be reached at 312/334-7611 or 312/561-1880. I will be out of Chicago from Thursday, 7 July through Friday, 15 July, and you should contact Mr. Turek during that time. However, if necessary, I may be reached at 405/749-9220. Thank you for your consideration in this matter.

Sincerely,

Brian L. David
Chair, Board of Directors

Copy to: IMPACT Board of Directors
Ms. Frances Hagan, FEC

94043565412

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUL 22 4 31 PM '94

1 page following --- 22 July 1994

TO: LISA KLEIN
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL

FAX #: 202/219-3923

FROM: BRIAN DAVID
CHAIR, IMPACT ILLINOIS, INC.
voice: 312/702-3194

RE: MUR 3999
IMPACT
Barbara Lake, as treasurer

Ms. Klein,

Please accept the following Designation of Counsel as Mr. Donatelli's authorization to speak for and negotiate on behalf of IMPACT ILLINOIS, Inc. in regards to the referenced matter.

This designation comes from me as Chair of the Board of Directors of IMPACT ILLINOIS, Inc. and on the specific authority as granted by the Board of Directors of IMPACT at its meeting of 05 July 1994.

Thank you.



24043565413

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSELSTATEMENT OF DESIGNATION OF COUNSEL 22 4 31 PM '94NOR 3999NAME OF COUNSEL: JACK DONATELLIADDRESS: 3751 N. HALSTED #216
CHICAGO, IL 60613TELEPHONE: 312/353-4220

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.

22 Jan 94
Date

B. David for IMPACT
Signature
Chair, Board of Directors

RESPONDENT'S NAME: BRIAN DAVID CHAIR, Board of DirectorsADDRESS: 909 W. Belmont IMPACTSt 201Chicago, IL 60657HOME PHONE: 312/929-1251BUSINESS PHONE: 312/528-5868✓ 312/902-3194

Lisa Klein

Fax 202/219-3923

24043565414



FEDERAL ELECTION COMMISSION

7/27/91

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swintos
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from IMPACT ILLINOIS
INC - FEDERAL, check number 1026, dated 7/26/94, and in the amount of \$ 1,250.00.
Attached is a copy of the check and any correspondence that
was forwarded. Please indicate below the account into which
it should be deposited, and the MUR number and name.

=====

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket B. G. L.

In reference to the above check in the amount of
\$ 1,250.00, the MUR number is 3999 and in the name of
IMPACT. The account into
which it should be deposited is indicated below:

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

Rosa E. Swintos
Signature

7/27/94
Date

IMPACT ILLINOIS, INC. - FEDERAL

PH. 312-600-2000

2835 N. SHEPPARD, SUITE 209

CHICAGO, IL 60607-0000

No

1026

26 July 1994

2-153
710

PAY
TO THE
ORDER OF

United States Treasury

\$1250.00

One thousand two hundred fifty exactly

DOLLARS



MIDTOWN BANK
AND TRUST COMPANY
CHICAGO, ILLINOIS 60614

FOR

MUR 3999 - Fed Election Commission

BSP

⑈001026⑈ ⑆071001630⑆ 10059899⑈

9404565416

RECEIVED
FEDERAL ELECTION
COMMISSION
JUN 5 11 05 A.M. '54

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

IMPACT
Joseph Turek, as treasurer

MUR 3999

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed
by counsel for IMPACT ("the Committee").

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II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with IMPACT and Joseph Turek, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

August 5, 1994
Date

BY:

Lois G. Lerner (SEIC)
Lois G. Lerner
Associate General Counsel

Attachments

- A. Conciliation Agreement
- B. Copy of initial civil penalty payment

Staff Assigned: Frances B. Hagan

94040565413

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
IMPACT and Joseph Turek, as treasurer.) MUR 3999

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 10, 1994, the Commission decided by a vote of 5-0 to take the following actions in MUR 3999:

1. Accept the conciliation agreement with IMPACT and Joseph Turek, as treasurer, as recommended in the General Counsel's Report dated August 5, 1994.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated August 5, 1994.

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

Attest:

8-10-94
Date

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

Received in the Secretariat: Fri., Aug. 05, 1994 11:05 a.m.
Circulated to the Commission: Fri., Aug. 05, 1994 2:00 p.m.
Deadline for vote: Wed., Aug. 10, 1994 4:00 p.m.

mck



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

AUGUST 17, 1994

Jack Donatelli, Esquire
3751 N. Halsted, #216
Chicago, IL 60613

RE: MUR 3999
IMPACT
Joseph Turek, as treasurer

Dear Mr. Donatelli:

On August 10, 1994, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 441a(a)(1)(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 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 in full within 60 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

94040560420

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

IMPACT

Joseph Turek, as treasurer

MUR 3999

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Jul 27 12 10 PM '94

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that IMPACT and its treasurer ("Respondents") violated 2 U.S.C. § 441a(a)(1)(A).

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

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

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

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

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

1. IMPACT is a political committee within the meaning of 2 U.S.C. § 431(4).
2. Joseph Turek is the treasurer of the respondent

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-2-

committee. Barbara Lake was the treasurer during the time in question.

3. The Federal Election Campaign of 1971, as amended, limits contributions by persons to a candidate committee to \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The term "person" includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons. 2 U.S.C. § 431(11). The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A).

4. 2 U.S.C. § 441a(a)(2)(A) limits contributions by a multicandidate political committee to any candidate committee to \$5,000 per election. 2 U.S.C. § 441a(a)(4) defines a multicandidate committee as a political committee which has been registered for six months, has received contributions from more than 50 persons, and has made contributions to five or more federal candidates.

5. During 1992, Respondents made a primary election contribution of \$4,025 to an authorized candidate committee, and a general election contribution of \$5,000 to another authorized candidate committee.

6. At the time the contributions were made, Respondents' disclosure reports showed receipts from fewer than 50 contributors. 2 U.S.C. § 441a(a)(4). Thus, Respondents had not met the requirements of a qualified multicandidate committee.

7. As Respondents had not attained multicandidate status,

-3-

the contributions in paragraph 4, above, exceeded limitations by \$3,025 and \$4,000, respectively. 2 U.S.C. § 441a(a)(1)(A).

V. Respondents made contributions totaling \$7,025 in excess of limitations to two 1992 candidate committees in violation of 2 U.S.C. § 441a(a)(1)(A).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of two thousand five hundred dollars (\$2,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

IX. Respondents shall have no more than 60 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral,

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-4-

made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

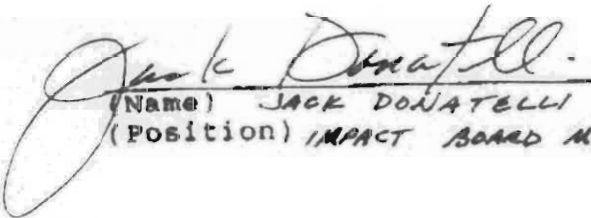
BY:


Lois G. Lerner
Associate General Counsel

Date

8/16/94

FOR THE RESPONDENTS:


(Name) JACK DONATELLI
(Position) IMPACT BOARD MEMBER

Date

July 25, 1994

24043560424



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

THIS IS THE END OF MUR # 3999

DATE FILMED 9-13-94 CAMERA NO. 2

CAMERAMAN Jm H

24043565425



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

Date: 9/15/94

☒ Microfilm
☐ Public Records
☐ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED NUR 3999

24043585100

FEDERAL ELECTION COMMISSION

Press Office

900 E Street, N.W., Washington, D.C. 20463

Phone: Local 202-219-4155

Toll Free 800-424-8630



FOR IMMEDIATE RELEASE:
SEPTEMBER 15, 1994

CONTACT: KELLY HUFF
RON HARRIS
SHARON SNYDER
IAN STIRTON

PEC RELEASES FIVE COMPLIANCE CASES

WASHINGTON -- The Federal Election Commission has made public its final action on five matters previously under review (MURs). This release contains only summary information. Closed files should be thoroughly read for details, including the FEC's legal analysis of the case. (Please see footnote at the end of this release.) Closed MUR files are available in the Public Records Office. They are as follows:

MUR NO.

1. MUR 3102

RESPONDENTS: (a) AIDS Coalition to Unleash Power (ACT UP/District of Columbia) (DC)
(b) AIDS Coalition to Unleash Power (ACT UP/San Francisco) (CA)
(c) Dallas Gay Alliance (TX)
(d) Tarrant County Gay Alliance (TX)
(e) Nancy Solomon (CA)
(f) Michael Petrelis (DC)
(g) Dallas Tavern Guild (TX)
(h) Human Rights Campaign Fund (DC)

COMPLAINANT: Conservative Campaign Fund, Peter T. Flaherty, Chairman (DC)

SUBJECT: Failure to register and report, failure to report independent expenditures, disclaimer, corporate expenditures

DISPOSITION: (a-b) Reason to believe, but took no further action [re: failure to register and report, failure to report independent expenditures, disclaimer]*
(c-d) Reason to believe, but took no further action [re: corporate expenditures]*
(e-f) Took no action*
(g) Reason to believe, but took no further action [re: failure to report independent expenditures]*
(h) No reason to believe [re: corporate expenditures]*

2. MUR 3204/3087/PRE-MUR 263

RESPONDENTS: (a) National Republican Senatorial Campaign Committee, Sonya M. Vasquez, treasurer (DC)
(b) Republican National Committee, William J. McManus, treasurer (DC)
(c) Montana Republican State Central Committee, Shirley J. Warehime, treasurer (MT)
(d) Conrad Burns/US Senate, Jim Swain, treasurer (MT)

-more-

- (e) Gary Lawrence Company (CA)
(f) Colorado Republican Federal Campaign Committee,
Douglas L. Jones, treasurer (CO)
(g) Bush-Quayle '88, J. Stanley Huckaby, treasurer (VA)
(h) Friends of Jim Fenlason for Congress (MT)
(i) Montanans for Marlenee, Douglas N. Wilson, III,
treasurer (MT)

COMPLAINANTS: (a) Common Cause, Roger M. Witten, Counsel (DC) (3204)
(b) Kelly Addy, Speaker Pro Tempore of the Montana House
of Representatives (MT) (3087)
(c) Dolores Colburg, Montana Commissioner of Political
Practices (PRE-MUR 263)

SUBJECT: Excessive contributions, corporate contributions,
excessive coordinated expenditures, failure to adequately
disclose receipts and disbursements, disclaimer, failure
to file reports with state election office

DISPOSITION: (a) Reason to believe but failed to pass motion of
probable cause [re: excessive contributions, excessive
coordinated expenditures, failure to adequately
disclose receipts and disbursements, failure to file
reports with the state election office.]*
(b) Reason to believe but failed to pass motion of
probable cause [re: excessive contributions, failure
to adequately disclose receipts and disbursements]*
(c) Reason to believe but failed to pass motion of
probable cause [re: excessive contributions, excessive
coordinated expenditures, disclaimer, failure to
adequately disclose receipts and disbursements]*
(d) Reason to believe but failed to pass motion of
probable cause [re: excessive contributions, failure
to disclose contributions]*
(e-h) No reason to believe [re: any provision of FECA]*

2 4 0 4 3 5 8 5 1 0 2
3. **MUR 3834**

RESPONDENTS: Hirschfeld for Congress Citizens Committee, Rosemary
Singer, treasurer (NY)

COMPLAINANT: FEC Initiated (RAD)

SUBJECT: Failure to file 48-hour reports (5 candidate contributions
totalling \$310,000)

DISPOSITION: Conciliation Agreement: \$20,000 civil penalty*

4. **MUR 3839**

RESPONDENTS: Friends of Newt Gingrich - 1992, Briggs Goggans,
treasurer (GA)

COMPLAINANT: FEC Initiated (RAD)

SUBJECT: Failure to file 48-hour reports

DISPOSITION: Conciliation Agreement: \$3,800 civil penalty*

5. **MUR 3999**

RESPONDENTS: IMPACT, Joseph Turek, treasurer (IL)

COMPLAINANT: FEC Initiated (RAD)

SUBJECT: Excessive contributions

DISPOSITION: Conciliation Agreement: \$2,500 civil penalty*

*There are four administrative stages to the FEC enforcement process:

1. Receipt of proper complaint
2. "Reason to believe" stage
3. "Probable cause" stage
4. Conciliation stage

It takes the votes of at least four of the six Commissioners to take any
action. The FEC can close a case at any point after reviewing a complaint.
If a violation is found and conciliation cannot be reached, then the FEC
can institute a civil court action against a respondent.



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

Date: 11/7/94

✓ Microfilm
 Public Records
 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED NUR 3999

94043591667



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

November 2, 1994

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Jack Donatelli, Esquire
3751 N. Halsted, #216
Chicago, IL 60613

RE: MUR 3999
IMPACT
Joseph Turek, as treasurer

Dear Mr. Donatelli:

On August 16, 1994, the Federal Election Commission and IMPACT ("Committee") and Joseph Turek, as treasurer, entered into a conciliation agreement in settlement of a violation of 2 U.S.C. §441a(a)(1)(A). According to the agreement, you were required to pay a civil penalty of \$2,500. The conciliation agreement provided for payment of the civil penalty within 60 days of the effective date of the agreement, or by October 15, 1994.

According to Commission records, your final payment of \$1,250 has not been received. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payment from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202) 219-3400.

Sincerely,

Frances B. Hagan

Frances B. Hagan
Paralegal Specialist

cc: Tom Swift, Executive Director

94043591668

IMPACT

RECEIVED
ILLINOIS' GAY AND LESBIAN POLITICAL ACTION COMMITTEE
COMMISSION
MAIL ROOM

Nov 2 9 56 AM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 2 2 05 PM '94

909 West Belmont Avenue
Suite 201
Chicago, Illinois 60657
(312) 528-5868
FAX: (312) 528-5776

October 28, 1994

Federal Election Commission
999 E Street, NW
Washington, DC 20463
ATTN: Francis Hagan

Dear Ms. Hagan,

In the matter before the Federal Election Commission re: IMPACT, Joseph Turek, as Treasurer (MUR 3999), I am enclosing our final payment in the sum of \$1250.00.

Please accept my apologies for the tardiness of this payment. I was unable to write the check until today, and I hope this has not caused any undo inconvenience.

Please contact me immediately if you have any questions concerning this matter.

Sincerely,



Tom Swift
Executive Director

9 4 0 4 3 5 9 1 6 7 0

IMPACT ILLINOIS, INC. - FEDERAL

PH. 312-688-2300
2000 N. SHEFFIELD, SUITE 200
CHICAGO, IL 60607-5000

No. **1028**

OCTOBER 24 1994

2-163
710

PAY
TO THE
ORDER OF

FEDERAL Election Commission

\$ 1250.00

One Thousand Two Hundred and Fifty and No/100ths

DOLLARS



**THE TOWN BANK
AND TRUST COMPANY**
CHICAGO, ILLINOIS 60614

FOR

MUR 3999

Sh W. Sh

⑈001028⑈ ⑈071001630⑈ ⑈05⑈9899⑈



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 2 2 05 PM '94

11/02/94

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Impact Illinois
Inc - Federal, check number 1028, dated 10/24/94, and in the amount of \$1,250.00.
Attached is a copy of the check and any correspondence that
was forwarded. Please indicate below the account into which
it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of
\$1,250.00, the MUR number is 3999 and in the name of
IMPACT. 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

11-02-94
Date

94043671