



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR #

491

DATE: 10/16/75

FILMED BY: [Signature]



FEDERAL ELECTION COMMISSION

1. Memo, 12/13/77, From Brown to Cooper
2. Memo, 12/29/77, From Christian to Oldaker
3. Memo, 1/4/78, From Christian to Oldaker
4. Memo, 1/31/78, From Christian to Johnson

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- |  |   |
|--|---|
| <input type="checkbox"/> (1) Classified Information                                | <input type="checkbox"/> (6) Personal privacy                             |
| <input type="checkbox"/> (2) Internal rules and practices                          | <input type="checkbox"/> (7) Investigatory files                          |
| <input type="checkbox"/> (3) Exempted by other statute                             | <input type="checkbox"/> (8) Banking Information                          |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents                         |   |

Signed

*Ray W. Ch. L.*

date October 2, 1978

FEC 9-21-77

2871077057



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

September 28, 1978

Mr. Thomas H. Henderson, Jr.  
Chief, Public Integrity Section  
Criminal Division  
Department of Justice  
Washington, D.C. 20530

Re: MUR 491 (78)  
THH: AJR: ema  
123-37-389

Dear Mr. Henderson:

I am writing in reference to your letter of December 23, 1977, and my reply of January 30, 1978, concerning alleged misconduct on the part of officials of the Montgomery County Democratic Party ("Party") of Dayton, Ohio.

The Commission has investigated the reports filed by the Party's Federal Fund during 1976 and has determined that there is reasonable cause to believe the Fund violated 2 U.S.C. §434 in failing to report a contribution in kind from the Party. The amount of the violation is de minimus, however, and the Commission decided to take no further action in regard to the apparent violation.

Although some minor discrepancies in the Fund's reports were discovered, we were able to verify that all monies deposited in the Fund's account came from sources permissible under the Federal Election Campaign Act of 1971, as amended.

Accordingly, the Commission has closed its file in this matter.

If further information comes to your attention which would indicate the Commission should reopen its investigation of this matter, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. C. Oldaker", is written over the typed name.

William C. Oldaker  
General Counsel

78040070575

78040070577

Mr. Thomas H. Henderson, Jr.  
Chief, Public Integrity Section  
Criminal Division  
Department of Justice  
Washington, D.C. 20530

Re: MUR 491 (78)  
THH: AJR: ema  
123-37-389

Dear Mr. Henderson:

I am writing in reference to your letter of December 23, 1977, and my reply of January 30, 1978, concerning alleged misconduct on the part of officials of the Montgomery County Democratic Party ("Party") of Dayton, Ohio.


The Commission has investigated the reports filed by the Party's Federal Fund during 1976 and has determined that there is reasonable cause to believe the Fund violated 2 U.S.C. §434 in failing to report a contribution in kind from the Party. The amount of the violation is de minimus, however, and the Commission decided to take no further action in regard to the apparent violation.

Although some minor discrepancies in the Fund's reports were discovered, we were able to verify that all monies deposited in the Fund's account came from sources permissible under the Federal Election Campaign Act of 1971, as amended.

Accordingly, the Commission has closed ~~its~~ file in this matter.

If further information comes to your attention which would indicate the Commission should reopen its investigation of this matter, please contact me.

Sincerely,

  
William C. Oldaker  
General Counsel





FEDERAL ELECTION COMMISSION

1225 K STREET N.W.  
WASHINGTON, D.C. 20463

September 28, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 S. Wilkinson Street  
Dayton, Ohio 45402

Re: MUR 491 (78)

Dear Mrs. Mayl:

This is to notify you that on September 27, 1978, the Commission determined that there was no reasonable cause to believe the Montgomery County Democratic Party ("Party") violated 2 U.S.C. §§434, 441b and 441f in connection with its Federal Fund's ("Fund") activities in the 1976 elections.

The failure to allocate raffle expenses between the party and the Fund resulted in an apparent violation of 2 U.S.C. §434 by the Fund. Specifically, the Fund failed to report the receipt of a contribution-in-kind from the Party in the form of the Party's payment of the Fund's allocable portion of the raffle expenses. Since the violation was de minimus (\$64.31), the Commission voted to find reasonable cause to believe the Fund violated 2 U.S.C. §434 but to take no further action.

Accordingly the Commission has closed its file in this matter. A copy of the Certification of the Commission's action is enclosed.

If you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523 - 4161.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", is written over a circular stamp.

William C. Oldaker  
General Counsel

Enclosure

cc: Armistead W. Gilliam, Jr., Esquire

7 9 0 4 0 0 7 0 5 7 8

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 S. Wilkinson Street  
Dayton, Ohio 45402

Re: MUR 491 (78)

Dear Mrs. Mayl:

This is to notify you that on September 11, 1978, the Commission determined that there was no reasonable cause to believe the Montgomery County Democratic Party ("Party") violated 2 U.S.C. §§434, 441b and 441f in connection with its Federal Fund's ("Fund") activities in the 1976 elections.

The failure to allocate raffle expenses between the party and the Fund resulted in an apparent violation of 2 U.S.C. §434 by the Fund. Specifically, the Fund failed to report the receipt of a contribution-in-kind from the Party in the form of the Party's payment of the Fund's allocable portion of the raffle expenses. Since the violation was de minimus (\$64.31), the Commission voted to find reasonable cause to believe the Fund violated 2 U.S.C. §434 but to take no further action.

Accordingly the Commission has closed its file in this matter. A copy of the Certification of the Commission's action is enclosed.

If you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523 - 4161.

Sincerely,

  
William C. Oldaker  
General Counsel

Enclosure

cc: Armistead W. Gilliam, Jr., Esquire

78040070579

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County Democratic ) MUR 491 (78)  
Party )  
Montgomery County Democratic )  
Party -- Federal Fund )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 27, 1978, the Commission determined by a vote of 5 to 0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Find no reasonable cause to believe the Montgomery County Democratic Party violated 2 U.S.C. §§434, 441b and 441f in connection with its administration of its Federal Fund.
2. Find no reasonable cause to believe the Montgomery County Democratic Party -- Federal Fund violated 2 U.S.C. §§434, 441b and 441f. Find reasonable cause to believe the Fund violated 2 U.S.C. 434, but take no further action.
3. Send the letters attached to the General Counsel's Report.
4. Close MUR 491(78).

Voting for this determination were Commissioners Springer, Tiernan, Staebler, Thomson, and Harris.

Attest

9/27/78

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary to the Commission

Report dated 9-19-78. Signed 9-22-78

Received in Office of Commission Secretary: 9-22-78, 2:33

Circulated on 48 hour vote basis: 9-25-78, 10:00

September 22, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 491

Please have the attached General Counsel's Report  
on MUR 491 distributed to the Commission on a 48 hour  
tally basis.

Thank you.

78040070581

BEFORE THE FEDERAL ELECTION COMMISSION  
September 19, 1978

In the Matter of )  
 )  
Montgomery County Democratic Party ) MUR 491 (78)  
Montgomery County Democratic Party --)  
Federal Fund )

GENERAL COUNSEL'S REPORT

BACKGROUND

This matter arose from a Department of Justice letter dated December 23, 1977, which stated that, in the course of a grand jury investigation into alleged criminal activity, information came to the Department's attention concerning alleged misconduct within the Commission's jurisdiction on the part of officials of the Montgomery County Democratic Party ("Party").

The Justice Department could not provide specific information because of the grand jury secrecy restrictions of Rule 6, Federal Rules of Criminal Procedure. An agent of the FBI office in Dayton informed us that the alleged misconduct was in the area of contributions made in the name of another to mask kickbacks and corporate contributions.

On January 27, 1978, the Commission found reason to believe the Montgomery County Democratic Party -- Federal Fund ("Fund") had violated 2 U.S.C. §§ 434, 441b and 441f.

Interrogatories were sent to the Fund on March 6 and answers were finally received on June 5. On July 10 the Commission authorized the issuance of interrogatories to Mr. Oscar Page (Treasurer of both

the Party and the Fund during the period in which the Fund reported to the Commission) and the issuance of a subpoena to the Third National Bank and Trust Company, Dayton, Ohio, for copies of bank records concerning the Fund's account. These materials were reviewed in our report of August 4.

In the first set of responses, the Party's current Treasurer, Mrs. Esther Mayl, stated that all contributions directed to the Fund's account came from the sale of raffle tickets for an automobile. This statement was partially verified by the bank records received pursuant to the Commission's subpoena. Total receipts in the Fund's bank account were \$1,500 (\$1,300 in checks and \$200 in cash). The bank records showed that contributions reported by the Fund were not earmarked to the Fund by contributors and no expenses for the raffle were paid by the Fund.

In summary, the bank records and Mrs. Mayl's answers indicated that contributions to the Fund did indeed come from the sale of raffle tickets, but that the raffle was conducted by the Party and not the Fund. Furthermore, since the item raffled was an automobile, it appeared that either the automobile was donated or the total raffle proceeds were greater than the \$1,500 deposited in the Fund's account.

#### EVIDENCE

According to the Fund's reports, the \$200 cash deposit came from the sale of raffle tickets to Ms. Patricia Heck and Mrs. Esther Mayl. On August 15 the Commission authorized the sending of interrogatories to Ms. Heck and Mrs. Mayl to verify that they had

made the cash contributions reported by the Fund. Ms. Heck's response is Attachment I and Mrs. Mayl's response is Attachment II to this report.

On August 15 the Commission also determined to review the conduct of the raffle as a whole to determine the extent of any contribution in kind from the Party to the Fund in the form of the Party's payment of raffle expenses and whether any corporate or labor union contributions were received in connection with the raffle. Accordingly the Commission found reason to believe the Party had violated 2 U.S.C. §§434, 441b and 441f in connection with its administration of the Fund and authorized the issuance of an Order to Answer Interrogatories to Mrs. Mayl in her capacity as Party Treasurer. The responses to the interrogatories to the Party are Attachment III to this report.

#### ANALYSIS

Both Ms. Heck and Mrs. Mayl responded that they had each purchased a raffle ticket for \$100 cash as reported by the Fund. Cancelled checks in the Fund's bank account records, and the Mayl and Heck responses show that all receipts reported by the Fund were from the contributors listed in the Fund's reports.

According to the Party responses (Attachment III), 2099 raffle tickets were sold at \$100 each. Gross receipts were therefore \$209,900. Expenses for the raffle totalled \$8960, consisting of \$3460 for the purchase of a 1976 Pontiac Astra, cash prizes of \$2000 and \$1000, and expenses totalling \$2500 for a cocktail party. Since the Federal account received only \$1500 of the \$209,900 total, the allocable portion of the raffle expenses which should have been paid by the Fund was \$61.34 ( $\$8640 \times 0.0071$ ). These figures and calculations are summarized in Attachment IV.

It appears that, aside from misreporting the dates of some contributions, the only discrepancy in the Fund's reports is a failure to report the receipt of the \$61.34 contribution in kind from the Party.

Failure to have contributors earmark their contributions to go to the Fund or notify contributors that their contributions would be used in Federal elections would violate 11 C.F.R. §102.6(b)(1). This regulation limits the receipts of a local committee's Federal account to those contributions designated for the Federal account, received as a result of a solicitation which expressly states that the funds will be used in Federal elections, or received from contributors who have been notified that their contributions are subject to the limitations of 2 U.S.C. §441a(a). While it appears from the information obtained to date that the Fund did not operate in accordance with this provision, we cannot prove this was the case without hard evidence in the form of the solicitation materials used in connection with the raffle. Since less than 1% of the money raised through the raffle was used in connection with Federal elections, it does not appear worthwhile to devote further resources to searching for such evidence.

The information received from the Justice Department indicated that the misconduct referred to in their letter concerned laundering kickbacks and corporate contributions. If such activities did in fact occur, our investigation has shown that no such funds were deposited in the Federal Fund's account.

In light of the de minimus nature of the Party's failure to allocate raffle expenses between itself and the Fund and the lack of



any tangible evidence of any other violation of the Act or Commission regulations on the part of the Party or the Fund, we recommend the Commission find reasonable cause to believe the Fund violated 2 U.S.C. §434 by failing to report the receipt of the \$61.34 contribution in kind but take no further action.

We recommend finding no reasonable cause to believe that the Party violated 2 U.S.C. §§434, 441b and 441f, or that the Fund violated 2 U.S.C. §§441b and 441f.

RECOMMENDATIONS

1. Find no reasonable cause to believe the Montgomery County Democratic Party violated 2 U.S.C. §§434, 441b and 441f in connection with its administration of its Federal fund.
2. Find no reasonable cause to believe the Montgomery County Democratic Party -- Federal Fund ("Fund") violated 2 U.S.C. §§441b and 441f.
3. Find reasonable cause to believe the Fund violated 2 U.S.C. §434 but take no further action.
4. Send attached letters.
5. Close MUR 491 (78)

22 Sept 1978  
Date

  
William C. Oidark  
General Counsel

Attachments:

- I. Heck Responses
- II. Mayl Responses
- III. Party Responses
- IV. Summary of Raffle Expenses
- V. Letter to Respondents
- VI. Letter to Department of Justice

7201070587

christian  
603998  
GCC # 4800  
FEDERAL ELECTION COMMISSION

MUR 491 (78)

SEP 7 11:35  
ATTACHMENT TO ORDER TO ANSWER INTERROGATORIES

TO: Ms. Patricia Heck  
260 North Diamond Mill Road  
Dayton, Ohio 45427

1. During the period January 1 to December 31, 1976, did you make any contributions to either the Montgomery County Democratic Party (hereinafter "Party") or the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund")?

If so, give the following information:

- (a) Itemize each contribution, state whether made to the Party or the Fund, on what date made, in what amount, and whether by cash or by check.

Answer: Apr. 10-4 or 10-5-76 \$100.00 Cash Raffle Ticket for a car.

I cannot presently recall whether or not the contribution was to the Party or the Fund.

- (b) Provide copies of cancelled checks or receipts received relating to these contributions.

Answer: Ticket destroyed after raffle.

- (c) Were any of these contributions in the form of the purchase of a raffle ticket? If so, were you informed at the time you purchased the ticket that your contribution would be used for Federal elections? If the raffle ticket is still in your possession provide a copy of it.

Answer: See (a) & (b)

- (d) Did you claim any or all of the above contributions as a tax deduction or tax credit toward your 1976 Federal income tax?

Answer: I and my husband filed a joint short-form Federal Income Tax Form in 1976 and did not use a political contribution as a deduction.

2. What was your occupation and home address during the period January 1 to December 31, 1976?

Answer: Housewife 260 N. Diamond Mill Rd., Dayton, OH 45427

Subscribed to and sworn to before me  
this 4<sup>th</sup> day of Sept, 1978

*John P. Edwards*  
John P. Edwards Notary Public  
STATE OF OHIO

*Janice P. Heck*  
Janice P. Heck aka  
Patty Heck

ATTACHMENT I

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of ) MUR 491 (78)  
)  
Montgomery County Democratic )  
Party )  
Montgomery County Democratic ) ANSWERS TO INTERROGATORIES  
Party -- Federal Fund )

To: Mrs. Esther Mayl  
210 Westhaven Drive  
Dayton, Ohio 45429

INTERROGATORY:

During the period January 1 to December 31, 1976, did you make any contributions to either the Montgomery County Democratic Party (hereinafter "Party") or the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund")? If so, give the following information:

- (a) What was the amount, date and purpose of each contribution? For each contribution, state whether made to the Party or the Fund.
- (b) Were these contributions by check or in cash?
- (c) Provide copies of either your cancelled checks or receipts relating to these contributions.
- (d) Did you claim either a tax deduction or tax credit toward your 1976 Federal income tax for any of these contributions?

ANSWER TO INTERROGATORY:

- (a) February 11, 1976, \$100 contribution to Montgomery County Democratic Party;  
October 3, 1976, \$100 raffle ticket.
- (b) Cash.

ATTACHMENT II (1 of 2)

(c) The raffle ticket was destroyed. I possess no receipts for the cash contributions.

(d) No.

Esther Mayl  
Esther Mayl

Sworn to and subscribed before me this 6<sup>th</sup> day of

September, 1978.

DONA K. CHAPMAN  
Notary Public, State of Ohio  
My Commission Expires Feb. 6, 1983

Dona K Chapman  
Notary Public

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of ) MUR 491 (78)  
 )  
Montgomery County Democratic )  
Party ) ANSWERS TO INTERROGATORIES  
Montgomery County Democratic )  
Party -- Federal Fund )

To: Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 South Wilkinson Street  
Dayton, Ohio 45402

INTERROGATORY NO. 1:

Since what date have you been Treasurer of the Montgomery County Democratic Party (hereinafter "Party")?

ANSWER TO INTERROGATORY NO. 1:

I have been Treasurer of the Montgomery County Democratic Party since January 26, 1978.

INTERROGATORY NO. 2:

What position did you hold with the Party during the period January 1 to December 31, 1976? If you held more than one position, list all positions and dates of service in each position.

ANSWER TO INTERROGATORY NO. 2:

At large member from 1967 to present; Precinct Committee-woman from 1958 to present.

ATTACHMENT III (1 of 4)

INTERROGATORY NO. 3:

During the period January 1 to December 31, 1976, what bank accounts did the Montgomery County Democratic Party maintain? List all accounts giving the type of account, account number, and name and address of the financial institution at which the account was maintained.

ANSWER TO INTERROGATORY NO. 3:

Dayton Goes Public -- First National Bank, Account No. 054-113-2 (checking); Third National Bank, Account No. 0-000428-6; Winters, Account No. 43-760-138-6.

Savings Account- Third National, 34 North Main Street, Dayton, Ohio 45402, Account No. 3-00-20464-3;

Checking Account, First National, Second & Ludlow Streets, Dayton, Ohio 45402, Account No. 011-1795;

Federal Account, Third National Bank, 34 N. Main Street, Dayton, Ohio 45402. This account number is unavailable as the information is contained in the records currently in the possession of the Justice Department.

Certificate of Deposit, Western Savings, 11 East Main St., Trotwood, Ohio, 45426.

INTERROGATORY NO. 4:

In the responses to interrogatories submitted to the Commission on June 1, 1978, you state that the funds deposited in the account of the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund") derived from the raffle of an automobile. Regarding this raffle:

(a) During what dates were the raffle tickets sold?

- 291007150
- (b) On what date was the drawing held?
  - (c) What was the price of each raffle ticket?
  - (d) How many tickets were sold?
  - (e) Which accounts listed in your response to Question 3 were raffle proceeds deposited in or raffle costs paid from?
  - (f) Give the name and address of the printer who printed the raffle tickets.
  - (g) What was the year, make, and model of the automobile raffled?
  - (h) Was the automobile donated to the Party? If so, by whom? If the automobile was purchased by the Party, from whom was it purchased, on what date, and what was the purchase price?
  - (i) What is the name and address of the person who won the automobile?
  - (j) Were any other prizes awarded in this raffle? If so, list each item giving the name and address of the person who donated the item or the name and address of the person from whom the Party purchased each item and state the purchase price.
  - (k) Itemize all other costs incurred in the conduct of the raffle. State the amount, date, and purpose of each expenditure and the name and address of each payee.
  - (l) Describe in detail all records, including but not limited to receipts, cancelled checks, and bills of sale, relating to the raffle and the prizes. Give each document's present location and the name of its custodian.

ANSWER TO INTERROGATORY NO. 4:

- (a) September 15, 1976 to October 7, 1976;
- (b) October 7, 1976;
- (c) One Hundred Dollars each.



- 7 9 0 1 0 7 7 1 5 9 4
- (d) 2099 tickets sold;
  - (e) First National Bank, Account No. 011-1795;
  - (f) Dayton Printery, 211 South Ludlow Street, Dayton, Ohio, 45402;
  - (g) 1975 Pontiac Astra;
  - (h) The car was purchased from Rogers Pontiac, paid for on October 11, 1976, purchase price \$3,460.00;
  - (i) The winner of the car was Mr. Robert L. Barnett, 1530 Tailwood Drive, Centerville, Ohio, 45459;
  - (j) Second Prize was \$2,000 cash; Third Prize was \$1,000 cash; prizes were paid from proceeds of the raffle;
  - (k) Ernie Loeb - Cocktail Party Expense; \$1,000; 11/12/76;  
Biltmore Hotel  
North Main Street  
Dayton, Ohio 45402  
  
Ernie Loeb - balance on party; \$1,500; 3/15/77  
Biltmore Hotel  
North Main Street  
Dayton, Ohio 45402
  - (l) The Justice Department currently has all records, cancelled checks and bills of sale relating to the raffle and the prizes.

Esther Mayl, Treas.  
Esther Mayl, Treasurer

Sworn to and subscribed before me this 6th day of  
September, 1978.

DONA K. CHAPMAN  
Notary Public, State of Ohio  
My Commission Expires Feb. 6, 1983

Dona K. Chapman  
Notary Public

## RAFFLE SUMMARY

Solicitation Period: September 15 to October 7, 1976  
Date of Drawing: October 7, 1976  
Price of Ticket: \$100  
Gross Receipts: \$209,900  
Amount Deposited in  
Federal Fund Account: \$1500

## EXPENSES

Automobile (First Prize)	\$3460.00
Second Prize (Cash)	2000.00
Third Prize (Cash)	1000.00
Cocktail Party	2500.00
(\$1000 paid 11/12/76, balance paid 3/15/77)	
TOTAL	\$8960.00
Times percentage to Federal Fund	<u>x 0.0071</u>
Expenses Allocable to Federal Fund	\$ 61.34

ATTACHMENT IV



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 S. Wilkinson Street  
Dayton, Ohio 45402

Re: MUR 491 (78)

Dear Mrs. Mayl:

This is to notify you that on September , 1978, the Commission determined that there was no reasonable cause to believe the Montgomery County Democratic Party ("Party") violated 2 U.S.C. §§434, 441b and 441f in connection with its Federal Fund's ("Fund") activities in the 1976 elections.

The failure to allocate raffle expenses between the party and the Fund resulted in an apparent violation of 2 U.S.C. §434 by the Fund. Specifically, the Fund failed to report the receipt of a contribution-in-kind from the Party in the form of the Party's payment of the Fund's allocable portion of the raffle expenses. Since the violation was de minimus (\$64.31), the Commission voted to find reasonable cause to believe the Fund violated 2 U.S.C. §434 but to take no further action.

Accordingly the Commission has closed its file in this matter. A copy of the Certification of the Commission's action is enclosed.

If you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523 - 4161.

Sincerely,

William C. Oldaker  
General Counsel

Enclosure

cc: Armistead W. Gilliam, Jr., Esquire

ATTACHMENT V



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

Mr. Thomas H. Henderson, Jr.  
Chief, Public Integrity Section  
Criminal Division  
Department of Justice  
Washington, D.C. 20530

Re: MUR 491 (78)  
THH: AJR: ema  
123-37-389

Dear Mr. Henderson:

I am writing in reference to your letter of December 23, 1977, and my reply of January 30, 1978, concerning alleged misconduct on the part of officials of the Montgomery County Democratic Party ("Party") of Dayton, Ohio.

The Commission has investigated the reports filed by the Party's Federal Fund during 1976 and has determined that there is reasonable cause to believe the Fund violated 2 U.S.C. §434 in failing to report a contribution in kind from the Party. The amount of the violation is de minimus, however, and the Commission decided to take no further action in regard to the apparent violation.

Although some minor discrepancies in the Fund's reports were discovered, we were able to verify that all monies deposited in the Fund's account came from sources permissible under the Federal Election Campaign Act of 1971, as amended.

Accordingly, the Commission has closed its file in this matter.

If further information comes to your attention which would indicate the Commission should reopen its investigation of this matter, please contact me.

Sincerely,

William C. Oldaker  
General Counsel

ATTACHMENT VII

4828

RECEIVED  
SEP 11 1978  
FEDERAL ELECTION COMMISSION

# SMITH & SCHNACKE

ATTORNEYS AT LAW

2000 COURTHOUSE PLAZA N.E.

POST OFFICE BOX 1817

DAYTON, OHIO 45401

513/226-6500

CABLE SMITHLAW

CINCINNATI TO DAYTON  
DIRECT LINE 628-1954

WRITER'S DIRECT DIAL NUMBER

513: 226-6596

GARY W. AUMAN  
SARA STRAIGHT WOLF  
STEVEN A. BARKOT  
DAVID A. BARKOT  
LAWRENCE T. SCHILLER  
JACK A. DONENFELD  
SHAREN SWARTZ GAGE  
BRIAN K. PORTER  
CROFFORD J. MACK, III, JR.  
BRUCE R. LOWRY  
THOMAS P. WHELEHAN II  
DANIEL G. ROSENTHAL  
STEPHEN J. BUTLER  
DANIEL T. HARMAN  
GLENN L. BOWER  
JOSEPH H. PANZI

W. WALKER LEWIS, JR.  
OF COUNSEL

FRANCIS DEAR SCHNACKE  
1889-1977

CINCINNATI OFFICE  
1500 DUBOIS TOWER  
511 WALNUT STREET  
CINCINNATI, OHIO 45202  
513/52-6500

LEO WEINBERGER  
AARON T. GRAD  
LEON L. WOLF  
JUDSON HOY  
LEWIS G. GATCH  
HERBERT B. WEISS  
SCOTT B. CROOKS  
MARK P. PAINTER  
DONALD E. SCHNEIDER  
JOE B. CONN

8:00

SAMUEL A. MCCRAY  
FORD W. EKEY  
LLOYD H. O'HARA  
ALBERT H. SEALY  
PAUL E. LACOUTURE  
JAMES J. MULLIGAN  
STANLEY A. FREEDMAN  
WALTER A. PORTER  
THEODORE J. VRADELIS  
DEAN E. DENLINGER  
HOWARD N. THIELE, JR.  
RALPH E. HEYMAN  
JAMES J. GILVARY  
PETER J. DONAHUE  
ARMISTEAD W. GILLIAM, JR.  
ROBERT J. HADLEY  
JON M. SEBALY  
WILLIAM D. FORBES  
RICHARD A. DUROSE  
RICHARD J. CHERNESKY  
J. MICHAEL HERR  
WILLIAM L. CARR  
E. RONALD MCMWINEY  
EUGENE ROBINSON  
ROBERT H. MAYNARD

ROBERT J. BROWN  
PAUL L. HORSTMAN  
JAMES H. STETHEM  
RICHARD F. CARLILE  
ROGER E. KERPART  
EDWARD B. MITCHELL  
LAWRENCE T. BURICK  
JAMES J. KENDIG  
RICHARD A. BROOCK  
RUSSELL J. HOHMAN  
JOSEPH M. RIGOT  
ANDREW K. CHERNEY  
GREGORY S. DEWOLFE  
WILLIAM G. COMPTON  
PETER K. GRAVES, JR.  
JERRY A. STIMMEL  
CHARLES J. FARUKI  
WILLIAM C. MARTIN  
SARA G. ZWART  
JAMES L. FINEFROCK  
DAVID R. WIECHEL  
JOSEPH S. TANN, JR.  
WILLIS O. SERR, II  
RICHARD J. BECKMANN

September 6, 1978

Gary Christian, Esquire  
Federal Election Commission  
1325 K Street N.W.  
Washington, D.C. 20463

Dear Mr. Christian:

Enclosed please find Answers to Interrogatories which were submitted to Esther Mayl individually and in her capacity as Treasurer of the Montgomery County Democratic Party.

If you require any further information, please let me know.

Sincerely,

Armistead W. Gilliam, Jr.

AWG:ch  
Enclosure

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of ) MUR 491 (78)  
 )  
Montgomery County Democratic )  
Party ) ANSWERS TO INTERROGATORIES  
Montgomery County Democratic )  
Party -- Federal Fund )

To: Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 South Wilkinson Street  
Dayton, Ohio 45402

INTERROGATORY NO. 1:

Since what date have you been Treasurer of the Montgomery County Democratic Party (hereinafter "Party")?

ANSWER TO INTERROGATORY NO. 1:

I have been Treasurer of the Montgomery County Democratic Party since January 26, 1978.

INTERROGATORY NO. 2:

What position did you hold with the Party during the period January 1 to December 31, 1976? If you held more than one position, list all positions and dates of service in each position.

ANSWER TO INTERROGATORY NO. 2:

At large member from 1967 to present; Precinct Committee--woman from 1958 to present.

INTERROGATORY NO. 3:

During the period January 1 to December 31, 1976, what bank accounts did the Montgomery County Democratic Party maintain? List all accounts giving the type of account, account number, and name and address of the financial institution at which the account was maintained.

ANSWER TO INTERROGATORY NO. 3:

Dayton Goes Public -- First National Bank, Account No. 054-113-2 (checking); Third National Bank, Account No. 0-000428-6; Winters, Account No. 43-760-138-6.

Savings Account- Third National, 34 North Main Street, Dayton, Ohio 45402, Account No. 3-00-20464-3;

Checking Account, First National, Second & Ludlow Streets, Dayton, Ohio 45402, Account No. 011-1795;

Federal Account, Third National Bank, 34 N. Main Street, Dayton, Ohio 45402. This account number is unavailable as the information is contained in the records currently in the possession of the Justice Department.

Certificate of Deposit, Western Savings, 11 East Main St., Trotwood, Ohio, 45426.

INTERROGATORY NO. 4:

In the responses to interrogatories submitted to the Commission on June 1, 1978, you state that the funds deposited in the account of the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund") derived from the raffle of an automobile. Regarding this raffle:

(a) During what dates were the raffle tickets sold?

- 10967601
- (b) On what date was the drawing held?
  - (c) What was the price of each raffle ticket?
  - (d) How many tickets were sold?
  - (e) Which accounts listed in your response to Question 3 were raffle proceeds deposited in or raffle costs paid from?
  - (f) Give the name and address of the printer who printed the raffle tickets.
  - (g) What was the year, make, and model of the automobile raffled?
  - (h) Was the automobile donated to the Party? If so, by whom? If the automobile was purchased by the Party, from whom was it purchased, on what date, and what was the purchase price?
  - (i) What is the name and address of the person who won the automobile?
  - (j) Were any other prizes awarded in this raffle? If so, list each item giving the name and address of the person who donated the item or the name and address of the person from whom the Party purchased each item and state the purchase price.
  - (k) Itemize all other costs incurred in the conduct of the raffle. State the amount, date, and purpose of each expenditure and the name and address of each payee.
  - (l) Describe in detail all records, including but not limited to receipts, cancelled checks, and bills of sale, relating to the raffle and the prizes. Give each document's present location and the name of its custodian.

ANSWER TO INTERROGATORY NO. 4:

- (a) September 15, 1976 to October 7, 1976;
- (b) October 7, 1976;
- (c) One Hundred Dollars each.



- 20991077602
- (d) 2099 tickets sold;
  - (e) First National Bank, Account No. 011-1795;
  - (f) Dayton Printery, 211 South Ludlow Street, Dayton, Ohio, 45402;
  - (g) 1975 Pontiac Astra;
  - (h) The car was purchased from Rogers Pontiac, paid for on October 11, 1976, purchase price \$3,460.00;
  - (i) The winner of the car was Mr. Robert L. Barnett, 1530 Tailwood Drive, Centerville, Ohio, 45459;
  - (j) Second Prize was \$2,000 cash; Third Prize was \$1,000 cash; prizes were paid from proceeds of the raffle;
  - (k) Ernie Loeb - Cocktail Party Expense; \$1,000; 11/12/76;  
Biltmore Hotel  
North Main Street  
Dayton, Ohio 45402  
  
Ernie Loeb - balance on party; \$1,500; 3/15/77  
Biltmore Hotel  
North Main Street  
Dayton, Ohio 45402
  - (l) The Justice Department currently has all records, cancelled checks and bills of sale relating to the raffle and the prizes.

Esther Mayl  
Esther Mayl, Treasurer

Sworn to and subscribed before me this 6th day of  
September, 1978.

DONA K. CHAPMAN  
Notary Public, State of Ohio  
My Commission Expires Feb. 6, 1982

Dona K. Chapman  
Notary Public

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of ) MUR 491 (78)  
 )  
Montgomery County Democratic )  
Party )  
Montgomery County Democratic ) ANSWERS TO INTERROGATORIES  
Party -- Federal Fund )

To: Mrs. Esther Mayl  
210 Westhaven Drive  
Dayton, Ohio 45429

INTERROGATORY:

During the period January 1 to December 31, 1976, did you make any contributions to either the Montgomery County Democratic Party (hereinafter "Party") or the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund")? If so, give the following information:

- (a) What was the amount, date and purpose of each contribution? For each contribution, state whether made to the Party or the Fund.
- (b) Were these contributions by check or in cash?
- (c) Provide copies of either your cancelled checks or receipts relating to these contributions.
- (d) Did you claim either a tax deduction or tax credit toward your 1976 Federal income tax for any of these contributions?

ANSWER TO INTERROGATORY:

- (a) February 11, 1976, \$100 contribution to Montgomery County Democratic Party;  
October 3, 1976, \$100 raffle ticket.
- (b) Cash.

(c) The raffle ticket was destroyed. I possess no receipts for the cash contributions.

(d) No.

Esther Mayl  
Esther Mayl

Sworn to and subscribed before me this 6<sup>th</sup> day of

September, 1978.

DONA K. CHAPMAN  
Notary Public, State of Ohio  
My Commission Expires Feb. 6, 1983

Dona K. Chapman  
Notary Public

78040070605

42:7 114638 5

AWG:ch

SMITH & SCHNACKE  
ATTORNEYS AT LAW  
2000 COLUMBIAN PLAZA NE  
PO BOX 1817  
DAYTON, OHIO 45401

TO:

Gary Christian, Esquire  
Federal Election Commission  
1325 K Street N.W.  
Washington, D.C. 20463

CERTIFIED

No.

10027

MAIL

FEDERAL ELECTION COMMISSION

MUR 491 (78)

ATTACHMENT TO ORDER TO ANSWER INTERROGATORIES

TO: Ms. Patricia Heck  
260 North Diamond Mill Road  
Dayton, Ohio 45427

1. During the period January 1 to December 31, 1976, did you make any contributions to either the Montgomery County Democratic Party (hereinafter "Party") or the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund")?

If so, give the following information:

- (a) Itemize each contribution, state whether made to the Party or the Fund, on what date made, in what amount, and whether by cash or by check.

Answer: Appr. 10-1 or 10-5-76 \$100.00 Cash Raffle Ticket for a car.

I cannot presently recall whether or not the contribution was to the Party or the Fund.

- (b) Provide copies of cancelled checks or receipts received relating to these contributions.

Answer: Ticket destroyed after raffle.

- (c) Were any of these contributions in the form of the purchase of a raffle ticket? If so, were you informed at the time you purchased the ticket that your contribution would be used for Federal elections? If the raffle ticket is still in your possession provide a copy of it.

Answer: See (a) & (b)

- (d) Did you claim any or all of the above contributions as a tax deduction or tax credit toward your 1976 Federal income tax?

Answer: I and my husband filed a joint short-form Federal Income Tax Form in 1976 and did not use a political contribution as a deduction.

2. What was your occupation and home address during the period January 1 to December 31, 1976?

Answer: Housewife 260 N. Diamond Mill Rd., Dayton, OH 45427

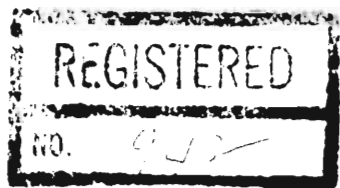
Subscribed to and sworn to before me  
this 4th day of April, 1978

*Janice P. Heck*  
Janice P. Heck aka  
Patty Heck

*Janice P. Heck*  
Notary Public

Janice P. Heck  
260 N. Diamond Mill Rd.  
Dayton, OH 45427

0907060  
[RETURN RECEIPT]



Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

Att: Gary Christian



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

September 6, 1978

Steven Butler, Esquire  
Smith & Schnacke  
2000 Courthouse Plaza, NE  
P. O. Box 1817  
Dayton, Ohio 45401

Re: MUR 491 (78)

Dear Mr. Butler:

I am writing in regards to your request for an extension of the deadline for submission of responses to the two Orders to Answers Interrogatories issued by the Commission to Mrs. Esther Mayl in the above-referenced matter.

This will confirm that we have granted a seven-day extension. The new deadline for submission is therefore September 11, 1978.

If you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523-4161.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", is written over a large, stylized circular flourish.

William C. Oldaker  
General Counsel

73040070608



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

August 21, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Patricia Heck  
260 North Diamond Mill Road  
Dayton, Ohio 45427

Re: MUR 491 (78)

Dear Ms. Heck:

Enclosed is an Order to Answer Interrogatories issued by the Federal Election Commission pursuant to its authority under 2 U.S.C. §437(d)(a)(1). The questions in the Order pertain to contributions you may have made to either the Montgomery County Democratic Party or the Montgomery County Democratic Party -- Federal Fund during 1976.

The questions must be answered under oath and your written answers returned to the Commission within ten days of your receipt of the Order.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless respondents notify us in writing that they wish the investigation to be made public.

Should you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523-4161.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", is written over a circular stamp.

William C. Oldaker  
General Counsel

Enclosures: Order & Attachment

78040070600



Christian MUR-491C78)

PS Form 3811 Apr 1977 RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER Complete items 1, 2, and 3  
Add your address in the "RETURN TO" space on reverse

1. The following service is requested (check one)  
☐ Show to whom and date delivered. c  
☒ Show to whom, date, and address of delivery. c  
☐ RESTRICTED DELIVERY  
Show to whom and date delivered. c  
☐ RESTRICTED DELIVERY  
Show to whom, date, and address of delivery \$ c  
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO  
Patricia Neck  
260 North Diamond Mill Rd.  
Dayton, Ohio 45427

3. ARTICLE DESCRIPTION  
REGISTERED NO. CERTIFIED NO. INSURED NO.  
438240

(Always obtain signature of addressee or agent)

I have received the article described above  
SIGNATURE ☐ Addressee ☐ Authorized agent  
DATE OF DELIVERY 7-26-78 POSTMARK 8/6/78 AUG 26 906  
5. ADDRESS, Complete only if requested  
Patricia Neck  
260 N. Diamond Mill

6. UNABLE TO DELIVER BECAUSE CLERK'S INITIALS

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County Democratic ) MUR 491 (78)  
Party )  
Montgomery County Democratic )  
Party -- Federal Fund ) .

ORDER

TO: Ms. Patricia Heck  
260 North Diamond Mill Road  
Dayton, Ohio 45427

PURSUANT to the authority set forth in Section 437d(a)(1) of Title 2, United States Code, and in furtherance of its investigation of the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the attached interrogatories. The answers must be submitted under oath, within ten (10) days of your receipt of this Order, to the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, Attention: Office of the General Counsel.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set her hand at Washington, D.C., on this, the 18<sup>th</sup> day of August, 1978.

Joan D. Aikens  
Joan D. Aikens  
Chairman

ATTEST:

for Margaret E. Chaney  
Marjorie W. Enmons  
Secretary to the Commission

FEDERAL ELECTION COMMISSION

MUR 491 (78)

ATTACHMENT TO ORDER TO ANSWER INTERROGATORIES

TO: Ms. Patricia Heck  
260 North Diamond Mill Road  
Dayton, Ohio 45427

1. During the period January 1 to December 31, 1976, did you make any contributions to either the Montgomery County Democratic Party (hereinafter "Party") or the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund")?

If so, give the following information:

- (a) Itemize each contribution, state whether made to the Party or the Fund, on what date made, in what amount, and whether by cash or by check.
  - (b) Provide copies of cancelled checks or receipts received relating to these contributions.
  - (c) Were any of these contributions in the form of the purchase of a raffle ticket? If so, were you informed at the time you purchased the ticket that your contribution would be used for Federal elections? If the raffle ticket is still in your possession provide a copy of it.
  - (d) Did you claim any or all of the above contributions as a tax deduction or tax credit toward your 1976 Federal income tax?
2. What was your occupation and home address during the period January 1 to December 31, 1976?



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

August 21, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 South Wilkinson Street  
Dayton, Ohio 45402

Re: MUR 491 (78)

Dear Mrs. Mayl:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically it appears that your committee may have violated 2 U.S.C. §§434(b), 441b, and 441f in connection with its administration of the Montgomery County Democratic Party -- Federal Fund and its conduct of a joint fundraising raffle with the Fund. We have numbered this matter MUR 491 (78).

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any legal or factual materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

Enclosed is an Order to Answer Interrogatories issued by the Commission pursuant to its authority under 2 U.S.C. §437d(a)(1). The questions in the Attachment to the Order must be answered under oath and the Answers submitted to the Commission within ten days of your receipt of the Order.

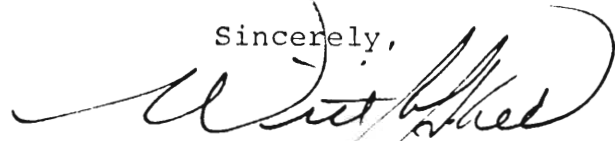
7 9 0 4 0 7 7 0 6 1 3

If you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523-4161.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,



William C. Oldaker  
General Counsel

Enclosures: Order and Attachment

Christian MUR-491(78)

POSTAGE WILL BE PAID BY ADDRESSEE  
FIRST CLASS PERMIT NO. 1000 WASHINGTON, D.C. 20540  
RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the RETURN TO space on reverse.

1. The following service is requested (check one):  
Show to whom and date delivered ☐ C  
☒ Show to whom, date, and address of delivery ☐ C  
RESTRICTED DELIVERY  
Show to whom and date delivered ☐ C  
RESTRICTED DELIVERY  
Show to whom, date, and address of delivery ☐ S  
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
Esther May, Treasurer  
131 South Wilkinson Street  
Dayton, Ohio 45402

3. ARTICLE DESCRIPTION: 3  
REGISTERED NO. 438237 CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above:  
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY: 8-26-77 POSTMARK

5. ADDRESS (Complete only if requested):

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County Democratic )  
Party ) MUR 491 (78)  
Montgomery County Democratic )  
Party -- Federal Fund )

ORDER

TO: Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 South Wilkinson Street  
Dayton, Ohio 45402

PURSUANT to the authority set forth in Section 437d(a)(1) of Title 2, United States Code, and in furtherance of its investigation of the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the attached interrogatories. The answers must be submitted under oath, within ten (10) days of your receipt of this Order, to the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, Attention: Office of the General Counsel.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set her hand at Washington, D.C., on this, the 18<sup>th</sup> day of August, 1978.

Joan D. Aikens  
Joan D. Aikens  
Chairman

ATTEST:

*for* Margaret E. Chaney  
Marjorie W. Emmons  
Secretary to the Commission

FEDERAL ELECTION COMMISSION

MUR 491 (78)

ATTACHMENT TO ORDER TO ANSWER INTERROGATORIES

TO: Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 South Wilkinson Street  
Dayton, Ohio 45402

1. Since what date have you been Treasurer of the Montgomery County Democratic Party (hereinafter "Party")?
2. What position did you hold with the Party during the period January 1 to December 31, 1976? If you held more than one position, list all positions and dates of service in each position.
3. During the period January 1 to December 31, 1976, what bank accounts did the Montgomery County Democratic Party maintain? List all accounts giving the type of account, account number, and name and address of the financial institution at which the account was maintained.
4. In the responses to interrogatories submitted to the Commission on June 1, 1978, you state that the funds deposited in the account of the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund") derived from the raffle of an automobile. Regarding this raffle:
  - (a) During what dates were raffle tickets sold?

7 2 0 1 0 3 7 0 6 1 5

Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party

MUR 491 (78)

- 7 9 0 1 0 7 0 6 1 7
- (b) On what date was the drawing held?
  - (c) What was the price of each raffle ticket?
  - (d) How many tickets were sold?
  - (e) Which accounts listed in your response to Question 3 were raffle proceeds deposited in or raffle costs paid from?
  - (f) Give the name and address of the printer who printed the raffle tickets.
  - (g) What was the year, make, and model of the automobile raffled?
  - (h) Was the automobile donated to the Party? If so, by whom? If the automobile was purchased by the Party, from whom was it purchased, on what date, and what was the purchase price?
  - (i) What is the name and address of the person who won the automobile?
  - (j) Were any other prizes awarded in this raffle? If so, list each item giving the name and address of the person who donated the item or the name and address of the person from whom the Party purchased each item and state the purchase price.
  - (k) Itemize all other costs incurred in the conduct of the raffle. State the amount, date, and purpose of each expenditure and the name and address of each payee.



Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party

MUR 491 (78)

- (1) Describe in detail all records, including but not limited to receipts, cancelled checks, and bills of sale, relating to the raffle and the prizes. Give each document's present location and the name of its custodian.

73040770613



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

August 21, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mrs. Esther Mayl  
210 Westhaven Drive  
Dayton, Ohio 45429

Re: MUR 491 (78)

Dear Mrs. Mayl:

Enclosed is an Order to Answer Interrogatories issued by the Federal Election Commission pursuant to its authority under 2 U.S.C. §437(d)(a)(1). The questions in the Order pertain to contributions you may have made to either the Montgomery County Democratic Party or the Montgomery County Democratic Party -- Federal Fund during 1976.

The questions must be answered under oath and your written answers returned to the Commission within ten days of your receipt of the Order.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless respondents notify us in writing that they wish the investigation to be made public.

Should you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523-4161.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", is written over a circular stamp.

William C. Oldaker  
General Counsel

Enclosures: Order & Attachment

7 8 0 1 0 7 0 6 1 9

Christian

MUR-491(78)

U.S. Form 3811, Apr. 1977

● SENDER Complete items 1, 2, and 3. Add your address in the RETURN TO space on reverse.

1. The following service is requested (check one):

- ☒ Show to whom and date delivered \_\_\_\_\_ C
- ☐ Show to whom, date, and address of delivery \_\_\_\_\_ C
- ☐ RESTRICTED DELIVERY
- ☐ Show to whom and date delivered \_\_\_\_\_ C
- ☐ RESTRICTED DELIVERY
- ☐ Show to whom, date, and address of delivery \$ \_\_\_\_\_
- ☐ CONSULT POSTMASTER FOR FEES

2. ARTICLE ADDRESSED TO

Esther May  
210 Wetheren Dr.  
Dayton, Ohio 45429

3. ARTICLE DESCRIPTION

REGISTERED NO. CERTIFIED NO. INSURED NO.

438238

(Always obtain signature of addressee or agent)

I have received the article described above:

SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY POSTMARK

5. ADDRESS Complete only if requested

6. UNABLE TO DELIVER BECAUSE CLERK'S INITIALS

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County Democratic ) MUR 491 (78)  
Party )  
Montgomery County Democratic )  
Party -- Federal Fund )

ORDER

TO: Mrs. Esther Mayl  
210 Westhaven Drive  
Dayton, Ohio 45429

7904070621  
PURSUANT to the authority set forth in Section 437d(a)(1) of Title 2, United States Code, and in furtherance of its investigation of the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the attached interrogatories. The answers must be submitted under oath, within ten (10) days of your receipt of this Order, to the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, Attention: Office of the General Counsel.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set her hand at Washington, D.C., on this, the 18<sup>th</sup> day of August, 1978.

Joan D. Aikens  
Joan D. Aikens  
Chairman

ATTEST:

*for Margaret E. Chaney*  
Marjorie W. Emmons  
Secretary to the Commission

FEDERAL ELECTION COMMISSION

MUR 491 (78)

ATTACHMENT TO ORDER TO ANSWER INTERROGATORIES

TO: Mrs. Esther Mayl  
210 Westhaven Drive  
Dayton, Ohio 45429

During the period January 1 to December 31, 1976, did you make any contributions to either the Montgomery County Democratic Party (hereinafter "Party") or the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund")? If so, give the following information:

- (a) What was the amount, date and purpose of each contribution? For each contribution, state whether made to the Party or the Fund.
- (b) Were these contributions by check or in cash?
- (c) Provide copies of either your cancelled checks or receipts relating to these contributions.
- (d) Did you claim either a tax deduction or tax credit toward your 1976 Federal income tax for any of these contributions?

790107062



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS

*MW E*

SUBJECT: ORDERS IN RELATION TO MUR 491 (78)

The attached Orders (3), approved August 17, 1978,  
have been signed and sealed this date.

ATTACHMENT:  
3 Orders



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 491 (78)  
Montgomery County Democratic )  
Party )  
Montgomery County Democratic )  
Party -- Federal Fund )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 15, 1978, the Commission determined by a vote of 5-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Find reason to believe the Montgomery County Democratic Party violated 2 U.S.C. §§434(b), 441b, and 441f in connection with its administration of the Montgomery County Democratic Party -- Federal Fund.
2. Authorize the issuance of Orders to Answer Interrogatories to Mrs. Esther Mayl (2 Orders) and Ms. Patricia Heck ( 1 Order).
3. Send the letters attached to the General Counsel's Report dated August 4, 1978.

Commissioner Aikens was not present at the time of the vote.

Attest:

8/17/78  
Date

Margaret E. Chaney  
for Marjorie W. Emmons  
Secretary to the Commission

Report signed: 8-11-78  
Received in Office of Commission Secretary: 8-11-78, 1:49  
Circulated on 48 hour vote basis: 8-11-78, 4:00



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS

*more by pc*

SUBJECT: Commissioner Tiernan's Comments  
Regarding MUR 491, General Counsel's  
Report dated August 4, 1978

DATE: AUGUST 16, 1978

Attached is a copy of Commissioner Tiernan's  
vote sheet with comments regarding the above-named  
document.

Attachment:  
Vote Sheet







## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

Date and Time Transmitted: 4:00 August 11, 1978

Commissioner Heinan

RETURN TO OFFICE OF COMMISSION SECRETARY BY: 4:00 August 15, 1978

MUR No. 491 General Counsel's Report  
dated August 4, 1978

- (☒) I approve the recommendation  
(☐) I object to the recommendation

COMMENTS: Q: What is meant by statement p. 4, #1?  
Compare w/ p. 2, #2.  
Very incomplete report w/ previous  
material.

Date: 8/15/78 Signature: Robert O. Tiernan

THE OFFICE OF GENERAL COUNSEL WILL TAKE NO ACTION IN THIS MATTER UNTIL THE APPROVAL OF FOUR COMMISSIONERS IS RECEIVED. PLEASE RETURN ALL PAPERS NO LATER THAN THE DATE AND TIME SHOWN ABOVE TO THE OFFICE OF COMMISSION SECRETARY. ONE OBJECTION PLACES THE ITEM ON THE EXECUTIVE SESSION AGENDA.



73040070626

August 11, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 491

Please have the attached General Counsel's Report on MUR 491 distributed to the Commission on a 48 hour tally basis.

Thank you.

78040070627

BEFORE THE FEDERAL ELECTION COMMISSION  
August 4, 1978

In the Matter of )  
 )  
Montgomery County Democratic ) MUR 491 (78)  
Party )  
Montgomery County Democratic )  
Federal Fund )

GENERAL COUNSEL'S REPORT

BACKGROUND

This matter arose from a letter to the General Counsel from the Department of Justice dated December 23, 1977. The letter states that, in the course of an investigation of alleged criminal violations by certain public officials in Dayton, Ohio, information came to the Department's attention concerning alleged misconduct within the Commission's jurisdiction on the part of officials of the Montgomery County Democratic Party.

On January 27, 1978, the Commission found reason to believe the Montgomery County Democratic Party -- Federal Fund ("Fund") had violated 2 U.S.C. §§434(b), 441b, and 441f.

EVIDENCE

On March 6, 1978, the Commission authorized the sending of interrogatories to the Fund. Answers to the interrogatories were finally received on June 5 (Attachment I). The current Treasurer of the Montgomery County Democratic Party ("Party"), Mrs. Esther Mayl, answered on behalf of the Fund.

On July 10, 1978, the Commission authorized the issuance of an Order to Answer Interrogatories to Mr. Oscar Page (Treasurer

7 9 0 1 0 7 0 6 2 8

of both the Party and the Fund during the period in which the Fund filed reports) and a Subpoena to the Third National Bank & Trust Company, Dayton, Ohio, for copies of bank records concerning the Fund's account. Mr. Page's responses (Attachment II) were received on July 28 and the bank records were received on July 31. A summary of the bank records is included as Attachment III to this report.

#### ANALYSIS

The Fund filed two reports with the Commission covering the periods October 1 to 8, 1976, and October 8 to 14, 1976. The Fund terminated on October 14. Receipts for the period totalled \$1,500 and there were no reported debts or obligations at the time of termination.

The Fund filed with the Commission as the separate Federal campaign committee of another political committee as provided for in 11 C.F.R. §102.6(a)(2)(ii). 11 C.F.R. §102.6 provides two procedures by which a political committee may make expenditures in connection with both State and Federal election campaigns. The committee may either maintain a single account to make expenditures in connection with both State and Federal races (11 C.F.R. §102.6(a)(2)(i)) or it may establish a separate Federal campaign committee with a segregated Federal account in a national or State bank (11 C.F.R. §102.6(a)(2)(ii)). In either case contributions to these accounts must satisfy the requirements of 11 C.F.R. §102.6(b) which limits such contributions to contributions designated for the Federal committee or account, contributions

78940070629

received as the result of a solicitation that expressly states the contribution will be used for Federal elections, or contributions from contributors who are informed that their contributions are subject to the limitations of the Act.

The subpoenaed bank records (see Attachment III) confirm that the contributions reported by the Fund were not designated for the Fund in any manner. The checks are made out variously to "Montgomery County Democratic Party," "Democratic Party of Montgomery County," "Democratic Party," and "Victory Raffle." None of the checks show a notation of any type by the contributor designating them for the Fund.

Mrs. Mayl's responses to the Commission's interrogatories (Attachment I) state that contributions were directed to the Fund "(b)y decision of the local Party without consultation with the contributor." (Mayl Response 2(b)) In a later response concerning solicitations she says, "The best information we have is that the contributors were informed that their contributions would be used for Federal elections." (Mayl Response 3(c)) This appears to be inconsistent with the previous response. We requested Mrs. Mayl to provide us with any written materials used in conjunction with solicitations but we were informed that these materials were "no longer available." (Mayl Response 3(b))

Mrs. Mayl said in her responses that contributions to the Fund were the result of a raffle of an automobile. The bank records appear to confirm this statement in that one check is made out to

"Victory Raffle" and another bears a notation saying the same. Since all of the checks are for \$100 (except for a \$200 check on behalf of two contributors) this also would be consistent with the sale of raffle tickets.

Not all of the contributions deposited in the Fund's account were in the form of checks. On October 1, 1976, a cash deposit of \$200 was made. By comparing bank records with the Fund's reports we found that this \$200 ostensibly consisted of two \$100 contributions from Mrs. Esther Mayl and Ms. Patricia Heck. Since the information provided by the Dayton FBI office was that the alleged misconduct referred to in the Department of Justice letter involved contributions in the name of another, we believe this \$200 cash deposit merits further investigation. For this reason we request the Commission to authorize the issuance of the attached Orders to Answer Interrogatories to Mrs. Mayl and Ms. Heck.

Since no expenses for the conduct of the raffle were reported by the Fund, these costs were probably born by the Party. This raises the question of an unreported contribution in kind by the Party to the Fund. Since the item raffled was an automobile, it is likely that more than \$1,500 in raffles were sold. Therefore we believe the Commission should review the conduct of the raffle as a whole and not just that portion of receipts reported by the Fund.

In light of the above, we believe the Party should be joined as a respondent to this matter. Since the Fund was not operating as a separate segregated Federal account, the Party's receipts from the raffle are reviewable by the Commission and must conform to the requirements of the Act. We are therefore requesting an

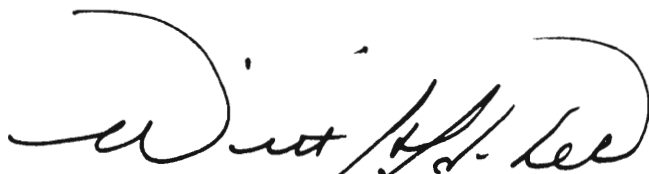
7301070631

additional Order to Answer Interrogatories be issued to Mrs. Mayl in her capacity as Party Treasurer to require answers to questions concerning the Party's administration of the raffle. We expect that the responses to these interrogatories will enable us to formulate a subpoena for all necessary Party bank records and, if required, a Rule 6(e) (of the Federal Rule of Criminal Procedure) Order for access to Party records presently in grand jury custody so that this investigation may be completed.

RECOMMENDATION

1. Find reason to believe the Montgomery County Democratic Party violated 2 U.S.C. §§434(b), 441b, and 441f in connection with its administration of the Montgomery County Democratic Party -- Federal Fund. Send attached letter.
2. Authorize the issuance of Orders to Answer Interrogatories to Mrs. Esther Mayl (2 Orders) and Ms. Patricia Heck (1 Order).

8/11/78  
Date

  
\_\_\_\_\_  
William C. Oldaker  
General Counsel

7304070632

RESPONSE TO QUESTIONS OF FEDERAL ELECTIONS COMMISSION

1. Regarding the segregation of Montgomery County Democratic Party - Federal Fund ("Fund") receipts and expenditures from the finances of the Montgomery County Democratic Party ("Party").

- a. Was a separate bank account maintained by the Fund? If so, where was this account maintained and what was the number of the account?
- b. Describe how contributions and expenditures were made by the Fund (e.g., by checks drawn on a separate account, with checks drawn on a Party account, etc.)

RESPONSE TO QUESTION 1:

- a. Yes. Third National Bank and Trust Company. The number of the account is 0001 29 151.
  - b. Contributions and expenditures were made by checks drawn on a separate fund account.
2. Regarding contributions received by the Fund:
- a. Identify the payee named on the thirteen checks constituting the \$1500 in contributions received by the Fund and reported to the



Commission on the Fund's October 10 Quarterly Report.

- b. If the payee was not the Fund, state how these checks were earmarked or designated by the Fund.
- c. If the checks were not made payable to the Fund and were not earmarked, on what basis were these thirteen checks directed to and reported as contributions to the Fund?

RESPONSE TO QUESTION 2:

- a. The persons responding cannot identify the payees on the thirteen checks constituting the \$1500 in contributions since those checks are not in the possession of the Party. However, attached hereto is a list of thirteen persons making contributions and the amount contributed. The best information of the Respondent is that the checks were made out to the local Democratic Party.
- b. By decision of the local Party without consultation with the contributor.
- c. The persons responding herein are unable to answer 2(c).

3. Regarding solicitations by the Fund:

- a. Describe the manner in which contributions to the Fund were solicited.
- b. Identify all persons who solicited contributions on behalf of the Fund and submit any written materials used in connection with such solicitation.
- c. Describe how contributors were informed that their contributions would go to the Fund and that their contributions were subject to the limitations of 2 U.S.C. §441a.

RESPONSE TO QUESTION 3:

- a. Contributions were solicited by means of the sale of raffle tickets for an automobile.
- b. A number of persons solicited contributions. These include Lou Goldman, Mike Adler, Fred Krumholtz, Paul Tipps, Esther Mayl, Bill Krumholtz and possibly others. The raffle tickets are no longer available. The Respondents have knowledge of no other written materials used in connection with such solicitation.
- c. The best information we have is that the contributors were informed that their contributions would be

used for Federal elections. However, at the time of the raffle, there was no requirement that such information be given. Regulations (11 C.F.R. § 102.6(b) (1977)) requiring that contributors be so informed did not become effective until April 13, 1977 (42 Fed. Reg. 19, 324 (1977)).

- 7 9 0 4 0 7 7 0 6 3 5
4. Did the Party, any affiliated committee, or the Fund make any contributions to or expenditures on behalf of candidates for Federal office (either individually or as a ticket) in conjunction with the 1972, 1974, and 1976 elections other than those reported by the Fund? If so, provide full details of any such disbursements, including date, amount, payee, and from what account made. In the case of expenditures provide the purpose of the expenditure (e.g. newspaper ad, bumper stickers, etc.) and the candidate(s) supported.

RESPONSE TO QUESTION 4:

No.

CONTRIBUTORS

<u>Name</u>	<u>Donation</u>
	\$100
Gary Lawton	200
Don Wright	100
James Lansidel	100
Esther Mayl	100
Patricia Heck	100
Neil Zimmers, Jr.	100
Thomas Folino	100
Robert Caulfield	200
Ernest Loeb	100
John E. Cummings	100
John H. Rion	100
Martina Roderer	100
Jerry Callahan	

FEDERAL ELECTION COMMISSION

MUR 491 (78)

ATTACHMENT TO ORDER TO ANSWER INTERROGATORIES

TO: Mr. Oscar Page

1. During which dates did you serve as Treasurer of the Montgomery County Democratic Party (hereinafter "Party")?  
Middle May, 1972 to January, 1978
2. Regarding contributions received by the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund"):
  - a. Were checks deposited in the Fund's account earmarked for the Fund by contributors?  
I Do Not Know
  - b. If the checks were not earmarked for the Fund by contributors, on what basis were contributions to the Party directed to and reported as contributions to the Fund?  
I Do Not Know
  - c. Were contributors informed that their contributions would be used for Federal elections and were subject to the limitations of 2 U.S.C. §441a? If so, describe the manner in which contributors were so notified.  
I Do Not Know
3. Regarding solicitations by the Fund:
  - a. Were contributions to the Fund the result of solicitations (i.e. mailings, raffles, dinners, etc.)? If so list each such solicitation.  
I Believe a Raffle
  - b. Were contributors informed at the time of such solicitations that their contributions would be used for Federal elections and were subject to the limitations of 2 U.S.C. §441a? If so, describe the manner in which contributors were so notified.  
I Do Not Know

7 9 7 1 0 7 7 0 6 3 8

ATTACHMENT II (1 of 2)

- c. Provide copies of any written materials used in conjunction with such solicitations.

I do not have access to any materials now as I am no longer Treasurer, and all documents are in the Federal Court.

4. Did the Party, any affiliated committee, or the Fund make any contributions to or expenditures on behalf of candidates for Federal office (either individually or as a ticket) in conjunction with the 1972, 1974, or 1976 elections other than those reported by the Fund? If so, provide full details of any such disbursements, including date, amount, payee, and from what account made. In the case of expenditures provide the purpose of the expenditure (e.g. newspaper ad, bumper stickers, etc.) and the candidate(s) supported.

I Do Not Know

EXPLANATION TO ANSWERS:

I can not remember if I signed the Federal report, but I probably did. This account was set up by Ester Mayl who ran the office, Paul Tipps, chairman of the Party, and Fritz Krumholtz. These people can provide better answers than I, even though I was Treasurer at the time, because I did not administer the account or make deposits in it.

STATE OF OHIO                    )  
  )SS  
COUNTY OF MONTGOMERY)

OSCAR S. PAGE, being first duly cautioned and sworn, deposes and says that the facts stated in the foregoing interrogatories are true.

Oscar S. Page  
OSCAR S. PAGE

Sworn to before me and subscribed in my presence this  
25th day of July, 1978.

Joanne P. Amato  
Notary Public  
JOANNE P. AMATO, Notary Public  
In and for State of Ohio  
My Commission Expires NOV. 25, 1982

S E A L

7 8 0 1 0 3 7 3 6 4 0

SUMMARY OF BANK RECORDS

Montgomery County Democratic Party -- Federal Fund

Check Account 0 - 012915 - 1

RECEIPTS

CHECKS

Date of Deposit	Payor	Payee	Date	Amount	Notation On Check
9/27/76	James A. Landsidel	Mont. Co. Dem. Pty.	9/21/76	\$100	
9/27/76	George P. "Joe" Lawton	Mont. Co. Dem. Pty.	9/17/76	100	
9/27/76	Donald C. Wright	Mont. Co. Dem. Pty.	9/23/76	100	
10/1/76	Donald C. Wright	Demo. Pty. Mont. Co.	9/25/76	100	
10/7/76	Martina A. Roderer	Democratic Party	9/22/76	100	
10/7/76	John H. Rion	Mont. Co. Dem. Pty.	9/30/76	100	
10/7/76	John E. Cumming	Victory Raffle	10/5/76	100	
10/7/76	Neal F. Zimmers, Jr.	Mont. Co. Dem. Pty.	9/24/76	200	1/
10/7/76	G. Gerard Callahan	Mont. Co. Dem. Pty.	10/1/76	100	2/
10/7/76	Robert E. Caulfield	Mont. Co. Dem. Pty.	blurred	100	
10/7/76	Ernest R. Loeb	(only top half copied, reported as 200)			

TOTAL CHECKS \$1300

CASH

10/1/76

\$200  
TOTAL RECEIPTS \$1500

Notations on checks 1/ (Line 1 blurred) 2/ Political contribution  
Victory Raffle  
Neal F. Zimmers, Jr.  
Thomas Folino

EXPENDITURES

Check No.	Date	Payee	Amount
1	10/?/76	Stubbs for Congress Committee	\$500.00
2	10/11/76	Bee Cee Construction	601.45
3	10/11/76	Blommel Sign Co.	198.55
4	10/11/76	Montgomery County Democratic Party	200.00
TOTAL EXPENDITURES			\$1500.00

ATTACHMENT III



# FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 South Wilkinson Street  
Dayton, Ohio 45402

Re: MUR 491 (78)

Dear Mrs. Mayl:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically it appears that your committee may have violated 2 U.S.C. §§434(b), 441b, and 441f in connection with its administration of the Montgomery County Democratic Party -- Federal Fund and its conduct of a joint fundraising raffle with the Fund. We have numbered this matter MUR 491 (78).

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any legal or factual materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

Enclosed is an Order to Answer Interrogatories issued by the Commission pursuant to its authority under 2 U.S.C. §437d(a)(1). The questions in the Attachment to the Order must be answered under oath and the Answers submitted to the Commission within ten days of your receipt of the Order.

23010070641



- 2 -

If you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523-4161.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures: Order and Attachment

7 2 0 1 0 7 7 1 6 4 2

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County Democratic )  
Party ) MUR 491 (78)  
Montgomery County Democratic )  
Party -- Federal Fund )

ORDER

TO: Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 South Wilkinson Street  
Dayton, Ohio 45402

PURSUANT to the authority set forth in Section 437d(a)(1)  
of Title 2, United States Code, and in furtherance of its investi-  
gation of the above-captioned matter, the Federal Election  
Commission hereby orders you to submit written answers to the  
attached interrogatories. The answers must be submitted under  
oath, within ten (10) days of your receipt of this Order, to the  
Federal Election Commission, 1325 K Street, N.W., Washington, D.C.  
20463, Attention: Office of the General Counsel.

WHEREAS, the Chairman of the Federal Election Commission has  
hereunto set her hand at Washington, D.C., on this, the       day  
of August, 1978.

\_\_\_\_\_  
Joan D. Aikens  
Chairman

ATTEST:

\_\_\_\_\_  
Marjorie W. Emmons  
Secretary to the Commission

FEDERAL ELECTION COMMISSION

MUR 491 (78)

ATTACHMENT TO ORDER TO ANSWER INTERROGATORIES

TO: Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 South Wilkinson Street  
Dayton, Ohio 45402

1. Since what date have you been Treasurer of the Montgomery County Democratic Party (hereinafter "Party")?
2. What position did you hold with the Party during the period January 1 to December 31, 1976? If you held more than one position, list all positions and dates of service in each position.
3. During the period January 1 to December 31, 1976, what bank accounts did the Montgomery County Democratic Party maintain? List all accounts giving the type of account, account number, and name and address of the financial institution at which the account was maintained.
4. In the responses to interrogatories submitted to the Commission on June 1, 1978, you state that the funds deposited in the account of the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund") derived from the raffle of an automobile. Regarding this raffle:
- (a) During what dates were raffle tickets sold?

Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party

MUR 491 (78)

- (b) On what date was the drawing held?
- (c) What was the price of each raffle ticket?
- (d) How many tickets were sold?
- (e) Which accounts listed in your response to Question 3 were raffle proceeds deposited in or raffle costs paid from?
- (f) Give the name and address of the printer who printed the raffle tickets.
- (g) What was the year, make, and model of the automobile raffled?
- (h) Was the automobile donated to the Party? If so, by whom? If the automobile was purchased by the Party, from whom was it purchased, on what date, and what was the purchase price?
- (i) What is the name and address of the person who won the automobile?
- (j) Were any other prizes awarded in this raffle? If so, list each item giving the name and address of the person who donated the item or the name and address of the person from whom the Party purchased each item and state the purchase price.
- (k) Itemize all other costs incurred in the conduct of the raffle. State the amount, date, and purpose of each expenditure and the name and address of each payee.

Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party

MUR 491 (78)

- (1) Describe in detail all records, including but not limited to receipts, cancelled checks, and bills of sale, relating to the raffle and the prizes. Give each document's present location and the name of its custodian.

13040770646



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mrs. Esther Mayl  
210 Westhaven Drive  
Dayton, Ohio 45429

Re: MUR 491 (78)

Dear Mrs. Mayl:

Enclosed is an Order to Answer Interrogatories issued by the Federal Election Commission pursuant to its authority under 2 U.S.C. §437(d)(a)(1). The questions in the Order pertain to contributions you may have made to either the Montgomery County Democratic Party or the Montgomery County Democratic Party -- Federal Fund during 1976.

The questions must be answered under oath and your written answers returned to the Commission within ten days of your receipt of the Order.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless respondents notify us in writing that they wish the investigation to be made public.

Should you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523-4161.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures: Order & Attachment

79010070647

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County Democratic ) MUR 491 (78)  
Party )  
Montgomery County Democratic )  
Party -- Federal Fund )

ORDER

TO: Mrs. Esther Mayl  
210 Westhaven Drive  
Dayton, Ohio 45429

PURSUANT to the authority set forth in Section 437d(a)(1) of Title 2, United States Code, and in furtherance of its investigation of the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the attached interrogatories. The answers must be submitted under oath, within ten (10) days of your receipt of this Order, to the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, Attention: Office of the General Counsel.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set her hand at Washington, D.C., on this, the       day of August, 1978.

\_\_\_\_\_  
Joan D. Aikens  
Chairman

ATTEST:

\_\_\_\_\_  
Marjorie W. Emmons  
Secretary to the Commission

FEDERAL ELECTION COMMISSION

MUR 491 (78)

ATTACHMENT TO ORDER TO ANSWER INTERROGATORIES

TO: Mrs. Esther Mayl  
210 Westhaven Drive  
Dayton, Ohio 45429

During the period January 1 to December 31, 1976, did you make any contributions to either the Montgomery County Democratic Party (hereinafter "Party") or the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund")? If so, give the following information:

- (a) What was the amount, date and purpose of each contribution? For each contribution, state whether made to the Party or the Fund.
- (b) Were these contributions by check or in cash?
- (c) Provide copies of either your cancelled checks or receipts relating to these contributions.
- (d) Did you claim either a tax deduction or tax credit toward your 1976 Federal income tax for any of these contributions?





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Patricia Heck  
260 North Diamond Mill Road  
Dayton, Ohio 45427

Re: MUR 491 (78)

Dear Ms. Heck:

Enclosed is an Order to Answer Interrogatories issued by the Federal Election Commission pursuant to its authority under 2 U.S.C. §437(d)(a)(1). The questions in the Order pertain to contributions you may have made to either the Montgomery County Democratic Party or the Montgomery County Democratic Party -- Federal Fund during 1976.

The questions must be answered under oath and your written answers returned to the Commission within ten days of your receipt of the Order.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless respondents notify us in writing that they wish the investigation to be made public.

Should you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523-4161.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures: Order & Attachment

7 9 9 4 0 7 / 0 6 5 0

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County Democratic ) MUR 491 (78)  
Party )  
Montgomery County Democratic )  
Party -- Federal Fund )

ORDER

TO: Ms. Patricia Heck  
260 North Diamond Mill Road  
Dayton, Ohio 45427

PURSUANT to the authority set forth in Section 437d(a)(1) of Title 2, United States Code, and in furtherance of its investigation of the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the attached interrogatories. The answers must be submitted under oath, within ten (10) days of your receipt of this Order, to the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, Attention: Office of the General Counsel.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set her hand at Washington, D.C., on this, the       day of August, 1978.

\_\_\_\_\_  
Joan D. Aikens  
Chairman

ATTEST:

\_\_\_\_\_  
Marjorie W. Emmons  
Secretary to the Commission

FEDERAL ELECTION COMMISSION

MUR 491 (78)

ATTACHMENT TO ORDER TO ANSWER INTERROGATORIES

TO: Ms. Patricia Heck  
260 North Diamond Mill Road  
Dayton, Ohio 45427

1. During the period January 1 to December 31, 1976, did you make any contributions to either the Montgomery County Democratic Party (hereinafter "Party") or the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund")?

If so, give the following information:

- (a) Itemize each contribution, state whether made to the Party or the Fund, on what date made, in what amount, and whether by cash or by check.
  - (b) Provide copies of cancelled checks or receipts received relating to these contributions.
  - (c) Was any of these contributions in the form of the purchase of a raffle ticket? If so, were you informed at the time you purchased the ticket that your contribution would be used for Federal elections? If the raffle ticket is still in your possession provide a copy of it.
  - (d) Did you claim any or all of the above contributions as a tax deduction or tax credit toward your 1976 Federal income tax?
2. What was your occupation and home address during the period January 1 to December 31, 1976?



## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

### AUTHORIZATION TO ISSUE ORDERS TO ANSWER INTERROGATORIES IN MUR 491

We, the undersigned members of the Federal Election Commission, hereby authorize the issuance of Orders to Answer Interrogatories in connection with MUR 491 to the following:

1. Mrs. Esther Mayl  
210 Westhaven Drive  
Dayton, Ohio 45429
2. Mrs. Esther Mayl, Treasurer  
Montgomery County Democratic Party  
131 South Wilkinson Street  
Dayton, Ohio 45402
3. Ms. Patricia Heck  
260 North Diamond Mill Road  
Dayton, Ohio 45427

Joan D. Aikens  
Chairman

Thomas E. Harris  
Commissioner

Robert O. Tiernan  
Vice-Chairman

Vernon W. Thomson  
Commissioner

William L. Springer  
Commissioner

Neil O. Staebler  
Commissioner

THE THIRD NATIONAL BANK

34 NORTH MAIN STREET DAYTON, OHIO 45402



& TRUST COMPANY

600# 438

13 JUL 31 1978 11:04

EXECUTIVE OFFICES

July 26, 1978

FD4893

Office of General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

Attention: Mr. Gary W. Christian

Gentlemen:

Re: Montgomery County Democratic  
Party Federal Fund

The records requested in your subpoena are enclosed. We apologize for the poor quality but the film for these specific items was poor and clearer copies are unobtainable.

Very truly yours,

*Margaret H. Scranton*

Margaret H. Scranton  
Assistant Secretary

enclosures

11907061

ACCOUNT NAME		ACCOUNT NUMBER	
Federal Fund Montgomery Co. Democratic Party		00-012915-1	
SIGNATURE(S)		SSAN OR NAME	
1	<i>[Signature]</i>		
2	<i>[Signature]</i>	Any one signer	
3	<i>[Signature]</i>	<i>[Signature]</i> 12/2/76	
4	<i>[Signature]</i>		
HOME ADDRESS 131 S. Wilkinson 45402		PHONE	
BUSINESS ADDRESS		PHONE	
OCCUPATION		INITIAL DEPOSIT \$ 300.00	
FEDERAL I.D. NO.		BANK REFERENCE	
TYPE ACCOUNT		Unicorp. Non Profit Organization	
		DATE 9-27-76	
PLEASE SEE REVERSE FOR DEPOSITOR'S AGREEMENT			

73010070053

TO THE THIRD NATIONAL BANK & TRUST COMPANY OF DAYTON, OHIO:  
You are authorized to recognize any (all) of the signatures subscribed on the reverse hereof in the payment of funds or the transaction of any business for this account. It is agreed that all transactions between you and the signers shall be governed by the Rules and Regulations of The Third National Bank and Trust Company of Dayton, Ohio, governing the type of account described on the reverse, receipt of a copy of which is hereby acknowledged, and to all amendments and additions thereto hereafter made.

IF POD ACCOUNT, LIST BENEFICIARY (IES):


REMARKS/SPECIAL INSTR:

B-534 (Rev. 4-75)

7 9 0 1 0 0 7 0 6 5 5

**THE THIRD NATIONAL BANK**  
34 NORTH MAIN STREET DAYTON, OHIO 45402



ACCOUNT NUMBER  
15 0 012915 1  
DATE OF STATEMENT  
0 FROM 10/29/76  
TO 11/30/76

DEMOCRATIC  
BEN BROWN A  
& FRED WALKI  
460 S BROADI  
DAYTON OHIO

5300	0	00	00	1	00	1	5300
------	---	----	----	---	----	---	------

11/01  
11/03  
11/17  
4

WE WISH YOU JOY, FRIENDSHIP, HEALTH AND PEACE THIS HOLIDAY SEASON AND THROUGHOUT 1977.

WE WISH YOU A  
SEASON AND THE



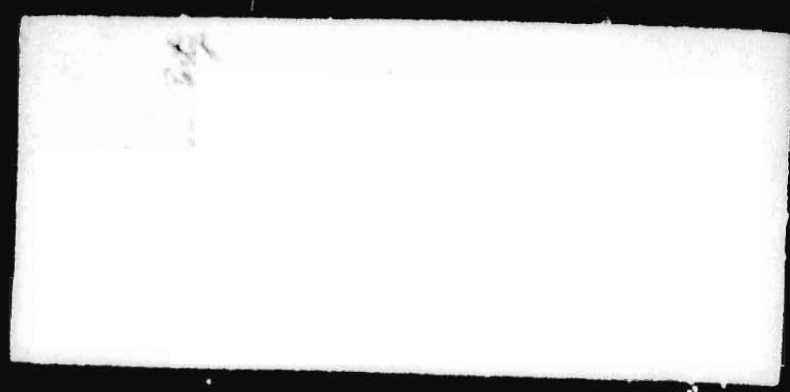


5 6 00000 10000

MOBILE, ALA., (AP) —

5917

7 9 0 4 0 0 7 0 6 6 0



0 1 2 3 4 5 6 7 8 9

STATEMENT OF ACCOUNT WITH

# THE THIRD NATIONAL BANK

24 NORTH MAIN STREET DAYTON, OHIO 45402



& TRUST COMPANY

STATE

THE

MONTGOMERY CO DEMOCRATIC  
PARTY FEDERAL FUND  
131 S WILKINSON  
DAYTON OHIO 45402

15

ACCOUNT NUMBER

0 012915 1

DATE OF STATEMENT

FROM 09/30/76  
TO 10/29/76

DEMOCRA  
BEN BRO  
& FRED  
440 S B  
DAYTON

300 00		2	1,000 00		4	1,500 00		53	5300		0	
10/01						300 00			600 00		10/05	
10/04	500 00								100 00		10/08	
10/07						900 00			1,000 00		10/12	
10/13	198 55			601 45					200 00		10/13	
10/18	200 00								00		10/18	
10/29	5350								5300		10/19	
											10/25	
											10/28	
											7	

IF YOU ARE PLANNING EQUIPMENT PURCHASES IN THE FUTURE, CONSIDER  
LEASING THROUGH OUR SUBSIDIARY...RYOVEST, INC. CALL 286 6249

IF YOU ARE  
LEASING ?

# CHECKING DEPOSIT



OCT-1-78

020000000000

020000000000 000000000000

## CASH TICKET

THE THIRD NATIONAL BANK OF DAYTON, OHIO

DAYTON, OHIO

BRANCH

15

TELLER

OCT-1-78

CASH  
IN

DOLLARS

CENTS

CASH  
OUT

DOLLARS

CENTS

020000000000 CUSTOMER'S NAME

020000000000 000000000000

5920

CDN

244-31. 1845

0000000000

5920

10

PAY TO THE ORDER OF \_\_\_\_\_

ONE HUNDRED

WINTER 1962

**Keywords:**

4:04 22-0030: 07660 6 600 0710

78040070664



L-01 19000891600

CHECKING DEPOSIT

15

3rd

DATE

AMOUNT

NET DEPOSIT

53/00000500000

30-20

431

TOTAL

1

79040770665



78040070666

3

10422-0290 00-067965 53-000004-0000

3543

Page 100 (100)

WINTER 1981

[illegible]

3814

1. The first part of the document is a list of names and dates, which appears to be a roster or a list of personnel. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

2. The second part of the document is a list of names and dates, which appears to be a roster or a list of personnel. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

3. The third part of the document is a list of names and dates, which appears to be a roster or a list of personnel. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

4. The fourth part of the document is a list of names and dates, which appears to be a roster or a list of personnel. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

5. The fifth part of the document is a list of names and dates, which appears to be a roster or a list of personnel. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

6. The sixth part of the document is a list of names and dates, which appears to be a roster or a list of personnel. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

7. The seventh part of the document is a list of names and dates, which appears to be a roster or a list of personnel. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

8. The eighth part of the document is a list of names and dates, which appears to be a roster or a list of personnel. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

9. The ninth part of the document is a list of names and dates, which appears to be a roster or a list of personnel. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

10. The tenth part of the document is a list of names and dates, which appears to be a roster or a list of personnel. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

*[Handwritten signature]*

7-32 70000 100000 150000 200000 250000 300000 350000 400000 450000 500000 550000 600000 650000 700000 750000 800000 850000 900000 950000 1000000

**SECRET**

2034

JAMES E. McLEOD, JR.  
 1000 1/2 1st St. N.E.  
 Atlanta, Ga. 30309

*[Faint, illegible markings]*

1944

1994年12月25日 星期一



20010070663

THE UNIVERSITY OF CHICAGO

Proton Pump Inhibitor

卷之四

58-29 58-29



226

THE

78040070669

3

[illegible]

NEAL F. ZIMMERS, JR.  
ATTORNEY AT LAW  
LAW OFFICE  
1000 BROADWAY  
NEW YORK 10004

894

9/20/71

1000

\$ 100.00

Two hundred and no/100

DOLLARS

LEGAL ADJUDICATE

For Cash Payment to  
Victory Reelers  
NEAL F. ZIMMERS, JR. and  
FOR 10000 DOLLARS

50000 DOLLARS

*[Faint handwritten notes and stamps are visible on the document.]*

19010770671

*For Agent Only*  
*Investigative Agency*  
*Minnesota City*  
*Federal Bureau*  
0012 24568  
THE TRUST NATIONAL  
BANK & TRUST COMPANY  
56-29 56-29  
87-678



THIS IS BEST COPY

78040070672

8040770673



78040070671

This is BES + CO PX

Form with fields and stamps, including a circular stamp with the number 3.

Form fields and stamps (mirrored text):

- Top: 1-11-64
- Left: 1-11-64
- Center: 1-11-64
- Right: 1-11-64
- Bottom: 1-11-64
- Bottom Right: 1-11-64

Circular stamp: 3

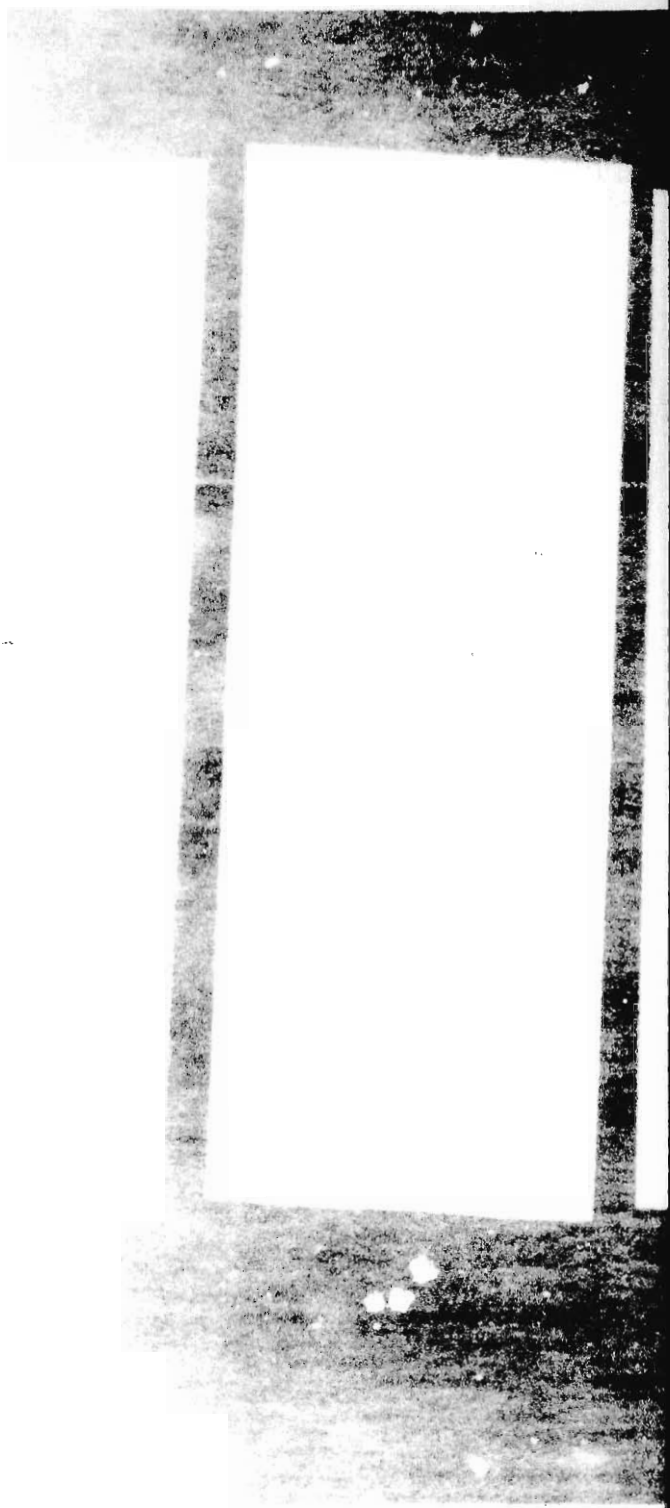
0070675

3

0006405M 00474-000912 00-04 444 12

ACCOUNT NO. 012-012-0		TC 75	DATE 10-10-76
Jorge Ficher		ref. fund	25.00

78040170675



78010070677

78040070678



0070679



78040070680

79040370681



THE THIRD NATIONAL BANK

34 NORTH MAIN STREET DAYTON, OHIO 45402



& TRUST COMPANY

**CERTIFIED**

No.

38237 <sup>hf</sup> 1

**MAIL**

Office of General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

ATTENT CN GARY W CHRISTIAN

RETURN RECEIPT REQUESTED



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

July 12, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Oscar Page  
8965 Linden Avenue  
Miamisburg, OH 45342

Re: MUR 491 (78)

Dear Mr. Page:

Pursuant to its authority under 2 U.S.C. §437d(a)(1) the Federal Election Commission has issued the enclosed Order to Answer Interrogatories. The interrogatories pertain to activities of the Montgomery County Democratic Party -- Federal Fund during your tenure as Treasurer.

We would like to make clear that this Order is issued to you as an individual as opposed to the Commission's previous Order of March 6, 1978, which was mailed to you as agent for the Fund. We were not aware at that time that you were no longer Treasurer.

The questions must be answered and returned to the Commission within ten days of your receipt of this Order.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless respondent notifies us that it wishes the investigation to be made public.

Should you have any questions please contact Gary Christian, the staff member assigned to this matter, at (202) 523-4161.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

Enclosure  
Order  
Attachment

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County Democratic ) MUR 491 (78)  
Party -- Federal Fund )

ORDER

TO: Mr. Oscar Page  
8965 Linden Avenue  
Miamisburg, OH 45342

PURSUANT to the authority set forth in Section 437d(a)  
(1) of Title 2, United States Code, and in furtherance of its  
investigation in the above-captioned matter, the Federal Election  
Commission hereby orders you to submit written answers to the  
attached interrogatories. The answers must be submitted under  
oath, within ten (10) days of your receipt of this Order, to  
the Federal Election Commission, 1325 K Street, N.W., Washington,  
D.C. 20463 - Attention: Office of the General Counsel.

WHEREAS, the Chairman of the Federal Election Commission  
has hereunto set her hand at Washington, D.C., on this, the  
11<sup>th</sup> day of *July*, 1978.

*Joan D. Aikens*  
\_\_\_\_\_  
Joan D. Aikens  
Chairman

ATTEST:

*Marjorie W. Emmons*  
\_\_\_\_\_  
Marjorie W. Emmons  
Secretary to the Commission

6690700062

**MUR-491**

PS Form 3811, Apr. 1977

● **SENDER:** Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).  
☐ Show to whom and date delivered. \_\_\_\_\_ \$  
☒ Show to whom, date, and address of delivery. \_\_\_\_\_ \$  
☐ **RESTRICTED DELIVERY**  
Show to whom and date delivered. \_\_\_\_\_ \$  
☐ **RESTRICTED DELIVERY.**  
Show to whom, date, and address of delivery. \$ \_\_\_\_\_  
(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**  
*Osceola Page*  
*8965 Linden Avenue*  
*Miamisburg, OH 45342*

3. **ARTICLE DESCRIPTION:**  
REGISTERED NO. \_\_\_\_\_ CERTIFIED NO. *943592* INSURED NO. \_\_\_\_\_  
(Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE ☒ Addressee ☐ Authorized agent  
*N.J. Page*

4. **DATE OF DELIVERY**  
*7-14-78*

**POSTMARK**  
*STL MO*

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION

MUR 491 (78)

ATTACHMENT TO ORDER TO ANSWER INTERROGATORIES

TO: Mr. Oscar Page

1. During which dates did you serve as Treasurer of the Montgomery County Democratic Party (hereinafter "Party")?
2. Regarding contributions received by the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund"):
  - a. Were checks deposited in the Fund's account earmarked for the Fund by contributors?
  - b. If the checks were not earmarked for the Fund by contributors, on what basis were contributions to the Party directed to and reported as contributions to the Fund?
  - c. Were contributors informed that their contributions would be used for Federal elections and were subject to the limitations of 2 U.S.C. §441a? If so, describe the manner in which contributors were so notified.
3. Regarding solicitations by the Fund:
  - a. Were contributions to the Fund the result of solicitations (i.e. mailings, raffles, dinners, etc.)? If so list each such solicitation.
  - b. Were contributors informed at the time of such solicitations that their contributions would be used for Federal elections and were subject to the limitations of 2 U.S.C. §441a? If so, describe the manner in which contributors were so notified.

c. Provide copies of any written materials used in conjunction with such solicitations.

4. Did the Party, any affiliated committee, or the Fund make any contributions to or expenditures on behalf of candidates for Federal office (either individually or as a ticket) in conjunction with the 1972, 1974, or 1976 elections other than those reported by the Fund? If so, provide full details of any such disbursements, including date, amount, payee, and from what account made. In the case of expenditures provide the purpose of the expenditure (e.g. newspaper ad, bumper stickers, etc.) and the candidate(s) supported.

7 9 7 1 1 7 7 3 6 3 7



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

July 12, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Perry B. Wydman, President  
The Third National Bank and Trust  
Company  
34 North Main Street  
Dayton, Ohio 45402

Re: MUR 491 (78)

Dear Mr. Wydman:

Enclosed is a subpoena issued by the Federal Election Commission pursuant to its authority under 2 U.S.C. §437d(a)(3). The subpoena requires the production of documents in the Bank's possession pertaining to account number 0001 29 151 in the name of the Montgomery County Democratic Party -- Federal Fund.

The documents listed in the subpoena must be sent to the address specified by certified mail within ten days of your receipt of this letter.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless respondent notifies us in writing that it wishes the investigation to be made public.

If you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523-4161.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. C. Oldaker", is written over the typed name.

William C. Oldaker  
General Counsel

Enclosure  
Subpoena

7 3 0 1 0 7 7 0 6 8 3

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

SUBPOENA

TO: The Third National Bank and  
Trust Company  
34 North Main Street  
Dayton, Ohio 45402

Re: MUR 491 (78)

7 3 3 1 9 7 / 1 6 3 2

The Federal Election Commission, pursuant to its powers set forth at 2 U.S.C. §437(d)(a)(3), hereby subpoenas the documents listed below and requires that they be sent by pre-paid certified mail addressed to the Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463 - Attention: Gary W. Christian, and postmarked within ten days of your receipt of this subpoena:

Copies of all records maintained by the Bank pertaining to account number 0001 29 151 in the name of Montgomery County Democratic Party -- Federal Fund, including, but not limited to, bank statements, checks deposited into the account, and checks drawn on the account.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set her hand at Washington, D.C. this *11th* day of *July*, 1978.

*Joan D. Aikens*  
Joan D. Aikens  
Chairman

ATTEST:

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



PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Christian MUR-491 ✓

● SENDER: Complete items 1, 2, and 5.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☐ Show to whom and date delivered. . . . . c
- ☒ Show to whom, date, and address of delivery. . . . . c
- ☐ RESTRICTED DELIVERY
- Show to whom and date delivered. . . . . c
- ☐ RESTRICTED DELIVERY.
- Show to whom, date, and address of delivery \$ . . . . .
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
Perry Wydman, President  
34 North Main Street  
Dayton, Ohio 45402

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943591	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

4. DATE OF DELIVERY

APR 17 1978

DAYTON POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County Democratic ) MUR 491  
Party - Federal Fund )  
Oscar Page )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on July 10, 1978, the Commission approved by a vote of 4-0 the recommendations in the General Counsel's memorandum dated July 5, 1978 to take the following actions in the above-captioned matter:

1. Issue the subpoena, attached to the memorandum, to The Third National Bank and Trust Company, Dayton, Ohio, for the production of bank records and copies of checks received and drawn by the Fund on its separate account.
2. Issue the Order to Answer Interrogatories, attached to the memorandum, to Mr. Oscar Page who was Treasurer of the Fund and the Party during the period in which the Fund reported to the Commission.

Commissioners Harris and Staebler were not present at the time of the vote.

Date:

7/10/78

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary to the Commission

Received in Office of Commission Secretary: 7-5-78, 2:28  
Circulated on 48 hour vote basis: 7-6-78, 9:00



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

July 11, 1978

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE W. EMMONS *mwe*  
SUBJECT: SUBPOENA AND ORDER IN RELATION TO MUR 491

The attached subpoena and order, approved July 11, 1978 have been signed and sealed this date.

Chairman Aikens requests that the name Mr. Perry B. Wydman, President, be added to the subpoena addressed to The Third National Bank and Trust Company since this is how it appeared on the authorization sheet.

ATTACHMENTS:  
Subpoena  
Order



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

July 10, 1978

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE W. EMMONS *mwe*  
SUBJECT: AUTHORIZATION FOR ISSUANCE OF SUBPOENAS AND  
ORDERS

Attached are copies of Commissioner Tiernan's vote sheets on MURs 491 and 519. Both cases recommended issuances of subpoenas and in one case the issuance of an order.

Neither document included authorization sheets and, as you can see, Commissioner Tiernan raised the question as to the need for them.

David Osterhout, Commissioner Tiernan's Executive Assistant, stated that he believes an authorization sheet should accompany requests for subpoenas and orders.

ATTACHMENTS:  
2 vote sheets

cc: Commissioner Tiernan

79010179697

48 HOUR TALLY SHEET



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

Date and Time Transmitted: 9:00 JULY 6 1978

Commissioner Turner

RETURN TO OFFICE OF COMMISSION SECRETARY BY: 9:00 JULY 12, 1978

MUR No. 491 REQUEST FOR ISSUANCE OF SUBPOENA

- (☒) I approve the recommendation.  
( ) I object to the recommendation.

COMMENTS: Does OGC need authorization  
(signature) sheet for each/all subpoenas

Date: 7/6/78 Signature: Robert O. Turner

THE OFFICE OF GENERAL COUNSEL WILL TAKE NO ACTION IN THIS MATTER UNTIL THE APPROVAL OF FOUR COMMISSIONERS IS RECEIVED. PLEASE RETURN ALL PAPERS NO LATER THAN THE DATE AND TIME SHOWN ABOVE TO THE OFFICE OF COMMISSION SECRETARY. ONE OBJECTION PLACES THE ITEM ON THE EXECUTIVE SESSION AGENDA.





## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463Date and Time Transmitted: 9:00 JULY 6 1978Commissioner TiermanRETURN TO OFFICE OF COMMISSION SECRETARY BY: 9:00 JULY 10 1978MUR No. 519 REQUEST FOR ISSUANCE OF SUBPOENAS☒ I approve the recommendation.☐ I object to the recommendation.

COMMENTS:

Does OGC need authorization  
sheet for each/all subpoena(s)?Date: 7/6/78

Signature:

Robert C. Tierman

THE OFFICE OF GENERAL COUNSEL WILL TAKE NO ACTION IN THIS MATTER UNTIL THE APPROVAL OF FOUR COMMISSIONERS IS RECEIVED. PLEASE RETURN ALL PAPERS NO LATER THAN THE DATE AND TIME SHOWN ABOVE TO THE OFFICE OF COMMISSION SECRETARY. ONE OBJECTION PLACES THE ITEM ON THE EXECUTIVE SESSION AGENDA.



July 5, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 491

Please have the attached Request for subpoenas and  
an order  
order distributed to the Commission for approval on a  
48 hour tally basis.

Thank you.

78040070695



## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20043

July 5, 1978

### MEMORANDUM

TO: The Commission

FROM: William C. Oldaker *WCO*  
General Counsel

SUBJECT: MUR 491: Request for Issuance of Subpoena  
and Order to Answer Interrogatories

On January 27, 1978, the Commission found reason to believe the Montgomery County Democratic Party -- Federal Fund ("Fund") had violated 2 U.S.C. §§ 434, 441b, and 441f.

The object of our investigation to date has been to determine the accuracy of the Fund's reports and whether the Fund was operating as a separate Federal committee in accordance with 11 C.F.R. §102.6. If the Fund did not operate in accordance with this regulation then all contributions received by the parent committee would have to conform with the Act and would be subject to Commission review.

On March 6, 1978, the Commission issued an Order to Answer Questions to the Fund which was delivered to Mr. Oscar Page who was listed in the Fund's reports as Treasurer. (We were later informed that Mr. Page had been replaced as Party Treasurer by Mrs. Esther Mayl.) After several delays on the part of respondent's attorney, answers to the Commission's questions were finally received on June 5, 1978.

Respondent's answers appear to be inconsistent as regards how contributions were selected for deposit in the Fund's account. According to respondent contributions to the Fund were not earmarked and the decision as to which contributions would be directed to the Fund was made "by decision of the local Party without consultation with the contributor." In a later answer, however, concerning how solicitations were conducted, respondent states that "the



best information (the Fund has) is that the contributors were informed that their contributions would be used for Federal elections." 1/

We believe further information is necessary before it can be conclusively determined whether the Fund was operating in accordance with 11 C.F.R. §102.6. We therefore recommend the Commission issue the attached subpoena to The Third National Bank and Trust Company, Dayton, Ohio, for the production of bank records and copies of checks received and drawn by the Fund on its separate account. This information should provide documentary evidence as to whether the Fund was in fact a separate Federal committee and whether the Fund's reports are accurate.

In addition, we recommend the Commission issue the attached Order to Answer Interrogatories to Mr. Oscar Page who was Treasurer of the Fund and the Party during the period in which the Fund reported to the Commission. Mr. Page did not participate in the formulation of the responses given by Mrs. Mayl and we believe his answers are necessary to provide corroboration of the statements made by Mrs. Mayl in answer to the Commission's questions.

---

1/ Respondent claims that the contributions received by the Fund were the result of a raffle of an automobile. The printed raffle tickets are no longer available for inspection so we cannot determine whether contributors received written notification that their contributions would be used for Federal elections and were subject to the limits of the Act.

7 3 0 1 0 7 3 6 7 8

hunt  
dodge  
little  
hemmert  
duncan  
co., l.p.a.

Geo# 4301

FEDERAL ELECTION

604658

July 25, 1978 JUN 28 PM 12:13

Mr. William C. Oldaker  
General Counsel  
FEDERAL ELECTION COMMISSION  
1325 K Street N.W.  
Washington, D.C. 20463

In re: MUR 491 (78)  
Mr. Oscar Page

Dear Mr. Oldaker:

Enclosed please find the answers to the interrogatories requested by you pertaining to the activities of the Montgomery County Democratic Party--Federal Fund during Oscar Page's tenure as Treasurer.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

HUNT, DODGE, LITTLE, HEMMERT,  
AND DUNCAN CO., L.P.A.

By: Richard S. Dodge  
Richard S. Dodge  
Attorney-at-Law

RSD/pjb

Enc.

FEDERAL ELECTION COMMISSION

MUR 491 (78)

ATTACHMENT TO ORDER TO ANSWER INTERROGATORIES

TO: Mr. Oscar Page

1. During which dates did you serve as Treasurer of the Montgomery County Democratic Party (hereinafter "Party")?  
Middle May, 1972 to January, 1978
2. Regarding contributions received by the Montgomery County Democratic Party -- Federal Fund (hereinafter "Fund"):
  - a. Were checks deposited in the Fund's account earmarked for the Fund by contributors?  
I Do Not Know
  - b. If the checks were not earmarked for the Fund by contributors, on what basis were contributions to the Party directed to and reported as contributions to the Fund?  
I Do Not Know
  - c. Were contributors informed that their contributions would be used for Federal elections and were subject to the limitations of 2 U.S.C. §441a? If so, describe the manner in which contributors were so notified.  
I Do Not Know
3. Regarding solicitations by the Fund:
  - a. Were contributions to the Fund the result of solicitations (i.e. mailings, raffles, dinners, etc.)? If so list each such solicitation.  
I Believe a Raffle
  - b. Were contributors informed at the time of such solicitations that their contributions would be used for Federal elections and were subject to the limitations of 2 U.S.C. §441a? If so, describe the manner in which contributors were so notified.  
I Do Not Know

- c. Provide copies of any written materials used in conjunction with such solicitations.

I do not have access to any materials now as I am no longer Treasurer, and all documents are in the Federal Court.

4. Did the Party, any affiliated committee, or the Fund make any contributions to or expenditures on behalf of candidates for Federal office (either individually or as a ticket) in conjunction with the 1972, 1974, or 1976 elections other than those reported by the Fund? If so, provide full details of any such disbursements, including date, amount, payee, and from what account made. In the case of expenditures provide the purpose of the expenditure (e.g. newspaper ad, bumper stickers, etc.) and the candidate(s) supported.

I Do Not Know

EXPLANATION TO ANSWERS:

I can not remember if I signed the Federal report, but I probably did. This account was set up by Ester Mayl who ran the office, Paul Tipps, chairman of the Party, and Fritz Krumholtz. These people can provide better answers than I, even though I was Treasurer at the time, because I did not administer the account or make deposits in it.

STATE OF OHIO                    )  
  )SS  
COUNTY OF MONTGOMERY)

OSCAR S. PAGE, being first duly cautioned and sworn, deposes and says that the facts stated in the foregoing interrogatories are true.

Oscar S. Page  
OSCAR S. PAGE

Sworn to before me and subscribed in my presence this  
30th day of July, 1978.

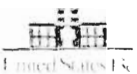
Thomas P. Amato  
Notary Public

S E A L

THOMAS P. AMATO, Notary Public  
in and for the State of Ohio  
My Commission Expires NOV. 25, 1982

7 2 1 1 0 0 7 7 0

hunt  
dodge  
little  
hemmert  
duncan  
co., l.p.a.



FEDERAL ELECTION COMMISSION  
1325 K Street N.W.  
Washington, D.C. 20463

ATTN: Mr. William C. Oldaker  
General Counsel

**CERTIFIED**

No 483754

**MAIL**

RETURN RECEIPT REQUESTED



# FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

June 16, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS

SUBJECT: MUR 491 (78) - Interim Report dated 6-14-78  
Received in OCS: 6-15-78, 11:04

The above-mentioned document was circulated on a 24 hour  
no-objection basis at 4:30 p.m., June 15, 1978.

As of 5:00 p.m., this date, no objections have been  
received in the Office of Commission Secretary to the Interim Report.



June 15, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 491

Please have the attached Interim Report on MUR 491  
distributed to the Commission.

Thank you.

78040070704


720010

In the Matter of )  
 )  
Montgomery County )  
Democratic Party ) MUR 491(78)  
Federal Fund )

## INTERIM REPORT

We have recently received respondent's answers to the questions we had propounded and we are in the process analyzing the information. When this analysis is complete we will present whatever recommendation is appropriate.

6/14/78  
Date

  
\_\_\_\_\_  
William C. Oldaker  
General Counsel



8003712

RECEIVED  
FEDERAL ELECTIONS COMMISSION

# SMITH & SCHNACKE

ATTORNEYS AT LAW

2000 COURTHOUSE PLAZA NE

POST OFFICE BOX 1817

DAYTON, OHIO 45401

513-226-6500

CABLE "SMITHLAW"

CINCINNATI TO DAYTON  
DIRECT LINE 628-0954

WRITER'S DIRECT DIAL NUMBER

513 226-6596

GARY W. AUMAN  
SARA STRAIGHT WOLF  
STEVEN R. BANKOF  
DAVID ROSE  
LAWRENCE E. SCHILLER  
JACK A. DODENFELD  
SHAREN SWARTZ GAGE  
BRIAN R. PORTER  
CROFFORD J. MACKLIN, JR.  
BRUCE R. LOWRY  
THOMAS P. WHELELY II  
DANIEL G. ROSENTHAL  
STEPHEN J. BUTLER  
DANIEL T. HARMAN  
GLENN L. BOWER  
JOSEPH R. PANZL

W. WALKER LEWIS, JR.  
OF COUNSEL

FRANCIS DEAN SCHNACKE  
1889-1977

CINCINNATI OFFICE  
1500 DUBOIS TOWER  
511 WALNUT STREET  
CINCINNATI, OHIO 45202  
513-332-6500

LEO WEINBERGER  
AARON I. GRAD  
LEON L. WOLF  
JUDSON HOY  
LEWIS G. DATCH  
HERBERT B. WEISS  
SCOTT B. CROOKS  
MARK R. PAINTER  
RONALD E. SCHNEIDER  
JOE B. COHN

SAMUEL A. MCGRAY  
FORD W. EKEY  
LLOYD H. HARA  
ALBERT H. SEALY  
PAUL E. LACOUTURE  
JAMES J. MULLIGAN  
STANLEY A. FREEDMAN  
WALTER A. PORTER  
THEODORE J. VRADELIS  
DEAN E. DENLINGER  
HOWARD N. THIELE, JR.  
RALPH E. HEYMAN  
JAMES J. GILVARY  
PETER J. DONAHUE  
ARMISTEAD W. GILLIAM, JR.  
ROBERT J. MADLEY  
JON M. SEBALY  
WILLIAM D. FORBES  
RICHARD A. DUROSE  
RICHARD J. CHERNESKY  
J. MICHAEL HERR  
WILLIAM L. CARR  
C. DONALD MCWINEY  
EUGENE ROBINSON  
ROBERT H. MAYNARD

ROBERT J. BROWN  
PAUL L. HORSTMAN  
JAMES H. STETHEM  
RICHARD F. CARLICE  
ROGER E. KEPHART  
EDWARD B. MITCHELL  
LAWRENCE T. BURRICK  
JAMES J. KENDIG  
RICHARD A. BROOKS  
RUSSELL J. HODMAN  
JOSEPH M. RIGGI  
ANDREW K. CHERNIE  
GREGORY S. DEWOLFE  
WILLIAM G. COMPTON  
PETER K. GRAVES, JR.  
JERRY A. STIMMER  
CHARLES J. FARBER  
WILLIAM C. MARTIN  
SARA G. ZWART  
JAMES L. FINEFROTH  
DAVID R. WIECHEL  
JOSEPH S. TANN, III  
WILLIS O. SERP II  
RICHARD J. BECKMANN

803209

June 1, 1978

Gary Christian, Esquire  
Federal Elections Commission  
1325 K Street N.W.  
Washington, D.C. 20463

Dear Mr. Christian:

Pursuant to our conversation enclosed please find the answers which I have been able to put together from reviewing this matter with Esther Mayl, Margaret Farig, Joe Shump, Fritz Krumholtz and Paul Tipps. As I have informed you previously, I do not represent Mr. Page, the Party's former treasurer, who may also have information concerning these questions.

If you require any further information, please let me know.

Sincerely,

Armistead W. Gilliam, Jr.

AWG:ch  
Enclosure

RESPONSE TO QUESTIONS OF FEDERAL ELECTIONS COMMISSION

1. Regarding the segregation of Montgomery County Democratic Party - Federal Fund ("Fund") receipts and expenditures from the finances of the Montgomery County Democratic Party ("Party").
  - a. Was a separate bank account maintained by the Fund? If so, where was this account maintained and what was the number of the account?
  - b. Describe how contributions and expenditures were made by the Fund (e.g., by checks drawn on a separate account, with checks drawn on a Party account, etc.)

RESPONSE TO QUESTION 1:

- a. Yes. Third National Bank and Trust Company. The number of the account is 0001 29 151.
  - b. Contributions and expenditures were made by checks drawn on a separate fund account.
2. Regarding contributions received by the Fund:
    - a. Identify the payee named on the thirteen checks constituting the \$1500 in contributions received by the Fund and reported to the

Commission on the Fund's October 10 Quarterly Report.

- b. If the payee was not the Fund, state how these checks were earmarked or designated by the Fund.
- c. If the checks were not made payable to the Fund and were not earmarked, on what basis were these thirteen checks directed to and reported as contributions to the Fund?

RESPONSE TO QUESTION 2:

- a. The persons responding cannot identify the payees on the thirteen checks constituting the \$1500 in contributions since those checks are not in the possession of the Party. However, attached hereto is a list of thirteen persons making contributions and the amount contributed. The best information of the Respondent is that the checks were made out to the local Democratic Party.
- b. By decision of the local Party without consultation with the contributor.
- c. The persons responding herein are unable to answer 2(c).

3. Regarding solicitations by the Fund:

- a. Describe the manner in which contributions to the Fund were solicited.
- b. Identify all persons who solicited contributions on behalf of the Fund and submit any written materials used in connection with such solicitation.
- c. Describe how contributors were informed that their contributions would go to the Fund and that their contributions were subject to the limitations of 2 U.S.C. §441a.

RESPONSE TO QUESTION 3:

- a. Contributions were solicited by means of the sale of raffle tickets for an automobile.
- b. A number of persons solicited contributions. These include Lou Goldman, Mike Adler, Fred Krumholtz, Paul Tipps, Esther Mayl, Bill Krumholtz and possibly others. The raffle tickets are no longer available. The Respondents have knowledge of no other written materials used in connection with such solicitation.
- c. The best information we have is that the contributors were informed that their contributions would be

used for Federal elections. However, at the time of the raffle, there was no requirement that such information be given. Regulations (11 C.F.R. § 102.6(b)(1977)) requiring that contributors be so informed did not become effective until April 13, 1977 (42 Fed. Reg. 19,324 (1977)).

- 011003710
4. Did the Party, any affiliated committee, or the Fund make any contributions to or expenditures on behalf of candidates for Federal office (either individually or as a ticket) in conjunction with the 1972, 1974, and 1976 elections other than those reported by the Fund? If so, provide full details of any such disbursements, including date, amount, payee, and from what account made. In the case of expenditures provide the purpose of the expenditure (e.g. newspaper ad, bumper stickers, etc.) and the candidate(s) supported.

RESPONSE TO QUESTION 4:

No.

CONTRIBUTORS

<u>Name</u>	<u>Donation</u>
Gary Lawton	\$100
Don Wright	200
James Lansidel	100
Esther Mayl	100
Patricia Heck	100
Neil Zimmers, Jr.	100
Thomas Folino	100
Robert Caulfield	100
Ernest Loeb	200
John E. Cummings	100
John H. Rion	100
Martina Roderer	100
Jerry Callahan	100

197101711

7 8 0 4 0 0 7 0 7 1 2

28



SMITH & SCHNACKE  
ATTORNEYS AT LAW  
2000 CH. BROADWAY PLAZA NE  
P.O. BOX 1817  
DAYTON, OHIO 45401

TO: Gary Christian, Esquire  
Federal Elections Commission  
1325 K Street N.W.  
Washington, D.C. 20463



## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

May 15, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *MWE*

SUBJECT: MUR 491 (78) - Interim Report dated 5-10-78  
Received in OCS: 5-12-78, 11:46

The above-mentioned document was circulated on a 24 hour  
no-objection basis at 4:30 p.m., May 12, 1978.

As of 5:30 p.m. this date, no objections have been  
received in the Office of Commission Secretary to the Interim Report.





May 12, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 491

Please have the attached Interim Report distributed  
to the Commission.

Thank you.

78040070714

BEFORE THE FEDERAL ELECTION COMMISSION  
May 10, 1978

In the Matter of )  
 )  
 )  
Montgomery County Democratic ) MUR 491 (78)  
Party -- Federal Fund )

INTERIM REPORT

7 2 2 3 0 0 7 1 3  
This matter arose from a Department of Justice letter received by us on December 27, 1977. The letter states that in the course of a grand jury investigation into certain activities of officials of the Montgomery County Democratic Party ("Party"), information came to the Department's attention which indicated possible violations of the Act.

On January 27, 1978, the Commission found reason to believe the Montgomery County Democratic Party -- Federal Fund had violated 2 U.S.C. §§434, 441b, and 441f. The Commission issued an Order to Answer Questions on March 6, 1978, which was received by respondents on March 13, the deadline for response being March 23.

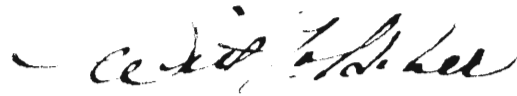
Respondent's attorney, Mr. Armistead W. Gilliam, Jr. informed us in a letter dated March 23 that respondents could not comply with the Order until ten days after the grand jury had returned the Party's financial records. The Justice Department informed us that on March 1, Mr. Gilliam had been informed orally that he

could have access to the Party's records as needed to respond to the Commission's inquiries provided the records were not removed from the FBI Office in Dayton, Ohio. We therefore sent a letter to Mr. Gilliam insisting on compliance with the Order and establishing a new deadline of April 29, 1978.

On May 1, 1978, a staff member of this office contacted Mr. Gilliam to inquire into the status of the responses to the Commission's questions. Gilliam maintained that respondents had only been granted access to the Party's records for the limited purpose of compiling a year-end report (this was subsequently denied by the Justice Department). He insisted on written authorization from the Justice Department to present to the FBI in Dayton. In the meantime he agreed that responses would be sent based on the current Treasurer's recollection of events. To date these responses have not been received.

The Justice Department will send a letter to Gilliam shortly authorizing respondents full access to the Party's records for the purpose of answering the Commission's questions and we will be notified of the date of mailing. We intend to allow respondents two weeks from that date to comply with the Order. If we have not seen evidence of compliance by then we intend to recommend the Commission seek judicial enforcement of the Order.

5/10/78  
Date

  
William C. Oldaker  
General Counsel

MUR 471

ACC  
662601 510

RECEIVED  
FEDERAL ELECTION  
COMMISSION

'78 MAY 10 PM 12:48

THH:AJR:ema  
123-37-389

9 MAY 1978

Armistead W. Gilliam, Jr.  
Smith & Schnacke  
2000 Court House Square  
2nd and Main Street  
Dayton, Ohio 45402

Dear Mr. Gilliam,

This is to confirm our telephone conversation of May 1, 1978, concerning your access to the financial records of your client, the Montgomery County Democratic Party. As you know, these records were subpoenaed by the Federal Grand Jury in Dayton, Ohio, and are presently in the custody of the Federal Bureau of Investigation (FBI).

Mr. Gary Christian, Staff Member, Federal Election Commission (FEC), has informed me that an interrogatory has been directed to officials of the Montgomery County Democratic Party, and that it may be necessary for such officials to examine the aforementioned records in order to respond to the interrogatory.

I restate the position I expressed to you in our telephone conversation of March 1, 1978, that you or any other representative of the Montgomery County Democratic Party have the opportunity to examine the subpoenaed records so long as such examination transpires in the office of the FBI.

I hope this letter resolves any ambiguities you may

78040070717

- 2 -

have concerning your access to these records, and prevents any further delay in responding to the interrogatory from the FEC.

Sincerely,

Thomas H. Henderson, Jr.  
Chief, Public Integrity Section  
Criminal Division

By: Andrew J. Reich  
Attorney

cc: Gary Christian

78040070718

DEPARTMENT OF JUSTICE

WASHINGTON, D. C. 20530

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID

U. S. DEPARTMENT OF JUSTICE

JUS-431



Mr. Gary Christian  
Staff Member  
Federal Election Commission  
1325 K. St. NW.  
Washington, D. C. 20463

04:21 PM 01 MAY 87

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAY 1 1987





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

April 14, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Armistead W. Gilliam, Jr., Esquire  
Smith & Schnacke  
P.O. Box 1817  
Dayton, Ohio 45401

Re: MUR 491(79)

Dear Mr. Gilliam:

This is in reference to your letter of March 23, 1978, requesting that your client, the Montgomery County Democratic Party, be given ten days after the return of the party's records in which to answer the Order to Answer Questions issued by the Commission on March 6, 1978. You state that because the party's records are in the custody of a Federal grand jury your client cannot comply with the Commission's Order until the records are returned.

We understand from Mr. Andrew Reich of the Department of Justice that on March 1 he informed you that you and your client could have access to the party's records as needed to respond to the Commission's inquiries, provided the records are not removed from the Dayton FBI office. We believe such access is entirely sufficient to enable your client to answer the Commission's questions and therefore require that your client comply with the Commission's Order within ten days of your receipt of this letter. Failure to comply with the Commission's seeking judicial enforcement of the Order.




If you have any questions, please contact Gary Christian, the staff member assigned to this matter, at 202-523-4001.

Sincerely,

William C. Oldaker  
General Counsel

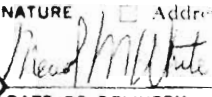
cc: Mrs. Esther Mayl, Treasurer

  
Charles N. Steele  
Associate General Counsel

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

491 Christian

<b>SENDER</b> Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one): <input type="checkbox"/> Show to whom and date delivered <input checked="" type="checkbox"/> Show to whom, date, and address of delivery <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered <input type="checkbox"/> RESTRICTED DELIVERY Show to whom, date, and address of delivery (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: Armistead Gilliam, Jr. Esq.		
3. ARTICLE DESCRIPTION: REGISTERED NO. 1 CERTIFIED NO. INSURED NO. 943656 (Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input checked="" type="checkbox"/> Authorized agent 4.  DATE OF DELIVERY POSTMARK		
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS





FEDERAL ELECTION COMMISSION

1325 K STREET NW  
WASHINGTON, D.C. 20463

April 19, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS

*mwe*

SUBJECT: MUR 491 (78) - Interim Report dated 4-14-78  
Received in Office of Commission  
Secretary: 4-14-78, 2:13

The above-mentioned document was circulated to the Commissioners at 10:00 a.m., April 18, 1978, on a 24 hour no-objection basis.

As of 10:00 a.m., this date, no objections have been received in the Office of Commission Secretary to the Interim Report.

797107/0722

April 14, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 491

Please have the attached Interim Report on MUR 491 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

78040070723

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Montgomery County Democratic	)	MUR 491 (78)
Party -- Federal Fund	)	

INTERIM REPORT

This matter arose from a Department of Justice letter received by us on December 27, 1977, which states that in the course of a grand jury investigation into certain activities of officials of the Montgomery County Democratic Party, information came to the Department's attention which indicated possible violations of the Federal Election Campaign Act of 1971, as amended.

On January 27, 1978, the Commission found reason to believe the Montgomery County Democratic Party -- Federal Fund had violated 2 U.S.C. §434, §441b, and §441f.

Telephone interviews with several persons listed as contributors in the Fund's reports indicated that the Fund may not have been operating as a separate Federal fund in accordance with the requirements of 11 C.F.R. §102.6. To obtain information on whether the Fund was in fact a separate Federal fund as defined by the Regulations, the Commission issued an Order to Answer Questions on March 6 which was received by respondents on March 13. The deadline for response to the Order was March 23.

On March 23, counsel for respondents, Mr. Armistead W. Gilliam, Jr., sent us a letter (Attachment I) requesting an extension of the deadline for response to the Commission's order to ten days after the Federal grand jury returns the party's records


to respondents.

Mr. Andrew Reich, the attorney handling the Department of Justice's investigation, informed us that on March 1 he told Mr. Gilliam that respondents could have access to the party's records as needed to respond to the Commission's inquiries, provided the records were not removed from the FBI office in Dayton, Ohio.

Such access should be sufficient to enable respondent to answer the Commission's questions. We have therefore sent a letter to Mr. Gilliam (Attachment II) informing him that his client must comply with the Commission's order within ten days of receipt of our letter.

Once respondents' answers to the questions are received by this office we will be able to proceed with our investigation of respondents' possible violation of the Act.

14 April 1978  
Date

  
William C. Oldaker  
General Counsel

for WCE

801251

## SMITH &amp; SCHNACKE

ATTORNEYS AT LAW

2000 COURTHOUSE PLAZA NE

POST OFFICE BOX 1817

DAYTON, OHIO 45401

513/226-6500

CABLE 'SMITHLAW'

CINCINNATI TO DAYTON

DIRECT LINE 628 0054

WRITER'S DIRECT DIAL NUMBER

513/ 226-6596

GARY W. AUMAN

SARA STRAIGHT WOLF

STEVEN K. DANKOF

DAVID A. ROGERS

LAWRENCE F. SCHILLER

JACK A. DORFENFELD

SHAREN SWARTZ GAGE

BRIAN K. PORTER

BRUCE R. LOWRY

THOMAS P. WHELLEY

DANIEL G. ROSENTHAL

STEPHEN J. BUTLER

DANIEL T. NARWAN

GLENN L. BOWER

JOSEPH R. PANZL

W. WALKER LEWIS, JR.

OF COUNSEL

FRANCIS DEAN SCHNACKE

1889-1977

CINCINNATI OFFICE

1500 DUBOIS TOWER

511 WALNUT STREET

CINCINNATI, OHIO 45202

513/352-6500

SAMUEL A. MCCRAY  
 FORD W. EKEY  
 LLOYD H. O'HARA  
 ALBERT H. SEALY  
 PAUL E. LACOUTURE  
 JAMES J. MULLIGAN  
 STANLEY A. FREEDMAN  
 WALTER A. PORTER  
 THEODORE J. VRADELIS  
 DEAN E. DENLINGER  
 HOWARD N. THIELE, JR.  
 RALPH E. HEYMAN  
 JAMES J. GILVARY  
 PETER J. DONAHUE  
 ARMISTEAD W. GILLIAM, JR.  
 ROBERT J. HADLEY  
 JON M. SEBALY  
 WILLIAM D. FORBES  
 RICHARD A. DUROSE  
 RICHARD J. CHERNESKY  
 J. MICHAEL HERR  
 WILLIAM L. CARR  
 C. RONALD MESWINEY  
 EUGENE ROBINSON  
 ROBERT H. MAYNARD

ROBERT J. BROWN  
 PAUL L. HORSTMAN  
 JAMES H. STETHEM  
 RICHARD F. CARLILE  
 ROGER E. KEPHART  
 EDWARD B. MITCHELL  
 LAWRENCE T. BURICK  
 JAMES J. KENDIG  
 RICHARD A. BROOKE  
 RUSSELL J. HOHMAN  
 JOSEPH M. RIGOT  
 ANDREW K. CHERNEY  
 GREGORY S. DEWOLFE  
 WILLIAM G. COMPTON  
 PETER K. GRAVES, JR.  
 JERRY A. STIMMEL  
 CHARLES J. FARUKI  
 WILLIAM C. MARTIN  
 SARA G. ZWART  
 JAMES L. VINEFROCK  
 DAVID R. WIECHEL  
 JOSEPH S. TANN, JR.  
 WILLIS O. SERR II  
 DONALD E. SCHNEIDER  
 RICHARD J. BECKMANN

LEO WEINBERGER  
 AARON T. GRAD  
 LEON L. WOLF  
 JUDSON HOY  
 LEWIS G. GATCH  
 HERBERT B. WEISS  
 SCOTT B. CROOKS  
 MARK P. PAINTER  
 ARNOLD L. BORZ  
 JOE B. CONN

March 23, 1978

William C. Oldaker, Esquire  
 c/o Gary Christian, Esquire  
 Federal Election Commission  
 1325 K Street N.W.  
 Washington, D.C. 20463

Christian

Dear Mr. Oldaker:

This is to advise you that your letter of March 7, 1978, was received by this office on March 14, 1978. The questions submitted by the Commission have been forwarded to the client for their review and completion. However, all of the records of the Party which are required to review and respond to this request are presently in the custody of a federal grand jury - sitting at Dayton, Ohio. Accordingly, this letter will serve as a request for additional time within which to respond to the inquiry of the Commission.

I am unable to advise as to when these records will be returned to the Party. Such information can be derived by communicating with Andrew Reich of the Department of Justice, P. O. Box 50168, "F" Street Station, Washington, D.C. 20019. In these circumstances I submit that the Montgomery County Democratic Party should be given ten days after the date of the return of the Party's records to respond. I should also add that I am acting as counsel to the Party and not as counsel to Mr. Page in this matter. Mr. Page has resigned as treasurer of the Party and has been replaced by Mrs. Esther Mayl.

Sincerely,

Armistead W. Gilliam, Jr.

AWG:ch

ATTACHMENT I



FEDERAL ELECTION COMMISSION

1228 K STREET, N.W.  
WASHINGTON, D.C. 20463

April 14, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Armistead W. Gilliam, Jr., Esquire  
Smith & Schnacke  
P.O. Box 1817  
Dayton, Ohio 45401

Re: MUR 491(73)

Dear Mr. Gilliam:

This is in reference to your letter of March 23, 1978, requesting that your client, the Montgomery County Democratic Party, be given ten days after the return of the party's records in which to answer the Order to Answer Questions issued by the Commission on March 6, 1978. You state that because the party's records are in the custody of a Federal grand jury your client cannot comply with the Commission's Order until the records are returned.

We understand from Mr. Andrew Reich of the Department of Justice that on March 1 he informed you that you and your client could have access to the party's records as needed to respond to the Commission's inquiries, provided the records are not removed from the Dayton FBI office. We believe such access is entirely sufficient to enable your client to answer the Commission's questions and therefore require that your client comply with the Commission's Order within ten days of your receipt of this letter. Failure to comply with the Commission's seeking judicial enforcement of the Order.




ATTACHMENT II

If you have any questions, please contact Gary Christian, the staff member assigned to this matter, at 202-523-4001.

Sincerely,

William C. Oldaker  
General Counsel

cc: Mrs. Esther Mayl, Treasurer



Charles H. Steele  
Associate General Counsel

73010071728

801251

## SMITH &amp; SCHNACKE

ATTORNEYS AT LAW

2000 COURTHOUSE PLAZA NE

POST OFFICE BOX 1817

DAYTON, OHIO 45401

513 226 6500

CABLE SMITHLAW

CINCINNATI TO DAYTON  
DIRECT LINE 628 0954

WRITER'S DIRECT DIAL NUMBER

513 226-6596

GARY W. AUMAN  
SARA STRAIGHT WOLF  
STEVEN K. DANKOF  
DAVID A. ROGERS  
LAWRENCE F. SCHILLER  
JACK A. DOWENFELD  
SHAREN SWARTZ GAGE  
BRIAN K. PORTER  
BRUCE R. LOWRY  
THOMAS R. WHELELY  
DANIEL G. ROSENTHAL  
STEPHEN J. BUTLER  
DANIEL T. HARMAN  
GLENN L. BOWER  
JOSEPH R. PANZL

W. WALKER LEWIS, JR.  
OF COUNSEL

FRANCIS DEAN SCHNACKE  
1889-1977

CINCINNATI OFFICE  
1500 DUBOIS TOWER  
511 WALNUT STREET  
CINCINNATI, OHIO 45202  
513/352-6500

LEO WEINBERGER  
JACON T. GRAD  
LEON L. WOLF  
JUDSON HOY  
LEWIS G. GATCH  
HERBERT B. WEISS  
SCOTT B. CROOKS  
MARK P. PAINTER  
ARNOLD L. BORTZ  
JOE B. CONN

SAMUEL A. MCCRAY  
FORD W. EKEY  
LLOYD H. O'HARA  
ALBERT H. SEALY  
PAUL E. LACOUTURE  
JAMES J. MULLIGAN  
STANLEY A. FREEDMAN  
WALTER A. PORTER  
THEODORE J. VRADELIS  
DEAN E. DENLINGER  
HOWARD N. THIELE, JR.  
RALPH E. HEYMAN  
JAMES J. GILVARY  
PETER J. DONAHUE  
ARMISTEAD W. GILLIAM, JR.  
ROBERT J. HADLEY  
JON M. SEBALY  
WILLIAM D. FORBES  
RICHARD A. DUROSE  
RICHARD J. CHERNESKY  
J. MICHAEL HERR  
WILLIAM L. CARR  
C. RONALD MESWINEY  
EUGENE ROBINSON  
ROBERT H. MAYNARD

ROBERT J. BROWN  
PAUL L. HORSTMAN  
JAMES H. STETHEM  
RICHARD F. CARLILE  
ROGER E. KEPHART  
EDWARD B. MITCHELL  
LAWRENCE T. BURICK  
JAMES J. KENDIG  
RICHARD A. BROOCK  
RUSSELL J. HOHMAN  
JOSEPH M. RIGOT  
ANDREW K. CHERNEY  
GREGORY S. DEWOLF  
WILLIAM G. COMPTON  
PETER K. GRAVES, JR.  
JERRY A. STIMMEL  
CHARLES J. FARUKI  
WILLIAM C. MARTIN  
SARA G. ZWART  
JAMES L. FINEFROCK  
DAVID R. WIECHEL  
JOSEPH S. TANN, JR.  
WILLIS O. SERR II  
DONALD E. SCHNEIDER  
RICHARD J. BECKMANN

March 23, 1978

William C. Oldaker, Esquire  
c/o Gary Christian, Esquire  
Federal Election Commission  
1325 K Street N.W.  
Washington, D.C. 20463

Dear Mr. Oldaker:

This is to advise you that your letter of March 7, 1978, was received by this office on March 14, 1978. The questions submitted by the Commission have been forwarded to the client for their review and completion. However, all of the records of the Party which are required to review and respond to this request are presently in the custody of a federal grand jury sitting at Dayton, Ohio. Accordingly, this letter will serve as a request for additional time within which to respond to the inquiry of the Commission.

I am unable to advise as to when these records will be returned to the Party. Such information can be derived by communicating with Andrew Reich of the Department of Justice, P. O. Box 50168, "F" Street Station, Washington, D.C. 20019. In these circumstances I submit that the Montgomery County Democratic Party should be given ten days after the date of the return of the Party's records to respond. I should also add that I am acting as counsel to the Party and not as counsel to Mr. Page in this matter. Mr. Page has resigned as treasurer of the Party and has been replaced by Mrs. Esther Mayl.

Sincerely,

Armistead W. Gilliam, Jr.

AWG:ch



SMITH & SCHNACKE  
2000 COURTHOUSE PLAZA NE  
POST OFFICE BOX 1817  
DAYTON, OHIO 45401

10 17 81 5  
William C. Oldaker, Esquire  
c/o Gary Christian, Esquire  
Federal Election Commission  
1325 K Street N.W.  
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON D.C. 20463

March 7, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Armistead W. Gilliam, Jr.  
Smith and Schnacke  
2000 Courthouse Plaza N.E.  
Box 1817  
Dayton, Ohio 45401

Re: MUR 491 (78)

Dear Mr. Gilliam:

This is in reference to my letter of January 30, 1978, in which your client, the Montgomery County Democratic Party, was notified that the Commission had found reason to believe that it may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended.

Enclosed is an Order to Answer Questions issued by the Commission pursuant to its authority under 2 U.S.C. §437d(a)(1). The Order pertains to information about the Fund's operation as the separate Federal fund of a local party committee in accordance with the provisions of 11 C.F.R. §102.6, as well as to the completeness of the Fund's reports.

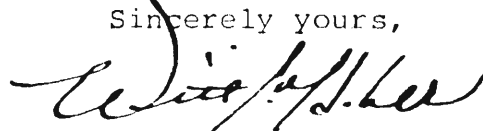
The questions must be answered and returned to the Commission within ten days of your receipt of this Order.

In addition, it appears that the Fund did not file a Statement of Organization (FEC Form 1) with the Commission as required by 2 U.S.C. §433. Please arrange for your client to complete the enclosed FEC Form 1 and return it to us with your response to the questions.



Should you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523-1475.

Sincerely yours,



William C. Oldaker  
General Counsel

Enclosures: Order with Attachment  
FEC Form 1

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

491 50

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)

☐ Show to whom and date delivered

☒ Show to whom, date, and address of delivery

☐ RESTRICTED DELIVERY

Show to whom and date delivered

☐ RESTRICTED DELIVERY

Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: *Domestic Collection*  
*Smith and Schrage*  
*200 Southwest Plaza NE*  
*Box 117 Boston, Ohio 45461*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438427	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

*Maad M White*

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

POSTMARK  
8/16/81  
MAR

UNITED STATES OF AMERICA  
FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County ) MUR 491(78)  
Democratic Party - )  
Federal Fund )

TO : Oscar Page, Treasurer  
Montgomery County Democratic  
Party - Federal Fund  
131 South Wilkinson Street  
Dayton, OH 45402

ORDER

Pursuant to the authority set forth in §437d  
(a)(1) of Title 2, United States Code, and in  
furtherance of its investigation in the above  
referenced matter, the Federal Election Commission  
hereby orders you to submit written answers to the  
questions set out in the Attachment to this Order.

The questions must be answered, and returned  
to the Commission, within ten days of your receipt  
of this Order.

MUR 491(78)  
Order - Oscar Page  
Page 2

WHEREAS, the Chairman of the Commission has  
hereunto set his hand at Washington, D.C., on this  
the 6th day of March, 1978.

Thomas E. Harris  
Thomas E. Harris  
Chairman

ATTEST:

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary to the Commission

7904070734

FEDERAL ELECTION COMMISSION

MUR 491(78)

ATTACHMENT TO ORDER TO ANSWER QUESTIONS

1. Regarding the segregation of Montgomery County Democratic Party - Federal Fund ("Fund") receipts and expenditures from the finances of the Montgomery County Democratic Party ("Party").
- a. Was a separate bank account maintained by the Fund? If so, where was this account maintained and what was the number of the account?
- b. Describe how contributions and expenditures were made by the Fund (e.g., by checks drawn on a separate account, with checks drawn on a Party account, etc.).

7 9 0 1 0 7 7 3 5  
MUR 491(78)  
Order - Oscar Page  
Page 2

2. Regarding contributions received by the Fund:

- a. Identify the payee named on the thirteen checks constituting the \$1500 in contributions received by the Fund and reported to the Commission on the Fund's October 10 Quarterly Report.
- b. If the payee was not the Fund, state how these checks were earmarked or designated by the Fund.
- c. If the checks were not made payable to the Fund and were not earmarked, on what basis were these thirteen checks directed to and reported as contributions to the Fund?

3. Regarding solicitations by the Fund:

- a. Describe the manner in which contributions to the Fund were solicited.
- b. Identify all persons who solicited contributions on behalf of the Fund and submit any written materials used in connection with such solicitation.

c. Describe how contributors were informed that their contributions would go to the Fund and that their contributions were subject to the limitations of 2 U.S.C. §441a.

- 7 2 9 1 0 0 7 0 7 3 7
4. Did the Party, any affiliated committee, or the Fund make any contributions to or expenditures on behalf of candidates for Federal office (either individually or as a ticket) in conjunction with the 1972, 1974, and 1976 elections other than those reported by the Fund? If so, provide full details of any such disbursements, including date, amount, payee, and from what account made. In the case of expenditures provide the purpose of the expenditure (e.g. newspaper ad, bumper stickers, etc.) and the candidate(s) supported.



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County )  
Democratic Party - )  
Federal Fund )  
Oscar Page, Treasurer )

MUR 491 (78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 3, 1978, the Commission approved by a vote of 6-0 the recommendation of the General Counsel to issue an Order to answer Questions in the above-captioned matter and send letter attached the to the General Counsel's Report dated February 27, 1978.

Date:

3/3/78

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary to the Commission

Received in Commission Secretary's Office: March 1, 1978  
Circulated to Commissioners: March 2, 1978

78010070738

March 1, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 491

Please have the General Counsel's Report on MUR 491 taken off the agenda for the Commission meeting of March 9, 1978 and circulated to the Commission for approval as a request for an order.

Thank you.

78040070739

February 28, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 491 Team #3 Christian

Please have the attached General Counsel's Report on MUR 491 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of March 9, 1978.

Thank you.

78040070740



Notification of the Commission's action was received by respondents on February 1, 1978. To date respondents have not submitted any legal or factual materials for the Commission's analysis.

To verify the accuracy of the Fund's reports, a staff member of this office telephoned three of the contributors listed in the Fund's reports. The persons contacted were chosen at random from the thirteen contributors listed and were informed of the confidentiality requirements of the Act. The three were James Landsidel, Thomas Folino, and John E. Cumming.

Mr. Landsidel said that his check register showed that he made a \$100 contribution to the "Montgomery County Democratic Party" with a check dated September 21, 1976. The Fund reported the contribution as having been received on October 4, 1976.

Thomas Folino did not have his check register available, but he recalled making several contributions to the county committee and, from the reported date of the contribution, believed it was in conjunction with an annual fundraising dinner.

John E. Cumming consulted his personal check register which he said showed that he made a \$100 con-

tribution to "Democrats" on October 6, 1976, the same date his contribution was reported by the Fund.

At this time, it appears that the contributions reported by the Fund were made by the persons listed, but the contributions may not have been made directly to the Fund or earmarked for the Fund as the Fund's reports suggests.

11 C.F.R. 102.6 provides two procedures by which a local party committee may make contributions and expenditures in conjunction with Federal elections. The committee may either establish a separate Federal campaign committee which will establish a segregated Federal account in either a national or State bank (11 C.F.R. 102.6(a)(2)(i)); or it may establish a single committee with a single account to make contributions to both Federal and non-Federal candidates. In the latter case all contributions received by the committee must be permissible under the Act and contributors must be informed that their contributions are subject to the limitations of the Act (11 C.F.R. 102.6(a)(2)(ii)).

It appears the Fund registered as a separate Federal committee in accordance with 11 C.F.R. 102.6

7 9 9 0 1 7 1 1

(a)(2)(i). However, in view of the information developed in the spot checks described above, it is not clear whether the Fund operated as a separate committee pursuant to the regulations. If the Fund did not operate as a separate committee, all of the contributions received by the committee would be subject to the limitations of the Act and the scope of our inquiry would have to be broadened to include a review of all of the county committee's receipts, not just those reported by the Fund. Before we can proceed further in this matter, it must be determined whether or not the Fund actually operated as a separate Federal committee under 11 C.F.R. 102.6(a)(2)(i).

The financial records of the Montgomery County Democratic Party for the period 1971 to 1977 are in the possession of the Department of Justice and are covered by the grand jury secrecy provisions of Rule 6, Federal Rules of Criminal Procedure. Should it become necessary for the Commission to have access to these documents, we will have to obtain an order from the United States District Court directing the U.S. Attorney to permit us to inspect and copy the records.

Such an order may be obtained by a Federal agency under the provisions of Rule 6(e) of the Criminal Rules provided the agency can demonstrate a "particularized need" for the documents sought. To demonstrate such a need, we will probably need information concerning the operation of the Fund and any unreported expenditures by either the Fund or the Party in conjunction with Federal elections. Due to the secrecy provisions, the Department of Justice is not able to inform us whether the misconduct it refers to in its letter was confined to the 1976 election. Therefore, we believe it is advisable to seek information from respondents concerning any unreported campaign activity during the 1972 and 1974 elections so that if the Commission seeks a Rule 6(e) order, it will be able to request a single order for all those records necessary to its inquiry rather than making multiple requests of the Court.

Also, the Fund did not file a Statement of Organization as required by the Act and it should be formally requested to do so now.



RECOMMENDATION

Issue the attached Order to answer Questions.  
Send the attached letter.

2/27/18  
Date

William C. Oldaker  
General Counsel

23040070716



## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Armistead W. Gilliam, Jr.  
Smith and Schnacke  
2000 Courthouse Plaza N.E.  
Box 1817  
Dayton, Ohio 45401

Re: MUR 491 (78)

Dear Mr. Gilliam:

This is in reference to my letter of January 30, 1978, in which your client, the Montgomery County Democratic Party, was notified that the Commission had found reason to believe that it may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended.

Enclosed is an Order to Answer Questions issued by the Commission pursuant to its authority under 2 U.S.C. §437d(a)(1). The Order pertains to information about the Fund's operation as the separate Federal fund of a local party committee in accordance with the provisions of 11 C.F.R. §102.6, as well as to the completeness of the Fund's reports.

The questions must be answered and returned to the Commission within ten days of your receipt of this Order.

In addition, it appears that the Fund did not file a Statement of Organization (FEC Form 1) with the Commission as required by 2 U.S.C. §433. Please arrange for your client to complete the enclosed FEC Form 1 and return it to us with your response to the questions.



- 2 -

Should you have any questions, please contact Gary Christian, the staff member assigned to this matter, at (202) 523-1475.

Sincerely yours,

William C. Oldaker  
General Counsel

Enclosures: Order with Attachment  
FEC Form 1

120100011718

MC 2723  
NRW

# SMITH & SCHNACKE

ATTORNEYS AT LAW

2000 COURTHOUSE PLAZA N E

POST OFFICE BOX 1817

DAYTON, OHIO 45401

513-226-6590

CABLE "SMITHLAW"

CINCINNATI TO DAYTON  
DIRECT LINE 628-0954

WRITERS' DIRECT DIAL NUMBER

513-226-6596

MARY W. AUMAN  
SARA STRAIGHT WOLF  
STEVEN A. DANKOF  
DAVID A. RODGERS  
LAWRENCE E. RUDLER  
JACK A. DOHENY  
SHAREN SWARTZ GAGE  
BRIAN A. PORTER  
BRUCE R. LOWMY  
THOMAS B. WHELLEY  
DANIEL G. ROSENTHAL  
STERREN J. BUTLER  
DANIEL T. MAHMAN  
GLENN L. BOWER  
JOSEPH B. PANZL

W. WALKER LEWIS, JR.  
OF COUNSEL

FRANCIS DEAN SCHNACKE  
1899-1977

CINCINNATI OFFICE  
1500 DUBOIS TOWER  
511 WALNUT STREET  
CINCINNATI, OHIO 45202  
513-352-8800

LEO WEINBERGER  
NATHAN T. GRAD  
LEON L. WOLF  
JUDSON MOY  
LEWIS G. GATCH  
HERBERT B. WEISS  
SCOTT B. CROOKS  
MARK R. PAINTER  
ARNOLD L. BORTZ  
JOE B. COHN

SAMUEL A. MCCRAY  
FORD W. TREF  
LLOYD H. O'HARA  
ALBERT H. SEATY  
PAUL E. LACOUTURE  
JAMES J. MULLIGAN  
STANLEY A. FRIEDMAN  
WALTER A. PORTER  
THEODORE J. VRADELIS  
DEAN E. DENLINGER  
HOWARD H. THULE, JR.  
RALPH E. HEYMAN  
JAMES J. GILVARY  
PETER J. DONAHUE  
ARMISTEAD W. GILLIAM, JR.  
ROBERT J. HADLEY  
JON M. SEBASTY  
WILLIAM D. FORBES  
RICHARD A. D. ROSE  
RICHARD J. CHERNESKY  
J. MICHAEL HERR  
WILLIAM L. CARR  
C. DONALD McSWINEY  
EUGENE ROBINSON  
ROBERT H. MAYNARD

ROBERT J. BROWN  
PAUL L. HORSTMAN  
JAMES H. STETHEM  
RICHARD F. CARLILE  
ROGER E. KEPHART  
EDWARD B. MITCHELL  
LAWRENCE T. BURICK  
JAMES J. KENDIS  
RICHARD A. BROOCK  
RUSSELL J. HOHMAN  
JOSEPH M. RIGOT  
ANDREW K. CHERNEY  
GREGORY S. DIWOLFE  
WILLIAM G. COMPTON  
PETER K. GRAVES, JR.  
JERRY A. STIMMEL  
CHARLES J. FARUKI  
WILLIAM C. MARTIN  
SARA G. ZWART  
JAMES L. FINEBROCK  
DAVID R. WIECHEL  
JOSEPH S. TANN, JR.  
WILLIS G. SERR II  
DONALD E. SCHNEIDER  
RICHARD J. BECKMANN

February 13, 1978

William C. Oldaker, Esquire  
General Counsel  
Federal Election Commission  
1325 K Street N.W.  
Washington, D.C. 20463

Re: The Democratic Party of Montgomery County, Ohio

Dear Mr. Oldaker:

This is to advise that I am counsel for the Montgomery County Democratic Party and that all communications concerning the above-referenced matter should be forwarded to me.

Yours very sincerely,

*Armistead W. Gilliam, Jr.*  
Armistead W. Gilliam, Jr.

AWG:ch

SMITH & SCHNACKE  
2000 COURTHOUSE PLAZA NE  
POST OFFICE BOX 1817  
DAYTON, OHIO 45401

William C. Oldaker, Esquire  
General Counsel  
Federal Election Commission  
1325 K Street N.W.  
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

1225 K STREET N.W.  
WASHINGTON, D.C. 20463

January 30, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Oscar Page, Treasurer  
Montgomery County Democratic  
Party - Federal Fund  
131 South Wilkinson Street  
Dayton, OH 45402

Re: MUR 491(78)

Dear Mr. Page:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that the Montgomery County Democratic Party - Federal Fund may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended, ("the Act"). It appears that your committee reported as individual contributions funds in fact obtained from other sources in violation of 2 U.S.C. §433, 2 U.S.C. §441b, and 2 U.S.C. §441f. Specifically, information has come to our attention which indicates that contributions from, among others, deputy county registrars and state liquor store operators were reported as coming from other individuals. We have numbered this matter MUR 491(78).

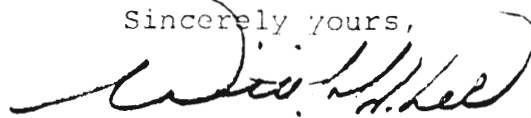
Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.



This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,



William C. Oldaker  
General Counsel

*MUR 491* *Christian*

PS Form 3811, Apr. 1977

● SENDER Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):  
☒ Show to whom and date delivered  
☐ Show to whom, date, and address of delivery  
☐ RESTRICTED DELIVERY Show to whom and date delivered  
☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery  
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
*Mr. Oscar Page, Treasurer*  
*131 S. Wilkinson Street*  
*Dorton, OH 45402*

3. ARTICLE DESCRIPTION:  
REGISTERED NO. CERTIFIED NO. INSURED NO.  
*944315*

(Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE ☐ Addressee ☐ Authorized agent  
*[Signature]*

4. DATE OF DELIVERY POSTMARK  
*1 FEB 1978*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION

1275 K STREET NW  
WASHINGTON, DC 20463

January 30, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Thomas H. Henderson, Jr.  
Chief, Public Integrity Section  
Criminal Division  
Department of Justice  
Washington, DC 20530

Re: MUR 491(78)  
THH:AJR:ema  
123-37-389

*Tom*

Dear Mr. Henderson:

I am writing in response to your letter of December 23, 1977, concerning alleged misconduct on the part of officials of the Montgomery County Democratic Party of Dayton, Ohio.

The Commission has found reason to believe the Montgomery County Democratic Party - Federal Fund may have violated 2 U.S.C. §434, 2 U.S.C. §441b, and 2 U.S.C. §441f. Accordingly, we are initiating an investigation to determine whether in fact such violation did occur. We have numbered this matter MUR 491(78).

As we have just begun our investigation, we have decided not to seek to obtain a Rule 6(e) order for the testimony mentioned in your letter at this time. We may do so in the future, however, should such information become necessary to the preparation of our case.





- 2 -

Should further information which you can share with the Commission concerning this case come to your attention, please contact Gary Christian, the staff member assigned to this matter, at 523-1475.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless respondents notify us that they wish the investigation to be made public.

Sincerely,

  
William C. Oldaker  
General Counsel

11/27/00

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Montgomery County Democratic Party - )  
Federal Fund, Dayton Ohio )

MUR 491 (78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 27, 1978, the Commission adopted the recommendation of the General Counsel to find reason to believe that the Montgomery County Democratic Party - Federal Fund violated 2 U.S.C. **SS**434, 441b, and 441f.

Send attached letters.

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary to the Commission

78040071711



FEDERAL ELECTION COMMISSION

1200 K STREET N.W.  
WASHINGTON, D.C. 20463

TO: MAJORIE W. EMMONS DATE: January 27, 1978  
FROM: WILLIAM C. OLDAKER *W. C. Oldaker*  
SUBJECT: MUR 491 (78) - First General Counsel's Report

ERRATA

The recommendation in the subject report should  
read:

Find reason to believe that the Montgomery County  
Democratic Party - Federal Fund violated 2 U.S.C. §§434,  
441b, and 441f.

Send attached letters.



79910070756



## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

January 27, 1978

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE W. EMMONS *mwe*  
SUBJECT: MUR 491 (78) - First General Counsel's Report

The above-mentioned document was circulated to the Commissioners on January 26, 1978 at 10:00 a.m.

No objections were received to the staff recommendation that Reason to Believe be found in this matter; however, certification is withheld pending clarification of the statutes mentioned in the report. Statute 2 U.S.C. Section 441b was listed under "Relevant Statute;" and discussed several times in the report. It was also included in the letter notifying the respondent of the violation but was omitted in the "Recommendation" section of the report.

The question arises as to whether Section 441b should have been included in the "Recommendation" section and thereby mentioned in the certification.



January 25, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 491

Please have the attached 7 Day Report on MUR 491 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

78040070758

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION \_\_\_\_\_

MUR NO. 491(78)  
DATE COMPLAINT RECEIVED  
BY OGC 12-27-77  
STAFF  
MEMBER Christian

COMPLAINANT'S NAME:

Referred by:  
Department of Justice

RESPONDENT'S NAME:

Montgomery County Democratic Party -  
Federal Fund, Dayton Ohio

RELEVANT STATUTE:

2 U.S.C. §434, 2 U.S.C. §441b, 2 U.S.C.  
§441f

INTERNAL REPORTS CHECKED:

Committee Reports

FEDERAL AGENCIES CHECKED:

Department of Justice; Dayton, Ohio;  
FBI Office

SUMMARY OF ALLEGATIONS

The Montgomery County Democratic Party - Federal Fund reported as individual contributions funds which were in fact obtained from other sources in violation of 2 U.S.C. §§434, 441b, and 441f.

PRELIMINARY ANALYSIS

This matter arose from a Department of Justice letter received by us on December 27, 1977, which states that in the course of a grand jury investigation into certain activities of officials of the Montgomery County Democratic Party, information came to the Department's attention which indicated misconduct by party officials in violation of the

73040070759

Act.

In a subsequent telephone conversation with a staff member of the OGC, the Assistant U. S. Attorney supervising the case stated that the misconduct referred to concerned the reporting of contributions in another's name, a violation of 2 U.S.C. §§434 and 441f. Due to the requirements of grand jury secrecy (Rule 6, Federal Rules of Criminal Procedure), he could give no further details.

An FBI agent in Dayton informed the OGC that local party officials apparently accepted kickbacks from deputy county registrars and state liquor stores, as well as corporate contributions, which were then fraudulently reported as individual contributions to Ohio authorities. Since he did not have the FEC reports filed by the committee, he could not determine whether or not such funds were used in federal campaigns. Such use would constitute a violation of 2 U.S.C. §434, 2 U.S.C. §441b, and 2 U.S.C. §441f.

#### RECOMMENDATION

Find reason to believe that the Montgomery County Democratic Party - Federal Fund violated 2 U.S.C. §434 and 441f.

Send attached letters.

73040070760



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the  
Division Indicated  
and Refer to Initials and Number

THH:AJR:ema  
123-37-389

77 DEC 27 AM 9:23

28 DEC 1977

William C. Oldaker  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

Attention: Charles Steele, Associate General  
Counsel

Dear Mr. Oldaker:

The Public Integrity Section of the Criminal Division of the Department of Justice has been conducting an investigation in Dayton, Ohio, involving alleged violations of Federal criminal law by certain public officials. In the course of that investigation, information came to our attention concerning alleged misconduct on the part of officials of the Montgomery County Democratic Party in Dayton, Ohio. It is our understanding that the Montgomery County Democratic Party filed a report and termination statement with the Federal Election Commission in October 1976.

Because this alleged misconduct appears to fall within your investigative jurisdiction, we wish to make available to you the materials we have gathered concerning this matter. In addition to the investigation that has been conducted by the Federal Bureau of Investigation, the Federal Grand Jury in Dayton, Ohio, received testimony from Fred Krumholtz, Charlene Nevius and Mildred Hamilton on October 28, 1977 pertinent to these allegations, and has also obtained the financial records of the Montgomery County Democratic Party. You may wish to obtain these transcripts and documents pursuant to the requirements of Rule 6(e) of the Federal Rules of Criminal Procedures.





If you decide to pursue this matter, please contact  
Andrew J. Reich, an attorney in the Public Integrity  
Section, at 739-4211.

Sincerely,

*Thomas H. Henderson Jr. / TEB*

Thomas H. Henderson, Jr.  
Chief, Public Integrity Section  
Criminal Division

7 3 9 1 0 0 7 9 7 3 2



## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Oscar Page, Treasurer  
Montgomery County Democratic  
Party - Federal Fund  
131 South Wilkinson Street  
Dayton, OH 45402

Re: MUR 491(78)

Dear Mr. Page:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that the Montgomery County Democratic Party - Federal Fund may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended, ("the Act"). It appears that your committee reported as individual contributions funds in fact obtained from other sources in violation of 2 U.S.C. §433, 2 U.S.C. §441b, and 2 U.S.C. §441f. Specifically, information has come to our attention which indicates that contributions from, among others, deputy county registrars and state liquor store operators were reported as coming from other individuals. We have numbered this matter MUR 491(78).

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. 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.



- 2 -

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely yours,

William C. Oldaker  
General Counsel

790400070764



FEDERAL ELECTION COMMISSION

1325 K STREET NW.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Thomas H. Henderson, Jr.  
Chief, Public Integrity Section  
Criminal Division  
Department of Justice  
Washington, DC 20530

Re: MUR 491(78)  
THH:AJR:ema  
123-37-389

Dear Mr. Henderson:

I am writing in response to your letter of December 23, 1977, concerning alleged misconduct on the part of officials of the Montgomery County Democratic Party of Dayton, Ohio.

The Commission has found reason to believe the Montgomery County Democratic Party - Federal Fund may have violated 2 U.S.C. §434, 2 U.S.C. §441b, and 2 U.S.C. §441f. Accordingly, we are initiating an investigation to determine whether in fact such violation did occur. We have numbered this matter MUR 491(78).

As we have just begun our investigation, we have decided not to seek to obtain a Rule 6(e) order for the testimony mentioned in your letter at this time. We may do so in the future, however, should such information become necessary to the preparation of our case.



- 2 -

Should further information which you can share with the Commission concerning this case come to your attention, please contact Gary Christian, the staff member assigned to this matter, at 523-4000.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless respondents notify us that they wish the investigation to be made public.

Sincerely,

William C. Oldaker  
General Counsel

78010071755

arcade's customers . . . lovely people, black and white."

Downtown day workers, she said, would come in at about closing time each day to pick up their orders of cold meats and cheese.

The noontime crowd, she said, would include people buying just enough meat or cheese for their lunch.

Across the aisle, hot meat and poultry enticed shoppers.

MRS. DISHER RECALLED how chauffeur-driven limousines used to bring in the "high class — the Patersons, the Talbotts — but now they're all transients."

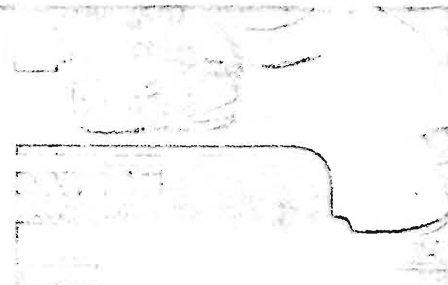
But transients also have to eat, and no other place in downtown Dayton could match the cheap prices and tasty variety of the Arcade shops.

Many store owners say they intend to

come.

These are but the first businesses — all operated by Scott Shapiro — that plan to close as private developers make final plans to spend about \$5 million to renovate the building and lease it for specialty shops and restaurants.

Mrs. Kidd said she hopes the Arcade will again be restored to its former grandeur, when "thousands of people came in here."



Eddie Roberts/Daily News

Muri Kidd — "It's kinda sad"

## Miami Twp. parties

# 4 called in for check probe

By MICHAEL SCHWARTZ  
Daily News Staff Writer

At least four present or past figures with ties to Miami Twp. trash hauling contracts were present today as a federal grand jury continued investigating an alleged \$16,000 payment to Oscar S. Page Jr. and Ray Wolfe.

All four were on hand this morning in the eighth floor offices of the U.S. Attorney in the Federal Building, and by 10:36 a.m. at least three had been led into a waiting area outside the grand jury room.

Among those present were John Stitt and Dennis Mantell, former employees of a firm that once held

## DAYTON DAILY NEWS

Section Three

Wednesday, October 26, 1977

Page 39

the township trash hauling contract, and Lonnie Engle and Lawrence Brannon, two principals in the firm that now has the contract.

ASKED OUTSIDE THE U.S. Attorney's offices if he was going to testify before the grand jury, Engle said, "I don't know what they want."

A source said Mantell, now em-

ployed by Indianapolis Waste Disposal Co. Inc. in Indianapolis, had been subpoenaed to testify before the grand jury.

The federal investigation into the alleged payment to Wolfe and Page was initiated by the U.S. Justice Department's Public Integrity Section. The probe began after the Securities and Exchange Commission alleged

in a civil suit filed earlier this year that a \$16,000 cashier's check dated Jan. 24, 1974 was purchased by SCA Services, Inc., a Boston-based trash hauling firm.

The SEC suit alleged that the check subsequently was endorsed by two Miami Twp. trustees, who were considering renewal of a \$425,000 township trash hauling contract with SCA. Page and Wolfe, both Democrats and now Montgomery County commissioners, were Miami Twp. trustees when the payment allegedly was made.

PAGE AND WOLFE have denied

See 4 CALLED, Page 40.

United Way  
fund drive

Junk junked

789101170768

## 4 called in check probe

Continued from Page 39.

any wrongdoing.

A source familiar with the case has said investigators are trying to determine if the alleged payment went to Page and Wolfe, if it was a bribe and if the money was funneled into any election campaign.

Stitt, who now works for SCA in Kansas City, Mo., previously appeared before a federal grand jury on Sept. 20. Shortly before 10 a.m. today, he was seen to go into the grand jury waiting room, accompanied by his attorney.

About 10 minutes later, he was followed into the room by Andrew Reich, an assistant U.S. attorney from Washington, D.C., who is leading the investigation.

**STITT WAS IDENTIFIED** in a federal subpoena as one of two individuals to whom the \$16,000 cashier's check was made payable. The SEC alleged in its suit against SCA

that once the check was endorsed it was passed on to the two Miami Twp. trustees.

Last March the Montgomery County prosecutor's office attempted to subpoena the check.

Engle and Brannon are principals in L & E Trucking Co., the trash hauling firm which now has the township trash hauling contract.

The grand jury is expected to continue to hear evidence in the case today and possibly Thursday.

A previous federal grand jury in Dayton was presented evidence in the case Sept. 20. Since that time evidence gathered by investigators has included Wolfe's 1974 county commission campaign-finance reports, Page's 1976 county commission campaign-finance reports, the financial records of the Montgomery County Democratic Party and records from the Farmers & Merchants Bank in Miamisburg.

# party official in cash probe

By MICHAEL SCHWARTZ  
Daily News Staff Writer

The first Montgomery County Democratic party official subpoenaed by a federal grand jury investigating an alleged \$16,000 payment to Oscar S. Page Jr. and Ray Wolfe was to appear today before the panel.

Frederick (Fritz) Krumholtz, vice chairman of the county Democratic party, said he was subpoenaed Wednesday to appear at today's grand jury session. He said he didn't know why he was subpoenaed, or what information investigators wanted from him.

"I DON'T KNOW what it's about," Krumholtz said before he entered the waiting area outside the grand jury room this morning.

Federal investigators already have subpoenaed the party's financial records, which included a list of contributions and copies of all campaign expenditures for the years 1970 through 1977. They also requested and received from the Board of Elections the Democratic party campaign expenses for 1971 to 1977.

It was not known this morning what Krumholtz' grand jury testimony was about, but some questions may be directed by investigators at donations to the party from at least one deputy registrar who sold license plates from 1971 to 1974 out of a Germantown office.

The registrar, Mrs. Mildred A. Hamilton, of 301 E. Main St., West Carrollton, said he made a cash donation to the party in 1971, which was picked up by Krumholtz. She said she had Krumholtz sign a receipt for the unspecified amount of money.

MRS. HAMILTON said she was subpoenaed to appear before the grand jury today also.

Mrs. Hamilton said she made the cash donation, as well as two donations by check, because she was made to understand by Page that if she didn't contribute she would lose her job.

The two checks, totaling \$838.50, were made payable to either the Montgomery County Democratic Club or the Montgomery County Democratic party.

Mrs. Hamilton said her husband, Donald, personally delivered the checks to Page.

"After all these years, it seems like a lot of sour grapes as far as I'm concerned," Page said recently when questioned about the contributions from Mrs. Hamilton.

ASKED IF THE registrars' contributions were voluntary or given under the threat of losing their jobs, Page said: "Well, everybody contributed."

DAYTON  
DAILY  
NEWS

Thursday, October 27, 1977

Section Four

Page 47

**SUMMARY** — A federal grand jury investigating an alleged \$16,000 payment to Oscar S. Page Jr. and Ray Wolfe, has subpoenaed the first Montgomery County Democratic Party official in its probe.

Frederick (Fritz) Krumholtz, vice chairman of the county Democratic party, said he received the subpoena Wednesday, but didn't know what information investigators want from him.

Mrs. Hamilton confirmed an earlier report that she had been questioned by the FBI, and they were given the cancelled checks as well as the receipt for the cash contribution.

The grand jury is investigating an allegation contained in a civil suit filed earlier this year by the Securities and Exchange Commission against SCA Services Inc., a Boston firm that once held the trash hauling contract with Miami Twp.

SEC alleged that a subsidiary of SCA purchased a \$16,000 cashier's check dated Jan. 24, 1974 and that it subsequently was endorsed by two Miami Twp. trustees.

Page and Wolfe, both Democrats and now Montgomery County commissioners, were Miami Twp. trustees when the payment was made, allegedly in consideration of renewal of a \$425,000 township trash hauling contract with SCA.

Page and Wolfe have denied any wrongdoing.

**ALSO ON HAND** this morning for the grand jury session was Albert (Cisco) Engle Jr., a former Miami Twp. police officer who has, along with a partner, Lawrence Brannon, controlled most trash hauling contracts awarded in Miami Twp. since it formed into a waste disposal district in 1956.

Two former high-ranking employees of SCA testified before the grand jury Wednesday.

One of the men is Richard Babbitt, who said Wednesday that he worked for SCA Services in Chicago until September 1974.

The other former SCA executive was Jack Kanfer, who resigned from the company on Aug. 31, 1976 as vice president and director.

almost a full time task keeping the ever-increasing number of leaves off the fairways and greens so golfers can continue to play.

Bill Shepherd Daily News

## g union vote tract offer

Officials announced that the closing of operating systems in

and they are at least going to see the other people express their

going to find out secret vote offer. I don't know before we

President Earl

comment on

Sims' and Withers' plans. "Union members are free to go in any direction they want to," he said.

**NLRB FIELD EXAMINER** Ray Neusch said he did not anticipate Withers and Sims having much success today. "I do not think we can force a union to have a secret vote as long as they inform the membership," he said.

Following the union's decision not to vote formally on the company offer, NCR officials met with UAW leadership on Monday and explained reasons a shutdown of Dayton Terminal Systems is being considered. The company told union officials that the operating costs at Dayton Terminal Systems are uncompetitive with costs at NCR plants elsewhere.

## e confirm they

## d girl's sweaters

**ACASH**  
Writer

stained with Beth Ann Mote. Detectives at a in Dayton during a safety confirmed

confirming the fact possibility that Beth Ann had not been involved in foul play and is simply missing."

Kelly said no other clothing of Miss Mote's has been found. The girl's school books and brown vinyl purse were found Thursday afternoon.





UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

40C 2346  
RECEIVED  
FEDERAL ELECTION  
COMMISSION

77 DEC 27 AM 9:23

Address Reply to the  
Division Indicated  
and Refer to Initials and Number

THH:AJR:ema  
123-37-389

28 DEC 1977

William C. Oldaker  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

Attention: Charles Steele, Associate General  
Counsel

Dear Mr. Oldaker:

The Public Integrity Section of the Criminal Division of the Department of Justice has been conducting an investigation in Dayton, Ohio, involving alleged violations of Federal criminal law by certain public officials. In the course of that investigation, information came to our attention concerning alleged misconduct on the part of officials of the Montgomery County Democratic Party in Dayton, Ohio. It is our understanding that the Montgomery County Democratic Party filed a report and termination statement with the Federal Election Commission in October 1976.

Because this alleged misconduct appears to fall within your investigative jurisdiction, we wish to make available to you the materials we have gathered concerning this matter. In addition to the investigation that has been conducted by the Federal Bureau of Investigation, the Federal Grand Jury in Dayton, Ohio, received testimony from Fred Krumholtz, Charlene Nevius and Mildred Hamilton on October 28, 1977 pertinent to these allegations, and has also obtained the financial records of the Montgomery County Democratic Party. You may wish to obtain these transcripts and documents pursuant to the requirements of Rule 6(e) of the Federal Rules of Criminal Procedures.



If you decide to pursue this matter, please contact  
Andrew J. Reich, an attorney in the Public Integrity  
Section, at 739-4211.

Sincerely,

*Thomas H. Henderson Jr.*

Thomas H. Henderson, Jr. */REB*  
Chief, Public Integrity Section  
Criminal Division

73940970771

DEPARTMENT OF JUSTICE

WASHINGTON, D. C. 20530

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID

U. S. DEPARTMENT OF JUSTICE

JUS-431



William C. Oldaker  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463





# FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 491

