



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4299

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JMN

960437600/4

DEE ANN BARNHART
4886 S. SEMORAN BLVD. #607
ORLANDO, FL 32822

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JAN 30 3 06 PM '96

MUR 4299

January 25, 1996

FEDERAL ELECTIONS COMMISSION
999 East Street NW
Washington, D. C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

COMPLAINT

I wish to file a Complaint with the Federal Elections Commission against Bobby Lee Thompson - Director Region 8 UAW for violating Federal laws as it relates to the reporting of voluntary campaign contributions from union members and improper record keeping. There is more than probable cause to believe that political funds have been commingled with other funds including union dues and not reported to the government in a timely fashion.

I am an employee of the International Union, UAW, more specifically Stenographer in the Orlando Area Office of Region 8. I assist three UAW Local Unions in Florida with their bookkeeping and the filing of IRS and Department of Labor forms. This assistance involves making sure reports are accurate and training Financial Officers and Trustees as to proper record keeping established by the UAW and the Department of Labor. This work is not a job requirement of mine. However, I have done this work at the request of the local unions and my immediate Supervisor.

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Bobby Lee Thompson's Office has jurisdiction over the following states: Florida, Georgia, North & South Carolina, Virginia, Maryland, Tennessee, Alabama, Mississippi, and parts of Pennsylvania. Mr. Thompson's Office was in Baltimore, Maryland. He transferred his Regional Office to Lebanon, Tennessee in July of 1995. The funds in question were previously at the Nations Bank - 225 N. Calvert Street in Baltimore. They then were transferred to the Nations Bank - 800 Main Street in Nashville. The following is a list of accounts that Mr. Thompson is responsible for:

Region 8 UAW Exchange Account -- This account holds 3% per capita tax collected from local union dues' monies. A percentage of this fund is sent back to the respective states in the Region for operation of the State CAP (Community Action Program) Councils.

UAW Region 8 V-CAP -- This account holds voluntary political contributions made by UAW members such as dollar drive monies and political check-off contributions collected by the employers. This money is then forwarded to Detroit for reporting purposes.

International Union, UAW Region 8 -- This account is a Regional activities' fund (a.k.a. rotating fund). The account is used for collecting items such as registration fees to be forwarded to the National Office.

It is also important to note that Mr. Thompson promoted his wife, Francene Thompson, to a select job as his Board Member Secretary I. Thus making his wife his personal secretary. Extensive bookkeeping of all the accounts listed above is a requirement of this position.

A Region 8 UAW CAP (Community Action Program) Conference was held December 10 - 12, 1995, in Lebanon, Tennessee. CAP is the political arm of the UAW. Most of the states in the Region were represented at this meeting. The Dollar Drive is the name given to the collection of voluntary contributions from local union members to go to candidates the UAW chooses to endorse for their political agenda. This money is collected by the Regional Offices and forwarded to Solidarity House for reporting purposes. At this Conference, the CAP Coordinator for the Region, Alvin Lloyd, requested a report of the dollar drive from Mrs.

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Thompson. Francene Thompson produced a report for Mr. Lloyd. Mr. Lloyd noticed errors on the report such as large contributions from local unions that were not recorded at all. A \$300 personal check from Mr. Lloyd was one of the missing items. When Ms. Thompson was questioned as to where the funds were reported, she replied she did not know. A Dollar Drive Report was not given at this Conference because the prepared report was inaccurate. (See Enclosed Minutes.) Knowing this, I felt it was my responsibility to check the accounts that I assist to make certain that monies forwarded were properly credited.

Further investigation proved that errors had been made. Enclosed is a copy of check #3475 from Local Union #1522 in Orlando. You will note that the check is written to the UAW Region 8 V-CAP Check-Off account but was deposited in the Region 8 UAW Exchange Account. Voluntary political contributions have been commingled with union dues. This particular local union is small in membership size. The Company (Dayron) forwards a check each month to the local for voluntary deductions made against employees' paychecks for the V-CAP program. The local then forwards same to the Region 8 Office. While this check is a minimal amount, it sheds some light on what may have happened to the other large contributions that cannot be accounted for at all. There are many large local unions in this Region. However, I am not privy to their financial records. None of the accounts handled by Mr. & Mrs. Thompson are balanced, and proper record keeping has not been established. (Although I am sure Mr. Thompson will be flying in UAW Auditors once this Complaint is received by him in a feeble attempt to reconcile these accounts.) The failure to be able to account for money collected makes it impossible that the monies in question were forwarded to the National Department in a timely fashion to be properly reported as required by law. These grave and numerous errors indicate that either these transactions were done intentionally or that Mr. Thompson and his Office Staff are grossly incompetent.

Mr. Thompson has many serious problems aside from the poor management of his fiscal responsibilities. I currently have an EEOC charge against Mr. Thompson and the UAW for sexual harassment and retaliation. A lawsuit is pending. Other members have filed similar charges. I understand these matters are not under the jurisdiction of the FEC, however, I wanted to be honest with you as to my current circumstances. Mr. Thompson will try to lie about or slander anyone who tells the truth in an attempt to excuse or cover up his own behavior. My motive for filing this Complaint is a simple one—I am aware that this man has broken Federal laws, and according to the law, I am obligated to report same. I am sending my Attorney a copy of this Complaint for I am fearful of further retaliation on the part of Bobby Thompson or possibly the UAW.

I respectfully request that an investigation be made preferably in the form of an audit to remedy these unlawful activities and to protect the interest of the members who have entrusted their money to this man and this organization. I am willing to testify under oath to the above information, and I will cooperate fully with the FEC with any investigation that may occur.

Respectfully Submitted,

Dee Ann Barnhart

Dee Ann Barnhart

STATE OF FLORIDA)
COUNTY OF ORANGE)

Subscribed and sworn to before me personally appeared DEE ANN BARNHART known to me to be the person who signed the foregoing instrument and acknowledged the same to be her free act and deed on this 26th day of January, 1996.

My Commission Expires: _____

Notary Public

A Marie Hill

Print, type or stamp name of Notary Public
Personally known ☐ OR Produced I. D. ☒
Type and number of I. D. produced:

FDC# B656-161-68-581



A MARIE HILL
My Commission CC289987
Expires May. 30, 1997
Bonded by ANB
800-852-5878

COMPLAINANT

DEE ANN BARNHART
4886 S. SEMORAN BLVD.
#607
ORLANDO, FL 32822

RESPONDENTS

BOBBY LEE THOMPSON
FRANCENE THOMPSON
151 MADDOX-SIMPSON PARKWAY
LEBANON, TN 37090-5345

OTHER PERTINENT ADDRESSES

ALVIN LLOYD
1103 NORTH POINT BLVD
SUITES 424 & 428
BALTIMORE, MD 21224

cc: Stephen Yokich, President UAW
Sandy Naples, President OPEIU 494
Brenda London, Attorney-At-Law

96043760019

LOCAL 1522 UAW
608 18TH STREET
ORLANDO, FL 32805

NO 63-9056/2631

3475

JUNE 14, 19 95

PAY
TO THE
ORDER OF

UAW REGION 8 V-CAP CHECK-OFF

\$ 5.00

FIVE AND

00/100 DOLLARS

GREAT WESTERN BANK 

A Federal Reserve Bank
2700 SOUTH ORANGE AVENUE
ORLANDO, FL 32805
1-800-222-2242

FOR

MAY CHECK-OFF

Donna Coleman
Patricia A Jones

9604376000

ENDORSE HERE

X

FOR DEPOSIT ONLY
REGION 8 U.A.W. EXCHANGE ACCOUNT

DO NOT SIGN / WRITE / STAMP BELOW THIS LINE
FOR FEDERAL RESERVE BOARD ONLY

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J-6

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OK PROCESSED
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FEDERAL RESERVE BANK OF ATLANTA, GA

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OF FLORIDA, N.A.

10009724096

FLORIDA STATE UAW CAP COUNCIL
EXECUTIVE BOARD MEETING 12/15/95
HOLIDAY INN, ORLANDO FL

Meeting Called to Order by Chairman Collari at 9:30 a.m.

Roll Call: Present: Jim Collari, John Scarboro, George Murphy, Johnny Hutchinson, Mike Barnette, and Alvin Lloyd. Absent: Horace Hart (Excused), Jerry McLean (Excused), and Billy Williamson (Excused).

Motion made to accept the Financial Report. s/c

Jim Collari reported on the Council budget supplement requests to Region 8 for 1996. Jim also reported on the CAP Conference held in Tennessee - Reports were given from the various CAP Councils, the Scholarship Award Program will be continuing, and reports were given on the 1995 Dollar Drive and plans were discussed for the 1996 Dollar Drive. Brother Collari requested that the locals update their voter lists. It would be helpful to have the first name of the members instead of an initial.

Alvin Lloyd reported that there was no change in the Scholarship Award Program. Al also reported that there was not a complete report on the 1995 Dollar Drive at the Region 8 CAP meeting.

Brother Collari reported on Director - Bobby Lee Thompson's report to the Region 8 CAP meeting on the Caterpillar contract.

The Executive Board discussed the unification of the UAW, Machinists, and Steelworkers unions.

Brother Lloyd reported on unification, education, and organizing in Region 8. Al also reported that the UAW will affiliate with the AFL-CIO Central Labor Council in Pennsylvania.

Jim Collari reported that the Florida CAP Council will have a re-affiliation meeting about joining the FL AFL-CIO respective labor councils on January 19, 1996, at the Bilmar Hotel in Treasure Island, Florida.

Motion made to send the following delegates to the following conferences: s/c

1996 LEADERSHIP CONFERENCE - JIM COLLARI & JOHN SCARBORO

1996 WOMEN'S CONFERENCE - GEORGE MURPHY & JIM COLLARI

1996 CIVIL RIGHTS CONFERENCE - JOHNNY HUTCHINSON

Over Please.....

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1996 RETIREE'S CONFERENCE - GEORGE MURPHY

1996 NATIONAL CAP CONFERENCE - JIM COLLARI & JOHN SCARBORO

1996 SUMMER SCHOOL - JOHNNY HUTCHINSON

Motion made to send Jim Collari and John Scarboro to Joe Mangone's retirement party, January 27, 1996, in Taylor, Michigan. s/c

Motion made to send George Murphy, John Scarboro, and Johnny Hutchinson to the AFL-CIO Legislative Conference in Tallahassee, Florida, March 17 - 20, 1996. s/c The FL State UAW CAP Council meeting will be the 15th and 16th.

Motion to pay all bills of the Council. s/c

Motion to adjourn at 11:30 a.m.

Respectfully Submitted,

Johnny Hutchinson

Johnny Hutchinson
Recording Secretary
FL State UAW CAP Council

JH:dab
opeiu494
afl-cio

9604376003



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 5, 1996

Dee Ann Barnhart
4886 S. Semoran Blvd. #607
Orlando, FL 32822

RE: MUR 4299

Dear Ms. Barnhart:

This letter acknowledges receipt on January 30, 1996, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

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 4299. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

96043760034



FEDERAL ELECTION COMMISSION

Washington, DC 20463

February 5, 1996

Bobby Lee Thompson
151 Maddox-Simpson Parkway
Lebanon, TN 37090-5345

RE: MUR. 4299

Dear Mr. Thompson:

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. 4299. 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.

96043760035

If you have any questions, please contact me at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043760016



FEDERAL ELECTION COMMISSION

Washington, DC 20463

February 5, 1996

Francene Thompson
151 Maddox-Simpson Parkway
Lebanon, TN 37090-5345

RE: MUR 4299

Dear Ms. Thompson:

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 4299. 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.

9604376007

If you have any questions, please contact me at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043760038



FEDERAL ELECTION COMMISSION

Washington, DC 20463

February 5, 1996

Roy O. Wyse, Treasurer
UAW-V-CAP (UAW Voluntary Community Action Program)
8000 East Jefferson
Detroit, MI 48214

RE: MUR 4299

Dear Mr. Wyse:

The Federal Election Commission received a complaint which indicates that UAW-V-CAP(UAW Voluntary Community Action Program) ("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 4299. 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 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.

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If you have any questions, please contact me at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

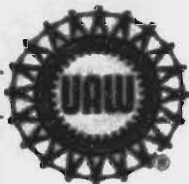
Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043760000



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

STEPHEN P. YOKICH, PRESIDENT

ROY O. WYSE, SECRETARY-TREASURER

VICE PRESIDENTS: CAROLYN FORREST • JACK LASKOWSKI • ERNEST LOFTON • RICHARD SHOEMAKER

JORDAN ROSSEN, General Counsel
LAURA J. CAMPBELL
BETSEY A. ENGEL
CHARLES M. GAYNEY

CONNIE Y. HARPER
RALPH O. JONES
MICHAEL B. NICHOLSON
GEORGI-ANN OSHAGAN
Associate General Counsel

LEONARD R. PAGE
NANCY SCHIFFER
DANIEL W. SHERRICK
M. JAY WHITMAN

STEPHEN A. YOKICH
1757 M STREET, N.W.
WASHINGTON, DC 20036
Phone (202) 828-8500
FAX (202) 293-3457

February 8, 1996

Mary L. Taksar, Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

Re: UAW V-CAP(MUR 4299)

Dear Ms. Taskar:

Enclosed is my designation in this matter, as counsel for UAW V-CAP. We just received the MUR, and I've asked for the relevant documents.

We respectfully request an extension until 11 March 1996, which is an additional 15 days beyond the normal due date. Your consideration would be appreciated.

Sincerely,

M. Jay Whitman

MJW:nm
opeiu494
encl.
cc(w/encl): Gary Jones

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

FEB 12 2 32 PM '96

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4299

NAME OF COUNSEL: M. Jay Whitman

FIRM: UAW Legal Department

ADDRESS: 8000 East Jefferson Ave.

Detroit, MI 48214-2699

TELEPHONE: (313) 926-5216

FAX: (313) 822-4844

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.

2/9/96
Date

Roy O. Wyse
Signature

Roy O. Wyse
Secretary-Treasurer, UAW V-CAP

RESPONDENT'S NAME: UAW Voluntary Community Action Program

ADDRESS: 8000 East Jefferson Ave.

Detroit, MI 48214-2699

TELEPHONE: HOME

BUSINESS (313) 926-5431

26043760092



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 15, 1996

M. Jay Whitman, Esquire
UAW Legal Department
8000 East Jefferson Avenue
Detroit, MI 48214-2699

RE: MUR 4299
UAW Voluntary Community Action
Program (UAW V-CAP) and Roy O.
Wise, as treasurer

Dear Mr. Whitman:

This is in response to your letters dated February 8, and 14, 1996, which we received on February 12, and 14, 1996, respectively, requesting an extension until March 11, 1996, to respond to the complaint filed against the UAW V-CAP and Roy O. Wise, as treasurer.

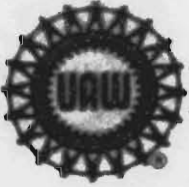
Considering the Federal Election Commission's responsibilities to act expeditiously in the conduct of investigations, the Office of the General Counsel cannot grant your full request, but can only agree to a 30 day extension. Accordingly, the response is due by the close of business on March 9, 1996.

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

Sincerely,

Tamara Kapper
Central Enforcement Docket

96043760093



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

STEPHEN P. YOKICH, PRESIDENT

ROY O. WYSE, SECRETARY-TREASURER

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Associate General Counsel

LEONARD R. PAGE
NANCY SCHIFFER
DANIEL W. SHERRICK
M. JAY WHITMAN

STEPHEN A. YOKICH
1757 "N" STREET, N.W.
WASHINGTON, DC 20036
Phone (202) 628-8500
FAX (202) 293-3457

February 14, 1996

VIA FACSIMILE AND U.S. MAIL

Mary L. Taksar, Attorney
Central Enforcement Docket
Federal Election Commission
Washington D.C. 20463

Re: UAW V-CAP(MUR 4299)

Dear Ms. Taskar:

In response to your phone call to me of February 13, we are requesting extension in the above matter until 11 March 1996. This is necessary due to the fact that there was a move of the Region 8 office from Baltimore, Maryland to Nashville, Tennessee and moving of the records has required time.

Your consideration would be appreciated.

Sincerely,

M. Jay Whitman

M. Jay Whitman

MJW:nm ✓
opeiu494
cc: Gary Jones

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OFFICE OF GENERAL
COUNSEL
FEB 20 9 30 AM '96



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

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1757 N. STREET N.W.
WASHINGTON, D.C. 20036
Phone (202) 626-6500
FAX (202) 293-3457

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COMMISSION
OFFICE OF GENERAL
COUNSEL

MAR 14 3 20 PM '96

March 8, 1996

Tamara Kapper, Esq.
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

Re: UAW VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V-CAP),
and Roy O. Wyse, as its Treasurer (MUR #4299)

Dear Ms. Kapper:

This is the response of the UAW VOLUNTARY COMMUNITY ACTION PROGRAM (UAW V-CAP), and Roy O. Wyse, as its Treasurer, to Ms. Taksar's letter of 5 February and the enclosed allegations of Dee Ann Barnhart. We thank you for extending our time. It has enabled me to collect and review the information, and make this response quite a bit shorter.

We begin with some background: The International Union, UAW, is divided into a series of geographic Regions for administrative purposes. Our Region 8 covers the geography from Delaware and Maryland, across the South to Mississippi, and north to Tennessee. Within that geography are a number of Local Unions, which are separate labor organizations. Elected delegates from the various Locals in Region 8 elect the Director of the Region, who is a member of the UAW's International Executive Board.

At the UAW's last Convention in June, 1995, Bobby Lee Thompson was reelected as the Director of Region 8. He defeated a candidate supported by Ms. Barnhart and various of her relatives and friends. A protest of that union election was filed with the U.S. Department of Labor - OLMS. The DOL, having exclusive jurisdiction, 29 U.S.C. §482, has not issued a complaint, and the time for doing so has expired. Meanwhile, Ms. Barnhart has filed a personal civil rights charge against Brother Thompson, and met with no greater success. As you can

discern from the tenor of her charges, Ms. Barnhart does not like Brother Thompson -- a sentiment which Brother Thompson, were he not a gentleman, would doubtless reciprocate.

These matters are, of course, not within the FEC's jurisdiction; and we seriously doubt they are even of passing interest. We mention them here only by way of clearing the brush which might obstruct dealing with relevant matters.

V-CAP is the UAW's separate, segregated *federal* committee, as you already know from our reports. It is headquartered and banked here in Detroit, serving UAW members and their families across the United States, including in Region 8.

The UAW has *separate* structures, under Article 23 of the UAW CONSTITUTION, for dealing with state and local elections (UAW state and/or local PAC's), as well as community action, membership communication, and charity (UAW CAP Councils). *None* of those entities deal with federal elections in any way. The Article 23 efforts are funded by 3% of the dues dollar. Under the relevant Bylaws, that 3% is divided between various PAC's (dealing exclusively with state and local elections), and their sister CAP Councils (dealing with community action, membership communication and charity). Along with the federal V-CAP, this structure was established in the 1970's *specifically* to assure our compliance with the FECA, §527 of the IRC, and relevant state laws.

Membership voluntary donations to V-CAP are collected locally, either by solicitation or by voluntary payroll deduction under 11 C.F.R. §114.5.

In contrast, the Article 23 flow is part of the Local's standard *per capita* tax payment due under the UAW CONSTITUTION and Bylaws.

Because of the large geographic area in Region 8, some care must be taken to see that the transmission of V-CAP donations to the V-CAP treasury in Detroit is prompt, *see* 11 C.F.R. §102.6(c)(4). For that purpose, the UAW established an *exchange* account located at Region 8. Since it is an exchange account, it serves no purpose but the gathering and transmission of these monies, as contemplated by 11 C.F.R. §102.6(c)(4)(ii)(A) or (B). The account bears the EIN of the International Union itself, and is carried on the Union's LM-2 and Form 990. It is styled "UAW V-CAP Region 8". In maintaining such an account, the UAW itself does not become a committee under the FECA, but is a mere "collecting agent" within 11 C.F.R. §102.6(b).

As to the *non-federal* activities under Article 23, a parallel accounting structure exists. The Locals send the 3% to the relevant administrative office of the International Union, in this case Region 8. There, the monies are deposited into a *different* exchange account, so they can be split between state and local PAC's, and the various CAP Councils, as the exchange account is periodically cleared. The percentages which govern that division are set in the democratically adopted Bylaws of those entities. Here again, the exchange account bears the EIN of the International Union itself, and is carried on the Union's LM-2 and Form 990. It is styled the "International Union ... [etc.] Region 8 Exchange Account."

The administration of these separate exchange accounts is handled clerically, as it is simply a matter of making deposits, and then regularly clearing the accounts by checks out the other side, in the *first* case to V-CAP's treasury, and in the *second* case to the various state and local PAC's and CAP Council's whose money it is.

Against this background, let us now turn to the allegations. Behind the brush, there is a *single* allegation: Check #3475 from Local 1522, in the amount of \$5.00, was made to "UAW Region 8 V-CAP Checkoff" but was deposited into the "Region 8 UAW Exchange Account". The \$5.00 is said to represent voluntary payroll deductions from UAW members at Dayron.

The short, fatal answer to this allegation is that, under the FECA, it is perfectly lawful for V-CAP to give \$5.00 to Article 23 purposes, whether for state and local PAC's, or for the variety of CAP Council activities.

The only violation is putting Union treasury money *into* V-CAP. But here, this is the *opposite* of what happened. Here, the money went *from* V-CAP *to* the Article 23 entities. It is perfectly legal for a federal committee to donate money for state and local election purposes, not to mention union and charitable purposes.¹ So, assuming *arguendo*, what is alleged, there is no violation.

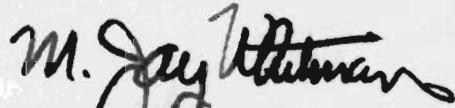
Even on the administrative level, all that happened was the harmless misdirection of \$5.00 from one UAW exchange account to another. It happened on the occasion of the retirement of a secretary with 51 years of experience. The bookkeeper who handled these exchanges was promoted to fill the vacancy, and was assisted, during the brief transition, by a temporary replacement. The temporary used a deposit slip from the incorrect exchange account, because the check arrived from this Local in a blue envelope designated exclusively for the

¹ It is contrary to the Regulations, of course, for the money to be *returned* to V-CAP, once it has left. That did not happen.

transmission of *per capita* taxes, including the 3%. With January, 1996, permanent employees resumed the work.

For the foregoing reasons, we respectfully ask the Commission to dismiss the charges.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "M. Jay Whitman". The signature is fluid and cursive, with the first name "M." and last name "Whitman" clearly distinguishable.

M. Jay Whitman
Attorney for UAW V-CAP and
Roy O. Wyse, as its Treasurer.

opeiu494

RECEIVED
FEDERAL ELECTION COMMISSION
AUG 14 4 50 PM '96

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
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Enforcement Priority

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

In accordance with the objectives of the Enforcement Priority System ("EPS") adopted by the Commission in May 1993, the Office of the General Counsel has periodically recommended that the Commission not pursue cases that are stale or that, in comparison to other pending matters, do not appear to warrant the use of the Commission's limited resources. This General Counsel's Report recommends the Commission not pursue 43 cases that fall within these categories.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of Commission resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

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Having evaluated incoming matters, this Office has identified 24 cases which do not warrant further pursuit relative to other pending matters.¹ A short description of each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this Report. Attachments 1-24. As the Commission has previously requested, we have also attached responses and referral materials where that information has not been circulated previously to the Commission. Attachment 25.

B. Stale Cases

Investigations are severely impeded and require relatively greater resources when the activity, and the evidence of the activity, are old. Accordingly, the Office of the General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 19 cases that

this Office believes are now too old to warrant the use of the Commission's resources

¹ These matters are: MUR 4227 (Wellstone for Senate) (Attachment 1); MUR 4273 (Jesse Wineberry) (Attachment 2); MUR 4290 (Lincoln Club of Riverside County) (Attachment 3); MUR 4292 (Congressman Ron Packard) (Attachment 4); MUR 4293 (Willie Colon for Congress) (Attachment 5); MUR 4294 (Alan Keyes for President '96) (Attachment 6); MUR 4299 (UAW-V-CAP) (Attachment 7); MUR 4312 (Sonoma County Republicans) (Attachment 8); MUR 4316 (Ross Perot) (Attachment 9); MUR 4318 (Patrick Combs for Congress) (Attachment 10); MUR 4324 (Buchanan for President) (Attachment 11); MUR 4325 (Dan Garstecki for Congress '96) (Attachment 12); MUR 4329 (Golden Door) (Attachment 13); MUR 4330 (Trice Harvey) (Attachment 14); MUR 4333 (WSB-TV) (Attachment 15); MUR 4334 (Cox Communications) (Attachment 16); MUR 4336 (WSB-TV) (Attachment 17); MUR 4339 (WSB-TV) (Attachment 18); MUR 4348 (Soglin for Congress) (Attachment 19); MUR 4359 (Francis Thompson for Congress) (Attachment 20); MUR 4360 (Weyand Committee) (Attachment 21); MUR 4363 (WSB-TV) (Attachment 22); MUR 4364 (Friends of Jimmy Blake) (Attachment 23) and Pre-MUR 328 (Department of the Interior) (Attachment 24).

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Because our recommendation not to pursue these cases is based on their staleness, this Office has not prepared separate narratives for these cases. we have attached responses and referral materials in those instances where the information was not previously circulated. Attachments 26-45.

This Office recommends the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective September 3, 1996. By closing the cases effective that day, CED and the Legal Review Team each will have the necessary time to prepare closing letters and case files for the public record.

96043760101

III. RECOMMENDATIONS

A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95NF-21

B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:

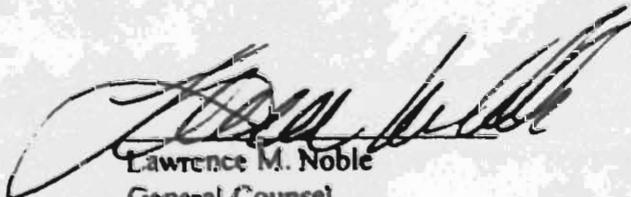
- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198
- 10) MUR 4201
- 11) MUR 4227
- 12) MUR 4232
- 13) MUR 4273
- 14) MUR 4290
- 15) MUR 4292
- 16) MUR 4293
- 17) MUR 4294
- 18) MUR 4299
- 19) MUR 4312
- 20) MUR 4316
- 21) MUR 4318
- 22) MUR 4324
- 23) MUR 4325
- 24) MUR 4329
- 25) MUR 4330
- 26) MUR 4333
- 27) MUR 4334

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- 28) MUR 4336
- 29) MUR 4339
- 30) MUR 4348
- 31) MUR 4359
- 32) MUR 4360
- 33) MUR 4363
- 34) MUR 4364

C. Take no further action, close the file effective September 3, 1996, and approve the appropriate letters in MUR 3826.

8/14/96
Date


Lawrence M. Noble
General Counsel

26043760103

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Enforcement Priority.

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CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 21, 1996, the Commission took the following actions on the General Counsel's August 14, 1996 report on the above-captioned matter:

1. Decided by a vote of 5-0:

A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95NF-21

B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198

(continued)

96043760104

Federal Election Commission
Certification for Enforcement
Priority
August 23, 1996

Page 2

10) MUR 4227
11) MUR 4232
12) MUR 4273
13) MUR 4290
14) MUR 4292
15) MUR 4293
16) MUR 4294
17) MUR 4299
18) MUR 4312
19) MUR 4316
20) MUR 4318
21) MUR 4324
22) MUR 4325
23) MUR 4329
24) MUR 4330
25) MUR 4333
26) MUR 4334
27) MUR 4336
28) MUR 4339
29) MUR 4348
30) MUR 4359
31) MUR 4360
32) MUR 4363
33) MUR 4364

Commissioners Aikens, Elliott, McDonald,
McGarry, and Thomas voted affirmatively with
respect to each of the above-noted matters.

Attest:

8-26-96

Date

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

Received in the Secretariat: Wed., Aug. 14, 1996 4:56 p.m.
Circulated to the Commission: Fri., Aug. 16, 1996 12:00 p.m.
Deadline for vote: Wed., Aug. 21, 1996 4:00 p.m.

bjr

96043760105



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 06 1996

Dee Ann Barnhart
4886 S. Semoran Blvd. #607
Orlando, FL 32822

RE: MUR 4299

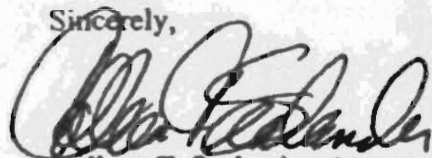
Dear Ms. Barnhart

On January 30, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96043760106

MUR 4299
UAW-V-CAP

Complainant Dee Ann Barnhart alleges that voluntary contributions of federal UAW-V-CAP funds were commingled with union dues, and that such federal contributions were not timely reported to the FEC. She names Bobby Lee Thompson, Director of Region 8 UAW and Francene Thompson, secretary, as responsible for the violations.

Respondents reply that the only evidence provided is a single canceled check for \$5.00, and that this \$5.00 check mistakenly was transferred from a federal account to a non-federal account. This transaction, Respondents assert, is "perfectly legal," as no transfers were made from a non-federal account to a federal account.

There is no indication of any serious intent to violate the FECA and there is no evidence that the activity had a significant impact on the process.

96043760107



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 06 1996

Bobby Lee Thompson
151 Maddox-Simpson Parkway
Lebanon, TN 37090-5345

RE: MUR 4299

Dear Mr. Thompson:

On February 5, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96043760108

MUR 4299
UAW-V-CAP

Complainant Dee Ann Barnhart alleges that voluntary contributions of federal UAW-V-CAP funds were commingled with union dues, and that such federal contributions were not timely reported to the FEC. She names Bobby Lee Thompson, Director of Region 8 UAW and Francene Thompson, secretary, as responsible for the violations.

Respondents reply that the only evidence provided is a single canceled check for \$5.00, and that this \$5.00 check mistakenly was transferred from a federal account to a non-federal account. This transaction, Respondents assert, is "perfectly legal," as no transfers were made from a non-federal account to a federal account.

There is no indication of any serious intent to violate the FECA and there is no evidence that the activity had a significant impact on the process.

96043760109



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 06 1996

Francene Thompson
151 Maddox-Simpson Parkway
Lebanon, TN 37090-5345

RE: MUR 4299

Dear Ms. Thompson:

On February 5, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96043760110

MUR 4299
UAW-V-CAP

Complainant Dee Ann Barnhart alleges that voluntary contributions of federal UAW-V-CAP funds were commingled with union dues, and that such federal contributions were not timely reported to the FEC. She names Bobby Lee Thompson, Director of Region 8 UAW and Francene Thompson, secretary, as responsible for the violations.

Respondents reply that the only evidence provided is a single canceled check for \$5.00, and that this \$5.00 check mistakenly was transferred from a federal account to a non-federal account. This transaction, Respondents assert, is "perfectly legal," as no transfers were made from a non-federal account to a federal account.

There is no indication of any serious intent to violate the FECA and there is no evidence that the activity had a significant impact on the process.

96043760111



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 06 1996

M. Jay Whitman
UAW Legal Department
8000 East Jefferson Ave.
Detroit, MI 48214-2699

RE: MUR 4299

Dear Mr. Whitman:

On February 5, 1996, the Federal Election Commission notified your client, UAW Voluntary Community Action Program, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against UAW Voluntary Community Action Program and Roy O. Wyse, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

26043760112

MUR 4299
UAW-V-CAP

Complainant Dee Ann Barnhart alleges that voluntary contributions of federal UAW-V-CAP funds were commingled with union dues, and that such federal contributions were not timely reported to the FEC. She names Bobby Lee Thompson, Director of Region 8 UAW and Francene Thompson, secretary, as responsible for the violations.

Respondents reply that the only evidence provided is a single canceled check for \$5.00, and that this \$5.00 check mistakenly was transferred from a federal account to a non-federal account. This transaction, Respondents assert, is "perfectly legal," as no transfers were made from a non-federal account to a federal account.

There is no indication of any serious intent to violate the FECA and there is no evidence that the activity had a significant impact on the process.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 4299

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN Jm 14

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