



FEDERAL ELECTION COMMISSION

1100 K STREET N.W.
WASHINGTON, D.C. 20461

THIS IS THE END OF TCR # 755

DATE FILMED 2/6/79 PAGE NO. --- 2

CAMPAIGN BPC

70010091749

U.S. GOVERNMENT PRINTING OFFICE: 1975 O - 280-000

FEDERAL ELECTION COMMISSION

Memo

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

date

Miriam D. [Signature]
1/10/77

FEC 9-21-77

79040094750



FEDERAL ELECTION COMMISSION

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

January 11, 1979

Vernon Holt, President
V & V Development Inc.
1550 Broadway
Chula Vista, CA 92011

Re: MUR 755

Dear Mr. Holt:

On January 5, 1979, the Commission determined to take no further action against the V & V Development Company in connection with its contribution to the Committee to Re-Elect Congressman Van Deerlin and to close the file in this matter. The Commission made this determination based on your response and the fact that the contribution was refunded on 19 September 1978. You are reminded that your contribution was nevertheless in violation of 2 U.S.C. §441b(a) and that civil penalties may be assessed in these matters.

In August 1978 the Commission determined to assess civil penalties against both contributors and recipients of corporate and labor union contributions in addition to the requirement that such contributions be refunded.

Should you have any questions regarding this matter, please contact Miriam Aguiar at 202-523-4529.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. C. Oldaker".

William C. Oldaker
General Counsel

79010094751



FEDERAL ELECTION COMMISSION

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

January 11, 1979

Samuel Carpenter
Harmsen, Carpenter & Wilkinson,
P.C.
1600 California First Bank Building
530 B. Street
San Diego, CA 92101

Re: MUR 755

Dear Mr. Carpenter:

On January 5, 1979, the Commission determined to take no further action against the American Tuna Boat Association in connection with its contribution to the Committee to Re-Elect Congressman Van Deerlin and to close the file in this matter. The Commission made this determination based on your response and the fact that the contribution was refunded on 19 September 1978. You are reminded that your contribution was nevertheless in violation of 2 U.S.C. §441b(a) and that civil penalties may be assessed in these matters.

In August 1978 the Commission determined to assess civil penalties against both contributors and recipients of corporate and labor union contributions in addition to the requirement that such contributions be refunded.

Should you have any questions regarding this matter, please contact Miriam Aguiar at 202-523-4529.

Sincerely,

Witt. I. Oldaker

William C. Oldaker
General Counsel

700 10394752



FEDERAL ELECTION COMMISSION

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

January 11, 1979

David J. Stern
General Counsel
National Basketball Association
Olympic Tower
645 Fifth Avenue
New York, NY 10022

Re: MUR 755

Dear Mr. Stern:

On January 5, 1979, the Commission determined to take no further action against the National Basketball Association in connection with its contribution to the Committee to Re-Elect Congressman Van Deerlin and to close the file in this matter. The Commission made this determination based on your response and the fact that the contribution was refunded on 19 September 1978. You are reminded that your contribution was nevertheless in violation of 2 U.S.C. §441b(a) and that civil penalties may be assessed in these matters.

In August 1978 the Commission determined to assess civil penalties against both contributors and recipients of corporate and labor union contributions in addition to the requirement that such contributions be refunded.

Should you have any questions regarding this matter, please contact Miriam Aguiar at 202-523-4529.

Sincerely,

A handwritten signature in cursive script, which appears to read "Witt. C. Oldaker".

William C. Oldaker
General Counsel

70010994753

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 755
Committee to Re-Elect Congressman)
Van Deerlin)
V & V Development Company)
American Tuna Boat Association)
National Basketball Association)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 5, 1979, the Commission determined by a vote of 5-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated December 20, 1978, regarding the above-captioned matter:

1. Take no further action against the American Tuna Boat Association, the V & V Development Company and the National Basketball Association.
2. Close the file and send the letters to the respondents which were attached to the above-named report.

Voting for this determination were Commissioners Aikens, Springer, Tiernan, McGarry, and Harris.

Attest:

1/5/79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Report signed:

Received in Office of Commission Secretary:

Circulated on 48 hour vote basis:

12-26-78

1- 2-79, 2:45

1- 3-79, 11:00

January 1, 1979

MEMORANDUM TO: Marge Hanson
FROM: Elissa T. Garr
SUBJECT: MUR 755

Please have the attached General Counsel's
Report on MUR 755 distributed to the Commission on
a 48 hour tally basis.
Thank you.

79040094755

BEFORE THE FEDERAL ELECTION COMMISSION
December 20, 1978

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 JAN 2 P 2: 46

In the Matter of)
)
Committee to Re-Elect Congressman)
Van Deerlin)
V & V Development Company)
American Tuna Boat Association)
National Basketball Association)

MUR 755

GENERAL COUNSEL'S REPORT

BACKGROUND:

79040094756
A review of the 10 April 1978 quarterly reports filed by the Committee to Re-Elect Congressman Van Deerlin (the "Committee") disclosed the receipt of three contributions which appeared to be contributions in violation of 2 U.S.C. §441b(a): a \$200 contribution on 20 February 1978 from the American Tuna Boat Association ("Association"); a \$600 contribution on 20 February 1978 from the V & V Development Company ("Company"); and a \$200 contribution on 14 February 1978 from the National Basketball Association ("NBA"). The Committee was notified of the violation on 7 September 1978 and on 19 September 1978, submitted an adequate response and refunded the three contributions to the respective contributors.

PREVIOUS COMMISSION ACTION:

On 2 November 1978, the Commission determined to take no further action against the Committee as it had promptly returned the contributions when notified of the violation and because the contributions had been made in February, 1978. In its letter of

of notification to the Committee, the Commission asked the Committee to comment on statements made to Reports Analysis by a member of Mr. Van Deerlin's staff regarding previous contributions allegedly given by the Association to Mr. Van Deerlin and conversations between the contributors and the Committee.

On 2 November 1978 the Commission also found reason to believe that the Association, the Company and the NBA violated 2 U.S.C. §441b(a) in connection with their respective contributions to the Committee. These letters of notification contained questions concerning alleged phone calls made by the Committee to each contributor. The letter to the Association also included questions regarding prior contributions made by the Association to Mr. Van Deerlin's earlier federal campaigns.

NEW EVIDENCE:

Samuel Carpenter, counsel for the Association, responded to these allegations in a letter dated 17 November 1978. See attachment I. Mr. Carpenter attached an affidavit from Clifford C. Payne, Controller for the Association, to his letter of response. Mr. Payne stated that after a review of Association records, he was unable to find any previous contribution made by the Association to Mr. Van Deerlin's election campaigns. Mr. Payne attached the \$200 contribution check, signed by August Felando, General Manager of the Association, and himself, to his affidavit. He stated that the check was issued under the misapprehension that the tickets were to a non-political, testimonial dinner for Mr. Van Deerlin, and not intended as an election contribution.

70040094757

Vernon Holt, President of the Company, responded to the Commission's notification in a letter dated 21 November 1978. See attachment II. He stated that he was "unaware that it was illegal for corporations" to make contributions to political campaigns and noted that the corporate check was returned on 18 September 1978 with an explanatory note indicating the illegality of the contribution.

David J. Stern, General Counsel for the NBA, responded in a letter dated 22 November 1978. See attachment III. Mr. Stern stated that the \$200 check was in response to an invitation for a dinner honoring Mr. Van Deerlin. He further stated that the NBA regularly purchased tickets to dinners which are non-political and charitable in nature and the invitation to purchase tickets to honor Mr. Van Deerlin was treated in the same manner.

Mr. Michael B. Witte, treasurer for the Committee, also responded to the Commission's letter of inquiry on 20 November 1978 and clarified statements made by Mr. Bill Akerstein, of Mr. Van Deerlin's Washington, D.C. staff, concerning the contributions made by the Association, the Company and the NBA. See attachment IV.

ANALYSIS:

As the February, 1978 contributions to the Committee were refunded promptly after the Committee was notified, and considering the fact that the Association, the Company and the NBA submitted satisfactory responses stating that their respective contributions were tendered through inadvertance and misapprehension as to the

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purpose of the dinner for Congressman Van Deerlin, we believe no further action should be taken against the respondents.

RECOMMENDATIONS:

1. Take no further action against the American Tuna Boat Association, the V & V Development Company and the National Basketball Association.
2. Close the file and send the attached letters to respondents.

26 Dec-64 1978
Date


William C. Oldaker
General Counsel

ATTACHMENTS:

Letter from the Association
Letter from the Company
Letter from the NBA
Letter from the Committee
Letters to: the Association, the Company and the NBA.

70040094759

HARLAN F. HARMSEN
SAMUEL CARPENTER
THOMAS B. WILKINSON
JOHN B. SIDELL
J. PETER OLSON

HARMSEN, CARPENTER & WILKINSON

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1600 CALIFORNIA FIRST BANK BUILDING

530 B STREET

SAN DIEGO, CALIFORNIA 92101

TELEPHONE (714) 238-1600

Aguilar 5662
ATTACHMENT I

JOHN GERALD DRISCOLL, JR.
(1897-1975)

NOV 21 PM 12:30

November 17, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

807954

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

Re: MUR 755

Dear Ms. Aguiar:

In keeping with our telephone conversation midweek, I enclose the Affidavit of Clifton C. Payne in reply to the Commission's letter of November 3, 1978.

I would hope that the foregoing sufficiently answers your inquiry.

In addition to Mr. Payne who is the Controller of the American Tunaboat Association, I also asked Mr. John W. Sutliff, a public accountant who keeps the books for the American Tunaboat Association, to make his own independent investigation. Mr. Sutliff would concur with Mr. Payne that the books and records of the American Tunaboat Association for the past five years reveal no other contributions to Congressman Van Deerlin.

The General Manager of the American Tunaboat Association, Mr. August Felando, is in Spain until November 27. I trust that Mr. Payne's Affidavit answers your inquiry. Should you need additional information from Mr. Felando, kindly contact me.

The American Tunaboat Association regrets the incident and the embarrassment this may have caused for Congressman Van Deerlin.

Very truly yours,

Samuel Carpenter
for

HARMSEN, CARPENTER & WILKINSON

SC:pw

Enclosure

cc: Messrs. August Felando, Clifton C.
Payne and John W. Sutliff

AFFIDAVIT OF CLIFTON C. PAYNE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

I, CLIFTON C. PAYNE, declare:

1. I am the Controller of the AMERICAN TUNABOAT ASSOCIATION and have served in that capacity for many years.

2. I have examined the records of the AMERICAN TUNABOAT ASSOCIATION for the past five years, and find no contributions made to Congressman Van Deerlin or any political committee acting on his behalf other than the \$200.00 contribution on 20 February 1978 referenced in the Federal Election Commission's letter of November 3, 1978.

My review of the records of the AMERICAN TUNABOAT ASSOCIATION upon which the foregoing statement is based included a complete review of all check vouchers, journals, and accounts where any such contributions would likely be found. The review discloses that there were none other than above referenced.

3. I have no clear recall of the incident mentioned in the Federal Election Commission's letter of November 3, 1978, though I did sign check No. 7396 dated February 17, 1978 in the amount of \$200.00 to the Committee to Re-Elect Cong. Van Deerlin. A copy of that check is attached. It was prepared by one of the secretaries in our office under someone else's direction. I signed the check as did Mr. Felando and Mr. Silva without fully appreciating

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the consequences of any violation of the Federal Election Campaign Act.

4. I can only assume that the check was requested under the misapprehension that this was in the nature of a non-political testimonial for Congressman Van Deerlin rather than as an election contribution as indicated by the check.

5. There was certainly no intent on my part, or to my knowledge the part of any other officers or members of the AMERICAN TUNABOAT ASSOCIATION, to violate the Federal Election Campaign Act. The check was inadvertently issued and was returned to the embarrassment of the AMERICAN TUNABOAT ASSOCIATION and Congressman Van Deerlin's staff.

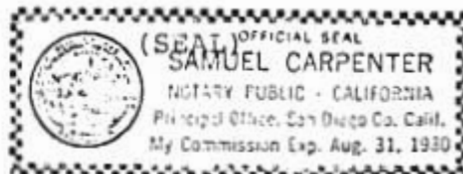
6. The implication contained in the November 3, 1978 letter of the Federal Election Commission that there were other contributions to Congressman Van Deerlin from the AMERICAN TUNABOAT ASSOCIATION is not substantiated by our records or any recollection of mine. I can only assume that the confusion may be with personal contributions made by either officers or members of the Association.

DATED: NOV 1 1978

C. Clifton C. Payne
CLIFTON C. PAYNE

Subscribed and sworn to before me
this 17th day of November,
1978.

Samuel Carpenter
Notary Public in and for said State.



ATTACHMENT II

V & V DEVELOPMENT, INC.

1550 BROADWAY

CHULA VISTA, CALIF. 92011

(714) 426-2593

BUILDERS & DEVELOPERS

NOV 27 AM 11:20

November 21, 1978

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

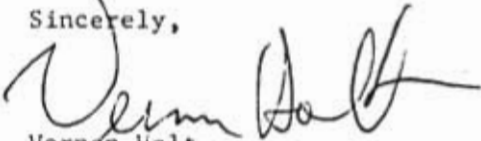
Re: Campaign contribution to Lionel Van Deerlin

Dear Sir:

At the time we gave the Committee to Re-Elect Lionel Van Deerlin the contribution check, we were unaware that it was illegal for corporations to make campaign contributions. We do not recollect any conversation with the Van Deerlin Campaign regarding the legality or illegality of that contribution.

Our contribution was returned September 18, 1978 with an explanatory note and that was the first indication of the illegality of the check that we recall.

Sincerely,


Vernon Holt
President

VH/cp

199040091764

V & V DEVELOPMENT, INC.

1550 BROADWAY

CHULA VISTA, CALIF. 92011

(714) 426-2593

BUILDERS & DEVELOPERS

NOV 27 AM 11:20

November 21, 1978

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

Re: Campaign contribution to Lionel Van Deerlin

Dear Sir:

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Our contribution was returned September 18, 1978 with an explanatory note and that was the first indication of the illegality of the check that we recall.

Sincerely,

[Handwritten signature]

STATE OF CALIFORNIA

COUNTY OF San Diego

On November 21, 1978

, before me, the undersigned, a Notary Public in and for said State, personally appeared Vernon Holt

known to me to be the President, V & V

~~XXXXXXXXXXXX~~ ~~XXXXXX~~ of the corporation that executed the within instrument,

and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Signature

[Handwritten signature: Pamela Huguenroth]

Pamela Huguenroth





NATIONAL BASKETBALL ASSOCIATION

OLYMPIC TOWER • 645 FIFTH AVENUE • NEW YORK, N. Y. 10022 • 212-826-7000

Aguilar

5721

NOV 27 2 11

ATTACHMENT III

November 22, 1978

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

000072

Re: MUR 755

Dear Mr. Oldaker:

This is in response to your recent letter, which was received by the National Basketball Association ("NBA") on November 16, 1978.

The sending of a \$200 check to the "Committee to Re-elect Congressman Van Deerlin" was a matter of inadvertence; on that basis, the NBA asks that no further steps be taken by you with respect to this matter.

The check was sent in response to an invitation, received by the NBA, to a dinner honoring Congressman Van Deerlin, and was for the purchase of two tickets. The NBA regularly purchases tickets to dinners of a charitable and non-political nature, and the invitation to the Van Deerlin dinner was mistakenly treated in the same way. Our records, which are open to your inspection, demonstrate that with the exception of the erroneous purchase of the two tickets here in question, the NBA has never made any political contributions and I can assure you that our procedures will be monitored to prevent any reoccurrence of such an oversight.

With respect to that paragraph of your letter beginning at the bottom of the first page and continued on the second page, I have questioned NBA personnel who might conceivably have spoken with Messrs. Akerstein and Witte, and no one here recalls having had any conversation with these gentlemen. If there is a particular

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William C. Oldaker, Esq.

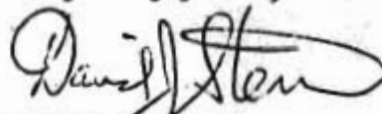
2

November 22, 1978

person with whom these gentlemen recall speaking, and it remains relevant to your inquiry, I will proceed further in questioning NBA personnel.

I will be representing the NBA in this matter, and ask that you forward any subsequent correspondence directly to me.

Very truly yours,



David J. Stern
General Counsel

DJS:nr

CERTIFIED MAIL --

Return Receipt Requested

7 9 0 1 0 0 9 4 7 6 7

COMMITTEE TO RE-ELECT CONGRESSMAN LIONEL VAN DEERLIN

P.O. BOX 1363 • SAN DIEGO, CALIFORNIA 92112

NOV 22 19:28

ATTACHMENT IV

November 20, 1978

807964

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

Att: Mr. William C. Oldaker

Re: MUR 755

Dear Mr. Oldaker:

Thank you for your letter of November 3, 1978. The Commission's determination regarding our Committee is appreciated.

In reference to Mr. Akerstein's telephone conversation with a member of the Commission's staff regarding the American Tunaboat Association, and his indication that our Committee previously received contributions from that Association, please be advised that the Committee's records reveal that the Committee has never received a contribution from the Association other than the one disclosed to us by the Commission's letter of September 7, 1978.

What apparently confused Mr. Akerstein, was the fact that over the past five years, the Committee has received personal contributions from Mr. August Felando, the General Manager of the American Tunaboat Association. In the San Diego area, one automatically associates the name of Mr. Felando with the Association, and this would appear to include Mr. Akerstein.

My letter to the Commission of September 12, 1978, wherein I indicated that telephone calls were made to the three contributors in question was in error. I am now advised by staff that only two contacts were actually made.

Mr. Vernon Holt of V and V Development Co., who was contacted by Mr. Akerstein, informed Mr. Akerstein that the V and V Development Company check which was made payable to the Committee was written on V and V's partnership account.

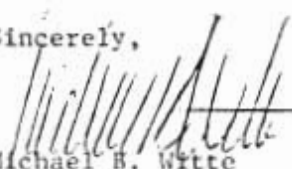
The second call was made by the Committee bookkeeper to Mr. Larry O'Brien at the offices of the NBA. When our bookkeeper was advised that Mr. O'Brien was not available, she asked to speak to another official, where upon she was connected with an individual whose name she neglected to record. Our bookkeeper identified herself and the purpose of her call and when she inquired as to the nature of the entity of the NBA, was informed that the NBA was an association, which our bookkeeper construed as being non-corporate in character.

Our Committee has no paid staff and consists of the volunteer efforts of both Mr. Akerstein and our bookkeeper. Mr. Akerstein is quite conversant with the FEC regulations, and both he and the bookkeeper are quite aware that it is illegal to accept political contributions from corporations.

Since the Committee is small in size and in regular oral communication with each other, there are no written memos of our discussions relating to the type of verification which should be made to guard against acceptance of contributions which may be in violation of the Federal Election Campaign Act. We will endeavor to be more vigilant in the future.

We trust that the foregoing is an acceptable response to your November 3, 1978 letter. I regret that the pressures of my schedule precluded me from responding to your letter within the 10 days you allotted.

Sincerely,


Michael B. Witte
Treasurer



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

David J. Stern
General Counsel
National Basketball Association
Olympic Tower
645 Fifth Avenue
New York, New York 10022

Re: MUR 758

Dear Mr. Stern:

On _____, the Commission determined to take no further action against the National Basketball Association in connection with its contribution to the Committee to Re-Elect Congressman Van Deerlin and to close the file in this matter. The Commission made this determination based on your response and the fact that the contribution was refunded on 19 September 1978. You are reminded that your contribution was nevertheless in violation of 2 U.S.C. §441b(a) and that civil penalties may be assessed in these matters.

In August 1978 the Commission determined to assess civil penalties against both contributors and recipients of corporate and labor union contributions in addition to the requirement that such contributions be refunded.

Should you have any questions regarding this matter, please contact Miriam Aguiar at 202-523-4529.

Sincerely,

William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

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

Vernon Holt, President
V & V Development Inc.
1550 Broadway
Chula Vista, CA 92011

Re: MUR 758

Dear Mr. Holt:

On _____, the Commission determined to take no further action against the V & V Development Company in connection with its contribution to the Committee to Re-Elect Congressman Van Deerlin and to close the file in this matter. The Commission made this determination based on your response and the fact that the contribution was refunded on 19 September 1978. You are reminded that your contribution was nevertheless in violation of 2 U.S.C. §441b(a) and that civil penalties may be assessed in these matters.

In August 1978 the Commission determined to assess civil penalties against both contributors and recipients of corporate and labor union contributions in addition to the requirement that such contributions be refunded.

Should you have any questions regarding this matter, please contact Miriam Aguiar at 202-523-4529.

Sincerely,

William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

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

Samuel Carpenter
Harmsen, Carpenter & Wilkinson,
P.C.
1600 California First Bank Building
530 B Street
San Diego, CA 92101

Re: MUR 758

Dear Mr. Carpenter:

On _____, the Commission determined to take no further action against the American Tuna Boat Association in connection with its contribution to the Committee to Re-Elect Congressman Van Deerlin and to close the file in this matter. The Commission made this determination based on your response and the fact that the contribution was refunded on 19 September 1978. You are reminded that your contribution was nevertheless in violation of 2 U.S.C. §441b(a) and that civil penalties may be assessed in these matters.

In August 1978 the Commission determined to assess civil penalties against both contributors and recipients of corporate and labor union contributions in addition to the requirement that such contributions be refunded.

Should you have any questions regarding this matter, please contact Miriam Aguiar at 202-523-4529.

Sincerely,

William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
DATE: NOVEMBER 28, 1978
SUBJECT: MUR 755 - Interim Investigative
Report dated 11-22-78
Signed: 11-24-78; Received
in OCS: 11-27-78, 11:38

The above-named document was circulated to
the Commission on a 24-hour no-objection basis
at 3:00, November 27, 1978.

There were no objections to the Interim Investigative
Report as of 4:00 this date.

79040094773

November 21, 1970

MEMORANDUM TO: Marge Emmons
FROM: Eliasa T. Garr
SUBJECT: MUR 755

Please have the attached Interim Investigative
Report on MUR 755 distributed to the Commission.

Thank you.

79040094774

RECEIVED
OFFICE OF THE
COMMISSIONER
CLERK

BEFORE THE FEDERAL ELECTION COMMISSION
November 22, 1978

78 NOV 27 All: 30

In the Matter of)
)
Committee to Re-Elect Congressman)
Van Deerlin;)
V & V Development Company,)
American Tuna Boat Association,)
National Basketball League)

MUR 755

INTERIM INVESTIGATIVE REPORT

79040094775

This matter concerns possible violations of 2 U.S.C. §441b. Respondent American Tuna Boat Association contacted the Commission by phone on 15 November 1978 to note that they would be submitting a response. A representative from the Van Deerlin Committee contacted the Commission on 13 November 1978 to note that they would submit a response as well. A response was mailed 20 November 1978. V & V Development Company was contacted on 21 November 1978 and notified the Commission that they would submit a response in that day's mail. The National Basketball League received its letter of notification on 16 November 1978 and the period within which it must respond has not lapsed. When these responses have been received and analyzed, we shall submit a full report to the Commission.

11/24/78
Date

William C. Oldaker
General Counsel



NATIONAL BASKETBALL ASSOCIATION

OLYMPIC TOWER • 645 FIFTH AVENUE • NEW YORK, N. Y. 10022 • 212-826-7000

Agustin

CC# 5721

NOV 27 P 11

November 22, 1978

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

808072

Re: MUR 755

Dear Mr. Oldaker:

This is in response to your recent letter, which was received by the National Basketball Association ("NBA") on November 16, 1978.

The sending of a \$200 check to the "Committee to Re-elect Congressman Van Deerlin" was a matter of inadvertence; on that basis, the NBA asks that no further steps be taken by you with respect to this matter.

The check was sent in response to an invitation, received by the NBA, to a dinner honoring Congressman Van Deerlin, and was for the purchase of two tickets. The NBA regularly purchases tickets to dinners of a charitable and non-political nature, and the invitation to the Van Deerlin dinner was mistakenly treated in the same way. Our records, which are open to your inspection, demonstrate that with the exception of the erroneous purchase of the two tickets here in question, the NBA has never made any political contributions and I can assure you that our procedures will be monitored to prevent any reoccurrence of such an oversight.

With respect to that paragraph of your letter beginning at the bottom of the first page and continued on the second page, I have questioned NBA personnel who might conceivably have spoken with Messrs. Akerstein and Witte, and no one here recalls having had any conversation with these gentlemen. If there is a particular

79040094775

William C. Oldaker, Esq.

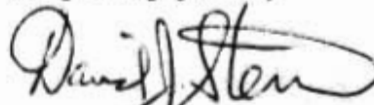
2

November 22, 1978

person with whom these gentlemen recall speaking, and it remains relevant to your inquiry, I will proceed further in questioning NBA personnel.

I will be representing the NBA in this matter, and ask that you forward any subsequent correspondence directly to me.

Very truly yours,



David J. Stern
General Counsel

DJS:nr

CERTIFIED MAIL --

Return Receipt Requested

79040094777



NATIONAL BASKETBALL ASSOCIATION

Olympic Tower - 645 Fifth Avenue
New York, N.Y. 10022



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

CERTIFIED MAIL -- R.R.R.

CERTIFIED

No. 517904

MAIL

ACC# 5704

MUR 755

V & V DEVELOPMENT, INC.
1550 BROADWAY
CHULA VISTA, CALIF. 92011
(714) 426-2593
BUILDERS & DEVELOPERS

RECEIVED

NOV 27 AM 11:20

November 21, 1978

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

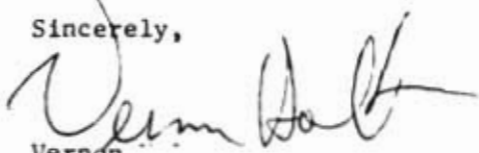
Re: Campaign contribution to Lionel Van Deerlin

Dear Sir:

At the time we gave the Committee to Re-Elect Lionel Van Deerlin the contribution check, we were unaware that it was illegal for corporations to make campaign contributions. We do not recollect any conversation with the Van Deerlin Campaign regarding the legality or illegality of that contribution.

Our contribution was returned September 18, 1978 with an explanatory note and that was the first indication of the illegality of the check that we recall.

Sincerely,



Vernon
Preside

VH/cp

STATE OF CALIFORNIA

COUNTY OF San Diego

On November 21, 1978

before me, the undersigned, a Notary Public in and for said State, personally appeared Vernon Holt

known to me to be the President of

~~XXXXXXXXXXXX~~

~~XXXXXXXX~~ of the corporation that executed the within instrument,

and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors

WITNESS my hand and official seal.

Signature



Pamela Hugenhroth

Name (Typed or Printed)



Form 3002 - (Corporation) First American Title Company

[This area for official notarial seal]

V&V DEVELOPMENT, INC.
1550 BROADWAY
CHULA VISTA. CALIF. 92011



NOV 22 1978

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

COMMITTEE TO RE-ELECT CONGRESSMAN LIONEL VAN DEERLIN

P.O. BOX 1363 • SAN DIEGO, CALIFORNIA 92112

NOV 22 4 01:28

November 20, 1978

807964

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

Att: Mr. William C. Oldaker

Re: MUR 755

Dear Mr. Oldaker:

Thank you for your letter of November 3, 1978. The Commission's determination regarding our Committee is appreciated.

In reference to Mr. Akerstein's telephone conversation with a member of the Commission's staff regarding the American Tunaboat Association, and his indication that our Committee previously received contributions from that Association, please be advised that the Committee's records reveal that the Committee has never received a contribution from the Association other than the one disclosed to us by the Commission's letter of September 7, 1978.

What apparently confused Mr. Akerstein, was the fact that over the past five years, the Committee has received personal contributions from Mr. August Felando, the General Manager of the American Tunaboat Association. In the San Diego area, one automatically associates the name of Mr. Felando with the Association, and this would appear to include Mr. Akerstein.

My letter to the Commission of September 12, 1978, wherein I indicated that telephone calls were made to the three contributors in question was in error. I am now advised by staff that only two contacts were actually made.

Mr. Vernon Holt of V and V Development Co., who was contacted by Mr. Akerstein, informed Mr. Akerstein that the V and V Development Company check which was made payable to the Committee was written on V and V's partnership account.

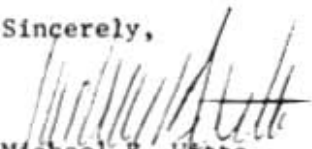
The second call was made by the Committee bookkeeper to Mr. Larry O'Brien at the offices of the NBA. When our bookkeeper was advised that Mr. O'Brien was not available, she asked to speak to another official, where upon she was connected with an individual whose name she neglected to record. Our bookkeeper identified herself and the purpose of her call and when she inquired as to the nature of the entity of the NBA, was informed that the NBA was an association, which our bookkeeper construed as being non-corporate in character.

Our Committee has no paid staff and consists of the volunteer efforts of both Mr. Akerstein and our bookkeeper. Mr. Akerstein is quite conversant with the FEC regulations, and both he and the bookkeeper are quite aware that it is illegal to accept political contributions from corporations.

Since the Committee is small in size and in regular oral communication with each other, there are no written memos of our discussions relating to the type of verification which should be made to guard against acceptance of contributions which may be in violation of the Federal Election Campaign Act. We will endeavor to be more vigilant in the future.

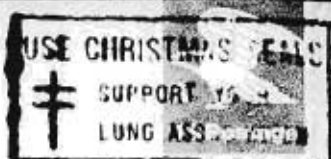
We trust that the foregoing is an acceptable response to your November 3, 1978 letter. I regret that the pressures of my schedule precluded me from responding to your letter within the 10 days you allotted.

Sincerely,


Michael B. Witte
Treasurer

790400947
COMMITTEE TO RE-ELECT CONGRESSMAN LIONEL VAN DEERLIN

P.O. BOX 1363 • SAN DIEGO, CALIFORNIA 92112



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

Att: Mr. William C. Oldaker

600-5662

HARMSSEN, CARPENTER & WILKINSON

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1500 CALIFORNIA FIRST BANK BUILDING

530 B STREET

SAN DIEGO, CALIFORNIA 92101

TELEPHONE (714) 238-1600

HARLAN F. HARMSSEN
SAMUEL CARPENTER
THOMAS R. WILKINSON
JOHN B. SIDELL
J. PETER OLSON

JOHN GERALD DRISCOLL, JR.
(1897-1975)

NOV 21 PM 12:30

November 17, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

807954

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

Re: MUR 755

Dear Ms. Aguiar:

In keeping with our telephone conversation midweek, I enclose the Affidavit of Clifton C. Payne in reply to the Commission's letter of November 3, 1978.

I would hope that the foregoing sufficiently answers your inquiry.

In addition to Mr. Payne who is the Controller of the American Tunaboat Association, I also asked Mr. John W. Sutliff, a public accountant who keeps the books for the American Tunaboat Association, to make his own independent investigation. Mr. Sutliff would concur with Mr. Payne that the books and records of the American Tunaboat Association for the past five years reveal no other contributions to Congressman Van Deerlin.

The General Manager of the American Tunaboat Association, Mr. August Felando, is in Spain until November 27. I trust that Mr. Payne's Affidavit answers your inquiry. Should you need additional information from Mr. Felando, kindly contact me.

The American Tunaboat Association regrets the incident and the embarrassment this may have caused for Congressman Van Deerlin.

Very truly yours,



Samuel Carpenter
for
HARMSSEN, CARPENTER & WILKINSON

SC:pw
Enclosure

cc: Messrs. August Felando, Clifton C.
Payne and John W. Sutliff

AFFIDAVIT OF CLIFTON C. PAYNE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

I, CLIFTON C. PAYNE, declare:

1. I am the Controller of the AMERICAN TUNABOAT ASSOCIATION and have served in that capacity for many years.

2. I have examined the records of the AMERICAN TUNABOAT ASSOCIATION for the past five years, and find no contributions made to Congressman Van Deerlin or any political committee acting on his behalf other than the \$200.00 contribution on 20 February 1978 referenced in the Federal Election Commission's letter of November 3, 1978.

My review of the records of the AMERICAN TUNABOAT ASSOCIATION upon which the foregoing statement is based included a complete review of all check vouchers, journals, and accounts where any such contributions would likely be found. The review discloses that there were none other than above referenced.

3. I have no clear recall of the incident mentioned in the Federal Election Commission's letter of November 3, 1978, though I did sign check No. 7396 dated February 17, 1978 in the amount of \$200.00 to the Committee to Re-Elect Cong. Van Deerlin. A copy of that check is attached. It was prepared by one of the secretaries in our office under someone else's direction. I signed the check as did Mr. Felando and Mr. Silva without fully appreciating

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the consequences of any violation of the Federal Election Campaign Act.

4. I can only assume that the check was requested under the misapprehension that this was in the nature of a non-political testimonial for Congressman Van Deerlin rather than as an election contribution as indicated by the check.

5. There was certainly no intent on my part, or to my knowledge the part of any other officers or members of the AMERICAN TUNABOAT ASSOCIATION, to violate the Federal Election Campaign Act. The check was inadvertently issued and was returned to the embarrassment of the AMERICAN TUNABOAT ASSOCIATION and Congressman Van Deerlin's staff.

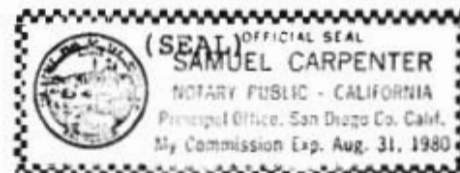
6. The implication contained in the November 3, 1978 letter of the Federal Election Commission that there were other contributions to Congressman Van Deerlin from the AMERICAN TUNABOAT ASSOCIATION is not substantiated by our records or any recollection of mine. I can only assume that the confusion may be with personal contributions made by either officers or members of the Association.

DATED: NOV 17 1978

Clifton C. Payne
CLIFTON C. PAYNE

Subscribed and sworn to before me
this 17th day of November,
1978.

Samuel Carpenter
Notary Public in and for said State.



AMERICAN TUNABOAT ASSOCIATION

1 TUNA LANE

Nº 7396

SAN DIEGO, CALIF. 92101 February 17 1978

PAY TO THE ORDER OF Committee to Re-Elect Cong. Van Deerlin

\$ 200.00

The sum of \$200 and 00 cts

DOLL

AMERICAN TUNABOAT ASSOCIATION

FIFTH & "E" OFFICE

SECURITY - PACIFIC
NATIONAL BANK

861 FIFTH AVENUE
SAN DIEGO, CALIFORNIA 92101

SECURITY - PACIFIC
NATIONAL BANK

August Belmont
E. J. Ray
Edward P. Leland

122200541415007450

10000020001

2900 HOFF. PRYTH. - S.D.

PAY TO THE ORDER OF
FOURTH and LAUREL OFFICE
CALIFORNIA FIRST BANK
FOR DEPOSIT ONLY
COMMITTEE TO RE-ELECT 2938
CONGRESSMAN

LIONEL VAN DEERLIN, P.E.G.
0241-649490
1700 15TH ST, SAN
DIEGO, CA 92101
50-49

FEB 23 1978

200.00

15738

ATTORNEYS AT LAW

520 N STREET

SAN DIEGO, CALIFORNIA 02101



CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

MS MIRIAM AGUIAR
FEDERAL ELECTION COMMISSION
1325 K STREET NW
WASHINGTON DC 20463

7:30

CERTIFIED

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MAIL



FEDERAL ELECTION COMMISSION

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

November 3, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
National Basketball Association
2 Pennsylvania Plaza, Suite 2010
New York, New York 10001

Re: MUR 755

Dear Sir:

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 National Basketball Association may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that the National Basketball Association contributed \$200 on 14 February 1978 to the Committee to Re-Elect Lionel Van Deerlin (Committee) in violation of Section 441b(a) of the Act. This section of the Act prohibits corporations from making contributions to Federal political committees. Although we note that the Committee returned this contribution to you on 19 September 1978, the Act was violated when the contribution was originally made. We have numbered this matter MUR 755.

Under the Act, you have an opportunity to demonstrate that no further 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.

Additionally, Mr. Bill Akerstein, of the Congressman's Washington staff, and Mr. Michael Witte, treasurer for the Committee, have stated to us that when questioned on the source of the funds, the Association assured the Committee that the contributions were from legal and not corporate

70040994739

Resent
11/14

179

Aguar MUR 755

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): <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: President National Basketball Assn. 2 Pennsylvania Plaza, Suite 2410 New York, New York 1001	
3. ARTICLE DESCRIPTION: REGISTERED NO.	CERTIFIED NO. INSURED NO. R0932
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent	
4. DATE OF DELIVERY	POSTMARK
5. ADDRESS (Complete only if requested)	
6. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS	

U.S. GPO: 1977-O-234-337

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION

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

POSTAGE AND FEES PAID



President
National Basketball Association
2 Pennsylvania Plaza, Suite 2010
New York, New York 10001

MOVED, NOT FOR DELIVERY
NEW YORK, N. Y. 10001

CERTIFIED
943932



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SS AGUIAR **72**

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

1. The following service is requested (check one)
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☒ 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: **President**
National Basketball Association
Olympic Towers
645 Fifth Ave New York 10022

3. ARTICLE DESCRIPTION
REGISTERED NO CERTIFIED NO INSURED NO
438089

(Always obtain signature of addressee or agent)

I have received the article described above
SIGNATURE ☐ Addressee ☒ Authorized agent
R. Williams

4. DATE OF DELIVERY POSTMARK
11/16

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE CLERK'S INITIALS

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

sources. In your response, please disclose the identity of the individual who has been in contact with the Committee regarding your 14 February contribution, his or her position in your Association, and describe any conversations or communications that may have taken place with the Committee on the question of the corporate nature or legality of the contribution.

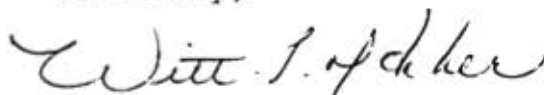
The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Miriam Aguiar, the staff member assigned to this matter at 202-523-4177.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless 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

7 2 7 1 0 9 9 1 7 9 3



FEDERAL ELECTION COMMISSION

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

November 3, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
American Tuna Boat Association
1 Tuna Lane
San Diego, CA 92101

Re: MUR 755

Dear Sir or Madam:

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 American Tuna Boat Association may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act").

Specifically it appears that the American Tuna Boat Association contributed \$200 on 20 February 1978 to the Committee to Re-Elect Lionel Van Deerlin (Committee) in violation of Section 441b(a) of the Act. This section of the Act prohibits corporations from making contributions to Federal political committees. Although we note that the Committee returned this contribution to you on 19 September 1978, the Act was violated when the contribution was originally made. We have numbered this matter MUR 755.

Under the Act, you have an opportunity to demonstrate that no further 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.

Additionally, Mr. Bill Akerstein of the Congressman's Washington staff has informed us that the American Tuna Boat Association has contributed in the past to Congressman Van Deerlin's election campaign. In your response, please advise the Commission of the dates of these contributions. Further, Mr. Akerstein and Mr. Michael Witte, treasurer for the Committee, have stated that when questioned on the source

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of the contributions, the Association assured the Committee that the contributions were from legal and not corporate funds. Please disclose the identity of the individual who has been in contact with the Committee regarding your 20 February contribution and any other contribution, state his or her position in your Association, and describe any conversations or communications that may have taken place with the Committee on the question of the corporate nature or legality of the contribution(s).

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.

If you have any questions, please contact Miriam Aguiar, the staff member assigned to this matter at 202-523-4177.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless 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
William C. Oldaker
General Counsel

PS Form 3811, Apr 1977

1. SENDER (Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.)	
The following service is requested (check one): <input checked="" type="checkbox"/> Show to whom and date delivered. <input 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)	
ARTICLE ADDRESSED TO: President Tuva Boat Assn. America 1 Tuva Lane San Diego, CA 92101	
2. ARTICLE DESCRIPTION: REGISTERED NO. 943983	INSURED NO.
(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 <i>[Signature]</i>	
4. DATE OF DELIVERY	POSTMARK
5. ADDRESS (Complete only if requested)	
6. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS	

Aguiar MUE 755

2-000 1077-0-214 117



FEDERAL ELECTION COMMISSION

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

November 3, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Committee to Re-Elect Congressman
Lionel Van Deerlin
Mr. Michael B. Witte, Treasurer
P.O. Box 1363
San Diego, CA 92112

Re: MUR 755

Dear Mr. Witte:

On November 2, 1978, the Commission determined to take no further action against your Committee in connection with your acceptance of contributions from the American Tuna Boat Association, V & V Development Company and the National Basketball Association, which may have violated 2 U.S.C. §441b(a).

We do, however request that you provide the following information. On 11 September 1978, Mr. Bill Akerstein of Congressman Van Deerlin's Washington Staff informed a Commission staff member that the American Tuna Boat Association has contributed in the past to the Congressman's election campaign. Please advise the Commission of the dates of these contributions and state where these contributions have been reported. Further, in your letter dated 12 September 1978, you stated that "telephone calls were made to the three contributors in question when the checks were received" and that you were "assured that the contributions were from legal sources." Please disclose the identity of the individuals with whom you were in conversation, state their respective positions in the association or company with whom they are connected, and the substance of the conversations concerning the legality of the "sources." In addition, what instructions, if any, has the Committee issued to its staff members as to how to guard against the acceptance of contributions which may be in violation of the Federal Election Campaign Act. Please submit copies of any memos that have been given to the staff in this regard.

Please respond within ten days of your receipt of this letter.

Should you have any questions regarding this matter, please call Miriam Aguiar at 202-523-4177.

Sincerely,

William C. Oldaker

William C. Oldaker
General Counsel

7 9 0 0 1 0 0 7

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

MUR-755 Aguiar

● 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:
Committee to Re-Elect Congressman
Lionel Van Deerlin
Mr. Michael B. Witte, Treasurer
P.O. Box 1308
San Diego, CA 92112

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
943934

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent
Lionel Van Deerlin

4. DATE OF DELIVERY
11/7/78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
8761
2
NOV

CLERK'S INITIALS

☆ GPO : 1977 - O-234-317



FEDERAL ELECTION COMMISSION

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

November 3, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
V & V Development Company
1550 Broadway
Chula Vista, CA 92011

Re: MUR 755

Dear Sir or Madam:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that V & V Development Company may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that V & V Development Company contributed \$600 on 20 February 1978 to the Committee to Re-Elect Lionel Van Deerlin (Committee) in violation of Section 441b(a) of the Act. This section of the Act prohibits corporations from making contributions to Federal political committees. Although we note that the Committee returned this contribution to you on 19 September 1978, the Act was violated when the contribution was originally made. We have numbered this matter MUR 755.

Under the Act, you have an opportunity to demonstrate that no further 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.

Additionally, Mr. Bill Akerstein of the Congressman's Washington staff, and Mr. Michael Witte, treasurer for the Committee, have stated to us that when questioned on the source of the funds, your company assured the Committee that the contributions were from legal and not corporate funds.

7 9 0 4 0 0 9 4 7 9 8

In your response, please disclose the identity of the individual who has been in contact with the Committee regarding your 20 February contribution, state his or her position in your company, and describe any conversations or communications that may have taken place with the Committee on the question of the corporate nature or legality of the contribution.

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.

If you have any questions, please contact Miriam Aguiar, the staff member assigned to this matter at 202-523-4177.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless 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
William C. Oldaker
General Counsel

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: *President*
U + U Development Co.
1550 Broadway
Chula Vista, CA 92011

3. ARTICLE DESCRIPTION:
 REGISTERED NO. *940925* CERTIFIED NO. INSURED NO.
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☒ Authorized agent
P. Aguiar

4. DATE OF DELIVERY *11-7-78* POSTMARK *8/57 NOV*

5. ADDRESS (Complete only if requested)
1550 BROADWAY
CHULA VISTA, CA 92011

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Aguiar MUR-755 GPO 1977-O-234-337

10014799

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 755
Committee to Re-Elect Congressman)
Lionel Van Deerlin)
Michael B. White, Treasurer)
American Tuna Boat Association)
V & V Development Company)
National Basketball League)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 2, 1978, the Commission determined by a vote of 4-0 to approved the following recommendations, as set forth in the First General Counsel's Report dated October 30, 1978, regarding the above-captioned matter:

1. Take no further action against the Committee to Re-Elect Lionel Van Deerlin. Send the letter attached to the above-named report.
2. Find reason to believe that the American Tuna Boat Association, the V & V Development Company and the National Basketball League violated 2 U.S.C. §441b(a) in connection with contributions to the Committee to Re-Elect Lionel Van Deerlin. Send the letters attached to the above-named report.

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

11/2/78
Date

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

Received in Office of Commission Secretary: 10-30-78, 1:23
Circulated on 48 hour vote basis: 10-31-78, 4:00

October 20, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 755

Please have the attached First General Counsel's
Report on MUR 755 distributed to the Commission on a
48 hour tally basis.

Thank you.

79040094801

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

RECEIVED
OFFICE OF THE
COMMISSIONER

DATE AND TIME OF TRANSMISSION
BY OGC TO THE COMMISSION OCT 20 1978

MUR NO. 755
DATE COMPLAINT RECEIVED
BY OGC
STAFF
MEMBER Aguilar

SOURCE:

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

RESPONDENTS:

Committee to Re-Elect Congressman Lionel
Van Deerlin
Michael B. Witte, Treasurer
San Diego, CA

American Tuna Boat Association
San Diego, CA

V & V Development Company
Chula Vista, CA

National Basketball League
New York, New York

RELEVANT STATUTE:

2 U.S.C. §441b(a)

INTERNAL REPORTS CHECKED:

Public Records

FEDERAL AGENCIES CHECKED:

None

GENERATION OF MATTER

A review of the 10 April 1978 quarterly reports filed by the Committee to Re-Elect Congressman Lionel Van Deerlin (the "Committee") disclosed the receipt of three contributions which appeared to be contributions in violation of 2 U.S.C. §441b(a): a \$200 contribution on 20 February 1978 from the American Tuna Boat Association (Association); a \$600 contribution on 20 February 1978 from the V & V Development Company (Company); and a \$200 contribution on 14 February from the National Basketball League (League). This matter was referred to the Office of General Counsel by the Reports Analysis Division on 4 October 1978 (See Attachment I).

EVIDENCE

The Committee was notified of the surface violation on 7 September 1978 and submitted a response on 19 September 1978. The Committee stated that the three contributions had been refunded and that the refunds would appear on their 10 October quarterly report. Further, Mr. Witte, Treasurer for the Committee, disclosed that upon receipt of the three contributions in question, the Committee telephoned each contributor and was assured that "the contributions were from legal sources." (See Attachment II).

In a telephone conversation with Chip Foley of the Reports Analysis Division on 11 Sept. 1978, Mr. Bill Akerstein, of Congressman Van Deerlin's Washington staff and speaking on behalf of the Committee, stated that they (the Committee) were surprised that the contributions were in fact from corporate funds as they (the Committee) were assured by each contributor that the funds were not from a corporate entity. Further, Mr. Akerstein noted that the Association "had given the Committee campaign contributions for years." (See Attachment III). An examination of the Committee's 1976 reports filed with the Commission fail to disclose any contributions from the Association. The Commission has not notified the Association, the Company and the League of the violation.

ANALYSIS

2 U.S.C. §441b renders it unlawful for a corporation to make contributions in connection with federal elections. It is also a violation of this section for any corporate officer or director to consent to any such contributions. Further, a candidate or political committee cannot knowingly accept or receive any contributions in violation of this section.

Considering the fact that the Committee promptly refunded the contributions upon notification of the violation, and the fact that the Committee stated it had been assured by each contributor that the funds were in fact from legal sources, we think that no further action should be taken against the Committee. However, the Commission should find reason to believe that the Association, the Company and the League violated 2 U.S.C. §441b(a). 1/

RECOMMENDATION

(1) Take no further action against the Committee to Re-Elect Lionel Van Deerlin. Send attached letter.

(2) Find reason to believe that the American Tuna Boat Association, the V & V Development Company and the National Basketball League violated 2 U.S.C. §441b(a) in connection with contributions to the Committee to Re-Elect Lionel Van Deerlin. Send attached letters.

ATTACHMENTS

Referral memo from Reports Analysis.

Letters to the American Tuna Boat Association, V & V Development Company, National Basketball Association, and Committee to Re-Elect Cong. Van Deerlin.

1/ Nevertheless, we propose to ask the Committee, as well as the three contributors, for more details about these "assurances." See attached proposed letters.

DATE 12-6-78 ANALYST Ronald Krouse R/K
TO: Office of General Counsel TEAM CHIEF Peter Kell, Jr. PKJr.
THROUGH: STAFF DIRECTOR ABR COMPLIANCE REVIEW P. Bowen
FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS JH

CANDIDATE/COMMITTEE: Committee To Re-Elect Congressman Lionel Van Deerlin
CA/42
TREASURER: Michael B. Witte
ADDRESS: P.O. Box 1363
San Diego, CA 92112
AFFILIATE(S): NONE

ALLEGATION(S): Committee has received corporate contributions. CITE: 2 U.S.C. 441b ATTACHMENT(S) #2

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE: 7/1/78
ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 1/1/78 TO 3/31/78
TOTAL RECEIPTS \$ 25,449 TOTAL EXPENDITURES \$ 10,418
CASH ON HAND \$ 47,157 DEBTS \$ 0

HISTORY:

RESULTS OF REVIEW:

The S.V. letter was mailed to the committee on 9/7/78. A response was received from the committee on 9/19/78 indicating that the refunds are being made.

ATTACHMENT

#3
#4

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:

Bill Akerstein, of the Congressman's D.C. office, spoke with Ron Krouse on 9/11/78.

ATTACHMENT

#5

REASON(S) FOR REFERRAL:

3/15/78 memo to the Commission requiring the referral to O.G.C. for all corporate/union contributions over \$100.

ATTACHMENT

#6

OTHER PENDING ACTIONS INITIATED BY RAD:

NONE

ATTACHMENT

OTHER RELEVANT INFORMATION:

Copy of the itemization of the refunds (due on the Oct. 10 report) will be forwarded to your office when they are received by RAD.

Previous Referrals:
None

79040094805

THIS SHOULD BE LINE 2 ON THE PAGE.
111 10 10H

01 2002
COMMITTEE ID: C00090471

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 26SEP70
PAGE 1

INDEX

COMMITTEE	DOCUMENT	RECEIPTS		EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
COMMITTEE TO RE-ELECT CONGRESSMAN LIONEL S. BOERLIN 1970 REPORT FOR ADDITIONAL INFORMATION STATEMENT OF CONTRIBUTION - AGREEMENT 1977 APRIL TO QUARTERLY JULY 10 QUARTERLY ALLEGED FOR ADDITIONAL INFORMATION JULY 10 QUARTERLY - AGREEMENT REPORTED TO QUARTERLY STATEMENT FOR ADDITIONAL INFORMATION ALLEGED FOR ADDITIONAL INFORMATION STATEMENT FOR ADDITIONAL INFORMATION 1970 APRIL TO QUARTERLY REPORTED FOR ADDITIONAL INFORMATION STATEMENT FOR ADDITIONAL INFORMATION 6001 TO QUARTERLY 10 DAY FOR PRIMARY 30 DAY FOR PRIMARY JULY 10 QUARTERLY RECEIVED FOR ADDITIONAL INFORMATION		4,729		2,511		14APR78 - 30JUN77 27APR78	2 3	278FEC/02/2/2050 378FEC/135/1177
						14APR77 - 30JUN77 14APR77 - 30JUN77 1JUL77 - 30SEP77 1JUL77 - 30SEP77 1JUL77 - 30SEP77 1OCT77 - 31DEC77	12 3 6 6 1	77HSE/121/2223 77HSE/123/2244 77FEC/052/2526 77HSE/124/2195 77HSE/125/2526 77FEC/052/2512 77HSE/127/1315 77HSE/127/1492
		6,311		4,857		1JAN78 - 31MAR78 1JAN78 - 31MAR78 1JAN78 - 31MAR78 1APR78 - 22MAY78 23MAY78 - 26JUN78 27JUN78 - 30JUN78	13 1 1 4 7 3	78HSE/132/4024 78HSE/132/5050 78FEC/054/2040 78FEC/055/4230 78HSE/133/4022 78HSE/136/4201 78HSE/130/4007 78HSE/141/2015
	TOTAL	40,837	17,230	20,578	15,856		74	TOTAL PAGES

ALL REPORTS HAVE RECEIVED INITIAL REVIEW

EXIT

0 1000
COMMITTEE ID: C00090274

6A

Electoral Commission
1100 New York Avenue, N.W.
Washington, D.C. 20003

Itemized Receipts, Contributions, Loans, Rebates, and Transfers

(Indicate the type for each entry)
(See instructions on back)

Page 5 of 6 Pages

Name of Candidate or Committee in full

Committee to Re-Elect Congressman Lionel Van Deerlin

Full Name, mailing address and ZIP code

Norman Seltzer
3003 Fourth Avenue
San Diego, California 92103

Same as above

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/20/78

Amount of each receipt this period

200.00

Occupation Attorney

☐ Check if contributor is self employedReceipt for ☒ primary ☐ general

Aggregate Year-to-Date

> \$200.00

Full Name, mailing address and ZIP code

American Tuna Boat Association
1 Tuna Lane
San Diego, California 92101

Same as above

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/20/78

Amount of each receipt this period

200.00

Occupation Association

☐ Check if contributor is self employedReceipt for ☒ primary ☐ general

Aggregate Year-to-Date

> \$200.00

Full Name, mailing address and ZIP code

W & V Development Company
1550 Broadway
Chula Vista, California 92011

Same as above

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/20/78

Amount of each receipt this period

600.00

Occupation Developers

☐ Check if contributor is self employedReceipt for ☒ primary ☐ general

Aggregate Year-to-Date

> \$600.00

Full Name, mailing address and ZIP code

Carl Roll
Post Office Box 879
Chula Vista, California 90012

Same as above

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/20/78

Amount of each receipt this period

200.00

Occupation Retired

☐ Check if contributor is self employedReceipt for ☒ primary ☐ general

Aggregate Year-to-Date

> \$200.00

Full Name, mailing address and ZIP code

Hyman Miller
Post Office Box 981
El Cajon, California 92022

Same as above

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/23/78

Amount of each receipt this period

200.00

Occupation Metals Dealer

☐ Check if contributor is self employedReceipt for ☒ primary ☐ general

Aggregate Year-to-Date

> \$200.00

Full Name, mailing address and ZIP code

George N. Dwyer
1110 Dawnridge
El Cajon, California 92021

Same as above

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/23/78

Amount of each receipt this period

200.00

Occupation

☐ Check if contributor is self employedReceipt for ☒ primary ☐ general

Aggregate Year-to-Date

> \$200.00

Subtotal of receipts this page

Total this receipt (fill in once only)

Itemized Receipts, Contributions, Loans, Rebates, and Transfers

(Indicate the type for each entry)
(See instructions on back)

Page 3 of 6 Pages

Name of Candidate or Committee in full

Committee to Re-Elect Congressman Lionel Van Deerlin

Full Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
August Krutzsch 5819 Folsom Drive La Jolla, California 92037 Principal place of business Post Office Box 20305 San Diego, California 92120	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Metals Dealer <input type="checkbox"/> Check if contributor is self-employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 200.00	2/10/78	200.00
Robert E. Casey 358 Trousdale Drive Chula Vista, California 92010 Principal place of business Same as above	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Builder - Developer <input type="checkbox"/> Check if contributor is self-employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 200.00	2/13/78	200.00
J. F. Kelly 967 Hampton Road Arcadia, California 91006 Principal place of business Western Carloading Company 10 East 3rd Street Los Angeles, California 90013	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Freight Forwarding Exec. <input type="checkbox"/> Check if contributor is self-employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 200.00	2/13/78	200.00
National Basketball League 2 Pennsylvania Plaza Suite 2010 New York, N.Y. 10001 Principal place of business Same as above	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Association <input type="checkbox"/> Check if contributor is self-employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 200.00	2/14/78	200.00
Lear Simpson 8637 Navajo Road San Diego, California 92119 Principal place of business Same as above	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Builder-Developer <input type="checkbox"/> Check if contributor is self-employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 200.00	2/15/78	200.00
J. W. Cook 711 First Street Coronado, California 92118 Principal place of business Coronado Hospital 250 Prospect Street Coronado, California 92118	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Hospital Administrator <input type="checkbox"/> Check if contributor is self-employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 200.00	2/16/78	300.00
Subtotal of receipts this page			\$ 1,300.00
Total this period (last page only)			\$

In reply please refer to 4SV1/78-86RK

Copy



FEDERAL ELECTION COMMISSION

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

7 September 1978

Michael B. Witte, Treasurer
Committee to Re-Elect Congressman
Lionel Van Deerlin
P.O. Box 1363
San Diego, California 92112

Dear Mr. Witte:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the April 10 Quarterly Report of Receipts and Expenditures, we noticed entries indicating that you may have accepted contributions from a corporation. Corporate contributions are prohibited by the Act, unless the contribution is made by a separate segregated fund established by the corporation. A copy of that portion of your report is attached for your review and clarification.

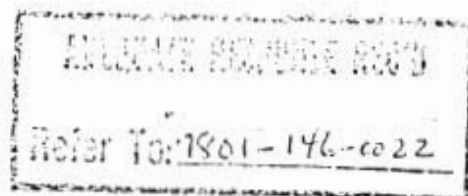
The Commission recommends that if you have accepted prohibited contributions that you return the full amounts to the donors. These returns of the contribution should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If the identification of the source of these contributions are incomplete or incorrect on the original report, please submit a statement which would clarify these particular matters for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Jan Brown (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4048.

Sincerely,

Orlando B. Potter
Staff Director

Enclosure
Certified Mail:
Return Receipt Requested



ATTACHMENT II

806258

COMMITTEE TO RE-ELECT CONGRESSMAN LIONEL VAN DEERLIN

P.O. BOX 1363 • SAN DIEGO, CALIFORNIA 92112

SEP 14 1978

SEP 13 PM 9:16

REGULAR MAIL

September 12, 1978

RECEIVED
OFFICE OF RECORDS AND COMMUNICATIONS
1978 SEP 19 PM 12:01
U.S. HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

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

Ref: 4SV1/78-86RK

Att: Orlando B. Potter

Dear Mr. Potter:

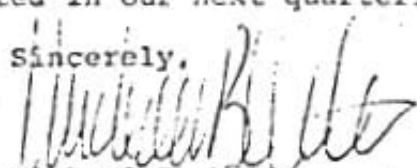
000787

Thank you for your letter of September 7th advising me of the Committee's acceptance of prohibited contributions reported in our April 10 quarterly report.

Telephone calls were made to the three contributors in question when the checks were received and we were assured that the contributions were from legal sources.

However, these contributions have been returned in full and will be so reported in our next quarterly report.

Sincerely,


Michael B. Witte
Treasurer

MBW:lp

Enclosures



FEDERAL ELECTION COMMISSION

1125 K STREET NW.
WASHINGTON, D.C. 20463

March 15, 1978

SUPPLEMENTAL
MEMORANDUM TO: The Commission

FROM: William C. Oldaker *WCO*

SUBJECT: Changing the Commission's Threshold for
Making MURs of Corporate/Union Contributions

As a supplement and amendment to the Office of General Counsel's memorandum dated February 23, 1978, this office would like to propose a different 441b threshold for the Commission's consideration.

We recommend that the \$100 threshold for making corporate/union contributors respondents be approved as originally proposed. However, to accommodate the possibility of one or two large 441b contributions being accepted by a committee, we now propose that a committee be made a respondent for acceptance of one or more 441b contributions aggregating \$100 or more.

It should be noted that both the Audit and Disclosure Divisions would continue to request that a committee reimburse corporations/unions who have made contributions in any amount; however, a MUR would not be initiated unless the committee refused to reimburse the 441b contributor or the proposed thresholds were met.

It is important to reiterate the resource problem inherent in launching compliance actions against every suspected or verified 441b contribution which comes to the Commission's attention. We feel these thresholds strike a practical balance between the pursuit of all corporate/union contributions, no matter how small, and a careless disregard for the Congressional intent behind prohibiting 441b contributions.

Recommendation:

Threshold for making a corporate/union contributor a respondent = contribution of \$100 or more to a committee per election.

Threshold for making a recipient committee a respondent = receipt of one or more 441b contributions aggregating in excess of \$100 per election.





FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
American Tuna Boat Association
1 Tuna Lane
San Diego, CA 92101

Re: MUR 755

Dear Sir or Madam:

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 American Tuna Boat Association may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act").

Specifically it appears that the American Tuna Boat Association contributed \$200 on 20 February 1978 to the Committee to Re-Elect Lionel Van Deerlin (Committee) in violation of Section 441b(a) of the Act. This section of the Act prohibits corporations from making contributions to Federal political committees. Although we note that the Committee returned this contribution to you on 19 September 1978, the Act was violated when the contribution was originally made. We have numbered this matter MUR 755.

Under the Act, you have an opportunity to demonstrate that no further 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.

Additionally, Mr. Bill Akerstein of the Congressman's Washington staff has informed us that the American Tuna Boat Association has contributed in the past to Congressman Van Deerlin's election campaign. In your response, please advise the Commission of the dates of these contributions. Further, Mr. Akerstein and Mr. Michael Witte, treasurer for the Committee, have stated that when questioned on the source

of the contributions, the Association assured the Committee that the contributions were from legal and not corporate funds. Please disclose the identity of the individual who has been in contact with the Committee regarding your 20 February contribution and any other contribution, state his or her position in your Association, and describe any conversations or communications that may have taken place with the Committee on the question of the corporate nature or legality of the contribution(s).

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.

If you have any questions, please contact Miriam Aguiar, the staff member assigned to this matter at 202-523-4177.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless 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

7904009481



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
V & V Development Company
1550 Broadway
Chula Vista, CA 92011

Re: MUR 755

Dear Sir or Madam:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that V & V Development Company may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that V & V Development Company contributed \$600 on 20 February 1978 to the Committee to Re-Elect Lionel Van Deerlin (Committee) in violation of Section 441b(a) of the Act. This section of the Act prohibits corporations from making contributions to Federal political committees. Although we note that the Committee returned this contribution to you on 19 September 1978, the Act was violated when the contribution was originally made. We have numbered this matter MUR 755.

Under the Act, you have an opportunity to demonstrate that no further 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.

Additionally, Mr. Bill Akerstein of the Congressman's Washington staff, and Mr. Michael Witte, treasurer for the Committee, have stated to us that when questioned on the source of the funds, your company assured the Committee that the contributions were from legal and not corporate funds.

In your response, please disclose the identity of the individual who has been in contact with the Committee regarding your 20 February contribution, state his or her position in your company, and describe any conversations or communications that may have taken place with the Committee on the question of the corporate nature or legality of the contribution.

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.

If you have any questions, please contact Miriam Aguiar, the staff member assigned to this matter at 202-523-4177.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless 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

7904009481



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
National Basketball Association
2 Pennsylvania Plaza, Suite 2010
New York, New York 10001

Re: MUR 755

Dear Sir:

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 National Basketball Association may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Specifically, it appears that the National Basketball Association contributed \$200 on 14 February 1978 to the Committee to Re-Elect Lionel Van Deerlin (Committee) in violation of Section 441b(a) of the Act. This section of the Act prohibits corporations from making contributions to Federal political committees. Although we note that the Committee returned this contribution to you on 19 September 1978, the Act was violated when the contribution was originally made. We have numbered this matter MUR 755.

Under the Act, you have an opportunity to demonstrate that no further 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.

Additionally, Mr. Bill Akerstein, of the Congressman's Washington staff, and Mr. Michael Witte, treasurer for the Committee, have stated to us that when questioned on the source of the funds, the Association assured the Committee that the contributions were from legal and not corporate

sources. In your response, please disclose the identity of the individual who has been in contact with the Committee regarding your 14 February contribution, his or her position in your Association, and describe any conversations or communications that may have taken place with the Committee on the question of the corporate nature or legality of the contribution.

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.

If you have any questions, please contact Miriam Aguiar, the staff member assigned to this matter at 202-523-4177.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless 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

79040094815



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Committee to Re-Elect Congressman
Lionel Van Deerlin
Mr. Michael B. Witte, Treasurer
P.O. Box 1363
San Diego, CA 92112

Re: MUR 755

Dear Mr. Witte:

On _____, 1978, the Commission determined to take no further action against your Committee in connection with your acceptance of contributions from the American Tuna Boat Association, V & V Development Company and the National Basketball Association, which may have violated 2 U.S.C. 5411b(a).

We do, however request that you provide the following information. On 11 September 1978, Mr. Bill Akerstein of Congressman Van Deerlin's Washington Staff informed a Commission staff member that the American Tuna Boat Association has contributed in the past to the Congressman's election campaign. Please advise the Commission of the dates of these contributions and state where these contributions have been reported. Further, in your letter dated 12 September 1978, you stated that "telephone calls were made to the three contributors in question when the checks were received" and that you were "assured that the contributions were from legal sources." Please disclose the identity of the individuals with whom you were in conversation, state their respective positions in the association or company with whom they are connected, and the substance of the conversations concerning the legality of the "sources." In addition, what instructions, if any, has the Committee issued to its staff members as to how to guard against the acceptance of contributions which may be in violation of the Federal Election Campaign Act. Please submit copies of any memos that have been given to the staff in this regard.

- 2 -

Please respond within ten days of your receipt of this letter.

Should you have any questions regarding this matter, please call Miriam Aguiar at 202-523-4177.

Sincerely,

William C. Oldaker
General Counsel

79040094813

REPORTS ANALYSIS PER REFERRAL SHEET

DATE 10-4-78 ANALYST Ronald Krouse R/L
TO: Office of General Counsel TEAM CHIEF Peter Kell, Jr. PKJ
THROUGH: STAFF DIRECTOR ABR COMPLIANCE REVIEW P. Bowen
FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS JH

CANDIDATE/COMMITTEE: Committee To Re-Elect Congressman Lionel Van Deerlin
CA/42
TREASURER: Michael B. Witte
ADDRESS: P.O. Box 1363
San Diego, CA 92112
AFFILIATE(S): NONE

ALLEGATION(S): COMMITTEE has received corporate contributions. CITE: 2 U.S.C. 441b ATTACHMENT(S) #2

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE: 7/31/78
ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 1/1/78 TO 3/31/78
TOTAL RECEIPTS \$ 25,449 TOTAL EXPENDITURES \$ 10,418
CASH ON HAND \$ 47,157 DEBTS \$ 0

HISTORY:

RESULTS OF REVIEW:

The S.V. letter was mailed to the committee on 9/7/78. A response was received from the committee on 9/19/78 indicating that the refunds are being made.

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:

Bill Akerstein, of the Congressman's D.C. office, spoke with Ron Krouse on 9/11/78.

REASON(S) FOR REFERRAL:

3/15/78 memo to the Commission requiring the referral to O.G.C. for all corporate/union contributions over \$100.

OTHER PENDING ACTIONS INITIATED BY RAD:

NONE

OTHER RELEVANT INFORMATION:

Copy of the itemization of the refunds (due on the Oct. 10 report) will be forwarded to your office when they are received by RAD.

Previous Referrals:
None

79940731830

CONFIDENTIAL ID: C00000471

DATE 26SEP70
PAGE

COMMITTEE	DOCUMENT	RECEIPTS		GENERAL	EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL		PRIMARY	GENERAL			
COMMITTEE TO RE-ELECT CONGRESSMAN LIONEL VAN DEERLIN	1962 STATEMENT FOR ADDITIONAL INFORMATION						14APR70	2	73FEC/072/2250
	STATEMENT OF ORGANIZATION - AMENDMENT						27APR70	3	73HSE/135/1177
	1962 AFFID TO QUARTERLY							1	77HSE/121/2928
	JULY 10 QUARTERLY		4,739		2,511		14F677	12	77HSE/123/3264
	RELEASE FOR ADDITIONAL INFORMATION						14F677	3	77FEC/058/3598
	APR 14 QUARTERLY		5,926		6,066		14APR77	6	77HSE/124/2105
	RELEASE FOR ADDITIONAL INFORMATION						14JUL77	6	77HSE/125/3396
	JULY 10 QUARTERLY		11,354		9,783		14JUL77	2	77FEC/052/0512
	RELEASE FOR ADDITIONAL INFORMATION						14JUL77	1	77HSE/127/1515
	APR 14 QUARTERLY	6,311			4,057		14JUL77	6	77HSE/127/4192
1970	STATEMENT FOR ADDITIONAL INFORMATION						14OCT77	13	73HSE/132/4064
	RELEASE FOR ADDITIONAL INFORMATION						14JAN78	13	73HSE/132/0084
	APR 14 QUARTERLY	25,449			10,418		14JAN78	1	73FEC/084/2040
	RELEASE FOR ADDITIONAL INFORMATION						14JAN78	1	73FEC/085/4630
	APR 14 QUARTERLY						14JAN78	1	73HSE/146/0022
	RELEASE FOR ADDITIONAL INFORMATION						14JAN78	1	73HSE/146/0022
	APR 14 QUARTERLY	1,070			1,976		14F678	7	73HSE/136/4201
	RELEASE FOR ADDITIONAL INFORMATION						23MAY78	7	73HSE/136/4007
	APR 14 QUARTERLY	2,102			3,327		27JUN78	3	73HSE/141/2015
	RELEASE FOR ADDITIONAL INFORMATION						27JUN78	1	73FEC/069/2323
TOTAL	40,037	17,280	20,578	15,856				74	TOTAL PAGES

ALL REPORTS HAVE RECEIVED INITIAL REVIEW.

2010

COE LITE 11: C0009027A

Itemized Receipts, Contributions, Loans, Rebates, and Transfers

(Indicate the type for each entry)
(See instructions on back)

Page 5 of 6 Pages

Name of Candidate or Committee in full

Committee to Re-Elect Congressman Lionel Van Deerlin

Full Name, mailing address and ZIP code

Norman Seltzer
3003 Fourth Avenue
San Diego, California 92103

Same as above

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/20/78

Amount of each receipt this period

200.00

Occupation Attorney

☐ Check if contributor is self-employed

Receipt for ☒ primary ☐ general

Aggregate Year-to-Date

\$ 200.00

Full Name, mailing address and ZIP code

American Tuna Boat Association
1 Tuna Lane
San Diego, California 92101

Same as above

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/20/78

Amount of each receipt this period

200.00

Occupation Association

☐ Check if contributor is self-employed

Receipt for ☒ primary ☐ general

Aggregate Year-to-Date

\$ 200.00

Full Name, mailing address and ZIP code

V & V Development Company
1550 Broadway
Chula Vista, California 92011

Same as above

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/20/78

Amount of each receipt this period

600.00

Occupation Developers

☐ Check if contributor is self-employed

Receipt for ☒ primary ☐ general

Aggregate Year-to-Date

\$ 600.00

Full Name, mailing address and ZIP code

Carl Roll
Post Office Box 879
Chula Vista, California 90012

Same as above

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/20/78

Amount of each receipt this period

200.00

Occupation Retired

☐ Check if contributor is self-employed

Receipt for ☒ primary ☐ general

Aggregate Year-to-Date

\$ 200.00

Full Name, mailing address and ZIP code

Hyman Miller
Post Office Box 981
El Cajon, California 92022

Fisk & Fisk Metals

Post Office Box 981

El Cajon, California 92022

Full Name, mailing address and ZIP code

George N. Dwyer
1110 Dawnridge
El Cajon, California 92021

Same as above

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/23/78

Amount of each receipt this period

200.00

Occupation Metals Dealer

☐ Check if contributor is self-employed

Receipt for ☒ primary ☐ general

Aggregate Year-to-Date

\$ 200.00

Indicate type of receipt

☒ contribution
☐ interest or dividend
☐ loan, loan payment received
☐ rebate, refund
☐ transfer in

Date (month, day, year)

2/23/78

Amount of each receipt this period

200.00

Occupation

☐ Check if contributor is self-employed

Receipt for ☒ primary ☐ general

Aggregate Year-to-Date

\$ 200.00

Subtotal of receipts this page

\$1,600.00

Total this period (last page only)

Itemized Receipts, Contributions, Loans, Rebates, and Transfers

(Indicate the type for each entry)
(See Instructions on Back)

Page 3 of 6 Pages

Name of Candidate or Committee in full

Committee to Re-Elect Congressman Lionel Van Deerlin

Full Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
August Krutzsch 5819 Folsom Drive La Jolla, California 92037 Principal place of business Post Office Box 20305 San Diego, California 92120	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Metals Dealer <input type="checkbox"/> Check if contributor is self employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 200.00	2/10/78	200.00
Robert E. Casey 358 Trousdale Drive Chula Vista, California 92010 Principal place of business Same as above	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Builder - Developer <input type="checkbox"/> Check if contributor is self employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 200.00	2/13/78	200.00
J. F. Kelly 967 Hampton Road Arcadia, California 91006 Principal place of business Western Carloading Company 10 East 3rd Street Los Angeles, California 90013	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Freight Forwarding Exec. <input type="checkbox"/> Check if contributor is self employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 200.00	2/13/78	200.00
National Basketball League 2 Pennsylvania Plaza Suite 2010 New York, N.Y. 10001 Principal place of business Same as above	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Association <input type="checkbox"/> Check if contributor is self employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 200.00	2/14/78	200.00
Lear Simpson 8637 Navajo Road San Diego, California 92119 Principal place of business Same as above	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Builder-Developer <input type="checkbox"/> Check if contributor is self employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 200.00	2/15/78	200.00
J. W. Cook 711 First Street Coronado, California 92118 Principal place of business Coronado Hospital 250 Prospect Street Coronado, California 92118	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in Occupation Hospital Administrator <input type="checkbox"/> Check if contributor is self employed Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year-to-Date \$ 300.00	2/16/78	300.00
Subtotal of receipts this page			\$ 1,300.00
Total this period (last page only)			\$

In reply please refer to 4SV1/78-86RK

Copy



FEDERAL ELECTION COMMISSION

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

7 September 1978

Michael B. Witte, Treasurer
Committee to Re-Elect Congressman
Lionel Van Deerlin
P.O. Box 1363
San Diego, California 92112

Dear Mr. Witte:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the April 10 Quarterly Report of Receipts and Expenditures, we noticed entries indicating that you may have accepted contributions from a corporation. Corporate contributions are prohibited by the Act, unless the contribution is made by a separate segregated fund established by the corporation. A copy of that portion of your report is attached for your review and clarification.

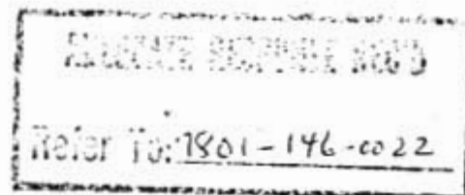
The Commission recommends that if you have accepted prohibited contributions that you return the full amounts to the donors. These returns of the contribution should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If the identification of the source of these contributions are incomplete or incorrect on the original report, please submit a statement which would clarify these particular matters for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Ron Krouse (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4048.

Sincerely,

Orlando B. Potter
Staff Director

Enclosure
Certified Mail:
Return Receipt Requested



806258

COMMITTEE TO RE-ELECT CONGRESSMAN LIONEL VAN DEERLIN

P.O. BOX 1363 • SAN DIEGO, CALIFORNIA 92112

SEP 14 1978

REGULAR MAIL

SEP 14 PM 9:16

September 12, 1978

RECEIVED
OFFICE OF RECORDS & INFORMATION
1978 SEP 19 PM 12:01
U.S. HOUSE OF REPRESENTATIVES
CLERK OF THE HOUSE

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

Ref: 4SV1/78-86RK

Att: Orlando B. Potter

Dear Mr. Potter:

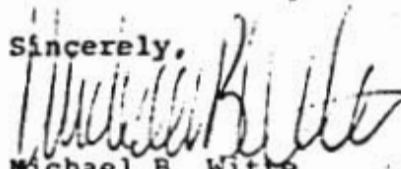
000787

Thank you for your letter of September 7th advising me of the Committee's acceptance of prohibited contributions reported in our April 10 quarterly report.

Telephone calls were made to the three contributors in question when the checks were received and we were assured that the contributions were from legal sources.

However, these contributions have been returned in full and will be so reported in our next quarterly report.

Sincerely,


Michael B. Witte
Treasurer

MBW:lp

Enclosures

TELECOM

NAME:

Bill Akerstein to Ron Krouse

DATE:

9/11/78

VAN DEERLIN

10/7

NAME OF COMMITTEE OR CANDIDATE

Cmte. To Re-Elect Congressman Lionel Van Deerlin CA/42

TELEPHONE NUMBER:

Mr. Akerstein of the Congressman's D.C. staff called to inquire about the S.V. letter on Inc. contributions that they reported received on the Q2 report. I told him that the three contributions were determined as corporate contributions after contacting the Secretary of State's office in the state in which the company was incorporated. He said that they were surprised because they asked if the funds were corp and were assured each time that they were not. The Tuna Boat Assoc. he said had given Van Deerlin a campaign contribution for years. I told him to inquire of the corps if they gave the contributions from a separate segregated political fund. If not, they contribution will have to be returned. He will contact the corps to see what further action is desired.



FEDERAL ELECTION COMMISSION

1025 K STREET NW
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 755

Date Filmed 2/6/79 Camera No. --- 2

Cameraman SPC

79040091827