



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 2151
DATE FILMED 11/25/87 CAMERA NO. 3
CAMERAMAN AS

87040561762

PUBLIC RECORD INDEX - MUR 2151

1. Memo, 21 Oct 85, John D. Gibson (Reports Analysis Division) to Charles N. Steele (General Counsel), Subj: Referral of Walters Construction Management Political Committee, w/atch (RAD Referral Package).
2. Memo, 27 Nov 85, J.D. Gibson to C.N. Steele, Subj: Update to RAD Referral Walters C.M. PAC, w/atch (RAD Referral Update).
3. First General Counsel's Report, 5 Mar 86.
4. Memo, 7 Mar 86, M.W. Emmons to J.D. Gibson, Subj: Objections to First G.C. Report.
5. Memo, 10 Mar 86, M.W. Emmons to J.D. Gibson, Subj: Objections to First G.C. Report.
6. Certification of Commission action, 19 Mar 86.
7. Ltr, 21 Mar 86, Joan D. Aikens, (Chairman, FEC) to Bill L. Walters.
8. Ltr, 21 Mar 86, J.D. Aikens to Thomas E. Rodriguez (Treas, The Armstrong Committee, Inc.).
9. Ltr, dtd 21 Mar 86, J.D. Aikens to Richard A. Gartrell (Treas, Walters C.M. PAC).
10. Ltr, ftd 28 Mar 86, Harvey E. Deutsch representing: (1) Bill Walters; and (2) Richard A. Gartrell).
11. Ltr, dtd 8 Apr 86, Thomas E. Rodriguez to FEC, w/atch (correspondence).
12. Statement of Designation of Counsel, dtd 16 Apr 86; James Kelvin Wholey representing R.E. Rodriguez.
13. General Counsel's Report, 24 Apr 86.
15. Ltr, dtd 5 May 86, J.D. Aikens to Patricia L. Kist (Treas, Nancy Dick for U.S. Senate Committee).
17. Ltr, dtd 23 May 86, P.L. Kist to FEC.
18. Ltr, dtd 2 Jun 86, H.E. Deutsch to K.A. Gross.
19. General Counsel's Report, 6 Jun 86.

87040561763

20. Memo, 2 July 86, C.N. Steele to The Commission, Subj: General Counsel's Brief, re The Armstrong Committee, w/atch (General Counsel's Brief).
21. Ltr, 2 July 86, C.N. Steele to J.K. Wholey.
22. Ltr, 17 July 86, Bennie L. Hill (Deutsch & Sheldon) to FEC, w/atch (copy of check).
23. General Counsel's Report, 13 Aug 86.
24. Certification of Commission action, 19 Aug 86.
25. Ltr, 20 Aug 86, J.D. Aikens to Norman A. Sheldon.
26. Ltr, 20 Aug 86, L.M. Noble to H.E. Deutsch.
27. Clsg, Ltr, 20 Aug 86, L.M. Noble to P.L. Kist.
28. Statement of Designation of Counsel, dtd 2 Sept 86, Harvey E. Deutsch for Norman Sheldon.
29. Ltr, 9 Sept 86, H.E. Deutsch to FEC, w/atch (FEC information sheets).
30. Ltr, 15 Sept 86, H.E. Deutsch to FEC.
31. Ltr, 25 Sept 86, H.E. Deutsch to FEC.
32. General Counsel's Report, 15 Sept 86.
33. Certification of Commission action, 23 Sept 86.
34. Clsg. Ltr, 30 Sept 86, L.M. Noble to J.K. Wholey.
35. Ltr, 7 Oct 86, J.K. Wholey to FEC.
36. General Counsel's Report, 29 Oct 86.
37. Memo, 4 Nov 86, M.W. Emmons to C.N. Steele, Subj: Objections to G.C. Report.
38. Certification ov Commission action, 18 Nov 86.
39. Ltr, 3 Dec 86, L.M. Noble to H.E. Deutsch, re: Walters C.M. PAC, R.A. Gartrell, B.L. Walters, N.A. sheldon.
40. Ltr, 17 Dec 86, Bonnie L. Hill to FEC, w/encl (civil penalty payments).

87040361764

41. Ltr, dtd 19 Dec 86, B.L. Hill to FEC, w/encl (civil penalty payment).
42. General Counsel's Report, 15 Jan 87.
43. Certification of Commission action, 22 Jan 87.
44. Closing ltr, L.G. Lerner to H.E. Deutsch w/atchs (Executed Conciliation Agreements with a) Walters C.M. PAC and R. Cartrell as Treasurer; b) Bill L. Walters; and c) Norman A. Sheldon.

-END-

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those documents, or portions thereof, which are exempt from disclosure under the Freedom of Information Act.

87040561765



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

21 October 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF WALTERS CONSTRUCTION MANAGEMENT
POLITICAL COMMITTEE (WALTERS C. M. POLITICAL
COMMITTEE)

This is a referral of the Walters Construction Management Political Committee (Walters C. M. Political Committee) ("the Committee") for receiving a total of \$10,000 in excessive contributions from an individual in 1984. According to the RAD Review and Referral Procedures for Unauthorized Committees (Standard 5), further examination is required by your office.

For your information, the Committee contributed \$4,000 to a Federal candidate in 1983. On May 17, 1984 the Committee was sent a letter requesting that the Committee either register and report as a political committee or obtain a refund from the candidate to which the contribution was made. The Committee responded by obtaining a \$3,000 refund from the Federal candidate, and by registering with the Commission on June 21, 1984.

Additionally, in 1983 a total of \$1,250 was contributed to two other Federal candidates. Based on that fact, a letter was sent on July 23, 1985 for failure to register and report in a timely manner. The letter requested that the 1983 Mid-Year and Year End Reports be filed. As of this writing no response has been received. According to the RAD Review and Referral Procedures for Unauthorized Committees, neither of these matters meet the threshold for referral.

If you have any questions, please contact Alva E. Smith at 523-4048.

Attachment

8704061766

1

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 21 OCTOBER 1985

ANALYST: Alva E. Smith

I. COMMITTEE:

Walters Construction Management
Political Committee (Walters C. M.
Political Committee) (C00186361)
Richard A. Gartrell, Treasurer
7951 E. Maplewood Avenue
Englewood, CO 80111

II. RELEVANT STATUTE: 2 U.S.C. §441a(f)

III. BACKGROUND:

Receipt of Excessive Contributions

The 1984 July Quarterly, October Quarterly, and 30 Day Post-General Election Reports filed by the Walters Construction Management Political Committee (Walters C. M. Political Committee) ("the Committee") itemized a total of \$15,000 in contributions received from Bill L. Walters during the calendar year 1984 (Attachment 2). This resulted in the receipt of apparent excessive contributions totalling \$10,000 between July 26 and November 1, 1984.

On May 15, 1985, Requests for Additional Information ("RFAI") were sent informing the Committee that the Act precludes a committee from receiving contributions from a person in excess of \$5,000 per calendar year. The RFAs advised the Committee to refund the excessive amount to the donor or transfer-out to a non-Federal account the amount in excess of \$5,000 (Attachment 3).

On June 6, 1985, the Committee was sent a Second Notice for failure to respond to the RFAs (Attachment 4).

On June 12, 1985, Bonnie Bevington, a Committee representative, called the Reports Analysis Division ("RAD") Analyst to explain the Committee's structure. She stated that the Committee was established to receive contributions from one person who, in turn, made contributions to Federal candidates. She also stated that she was unaware of the type of funds that could be deposited in the account. The RAD Analyst suggested that the excessive contributions be refunded or transferred-out to a non-Federal account. According to Ms. Bevington, there is only one account. The possibility of establishing a separate non-Federal account was discussed. In addition, the RAD Analyst suggested that the Committee disclose the excessive amount as an

87040561762

WALTERS CONSTRUCTION MANAGEMENT
POLITICAL COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

outstanding debt because the Committee lacked sufficient funds to either transfer-out or refund the funds (Attachment 5).

Ms. Bevington submitted a letter on June 17, 1985, confirming the Committee's intention to establish a separate non-Federal account to which the excessive contributions would be transferred. She noted that this activity would be reflected on the Committee's next report (Attachment 6).

On July 19, 1985, the Committee submitted a 1984 Year End Amendment summarizing the activity for the 1984 calendar year. The report reflected the transfer of non-Federal contributions to the State account and itemized disbursements which related to Federal activity only (Attachment 7).

A RAD analyst called Ms. Bevington on July 19, 1985, to request clarifying information concerning the 1984 Year End Amendment. The analyst requested a copy of the \$11,550 check apparently transferred to the non-Federal account. Ms. Bevington explained that there was no check. The changes disclosed on the amendment were bookkeeping changes. The analyst explained that an actual separate non-Federal account must be established, and that bookkeeping changes are not adequate. The analyst explained that the amounts to be refunded should be disclosed as debts until refunds can be made (Attachment 8).

On August 28 and 29, 1985, the Party/Non-Party Branch Chief attempted to contact Mr. Richard Gartrell, the Committee's treasurer. The Branch Chief was unable to reach Mr. Gartrell (Attachment 9).

Ms. Bevington called the Branch Chief on August 30, 1985, on behalf of Mr. Gartrell. The unresolved matters discussed were the number of accounts maintained by the Committee and the excessive contributions received (Attachment 10).

Ms. Bevington explained that one account is maintained by the Committee. That separate account was established sometime in 1983 for receiving and making contributions. Based on that information, the Branch Chief informed Ms. Bevington that the Committee's amended report submitted in July needed to be revoked. She was advised to submit a letter stating that the original reports for 1984 were correct.

87040661768

WALTERS CONSTRUCTION MANAGEMENT
POLITICAL COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 3

The Branch Chief asked Ms. Bevington if Mr. Walters contributed a total of \$16,000 or \$15,000 in 1984. She responded by stating \$15,000. The Branch Chief explained that the limit was exceeded by \$10,000; therefore, that amount either had to be refunded or transferred to a non-federal account. If she were to establish a separate account for State and local purposes it would be subject to the requirements of Colorado Law and an actual transfer, not a bookkeeping adjustment would have to be made. In discussing the refund option, Ms. Bevington explained that it would be impossible to raise \$10,000 from two or three individuals. The Branch Chief explained that she could solicit contributions from executive and administrative personnel, stockholders, and families.

An amended October Quarterly Report received September 10, 1985 revoked the amendment received July 19, 1985. The amendment also stated that the excessive contribution will be corrected by reimbursing Mr. Walters, and it clarified the fact that Mr. Walters contributed \$15,000 rather than \$16,000 (Attachment 11).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

87040661769

8 7 0 4 0 6 1 7 7 0

FEDERAL ELECTION COMMISSION

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)

DATE 21OCT85

PAGE 1

NDN-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
WALTERS CONSTRUCTION MANAGEMENT POLITICAL COMMITTEE (WALTERS CM POLITICAL COMMITTEE)				NON-PARTY NON-QUALIFIED ID #C00186361		
CONNECTED ORGANIZATION: WALTERS CONSTRUCTION MANAGEMENT INC						
1983	NOTICE OF FAILURE TO FILE			19APR83 -30JUN83	4	85FEC/381/0971
	NOTICE OF FAILURE TO FILE			1JUL83 -31DEC83	1	85FEC/381/0975
1984	MISCELLANEOUS REPORT			17MAY84 FROM FEC	4	84FEC/314/2840
	STATEMENT OF ORGANIZATION			21JUN84	2	84FEC/317/4895
	MISCELLANEOUS REPORT			21JUN84 TO FEC	3	84FEC/317/4897
	STATEMENT OF ORGANIZATION - AMENDMENT			16JUL84	5	84FEC/321/4662
	JULY QUARTERLY	7,000	2,750	1JAN84 -30JUN84	6	84FEC/320/2642
	JULY QUARTERLY - AMENDMENT	-	-	1JAN84 -30JUN84	2	85FEC/375/002
	REQUEST FOR ADDITIONAL INFORMATION			1JAN84 -30JUN84	1	85FEC/373/018
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN84 -30JUN84	2	85FEC/374/5193
	OCTOBER QUARTERLY	5,000	9,650	1JUL84 -30SEP84	6	84FEC/348/1976
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL84 -30SEP84	1	85FEC/376/0473
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL84 -30SEP84	2	85FEC/387/3328
	REQUEST FOR ADDITIONAL INFORMATION			1JUL84 -30SEP84	5	85FEC/373/2528
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL84 -30SEP84	10	85FEC/375/1716
	POST-GENERAL	7,000	7,000	1OCT84 -26NOV84	5	84FEC/353/3450
	POST-GENERAL - AMENDMENT	-	-	1OCT84 -26NOV84	4	85FEC/375/5073
	REQUEST FOR ADDITIONAL INFORMATION			1OCT84 -26NOV84	4	85FEC/373/2534
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT84 -26NOV84	1	85FEC/375/2381
	YEAR-END	0	0	27NOV84 -31DEC84	5	85FEC/360/3670
	YEAR-END - AMENDMENT	0	0	1JAN84 -31DEC84	6	85FEC/379/5212
	TOTAL	19,000	0 19,400	0	79	TOTAL PAGES

All reports have received review.

Ending cash balance as of 12/31/84: \$250

Debts: \$0

ATTACHMENT 1
Page 1 of 2

8 7 0 4 0 6 6 1 7 7 1

FEDERAL ELECTION COMMISSION
 COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (85-86)

DATE 15OCT85
 PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
WALTERS CONSTRUCTION MANAGEMENT POLITICAL COMMITTEE (WALTERS CM POLITICAL COMMITTEE)						NON-PARTY NON-QUALIFIED ID #C00186361
CONNECTED ORGANIZATION: WALTERS CONSTRUCTION MANAGEMENT INC						
	1985 MID-YEAR REPORT	350	350	1JAN85 -30JUN85	5	85FEC/379/5218
	TOTAL	350	0	350	0	5 TOTAL PAGES

All reports have received review
 Ending cash balance as of 6/30/85: \$250
 Debts: \$0

SCHEDULE A

1984 July Quarterly Report

Any information copied from each Receipt or Statement may not be sufficient for the purpose of obtaining contributions or for other purposes, other than using the information of the Receipt or Statement to obtain contributions from such contributors.

Name of Contributor to Fund			
Walters Construction Management Political Committee			
Bill L Walters 7951 East Maplewood Ave Fitchwood, CO 80111		Bill L Walters Co Date (month, day, year) 2/15/84	Amount of Each Receipt This Period 1,000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation: President Aggregate Year-to-Date-\$	1,000.00
B. Full Name, Mailing Address and ZIP Code Bill L Walters 7951 East Maplewood Ave Fitchwood, CO 80111		Name of Employer: Bill L Walters Co Date (month, day, year): 4/10/84	Amount of Each Receipt This Period 2,000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation: President Aggregate Year-to-Date-\$	3,000.00
C. Full Name, Mailing Address and ZIP Code Norman Sheldon 7951 East Maplewood Ave Fitchwood, CO 80111		Name of Employer: Bill L Walters Co Date (month, day, year): 6/4/84	Amount of Each Receipt This Period 500.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation: Executive Vice President Aggregate Year-to-Date-\$	500.00
D. Full Name, Mailing Address and ZIP Code Harvey Deusch 7951 East Maplewood Ave Fitchwood, CO 80111		Name of Employer: Bill L Walters Co. Date (month, day, year): 6-1/84	Amount of Each Receipt This Period 500.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation: Lawyer Aggregate Year-to-Date-\$	500.00
E. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General		Occupation	Amount of Each Receipt This Period
Aggregate Year-to-Date-\$			
F. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General		Occupation	Amount of Each Receipt This Period
Other (specify):		Aggregate Year-to-Date-\$	
G. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General		Occupation	Amount of Each Receipt This Period
Other (specify):		Aggregate Year-to-Date-\$	
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

88 7 0 4 3 5 06 21 674742

SCHEDULE A

1984 October Quarterly

(Page 2 of 3)
ITEMIZED RECEIPTS

Page 1 of 1 for
LINE NUMBER 11
(Use separate schedule(s) for each
category of the Detailed
Summary Page)

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

Name of Committee (in Full)

Walters CM Political Committee

A. Full Name, Mailing Address and ZIP Code

**Bill L. Walters
7951 E. Maplewood Ave.
Englewood, Co**

Name of Employer

Bill L. Walters Co.

Date (month,
day, year)

7/26/84

Amount of Each
Receipt this Period

\$3,000.00

Receipt For: ☐ Primary ☒ General
☐ Other (specify):

Occupation

President

Aggregate Year-to-Date-\$

7000.00

B. Full Name, Mailing Address and ZIP Code

same as above

Name of Employer

Date (month,
day, year)

8/27/84

Amount of Each
Receipt This Period

\$1,000.00

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

Occupation

Aggregate Year-to-Date-\$

8000.00

C. Full Name, Mailing Address and ZIP Code

same as above

Name of Employer

Date (month,
day, year)

9/14/84

Amount of Each
Receipt This Period

\$1000.00

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

Occupation

Aggregate Year-to-Date-\$

9000.00

D. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)

Occupation

Aggregate Year-to-Date-\$

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

E. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)

Occupation

Aggregate Year-to-Date-\$

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

F. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)

Occupation

Aggregate Year-to-Date-\$

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

G. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,
day, year)

Occupation

Aggregate Year-to-Date-\$

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

SUBTOTAL of Receipts This Page (optional)

\$5000.00

TOTAL This Period (last page this line number only)

\$5000.00

87040561773

1984 30 Day Post-General

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.			
Name of Committee (in Full)			
No. 12345 Political Committee			
A. Full Name, Mailing Address and ZIP Code		Name of Employer	Amount of Each Receipt this Period
Bill L. No. 12345 123 E. Main St. Chicago, Ill. 60611		Bill L. No. 12345 Co	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation President	
		Aggregate Year-to-Date—\$	
B. Full Name, Mailing Address and ZIP Code		Name of Employer	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	
		Aggregate Year-to-Date—\$	
C. Full Name, Mailing Address and ZIP Code		Name of Employer	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	
		Aggregate Year-to-Date—\$	
D. Full Name, Mailing Address and ZIP Code		Name of Employer	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	
		Aggregate Year-to-Date—\$	
E. Full Name, Mailing Address and ZIP Code		Name of Employer	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	
		Aggregate Year-to-Date—\$	
F. Full Name, Mailing Address and ZIP Code		Name of Employer	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	
		Aggregate Year-to-Date—\$	
G. Full Name, Mailing Address and ZIP Code		Name of Employer	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	
		Aggregate Year-to-Date—\$	
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Richard A. Gartrell, Treasurer
Walters Construction Management
Political Committee
7951 East Maplewood Avenue
Englewood, CO 80111

MAY 15 1985

Identification Number: C00186361

Reference: October Quarterly Report (7/1/84-9/30/84)

Dear Mr. Gartrell:

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

-Schedule B of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits established by the Act. The Act precludes a political committee, other than a multicandidate committee, from making a contribution to a candidate for Federal office in excess of \$1,000 per election. (2 U.S.C. §441a(a)) If you have made an excessive contribution, the Commission recommends that you notify the recipient and request a refund of the amount in excess of \$1,000. Please inform the Commission immediately in writing and provide a photocopy of your refund request sent to the recipient. In addition, any refund should appear on a supporting Schedule A for Line 16 of your next report.

If the contribution(s) in question was incorrectly reported and/or you have additional information, you may wish to submit documentation for the public record.

Although the Commission may take further legal steps concerning the excessive contribution(s), your prompt action in obtaining a refund of the excessive amount will be taken into consideration.

-Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from another political committee or a person in excess of \$5,000 per calendar year. (2 U.S.C. §441a(f)) If you

87040561775

SP

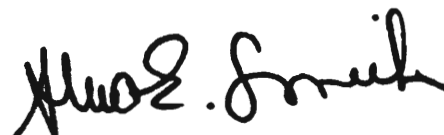
have received a contribution that exceeds the limits, the Commission recommends that you refund to the donor, or transfer-out to a non-Federal account, the amount in excess of \$5,000. Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In addition, the disbursement of the amount in excess should be disclosed on a supporting Schedule B for Line 26 or 27 of your next report.

If the contribution(s) in question was incorrectly reported and/or you have additional information, you may wish to submit documentation for the public record.

Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), your prompt refund or transfer-out of the excessive amount will be taken into consideration.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,



Alva E. Smith
Reports Analyst
Reports Analysis Division

87040561776



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Richard A. Gartrell, Treasurer
Walters Construction Management
Political Committee
7951 East Maplewood Avenue
Englewood, CO 80111

MAY 15 1985

Identification Number: C00186361

Reference: 30 Day Post-General Report (10/1/84-11/26/84)

Dear Mr. Gartrell:

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

-Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from another political committee or a person in excess of \$5,000 per calendar year. (2 U.S.C. §441a(f)) If you have received a contribution that exceeds the limits, the Commission recommends that you refund to the donor, or transfer-out to a non-Federal account, the amount in excess of \$5,000. Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In addition, the disbursement of the amount in excess should be disclosed on a supporting Schedule B for Line 26 or 27 of your next report.

If the contribution(s) in question was incorrectly reported and/or you have additional information, you may wish to submit documentation for the public record.

Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), your prompt refund or transfer-out of the excessive amount will be taken into consideration.

-Schedule B of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits established by the Act. The Act precludes a political committee, other than a multicandidate committee, from making a contribution to

87040561777

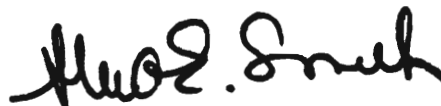
a candidate for Federal office in excess of \$1,000 per election. (2 U.S.C. §441a(a)) If you have made an excessive contribution, the Commission recommends that you notify the recipient and request a refund of the amount in excess of \$1,000. Please inform the Commission immediately in writing and provide a photocopy of your refund request sent to the recipient. In addition, any refund should appear on a supporting Schedule A for Line 16 of your next report.

If the contribution(s) in question was incorrectly reported and/or you have additional information, you may wish to submit documentation for the public record.

Although the Commission may take further legal steps concerning the excessive contribution(s), your prompt action in obtaining a refund of the excessive amount will be taken into consideration.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,



Alva E. Smith
Reports Analyst
Reports Analysis Division

87040361778



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-3

June 6, 1985

Richard A. Gartrell, Treasurer
Walters Construction Management
Political Committee
7951 East Maplewood Avenue
Englewood, CO 80111

Identification Number: C00186361

Reference: October Quarterly (7/1/84-9/30/84) and 30 Day Post-
General (10/1/84-11/26/84) Reports

Dear Mr. Gartrell:

This letter is to inform you that as of June 5, 1985, the Commission has not received your response to our requests for additional information dated May 15, 1985. Those notices requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). Copies of our original requests are enclosed.

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

If you should have any questions related to this matter, please contact Alva Smith on our toll-free number (800) 424-9530 or our local number (202) 523-4048.

Sincerely,

A handwritten signature in cursive script, reading "John D. Gibson", is written over the typed name and title.

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosures

87040561779

ANALYST: Alva E. Smith

CONVERSATION WITH: Bonnie Bevington

COMMITTEE: Walters Construction Management Political Committee

DATE: 6/12/85

SUBJECT(S): 441a violation

Ms. Bevington called to explain the committee's structure. She stated that the committee was established to receive contributions from one person, Bill L. Walters, who in turn, made contributions to Federal candidates. Ms. Bevington was unaware of the type of activity permissible under the Act. I explained that the excessive contributions received must be refunded or transferred-out to a non-Federal account. Ms. Bevington stated that there's only one account. We discussed the possibility of establishing a separate non-Federal account to transfer the funds to. She also explained that all of the committee's funds have been spent. I then suggested that she disclose the excessive amount as a debt owed to Mr. Walters or the non-Federal account depending on how she decides to resolve the matter.

I also suggested that she request refunds from the candidates who received excessive contributions.

87040561780

85 JUN 17 1:04

June 12, 1985

Ms. Alva E. Smith
Reports Analysis Division
Federal Election Commission
Washington D.C. 20463

RE: ID=C00186361
30-Day Post General Report
(10/1/84 - 11/26/84)

October Quarterly Report
(7/1/84 - 9/30/84)

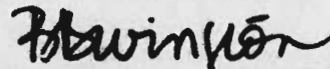
Dear Ms. Smith:

This letter is in response to the above referenced correspondence sent by your office. As we discussed on the telephone today, we were unaware that the only type of activity to be run through this account was activity that related to Federal elections. Consequently, we have been using the account for both federal and non-federal activity. As you suggested, we will establish a state and local account for non-federal activity and transfer out the excessive funds. This transfer of funds will be reflected on our next federal report.

Regarding the two contributions that we made in excess of the \$1,000 limit to Jack Kemp and Nancy Dick, we have requested a refund of the excess. Copies of these letters are attached.

If we need to provide you with any additional information, please contact me.

Very truly yours,



WALTERS CM POLITICAL COMMITTEE
by: Bonnie S. Bevington

BSB/lc

Enclosures



WaltersCM

A Bill L. Walters
Company

751 East Marwood Avenue Suite 200 Englewood Colorado 80111 (303) 770-4301

13 JUL 19 16:32

July 10, 1985

Ms. Alva E. Smith
Reports Analysis Division
Federal Election Commission
Washington D.C. 20463

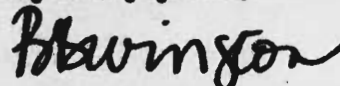
RE: ID #C00186361
Amended 1984 Activity

Dear Ms. Smith:

Attached is an amended report summarizing our Federal activity for the 1984 calendar year. This report reflects the transfer of non-federal contributions to our state account and itemized disbursements which relate to Federal activity only.

If you require any further information, please contact me.

Very truly yours,



WALTERS CM POLITICAL COMMITTEE
by: Bonnie S. Bevington

BSB/lc

Enclosure



WaltersCM

A Bill L. Walters
Company

7951 East Maplewood Avenue, Suite 200, Englewood, Colorado 80111. (303) 770-4300

87040561782

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Page 2 of 5)

RECEIVED AT THE FEC

(Summary Page)

85 JUL 18 AM 3:32

ALIGN AREA

1. Name of Committee (In Full)

Walters CM Political Committee

Address (Number and Street)

7951 E. Maplewood Ave.
Suite 200

City, State and ZIP Code

Englewood, CO 80111

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C00186361

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (Date)

4. TYPE OF REPORT (Check appropriate boxes)

☐ April 15 Quarterly Report ☐ October 15 Quarterly Report

☐ July 15 Quarterly Report ☒ January 31 Year End Report

as amended!

☐ July 31 Mid Year Report (Non-Election Year Only)

☐ Monthly Report for _____

☐ Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election

on _____ in the State of _____

☐ Termination Report

(b) Is this Report an Amendment?

☒ YES

☐ NO

SUMMARY

5. Covering Period 1/1 through 12/31/84

6. (a) Cash on hand January 1, 19 84

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 18)

(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 28)

8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))

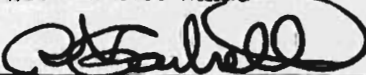
9. Debts and Obligations Owed TO The Committee
(Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee
(Itemize all on Schedule C or Schedule D)

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

R. A. Gartrell

Type or Print Name of Treasurer



SIGNATURE OF TREASURER

7/15/85
Date

For further information contact:

Federal Election Commission

Toll Free 800-424-9530

Local 202-523-4068

NOTE Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3X (3/80)

**DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3X)**

(Page 3 of 5)

Amended -

Name of Committee (in Full)

Walters CM Political Committee

Report Covering the Period:

From: **7/1/84** To: **12/31/84**

**COLUMN A
Total This Period**

**COLUMN B
Calendar Year-To-Date**

I. RECEIPTS

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(Memo Entry Unitized \$ _____)

(b) Political Party Committees

(c) Other Political Committees

(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))

16,000 *

16,000 *

11(a)

11(b)

11(c)

11(d)

16,800

16,800

12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES

12

13. ALL LOANS RECEIVED

13

14. LOAN REPAYMENTS RECEIVED

14

15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)

15

**16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES
AND OTHER POLITICAL COMMITTEES**

3,000

3,000

16

17. OTHER RECEIPTS (Dividends, Interest, etc.)

17

18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)

19,000

19,000

18

II. DISBURSEMENTS

19. OPERATING EXPENDITURES

19

20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES

20

**21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND
OTHER POLITICAL COMMITTEES**

7,750

7,750

21

22. INDEPENDENT EXPENDITURES (use Schedule E)

22

23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES
(2 U.S.C. § 441 a(d)) (Use Schedule F)

23

24. LOAN REPAYMENTS MADE

24

25. LOANS MADE

25

26. REFUNDS OF CONTRIBUTIONS TO

(a) Individuals/Persons Other Than Political Committees

26(a)

(b) Political Party Committees

26(b)

(c) Other Political Committees

26(c)

(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))

26(d)

27. OTHER DISBURSEMENTS *Transferred to State Political
Committee Account*

11,550

11,550

27

28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)

19,300

19,300

28

III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES

29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)

16,000

16,000

29

30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)

30

31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)

16,000

16,000

31

32. TOTAL OPERATING EXPENDITURES from Line 19

32

33. OFFSETS TO OPERATING EXPENDITURES from Line 15

33

34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)

34

*** \$11,000 of this amount was deposited into the wrong account and has been transferred out on Line 27.**

SCHEDULE A

ITEMIZED RECEIPTS

(Page 4 of 5)

Page ____ of ____ for
 LINE NUMBER ____
 (Use separate schedule(s) for each
 category of the Detailed
 Summary Page)

Amended

4/184 - 12/31/84

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

Name of Committee (in Full)

Walters CM Political Committee

A. Full Name, Mailing Address and ZIP Code

Bill L. Walters
 7961 E. Maplewood Ave. #800
 Englewood, CO 80111

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

Name of Employer

The Bill L. Walters Company

Occupation

President

Date (month, day, year)

7/6/84

Amount of Each Receipt this Period

2000⁰⁰

Aggregate Year-to-Date-\$ 2000

B. Full Name, Mailing Address and ZIP Code

Same as above

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

Name of Employer

Occupation

Date (month, day, year)

8/27/84

Amount of Each Receipt This Period

1000⁰⁰

Aggregate Year-to-Date-\$ 3000

C. Full Name, Mailing Address and ZIP Code

Same as above

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

Name of Employer

Occupation

Date (month, day, year)

11/1/84

Amount of Each Receipt This Period

2000⁰⁰

Aggregate Year-to-Date-\$ 5000

D. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

Name of Employer

Occupation

Date (month, day, year)

Amount of Each Receipt This Period

Aggregate Year-to-Date-\$

E. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

Name of Employer

Occupation

Date (month, day, year)

Amount of Each Receipt This Period

Aggregate Year-to-Date-\$

F. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

Name of Employer

Occupation

Date (month, day, year)

Amount of Each Receipt This Period

Aggregate Year-to-Date-\$

G. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General
☐ Other (specify):

Name of Employer

Occupation

Date (month, day, year)

Amount of Each Receipt This Period

Aggregate Year-to-Date-\$

SUBTOTAL of Receipts This Page (optional)

5000⁰⁰

TOTAL This Period (last page this line number only)

5000⁰⁰

87040561785

Amended 7/1/84 - 12/31/84

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

Name of Committee (in Full)

Walters CM Political Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Campaign for Prosperity Political Action Committee	Contribution Disbursement for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	7/23/84	5,000 ⁰⁰
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Jim Hunt Committee	Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	7/26/84	500 ⁰⁰
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Al Gore for US Senate	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	8/23/84	750 ⁰⁰
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Nancy Dick for US Senate	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	11/2/84	1500 ⁰⁰ *
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
All addresses the same as filed on original reports	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		

SUBTOTAL of Disbursements This Page (optional)

7750⁰⁰

TOTAL This Period (last page this line number only)

7750⁰⁰

*The Political Committee has requested a \$500 refund due to inadvertently making an excessive contribution.

67040561786

TELECON

ANALYST: Alva E. Smith

CONVERSATION WITH: Bonnie Bevington

COMMITTEE: Walters Construction Management Political Committee

DATE: 7/19 and 22/85

SUBJECT(S): July 19 Response

I asked Ms. Bevington to explain the amended report of July 19, 1985. She stated that she amended the report to disclose only Federal activity. I requested a copy of the \$11,550 check apparently transferred to the non-Federal account. She stated that there is no check. These changes were bookkeeping changes. I stated that in 1984 the committee only had one account. She agreed. According to 11 CFR 102.5 all activity in that one account must be reported. Making bookkeeping changes is not adequate. I stated that in 1984 the committee received excessive contributions from an individual and made excessive contributions to Federal candidates. She agreed. Due to the fact that the committee does not have sufficient funds to make the refund to Mr. Walters, that amount should be disclosed as a debt. Additionally, the excessive amount due to be refunded by the Federal candidate should also be disclosed as a debt until the refunds are received. To alleviate future problems, a separate non-Federal account may be established. Ms. Bevington's response was, "Why can't you just forget about 1984."

Based on some additional research, contributions made to Federal candidates in 1983 in excess of \$1,000 was discovered. I alerted Ms. Bevington to this fact and requested reports for that period. She explained that she was not employed by the committee at that time and it would be too time consuming to obtain that information. She stated that if I wanted that information, I'd have to send a letter.

87040561797

August 28 and 29, 1985

MEMORANDUM TO THE FILE

FROM : MICHAEL B. FILLER
COMMITTEE : WALTERS CONSTRUCTION MANAGEMENT POLITICAL CMTE.
SUBJECT : FAILURE TO REMEDY EXCESSIVE CONTRIBUTIONS
RECEIVED AND FAILURE TO FILE REPORTS FOR
1983

I called Mr. Richard Gartrell on August 28, 1985. The secretary informed me that he would not be in until tomorrow. I requested that Mr. Gartrell call me.

The following day, August 29, 1985, I received a message that Bonnie Bevington called. Since RAD's earlier attempts to resolve matters with Ms. Bevington had been unsuccessful, I again attempted to reach Mr. Gartrell; however, he was out to lunch.

87040661788

August 30, 1985

MEMORANDUM TO THE FILE

FROM : MICHAEL B. FILLER
COMMITTEE : WALTERS CONTRUCTION MANAGEMENT POLITICAL CMTE.
SUBJECT : OUTSTANDING MATTERS

Ms. Bonnie Bevington called on behalf of Richard Gartrell, the treasurer of the Walters Construction Management Political Committee ("the Committee"). I informed Ms. Bevington that I attempted to contact Mr. Gartrell concerning several unresolved matters (see below). She said that they were not aware of the federal guidelines and therefore they did not know how to respond.

1. Reports Due for 1983

I asked Ms. Bevington if she had received a notice dated July 23, 1985 concerning the Committee's obligation to file Mid-Year and Year End Reports for 1983. She said the records would have to be obtained from storage. Ms. Bevington also questioned whether or not it was really necessary to disclose activity for 1983. I informed her that since the committee had been established by a corporation and funds had been contributed to federal candidates during 1983, a reporting requirement did exist.

Ms. Bevington expressed some apprehension in filing reports for 1983, since those filed for 1984 disclosed a number of errors. I suggested that she have a more positive outlook and begin examining the records as soon as possible. I recommended that she contact the Committee's bank if she found the records to be incomplete. Ms. Bevington indicated that the deposit slips may not identify the contributors. I asked if the individuals who contributed in 1984 also contributed in 1983. She responded affirmatively and I suggested that copies of the cancelled checks be requested from those individuals.

2. Number of Accounts Maintained by the Committee

[In an attempt to determine whether the Committee's July 19, 1985 comprehensive amendment was correct, I asked Ms. Bevington how many accounts were maintained by the]

PS

8704061789

MEMORANDUM TO THE FILE
WALTERS CONSTRUCTION MANAGEMENT POLITICAL COMMITTEE
PAGE TWO

Committee. She responded "one." I then asked if this was a corporate account or a separate political account. Ms. Bevington stated that it was a separate account for receiving and making contributions. I inquired when it had been established. She said sometime in 1983. B

Based on this information, I informed Ms. Bevington that the Committee's amended report submitted in July needed to be revoked. I advised her to submit a letter stating that the original reports for 1984 were correct.

3. Apparent Excessive Contributions Received

Ms. Bevington wanted to know how to resolve the problems concerning the apparent excessive contributions received from Mr. Walters. I asked her if Mr. Walters had contributed a total of \$16,000 or \$15,000 in 1984. After examining the reports, Ms. Bevington stated that the aggregate year-to-date figure for Mr. Walters should be \$15,000.

I mentioned that the Committee had received \$10,000 in excess of the limits; therefore, that amount either had to be refunded to Mr. Walters or transferred to a non-federal account. In discussing the second option, I informed Ms. Bevington a) a separate account for State and local purposes would have to be established (subject to the requirements of Colorado law), and b) an actual transfer, not a bookkeeping adjustment, would have to be made. B

Ms. Bevington asked what she would have to do if only one account were maintained. I said, in either case, a disposition of the amount in excess was necessary. She mentioned that it would be impossible to raise \$10,000 from two or three individuals. I explained that she could solicit contributions from executive and administrative personnel, stockholders, and families of these groups. Furthermore, I told Ms. Bevington that employees of the corporation could be solicited twice yearly.

I asked Ms. Bevington if she had a copy of the FEC's Campaign Guide for Corporations. She said no. I stated that a copy would be mailed to her, and suggested that she closely examine the pages concerning fundraising.

87040561790

MEMORANDUM TO THE FILE
WALTERS CONTRUCTION MANGEMENT POLITICAL COMMITTEE
PAGE THREE

After our discussion of the aforementioned points was concluded, Ms. Bevington said that she would submit a letter next week. The letter would correct certain information and explain the efforts being made to compile reports for 1983. I suggested that she also call to keep us apprised of her progress. She agreed to do so.

PHONE: 303-770-4300

87040361791

September 3, 1985

Mr. Mike Filler
Reports Analysis Division
Federal Election Commission
Washington D.C. 20463

RE: ID #C00186361
Amended 1984 Activity

Dear Mr. Filler:

In an effort to comply with the Federal Election Commission's request to correct our 1984 reports, we submitted an amended return restating our 1984 activity by making bookkeeping entries to eliminate state activity. As this amended return is not what you wanted, we are hereby revoking it. As you suggested, the excessive contributions made by Bill L. Walters to the Committee will be corrected by reimbursing him for the excessive contributions made. Please note that the October 15, 1984 quarterly report, Schedule A, item A reflects the aggregate amount to date contributed by Walters as \$7,000. This should have been \$6,000. The \$1,000 error carries thru the year. Therefore, at year end, the aggregate amount of contributions should be \$15,000 rather than \$16,000 as reflected on the final report. This results in an excessive contribution by Walters of \$10,000 for the year which will be reimbursed him and reflected on the next required report.

Also, due to the fact that no reports were filed by our committee in 1983, we will require some time to research and reconstruct the 1983 activity before we can submit a report to you.

Very truly yours,

B. Bevington

WALTERS CM POLITICAL COMMITTEE
by: Bonnie S. Bevington

BSB:lc
cc: Rich Gartrell



WaltersCM

A Bill L. Walters
Company

7851 East Maplewood Avenue, Suite 200, Englewood, Colorado 80111, (303) 770-4300

End 1

8704061792



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

27 November 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: CRAIG ENGLE

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: UPDATE TO RAD REFERRAL 85L-44, THE WALTERS
CONSTRUCTION MANAGEMENT POLITICAL COMMITTEE
(WALTERS C.M. POLITICAL COMMITTEE)

In response to your written request of November 20, 1985, we are providing additional information concerning the referral of the Walters Construction Management Political Committee (Walters C.M. Political Committee) ("the Committee") (85L-44).

On October 29, 1985 the Committee filed a 1983 Year End Report which disclosed all activity occurring in 1983. The report itemized a contribution of \$24,350 received from Bill L. Walters (Attachment 1). This resulted in the receipt of an apparent excessive contribution totalling \$19,350.1/

On November 13, 1985, a Request for Additional Information ("RFAI") was sent informing the Committee that the Act precludes a committee from receiving contributions from a person in excess of \$5,000 per calendar year. The RFAI advised the Committee to refund the excessive amount to the donor or transfer-out to a non-federal account the amount in excess of \$5,000 (Attachment 2). As of this date, a response has not been received.

Attachment

1/ Commission records indicate that Bill L. Walters may have exceeded the 1983 annual limitations of 2 U.S.C. §441a(a)(3). In addition to the \$24,350 contribution to the Committee, it appears that Mr. Walters made at least \$12,800 in contributions to a federal candidate and two (2) political party committees, which appear to be attributable to the 1983 calendar year (see Attachment 3: FEC "G" Index and appropriate supporting schedules).

87040561793

SCHEDULE A

ITEMIZED RECEIPTS

1983 Year End Report

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

Name of Committee (in Full)

Walkers CM Political Committee

A. Full Name, Mailing Address and ZIP Code

Bill L. Walters
7951 E. Maplewood Ave.
Englewood, CO 80111

Receipt For: ☐ Primary ☐ General☐ Other (specify):

Name of Employer

Bill L. Walters Co.

Occupation
PresidentDate (month,
day, year)Amount of Each
Receipt This Period

24,350

Aggregate Year-to-Date-\$ 24,350

B. Full Name, Mailing Address and ZIP Code

Gary Arthur
7951 E. Maplewood Ave.
Englewood, CO 80111

Receipt For: ☐ Primary ☐ General☐ Other (specify):

Name of Employer

Bill L. Walters Co.

Occupation
Vice PresidentDate (month,
day, year)Amount of Each
Receipt This Period

750

Aggregate Year-to-Date-\$ 750

C. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General☐ Other (specify):

Name of Employer

Occupation

Date (month,
day, year)Amount of Each
Receipt This Period

Aggregate Year-to-Date-\$

D. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General☐ Other (specify):

Name of Employer

Occupation

Date (month,
day, year)Amount of Each
Receipt This Period

Aggregate Year-to-Date-\$

E. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General☐ Other (specify):

Name of Employer

Occupation

Date (month,
day, year)Amount of Each
Receipt This Period

Aggregate Year-to-Date-\$

F. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General☐ Other (specify):

Name of Employer

Occupation

Date (month,
day, year)Amount of Each
Receipt This Period

Aggregate Year-to-Date-\$

G. Full Name, Mailing Address and ZIP Code

Receipt For: ☐ Primary ☐ General☐ Other (specify):

Name of Employer

Occupation

Date (month,
day, year)Amount of Each
Receipt This Period

Aggregate Year-to-Date-\$

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

25,100

87040361794



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

NOV 13 1985

**Richard A. Gartrell, Treasurer
Walters Construction Management
Political Committee (Walters
CM Political Committee)
7951 E. Maplewood Avenue
Englewood, CO 80111**

Identification Number: C00186361

Reference: Year End Report (1/1/83-12/31/83)

Dear Mr. Gartrell:

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

-Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from another political committee or a person in excess of \$5,000 per calendar year. (2 U.S.C. §441a(f)) If you have received a contribution that exceeds the limits, the Commission recommends that you refund to the donor, or transfer-out to a non-Federal account, the amount in excess of \$5,000. Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In addition, the disbursement of the amount in excess should be disclosed on a supporting Schedule B for Line 26 or 27 of your next report.

If the contribution(s) in question was incorrectly reported and/or you have additional information, you may wish to submit documentation for the public record.

Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), your prompt refund or transfer-out of the excessive amount will be taken into consideration.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need

87040561795

FEDERAL ELECTION COMMISSION
SELECTED LIST OF RECEIPTS & EXPENDITURES (6) (93-94)
SECTION 1 - INDIVIDUAL CONTRIBUTIONS

DATE 15MAY85

PAGE 3975

CONTRIBUTOR/ENDORSE/TRANSFERRED REPORTING ENTITY MICROFILM LOCATION	STREET ADDRESS TRANSACTION TYPE	CITY	STATE ZIP REPORT TYPE	TYPE OF FILER DATE	ELECTION	AMOUNT
WALTER, R D CALIFORNIA FOR SENATOR PETE WILSON (1988/PCC) 8308N/004/4596 0053072 CONTRIBUTION		SANTA ROSA	CA 95401 MID-YEAR REPORT	8JUN83	PRIMARY	500
WALTER, R D DEMOCRATIC-REPUBLICAN INDEPENDENT VOTER EDUCATION COMMITTEE (DRIVE COMMITTEE) 84PEC/292/0647 0109364 CONTRIBUTION REF TO INDIVIDUAL			YEAR-END	30DEC83	PRIMARY	10-
WALTER, ROBERT REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE) 84PEC/330/3305 0311495 CONTRIBUTION		ORION HILL NAVAL RESEARCH LABORATORY	NO 20744 OCTOBER QUARTERLY	22AUG84	PRIMARY	2,000
WALTER, ROBERT ANDREW NATIONAL REPUBLICAN SENATORIAL COMMITTEE - CONTRIBUTIONS 8408N/004/3037 0339042 CONTRIBUTION		FORT WASHINGTON	NO 20744 OCTOBER QUARTERLY	30SEP84	PRIMARY	1,000
WALTER, ROBERT H CALIFORNIA REPUBLICAN PARTY (AKA CONGRESSIONAL TARGET COMMITTEE) 84PEC/293/1495 0126622 CONTRIBUTION		SEBASTOPOL VINE HILL RANCH	CA 95472 YEAR-END	27SEP83	PRIMARY	1,000
WALTERS, AL SENATE FOR CONGRESS COMMITTEE 84NDE/253/3323 0211696 CONTRIBUTION		KANSAS CITY QUICK SERVICE PRESS	MO YEAR-END	22SEP83	FOR 1982	500
WALTERS, BILL SCHAFFER TO CONGRESS 84NDE/245/4154 0013031 CONTRIBUTION		DENVER BILL WALTERS & CO	CO 80231 POST-SPECIAL	16MAR83	SPECIAL	1,000
WALTERS, BILL L REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE) 83PEC/269/5017 0006366 CONTRIBUTION		ENGLEWOOD INVESTMENTS	CO 80111 APRIL QUARTERLY	27FEB83	PRIMARY	10,000
WALTERS, BILL L US REPUBLICAN SENATE-HOUSE DINNERS COMMITTEE 83PEC/279/5706 0052635 CONTRIBUTION		ENGLEWOOD THE BILL L WALTERS COMPANY	CO 80111 MID-YEAR REPORT	26MAY83	PRIMARY	1,800
WALTERS, BILL L WALTERS CONSTRUCTION MANAGEMENT POLITICAL COMMITTEE (WALTERS CH POLITICAL COMMITTEE) 84PEC/320/2644 0253814 CONTRIBUTION		ENGLEWOOD BILL L WALTERS CO	CO 80111 JULY QUARTERLY	13MAR84	PRIMARY	1,000
WALTERS, BILL L WALTERS CONSTRUCTION MANAGEMENT POLITICAL COMMITTEE (WALTERS CH POLITICAL COMMITTEE) 84PEC/320/2644 0253815 CONTRIBUTION		ENGLEWOOD BILL L WALTERS COS	CO 80111 JULY QUARTERLY	16APR84	PRIMARY	2,000
WALTERS, BILL L COMMITTEE FOR TIM WIRTH, INC. 84NDE/267/4597 0290412 CONTRIBUTION		ENGLEWOOD SELF-EMPLOYED	CO 80111 PRE-PRIMARY	22AUG84	GENERAL	1,000

87040561797

SCHEDULE A**ITEMIZED RECEIPTS**

(See Section 114
for instructions on how to
prepare this schedule) for each
Summary of the Detailed
Summary Page

CONTRIBUTIONS FROM PERSONS OTHER THAN POLITICAL COMMITTEES

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

Name of Committee (in Full)

SCHAEFER TO CONGRESS**105783**

A. Full Name, Mailing Address and ZIP Code

**JAMES B WALLACE
7935 E PRENTICE AVE
ENGLEWOOD CO 80111**

Name of Employer

Date (month,
day, year)Amount of Each
Receipt This Period

Occupation

OIL EXECUTIVE**3/18/83****\$ 250.00**

Receipt For:

☐ Primary☐ General☒ Other (specify):**SPECIAL**Aggregate Year-to-Date—\$ **500.00**

B. Full Name, Mailing Address and ZIP Code

**BILL WALTERS
7951 E MAPLEWOOD AVE
DENVER CO 80231**

Name of Employer

BILL WALTERS & CODate (month,
day, year)**3/16/83**Amount of Each
Receipt This Period**\$ 1,000.00**

Occupation

EXECUTIVEAggregate Year-to-Date—\$ **1,000.00**

Receipt For:

☐ Primary☐ General☒ Other (specify):**SPECIAL**

C. Full Name, Mailing Address and ZIP Code

**CARL M WILLIAMS
1660 SO ALBION ST #1004
DENVER CO 80222**

Name of Employer

TELEVENTS INCDate (month,
day, year)**3/22/83**Amount of Each
Receipt This Period**\$ 500.00**

Occupation

EXECUTIVEAggregate Year-to-Date—\$ **1,000.00**

Receipt For:

☐ Primary☐ General☒ Other (specify):**SPECIAL**

D. Full Name, Mailing Address and ZIP Code

**ARTHUR WINTER
1400 CHESTRIDGE DRIVE
LITTLETON CO 80121**

Name of Employer

RETIREDDate (month,
day, year)**3/22/83**Amount of Each
Receipt This Period**\$ 100.00**

Receipt For:

☐ Primary☐ General☒ Other (specify):**SPECIAL**Aggregate Year-to-Date—\$ **300.00**

E. Full Name, Mailing Address and ZIP Code

**MELVIN WOLF
P O BOX 2062
DENVER CO 80211**

Name of Employer

OCCUPATIONDate (month,
day, year)**4/4/83**Amount of Each
Receipt This Period**\$ 250.00**

Receipt For:

☐ Primary☐ General☒ Other (specify):**SPECIAL**Aggregate Year-to-Date—\$ **250.00**

F. Full Name, Mailing Address and ZIP Code

**L DUANE & THELMA K WOODARD
913 GARLAND ST
FT COLLINS CO 80524**

Name of Employer

**COLORADO ATTORNEY
GENERAL**Date (month,
day, year)**3/10/83**Amount of Each
Receipt This Period**\$ 250.00**

Occupation

ATTORNEYAggregate Year-to-Date—\$ **250.00**

Receipt For:

☐ Primary☐ General☒ Other (specify):**SPECIAL**

G. Full Name, Mailing Address and ZIP Code

**G S & JUDITH H WRITER
8 ALEXANDER LANE
LITTLETON CO 80121**

Name of Employer

WRITER CORP.Date (month,
day, year)**3/28/83**Amount of Each
Receipt This Period**\$ 250.00**

Occupation

CEOAggregate Year-to-Date—\$ **500.00**

Receipt For:

☐ Primary☐ General☒ Other (specify):**SPECIAL**

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

638 P 24541586

REPUBLICAN NATIONAL COMMITTEE

237

STANDARD REPORT COVERING PERIOD FROM 01/01/83 THRU 02/28/83 OVER 1000.00

NAME AND ADDRESS	OCCUPATION/PROFESSIONAL PLACE OF BUSINESS	DATE	THIS PERIOD	CALCULATED YR-TU-STE
MR. R. P. WALLACH P. O. BOX 1000 NEEDS HI 00010	PROD. WALLACH CONCRETE PRODUCTS INC	02/14/83	0000.00	0000.00
MR. LOUIS WALLACRAFT GENERAL DELIVERY SABATTUS ME 04000	INFORMATION REQUESTED 02/09/83	02/25/83 03/09/83	0150.00 0000.00	0000.00
DR. D. M. WALLMARK 53RD STREET NORTH ANDOVER MA 02046	INFORMATION REQUESTED 02/18/83	02/18/83	0250.00	0250.00
DR. E. C. WALSH 210 HILLSBORO STREET FOREST HB 30070	INFORMATION REQUESTED 02/14/83	02/04/83 03/14/83	000.00 0000.00	0000.00
MR. WILLIAM WALTERS 300 PARK AVENUE NEW YORK NY 10022	INFORMATION REQUESTED 02/14/83	03/14/83	0000.00	0000.00
MR. BILL L. WALTERS SUITE 107 9975 S. SYRACUSE CIR. ENGLEWOOD CO 80111	INVESTMENTS	02/02/83	010,000.00	010,000.00
MR. JOHN F. WALTON 304 GREAT N. BOX BLDG PRESCOTT AZ 06301	INVESTMENTS	03/03/83	0300.00	0300.00
MR. ROBERT WALTZ 130 AVENUE A SENIORSEN MA 00290	SMITHELL GRADER SEATTLE-SENIORSEN HELL CO.	13 02/16/83 03/28/83	0250.00 0000.00	0750.00
MR. H. WALEZAK BOX 100 MAYHART PA 10472	INFORMATION REQUESTED 02/18/83	02/18/83	0219.95	0219.95

INVESTMENTS

87040561799
0303011

SCHEDULE A

PERIOD 02/01/83 - 06/30/83

ITEMIZED RECEIPTS--CONTRIBUTIONS, SALES AND COLLECTIONS, LOANS, AND TRANSFERS

DINWPR--INDIVIDUALS 1983

17A

PART NO. 1. LINE NO. 14A.

DATE	NAME, MAILING ADDRESS, AND ZIP CODE	OCCUPATION AND BUSINESS ADDRESS	ACCR. RECEIPT AMT YTD. THIS PERIOD
5/26/83	BILL L. WALTERS SUITE 300 7951 E. MAPLEWOOD AVE. ENGLEWOOD, CO 80111	ARCHITECT THE BILL L. WALTERS COMPANY	1800.00
			1800.00
05/20/83	MR. JOHN R. VANAMAN 423 HERRARD LN. PHILADELPHIA, PA 19110	RETIRED NONE	450.00
			450.00
05/20/83	MRS. BUTLER E. WARD 3952 AVENIDA PALO VERDE SONOMA, CA 94062	HOUSEWIFE SAME SONOMA, CA	450.00
			450.00
05/26/83	MR. CLIFTON WARD 7 NO. LYNDENHURST DR. CHATTANOOGA, TN 37411	INFORMATION REQUESTED, BUT NOT RECEIVED FROM CONTRIBUTOR	225.00
			225.00
05/26/83	JOHN H. WARE, III 101 EAST LANCASTER AVENUE OXFORD, PA 19363	INFORMATION REQUESTED, BUT NOT RECEIVED FROM CONTRIBUTOR	18000.00
			18000.00
05/26/83	ROBERT A. WARREN SUITE 0401, 21ST FLOOR ONE FIRST NATIONAL PLAZA CHICAGO, IL 60670	INFORMATION REQUESTED, BUT NOT RECEIVED FROM CONTRIBUTOR	450.00
			450.00
05/20/83	MRS. CATHERINE E. WARREN 44 GERALDINE LANE BRAINTREE, MA 02184	OWNER LONGMEADOW NURSING HOME	900.00
			900.00
05/20/83	LAWRENCE E. WARNER 44 GERALDINE LANE BRAINTREE, MA 02184	OWNER SELF-EMPLOYED STONEHEDGE NURSING HOME WEST ROXBURY, MA 02132	900.00
			900.00
05/20/83	MRS. ISABEL H. WARREN 20X 280 DUBLIN, NH 03440	RETIRED NONE	225.00
			225.00

TOTAL THIS PERIOD
(LAST PAGE OF THIS PART ONLY)

PAGE 00113

End 2

RECEIVED
FEDERAL ELECTION COMMISSION OFFICE OF THE REC
999 E Street, N.W. COMMISSION SECRETARY
Washington, D.C. 20463

SENSITIVE

First General Counsel's Report

MAR 5 P 3:45

DATE AND TIME OF TRANSMITTAL
BY OGC TO COMMISSION _____

RAD Referral 85L-44
STAFF: Frances B. Hagan

SOURCE OF MUR:

INTERNALLY GENERATED

RESPONDENTS' NAMES:

Walters Construction Management
Political Committee
Richard A. Gartrell, as treasurer
Bill L. Walters
The Armstrong Committee, Inc.
Thomas E. Rodriguez, as treasurer
Nancy Dick for U.S. Senate Committee
Patricia L. Kist, as treasurer

RELEVANT STATUTES:

2 U.S.C. § 433
2 U.S.C. § 434
2 U.S.C. § 441a(a)(3)
2 U.S.C. § 441a(a)(1)(A) and (C)
2 U.S.C. § 441a(f)
2 U.S.C. § 434(b)(2)(D)

INTERNAL REPORTS CHECKED:

RAD Referral
Disclosure Reports

FEDERAL AGENCIES CHECKED:

None

GENERATION OF MATTER

This matter was referred to the Office of General Counsel
from the Reports Analysis Division.

SUMMARY OF ALLEGATIONS

1. The Walters Construction Management Political Committee
("the Walters Committee") and its treasurer violated:
 - a) 2 U.S.C. § 441a(a)(1)(A) by making excessive
contributions to federal candidates in 1983 and 1984;
 - b) 2 U.S.C. § 441a(f) by receipt of contributions from
an individual in excess of limitations at 2 U.S.C. §
441a(a)(1)(C);
 - c) 2 U.S.C. §§ 433 and 434 by failing timely to
register and report as a political committee;

2. Bill L. Walters violated:

a) 2 U.S.C. § 441a(a)(3) by making contributions in excess of the total individual contribution limit for 1983;

b) 2 U.S.C. § 441a(a)(1)(C) by making contributions in excess of limitations to a political committee other than an authorized or party committee.

3. The Armstrong Committee, Inc. and Thomas E. Rodriguez, as treasurer, violated 2 U.S.C. § 441a(f) by receipt of an excessive contribution from the Walters Committee in 1983.

4. The Nancy Dick for U.S. Senate Committee ("the Dick Committee") and Patricia L. Kist, as treasurer, violated:

a) 2 U.S.C. § 441a(f) by receiving an excessive contribution from the Walters Committee in 1984.

b) 2 U.S.C. § 434(b)(2)(D) for failing to report a 1984 receipt from the Walters Committee.

FACTUAL AND LEGAL ANALYSIS

According to the RAD Referral, the Walters Construction Management Political Committee is a separate segregated fund set up in 1983 primarily as a vehicle for contributions by Bill L. Walters, president of its connected organization Walters Construction Management, Inc. The Walters Committee contributed to both federal and non-federal candidates from a single bank account. Its receipts originated from Bill L. Walters and three other individuals. It is not a qualified multicandidate committee.

Bill L. Walters and the Walters Committee

The Walters Committee apparently became a political committee in the first quarter of 1983 when it received funds

87040561802

contributed by Bill L. Walters, but failed to register with the FEC until after RAD spotted its contributions on recipient committee reports and on May 17, 1984, notified the Walters Committee of its reporting responsibility. On June 21, 1984, the Walters Committee registered with the Commission.

2 U.S.C. § 433 requires registration of a political committee by filing a Statement of Organization no later than 10 days after establishment of the committee. 2 U.S.C. § 434 requires that a committee file timely reports of receipts and disbursements at regular intervals. The Walters Committee violated 2 U.S.C. §§ 433 and 434 by failing to register and report in a timely manner.

2 U.S.C. § 441a(a)(1)(C) prohibits individual contributions in excess of \$5,000 in a calendar year to a political committee (other than an authorized candidate committee or party committee). 2 U.S.C. § 441a(f) prohibits receipt of such excessive contributions.

On October 29, 1985, the Walters Committee filed a disclosure report covering calendar year 1983. The report disclosed receipts of \$24,350 from Mr. Walters, apparently in excess of the Section 441a(a)(1)(C) limits by \$19,350. In 1984, Mr. Walters contributed \$15,000 to the Walters Committee. As a result, in 1984 he exceeded by \$10,000 the limits for individual contributions to a political committee. The excessive portion of his contributions for 1983 and 1984 totaled \$29,350. Mr. Walters' contributions in excess of limitations constitute a violation of

87040561803

2 U.S.C. § 441a(a)(1)(C). The Walters Committee's acceptance of excessive contributions constitutes a violation of 2 U.S.C. § 441a(f).

During its review process, RAD suggested to the Walters Committee that it open a non-federal account and transfer the excessive portion to it or refund to the donor, or in case of insufficient funds, report the excessive portion as a debt until funds were available to make the transfer or refund. The Walters Committee stated that it would report a debt to Mr. Walters, but we have not received an amended report disclosing such debt.

In addition concerning Mr. Walters, the FEC G index for 1983 which compiles contributions by individuals of \$500 or more, shows that Mr. Walters made contributions totaling \$12,800 to two party committees and to a federal candidate's committee. These contributions, combined with contributions of \$24,350 he made to the Walters Committee in 1983, total \$37,150. 2 U.S.C. § 441a(a)(3) states that no individual shall make contributions aggregating more than \$25,000 in any calendar year. By making contributions in excess of \$25,000 during 1983, Mr. Walters violated 2 U.S.C. § 441a(a)(3).

As to the Walters Committee, on November 18, 1983, it contributed \$4000 to the Armstrong Committee, Inc., principal

8704061804

campaign committee for Senator William L. Armstrong of Colorado. In response to a RAD request on June 19, 1984, the Walters Committee obtained a refund of \$3000 from the Armstrong Committee, Inc.

On November 2, 1984, the Walters Committee contributed \$1500 to the Nancy Dick for U.S. Senate Committee, principal campaign committee for Nancy Dick, Senate candidate from Colorado.

In a letter dated June 12, 1985, the Walters Committee stated that it had requested a refund of \$500 from the Dick Committee. We have no evidence of such refund. 2 U.S.C. § 441a(a)(1)(A) states that no person (including a political committee - 2 U.S.C. § 431(11)) shall make contributions to an authorized candidate committee in excess of \$1,000 per election. Because it made contributions totaling \$3,500 in excess of limitations, the Walters Committee violated 2 U.S.C. § 441a(a)(1)(A).

The Armstrong Committee, Inc.

The Armstrong Committee, Inc., violated 2 U.S.C. § 441a(f) through receipt of the excessive contribution from the Walters Committee in 1983. The contribution of \$4000 was made on November 18, 1983. In June 1984, the Armstrong Committee Inc., refunded the excessive portion (\$3,000).

The Nancy Dick for U.S. Senate Committee

It appears that the Dick Committee has violated 2 U.S.C. § 441a(f) by accepting a contribution of \$1500 from the Walters Committee during 1984 (excessive portion of \$500). Furthermore, a review of the Dick Committee reports indicates that this Committee may have failed to report the contribution from the Walters Committee in violation of 2 U.S.C. § 434(b)(2)(D).

8704061805

we make no recommendations regarding the Dick Committee at this time. Following receipt of the Committee's response, this Office will make appropriate recommendations with regard to the Dick Committee.

RECOMMENDATION

1. Open a MUR
2. Find reason to believe that the Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer, violated:

- a) 2 U.S.C. § 441a(a)(1)(A)
- b) 2 U.S.C. § 441a(f)
- c) 2 U.S.C. § 433
- d) 2 U.S.C. § 434

3. Find reason to believe that Bill L. Walters violated:

- a) 2 U.S.C. § 441a(a)(3)
- b) 2 U.S.C. § 441a(a)(1)(C)

4. Find reason to believe that the Armstrong Committee, Inc. and Thomas E. Rodriguez, as treasurer, violated 2 U.S.C. § 441a(f).

5. Send the attached letters and General Counsel's Factual and Legal Analyses.

March 5, 1986
Date

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

Letters and Factual and Legal Analyses to Respondents (3)
Referral

End 3

87040561806

8704056180Z

Attachments to First
GENERAL COUNSEL'S REPORT

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment 1 see 7,8,9

<u>2</u>	<u>1</u>
—	—
—	—
—	—



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: JOHN D. GIBSON
FROM: MARJORIE W. EMMONS/ CHERYL A. FLEMING *CAF*
DATE: MARCH 7, 1986
SUBJECT: RAD Ref. 851-44: First General Counsel's Report
Signed March 5, 1986

The above-named document was circulated to the
Commission on Thursday, March 6, 1986 at 11:00 A.M.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____ X _____
Commissioner Harris	_____
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	_____

This matter will be placed on the Executive Session
agenda for Tuesday, March 18, 1986.

Please advise the Office of Commission Secretary in writing
no later than 10:00 A.M. on Friday, March 14, 1986 who will
represent your Division before the Commission on this matter.
(Pursuant to Directive #17)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO:

JOHN D. GIBSON

FROM:

MARJORIE W. EMMONS/ CHERYL A. FLEMING *CAF*

DATE:

MARCH 10, 1986

SUBJECT:

OBJECTION RAD Ref. 85L-44:

First General Counsel's Report
Signed March 5, 1986

The above-named document was circulated to the
Commission on Thursday, March 6, 1986 at 11:00 A.M.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____ X _____
Commissioner Harris	_____
Commissioner Josefiak	_____ x _____
Commissioner McDonald	_____
Commissioner McGarry	_____

This matter will be placed on the Executive Session
agenda for Tuesday, March 18, 1986.

Please advise the Office of Commission Secretary in writing
no later than 10:00 A.M. on Friday, March 14, 1986 who will
represent your Division before the Commission on this matter.
(Pursuant to Directive #17)

87040561810

一一一

RAD Referral 85L-44

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the

1986, do hereby certify that the Commission decided by a

matter:

1. Open a MUR.
2. Find reason to believe that the Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A), 441a(f), 433, and 434.
3. Find reason to believe that Bill L. Walters violated 2 U.S.C. §§ 441a(a)(3) and 441a(a)(1)(C).
4. Find reason to believe that the Armstrong Committee, Inc. and Thomas E. Rodriguez, as treasurer, violated 2 U.S.C. § 441a(f).

(continued)

Federal Election Commission
Certification for RAD Referral 85L-44
March 18, 1986

Page 2

5. Send the letters and General Counsel's Factual and Legal Analyses as recommended in the General Counsel's report dated March 5, 1986.

Commissioners Aikens, Harris, Josefiak, McDonald, and McGarry voted affirmatively for the decision; Commissioner Elliott dissented.

Attest:

3-19-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

87040661811



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 21, 1986

Mr. Bill L. Walters
7951 E. Maplewood Avenue
Englewood, Colorado 80111

RE: MUR 2151
Bill L. Walters

Dear Mr. Walters:

On March 18, 1986, the Federal Election Commission determined there is reason to believe that you violated the following provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"):

- a) 2 U.S.C. § 441a(a)(3),
- b) 2 U.S.C. § 441a(a)(1)(C).

The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

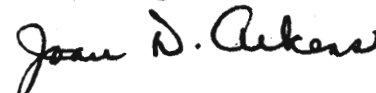
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



Joan D. Aikens
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

87040561813



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 21, 1986

Thomas E. Rodriguez, Treasurer
The Armstrong Committee, Inc.
1777 South Harrison
Suite 1100
Denver, Colorado 80210

RE: MUR 2151
The Armstrong Committee, Inc.
Thomas E. Rodriguez, as
treasurer

Dear Mr. Rodriguez:

On March 18, 1986, the Federal Election Commission determined there is reason to believe that the Armstrong Committee, Inc. and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be

entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

87040561813



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 21, 1986

**Mr. Richard A. Gartrell, Treasurer
Walters Construction Management
Political Committee
7951 East Maplewood Avenue
Englewood, Colorado 80111**

**RE: MUR 2151
Walters Construction
Management Political
Committee
Richard A. Gartrell, as
treasurer**

Dear Mr. Gartrell:

On March 18, 1986, the Federal Election Commission determined that there is reason to believe that the Walters Construction Management Political Committee and you, as treasurer, violated the following provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"):

- a) 2 U.S.C. § 441a(a)(1)(A),
- b) 2 U.S.C. § 441a(f),
- c) 2 U.S.C. § 433,
- d) 2 U.S.C. § 434.

The General Counsel's Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

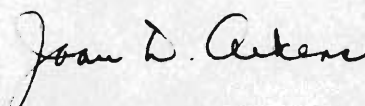
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form, stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



Joan D. Aikens
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

RECEIVED THE FEC
QCC#112
06 APR 1 1986 09:52

DEUTSCH & SHELDON

ATTORNEYS AND COUNSELLORS AT LAW

7881 EAST MAPLEWOOD AVENUE

SUITE 328

ENGLEWOOD, COLORADO 80111

(303) 694-1982

HARVEY E. DEUTSCH
MICHAEL A. SHELDON
JANIS ANN BREGGIN
SUSAN LEE HIRSCH

March 28, 1986

Ms. Frances B. Hagan
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2151, Bill L. Walters and MUR 2151,
Walters Construction Management Political
Committee, Richard A. Gartrell as Treasurer

Dear Ms. Hagan:

86 APR 1 ALL:31
RECEIVED
GENERAL COUNSEL

This office represents Mr. Bill L. Walters and Mr. Richard A. Gartrell in the above-referenced matters. We have reviewed your March 21, 1986 letters to our clients and the General Counsel's Factual and Legal Analysis enclosed with each letter. We have also reviewed our clients' files and records in connection with this matter.

87040561818

We have noted that, in response to your assertion of Federal Election Campaign Act violations, prompt corrective action has been taken by our clients. Because our clients are making every effort to comply with the Act, we believe that a pre-probable cause conciliation is well worth pursuing in this matter. Therefore, without admission of any violation but, with the understanding that every effort is being made by our clients toward continued good faith compliance, we request a pre-probable cause conciliation meeting. If the Office of General Counsel likewise recommends conciliation, please contact me directly so that we may establish a time and place for such meeting.

We have enclosed Statements of Designation of Counsel for Mr. Walters and Mr. Gartrell.

Your consideration of this request is appreciated.

Sincerely,


Harvey E. Deutsch

HED:dk

cc: Mr. Bill L. Walters
Mr. Richard A. Gartrell

10

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2151

NAME OF COUNSEL: Harvey E. Deutsch

ADDRESS: Deutsch & Sheldon

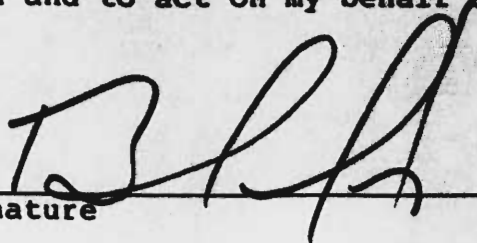
7951 East Maplewood Ave. #326

Englewood, Colorado 80111

TELEPHONE: (303) 694-1982

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

3/26/86
Date


Signature

RESPONDENT'S NAME: Bill L. Walters

ADDRESS: 7951 East Maplewood Avenue #300

Englewood, Colorado 80111

HOME PHONE: _____

BUSINESS PHONE: (303) 694-1966

87040661819

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2151

NAME OF COUNSEL: Harvey E. Deutsch

ADDRESS: Deutsch & Sheldon

7951 East Maplewood Avenue #326

Englewoo, Colorado 80111

TELEPHONE: (303) 694-1982

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

3/26/86
Date


Signature

RESPONDENT'S NAME: Richard A. Gartrell

ADDRESS: 7951 East Maplewood Avenue

Suite 300

Englewood, Colorado 80111

HOME PHONE: _____

BUSINESS PHONE: (303) 694-1966

87040361820

The Armstrong Committee
Suite 200
3900 Mexico Avenue
Denver, Colorado 80210
(303) 758-4600

GC#310
85L-44
(M2151)

RECEIVED
OFFICE OF THE FEC
COMMUNICATIONS SECTION
APR 11 P 3:18

April 8, 1986

Federal Election Commission
Washington, D.C. 20463

Dear Ms. Aikens:

We are in receipt of your letter dated March 21, 1986 whereby a contribution receipted from Walters Construction Management Political Committee was questioned. Please find the following information:

1. When the Armstrong Committee receipted the aforementioned campaign contribution we were of the belief that Walters Construction Management Political Committee was a multi-candidate pac.

2. Upon further inquiry we determined that the Walters Construction Management Political Committee was not a multi-candidate pac and as such we timely refunded the amount of \$3,000.00 in compliance with Federal Election Commission Standards.

In this regard please find attached- letters dated June 5, 1984 and May 18, 1984 where this same subject was discussed with the Federal Election Commission and copies were provided for your information.

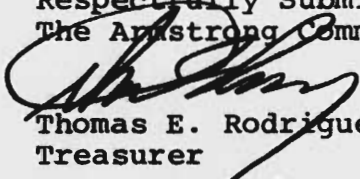
In closing we offer the following:

1. The Armstrong Committee was unaware of the Walters Construction Management Political Committee not being a multi-candidate pac upon receipt of the \$4,000.00 check in question.

2. Upon determining the Walters Construction Management Political Committee was not a multi-candidate committee a refund was timely made.

Thank you for your time and consideration in this matter.

Respectfully Submitted,
The Armstrong Committee


Thomas E. Rodriguez
Treasurer

11

Paid for and authorized by The Armstrong Committee, Inc., Terence Considine, Campaign Manager—Thomas E. Rodriguez, CPA, Treasurer.

87040561821
Bill Armstrong

The Armstrong Committee
Suite 200
3900 Mexico Avenue
Denver, Colorado 80210
(303) 758-4600

June 5, 1984

Mr. John D. Gibson
Federal Election Commission
Assistant Staff Director
Reports Analysis Division
Washington, D.C. 20463

Dear Mr. Gibson:

We are herein responding to your letter of May 18, 1984 regarding our 7/1/83 - 12/31/83 FEC report for The Armstrong Committee, Inc. (No. C00083543)

The two items in question are explained as follows:

- 1) Mr. Jordan Perlmutter - total contribution of \$2,500
Incorrect data input resulted in the total donation being attributed to Mr. Jordan Perlmutter. Changes were made subsequent to the release of the FEC report to correctly attribute \$500 to Mrs. Jordan Perlmutter per Mr. Jordan Perlmutter's request as the donation came from joint funds.
- 2) Walter CM Political Committee - check copy attached
It was recently learned that this Political Committee was not a multi-candidate PAC. Therefore, \$3,000 was refunded to Walters CM on 5/31/84 in order to comply with the contribution limitations imposed upon non-multi candidate PAC's.

We hope the above information is sufficient to clarify the items in question. If you should have any questions related to this matter, please contact James Hagen at (303) 758-4600.

Respectfully submitted,

James L. Hagen for
Thomas E. Rodriguez, CPA
Treasurer

11

Printed for and authorized by The Armstrong Committee, Inc. Terence Considine, Campaign Manager; Thomas E. Rodriguez, CPA, Treasurer

Bill Armstrong

823

Walters CM
Political Committee
7951 E. Maplewood Ave.
Englewood, CO 80155

No. 1507

November 18 1983 23-1/1020

Pay to the order of William Armstrong Committee \$ 4,000.00

*****FOUR THOUSAND DOLLARS AND 00 CENTS***** Dollars

ABentell

For Donation

⑆102000018⑆ 7603162⑈

11



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-3

May 18, 1984

**Thomas E. Rodriguez, CPA
The Armstrong Committee, Inc.
3900 E. Mexico, Suite 200
Denver, CO 80210**

Identification Number: C00083543

Reference: Year-End Report (7/1/83-12/31/83)

Dear Mr. Rodriguez:

On April 24, 1984 you were notified that a review of the above-referenced report(s) raised questions as to specific contributions and/or expenditures, and the reporting of certain information required by the Federal Election Campaign Act.

The Commission is in receipt of your 1984 April Quarterly Report which shows refunds made for some of the excessive contributions identified in your 1983 Year-End Report. Please note that the following is still required.

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual or a political committee other than a multicandidate committee may not make contributions to a candidate for Federal office in excess of \$1,000 per election. If you have received a contribution(s) which exceeds the limits, the Commission recommends that you refund to the donor(s) the amount in excess of \$1,000. The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 20 of the Detailed Summary Page of your next report. (2 U.S.C. 441a(a) and (f))

The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.

If the contribution(s) in question was incorrectly reported and/or you have additional information regarding the contributor(s), you may wish to submit documentation for the public record. Please amend your report with the clarifying information.

87040361824

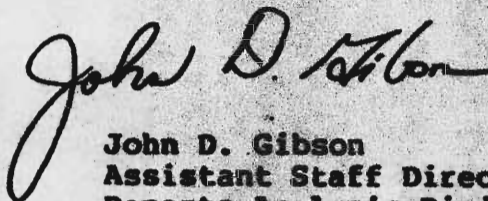
11

Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), prompt action by you to refund the excessive amount will be taken into consideration.

If this information is not received by the Commission within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Roberto Garcia on our toll-free number (800) 424-9530 or our local number (202) 523-4048.

Sincerely,



John D. Gibson
Assistant Staff Director
Reports Analysis Division

87040661825

SCHEDULE A

ITEMIZED RECEIPTS

LINE NUMBER 11a

The American Committee, Inc.

LINE NUMBER 11a

NAME AND ADDRESS	EMPLOYER & OCCUPATION	DATE REC'D	AMOUNT
------------------	-----------------------	------------	--------

Mrs. Darlene Perlman		12/21/83	10.00
----------------------	--	----------	-------

RECEIPT: PRIMARY	YTD TOTAL	10.00	
------------------	-----------	-------	--

Mr. Ken Parlay		12/30/83	25.00
----------------	--	----------	-------

RECEIPT: PRIMARY	YTD TOTAL	25.00	
------------------	-----------	-------	--

Mr. Jordan Perlmutter 6220 West 5th Avenue Denver, CO 80220	Jordan Perlmutter, & Co. Builder/Developer	11/09/83 11/29/83	500.00 1,000.00
---	---	----------------------	--------------------

RECEIPT: PRIMARY	YTD TOTAL	2,500.00	
------------------	-----------	----------	--

Mr. Jordan Perlmutter 6220 West 5th Avenue Denver, CO 80220	Jordan Perlmutter, & Co. Builder/Developer	11/29/83	1,000.00
---	---	----------	----------

RECEIPT: GENERAL	YTD TOTAL	2,500.00	
------------------	-----------	----------	--

Errolley Parrinot		12/16/83	50.00
-------------------	--	----------	-------

RECEIPT: PRIMARY	YTD TOTAL	50.00	
------------------	-----------	-------	--

Mr. Omer Parrin		12/14/83	5.00
-----------------	--	----------	------

RECEIPT: PRIMARY	YTD TOTAL	5.00	
------------------	-----------	------	--

Mrs. Ruth Parrin		12/14/83	5.00
------------------	--	----------	------

RECEIPT: PRIMARY	YTD TOTAL	5.00	
------------------	-----------	------	--

Mr. Dallas F Parrine		12/31/83	10.00
----------------------	--	----------	-------

RECEIPT: PRIMARY	YTD TOTAL	10.00	
------------------	-----------	-------	--

Mrs. Barbara C. Perry		12/14/83	15.00
-----------------------	--	----------	-------

RECEIPT: PRIMARY	YTD TOTAL	15.00	
------------------	-----------	-------	--

Mr. Carl W. Perry		12/01/83	25.00
-------------------	--	----------	-------

RECEIPT: PRIMARY	YTD TOTAL	25.00	
------------------	-----------	-------	--

11 2,645

The Armstrong Committee, Inc.

LINE NUMBER 11C

NAME AND ADDRESS

DATE REC'D

AMOUNT

Altman CM Political Committee
7951 E. Maplewood Avenue
Englewood, CO 80111

11/22/83

4,000.00

RECEIPT: PRIMARY

YTD TOTAL 4,000.00

GATX Good Government Program
Mr. Dale E. Schell
1919 Penn. Ave., N.W., Ste. 300
Washington, DC 20006

12/12/83

1,000.00
RG

RECEIPT: PRIMARY

YTD TOTAL 1,000.00

Campaign for Prosperity
James S. Wagner
422 First Street S. E.
Washington, DC 20009

12/29/83

1,000.00

RECEIPT: PRIMARY

YTD TOTAL 1,000.00

Television and Radio PAC
Robert Carmines, Exec. Director
1071 N. Street, N.W.
Washington, DC 20036

12/12/83

1,000.00

RECEIPT: PRIMARY

YTD TOTAL 1,000.00

U.S. League- SAPEC
Mr. Roy Green
1709 New York Avenue, N.W.
Washington, DC 20006

12/12/83

2,000.00

RECEIPT: PRIMARY

YTD TOTAL 2,000.00

American Financial Services Assn. PAC
1101 14th St., N.W., 4th floor
Washington, DC 20005

12/12/83

500.00

RECEIPT: PRIMARY

YTD TOTAL 500.00

First Sugar PAC
David C. Carter
1156 15th Street Northwest
Washington, DC 20005

12/21/83

300.00

RECEIPT: PRIMARY

YTD TOTAL 300.00

11

9,800



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-2

24 April 1984

Thomas E. Rodriguez, CPA
The Armstrong Committee, Inc.
3900 E. Mexico, Suite 200
Denver, CO 80210

Identification Number: C00083543

Reference: Year-End Report (7/1/83-12/31/83)

Dear Mr. Rodriguez:

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

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual or a political committee, other than a multicandidate committee may not make contributions to a candidate for Federal office in excess of \$1,000 per election. If you have received a contribution(s) which exceeds the limits, the Commission recommends that you refund to the donor(s) the amount in excess of \$1,000. The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 20 of the Detailed Summary Page of your next report. (2 U.S.C. 441a(a) and (f))

The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.

If the contribution in question was incorrectly reported or you have additional information regarding the contributor, you may wish to submit documentation for the public record.

The Commission notes partial refunds of excessive contributions and your statement that other refunds will be disclosed in the 1984 April Quarterly Report.

8704061828

11

8704061829

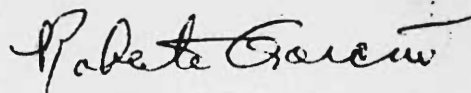
Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), prompt action by you to refund the excessive amount will be taken into consideration.

-For future reports, please be advised that contributions from individuals which, in the aggregate, do not exceed \$200 need not be itemized on Schedule A. The total amount of the unitemized contributions should be included on the memo entry line and in the total of contributions received on Line 11(a) of the Detailed Summary Page. If you choose to itemize the contributions less than \$200, please do so on a separate Schedule A.

-For future reports, please be advised that when itemizing contributions from political committees, you should include the full name of the connected organization or a readily recognizable acronym thereof.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,



Roberto Garcia
Reports Analyst
Reports Analysis Division

11

RECEIVED AT THE FEC
GCC 252
06 APR 18 P2:20

STATEMENT OF DESIGNATION OF COUNSEL

NUR 2151

NAME OF COUNSEL: James Kevin Wholey

ADDRESS: 440 First Street, NW
Suite 600
Washington, D.C. 20001

TELEPHONE: (20) 347-0202

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

April 16, 1986
Date


Signature *Treasurer*

RESPONDENT'S NAME: Thomas E. Rodriguez

ADDRESS: The Market Towers
3025 South Parker Road, Suite 921
Aurora, Colorado 80014

HOME PHONE: (303) 695-1130

BUSINESS PHONE: (303) 758-4600

86 APR 18 P3:20

TELETYPE
CLASSIFIED

12

87040561830

RECEIVED
COMMISSION THE REC
COMMISSION SECRET
SENSITIVE

**Walters Construction Management
Political Committee
Richard A. Gartrell, as treasurer
Bill L. Walters
Nancy Dick for U.S. Senate Committee
Patricia L. Rist, as treasurer
The Armstrong Committee, Inc.
Thomas E. Rodriguez, as treasurer**

06 APR 24 2157 2:24

87040561831

- a) 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to federal candidates in 1983 and 1984;
- b) 2 U.S.C. § 441a(f) by receipt of contributions from an individual in excess of limitations at 2 U.S.C. § 441a(a)(1)(C);
- c) 2 U.S.C. §§ 433 and 434 by failing timely to register and report as a political committee.

a) 2 U.S.C. § 441a(a)(3) by making contributions in excess of the total individual contribution limit for 1983;

b) 2 U.S.C. § 441a(a)(1)(C) by making contributions in excess of limitations to a political committee other than an authorized or party committee.

13

treasurer, pursuant to the Commission's handling of similar cases.*/

The Walters Committee and Bill L. Walters responded to the reason to believe notice with a request for settlement through pre-probable cause conciliation.

II. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

87040661832

87040561833

The Nancy Dick for U.S. Senate Committee

2 U.S.C. § 441a(a)(1)(A) states that no person (including a political committee - 2 U.S.C. § 431(11)) shall make contributions to an authorized candidate committee in excess of \$1,000 per election.

2 U.S.C. § 441a(f) prohibits acceptance of contributions violative of 2 U.S.C. § 441a(a)(1)(A).

2 U.S.C. § 434(b)(2)(D) requires disclosure of contributions from political committees.

On November 2, 1984, the Walters Committee contributed \$1500 to the Nancy Dick for U.S. Senate Committee ("the Dick Committee"), principal campaign committee for Nancy Dick, Senate candidate from Colorado. In a letter to RAD dated June 12, 1985, the Walters Committee stated that it had requested a refund of \$500 from the Dick Committee. We have no evidence, however, that such refund occurred.

It appears that the Dick Committee has violated 2 U.S.C. § 441a(f) by accepting a contribution of \$1500 from the Walters Committee during 1984 (excessive portion of \$500). Furthermore, a review of the Dick Committee reports indicates that this Committee may have failed to report the contribution from the Walters Committee in violation of 2 U.S.C. § 434(b)(2)(D).

87040561834

RECOMMENDATION

1. Enter into conciliation with the following prior to a finding of probable cause to believe:
 - a) Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer;
 - b) Bill L. Walters.
2. Approve the attached proposed conciliation agreements.
3. Find reason to believe that the Nancy Dick for U.S. Senate Committee and Patricia L. Kist, as treasurer, violated the following:
 - a) 2 U.S.C. § 441a(f)
 - b) 2 U.S.C. § 434(b) (2) (D).
4. Approve the attached letters and Factual and Legal Analysis.

Charles N. Steele
General Counsel

87040661835
Date April 24, 1986

BY:


Kenneth A. Gross
Associate General Counsel

Attachments

Proposed Conciliation Agreements (2) and
Letters to Respondents (2)
Factual and Legal Analysis (1)

87040661836

Attachments to GENERAL
COUNSEL'S REPORT

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment _____ see _____

Ltrs.

15416

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Walters Construction Management)

Political Committee)

MUR 2151

Richard A. Gartrell, as treasurer)

Bill L. Walters)

Nancy Dick for U.S. Senate Committee)

Patricia L. Kist, as treasurer)

The Armstrong Committee, Inc.)

Thomas E. Rodriguez, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 29, 1986, the Commission decided by a vote of 5-0 to take the following actions in MUR 2151:

1. Enter into conciliation with Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer, Bill L. Walters, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreements, as recommended in the General Counsel's Report signed April 24, 1986.
3. Find reason to believe that the Nancy Dick for U.S. Senate Committee and Patricia L. Kist, as treasurer, violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 434(b)(2)(D).
4. Approve the letters and Factual and Legal Analysis, as recommended in the General Counsel's Report signed April 24, 1986.

Commissioners Aikens, Elliott, Harris, Josefiak and McDonald voted affirmatively for this decision; Commissioner McGarry did not cast a vote.

Attest:

4-29-86

Date

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

14

8704056183Z



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 5, 1986

Patricia L. Kist, Treasurer
Nancy Dick for U.S. Senate Committee
P.O. Box 4313
Denver, Colorado 80204

RE: MUR 2151
Nancy Dick for U.S. Senate Committee
Patricia L. Kist, as treasurer

Dear Ms. Kist:

On April 29, 1986, the Federal Election Commission determined that there is reason to believe that the Nancy Dick for U.S. Senate Committee and you, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b)(2)(D), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be

Letter to Patricia L. Kist, Treasurer
Page 2

entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Joan D. Aikens
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

15

87040561839



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 5, 1986

Harvey E. Deutsch, Esquire
Deutsch and Sheldon
7951 East Maplewood Avenue #326
Englewood, Colorado 80111

RE: MUR 2151
Walters Construction Management
Political Committee
Richard A. Gartrell, as treasurer
Bill L. Walters

Dear Mr. Deutsch:

On March 18, 1986, the Commission found reason to believe that your clients violated the following:

1. The Walters Committee and treasurer:
 - a) 2 U.S.C. § 441a(a)(1)(A);
 - b) 2 U.S.C. § 441a(f);
 - c) 2 U.S.C. § 433;
 - d) 2 U.S.C. § 434.
2. Bill L. Walters:
 - a) 2 U.S.C. § 441a(a)(3);
 - b) 2 U.S.C. § 441a(a)(1)(C).

At your request, the Commission determined on April 29, 1986, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed are conciliation agreements that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreements, please sign and return them, along with the civil penalties, to the Commission. In light of the fact that conciliation negotiations prior to a finding of probable cause to believe are limited to a maximum of 30 days, you should respond to this notification as soon as

87040561840

Letter to Harvey E. Deutsch, Esquire
Page 2

possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

8704061841

16

nancy dick
for U.S. Senate

May 23, 1986

Nancy Dick for U.S. Senate Committee
P.O. Box 4313
Denver, CO 80204

Joan D. Aikens
Chairman
Federal Elections Commission
Washington, DC 20463

RE: MUR 2151
Nancy Dick for U.S. Senate Committee
Patricia L. Kist, as treasurer

Dear Ms. Aikens:

In response to your letter of May 5, 1986, we performed an extensive search of the campaign contribution records and bank statements of the Nancy Dick for U.S. Senate Committee. We determined that we have not accepted a contribution of any size at any time from "the Walters Committee".

I then contacted the Walters C M Political Committee to inquire about the alleged contribution that they had reported to the Federal Elections Commission. I was informed that they had had a number of problems with campaign contributions and that they are currently under investigation by the Commission. A Walters C M Political Committee representative informed me that on November 2, 1984, they had paid Mr. Norman A. Sheldon fifteen hundred dollars (\$1500.00) for a contribution that he had made to the Nancy Dick for U.S. Senate campaign. It was, in fact, this payment to Mr. Sheldon that was reported to the Commission as a contribution to the Nancy Dick for U.S. Senate Committee.

Our records show Mr. Sheldon's contribution of fifteen hundred dollars (\$1500.00) was received on October 25, 1984. A copy of his check and contribution card is enclosed. Since Mr. Sheldon had not previously contributed to the campaign, we accepted his contribution, allocating one thousand dollars (\$1000.00) to the General Election and five hundred dollars (\$500.00) to the Primary Election to help retire

PAID FOR BY NANCY DICK FOR U.S. SENATE COMMITTEE, CLIFF LAMB, TREASURER
CAMPAIGN HEADQUARTERS: 1360 SPEER BLVD., DENVER, COLORADO 80204 (303) 893-1984

GCC# 584

Adgen

86 MAY 28 P 2: 58
86 MAY 28 P 3: 10

OFFICE OF THE
COMMISSIONER
SECRETARY
GENERAL COUNCIL

2
4
8
6
1
0
4
0
5
7
6

17

Nancy Dick for U.S. Senate Committee
P.O. Box 4313
Denver, CO 80204

RE: MUR 2151
Nancy Dick for U.S. Senate Committee
Patricia L. Kist, as treasurer

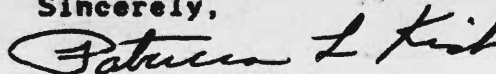
Page 2

our primary campaign debt. We reported Mr. Sheldon's contribution on our Thirtieth day report following the General Election, Schedule A, page 14 of 17, item F. A copy of this page of our report is enclosed.

Regardless of the intensions of the Walters C M Political Committee and Mr. Norman A. Sheldon, the fact remains that the Nancy Dick for U.S. Senate Committee did not receive any contribution from "the Walters Committee". We did, in fact, receive, and accept in good faith, a personal contribution from Mr. Sheldon, which we reported as a personal contribution.

We believe that the information contained in this letter clearly demonstrates that the allegations stated in General Counsel's Factual and Legal Analysis are, in fact, unfounded. We therefore respectfully request that the Commission take no action against me, as treasurer, or the Nancy Dick for U.S. Senate Committee.

Sincerely,



Patricia L. Kist
Treasurer
Nancy Dick for U.S. Senate Committee

cc: Frances B. Hagan
General Counsel Staff

17

NORMAN A. SHELDON
5931 SOUTH BOSTON STREET
ENGLEWOOD, COLORADO 80111

1331

23-951020

10-25 1984

\$1,500.00

Dollars

to the Maya Dick For U.S. Senate

from Howard \$01100

CHERRY CREEK NATIONAL BANK

Bank From Account # 5931
Denver, Colorado 80111

Norman Sheldon

⑆001331⑆ ⑆102000953⑆ 87⑆54536⑆

WE Norman Sheldon

DRESS 5931 S. Boston St.

Englewood, Co 80111

PHONE

OCCUPATION Developer / Self

AMOUNT 4,512 DATE 10.25.84

NORMAN A. SHELDON
694-1835
Home #

44819504078

Barbie Reunited

7

NANCY DICK FOR U S SENATE COMMITTEE

SCHEDULE A

ITEMIZED RECEIPTS

Page 14 of 17
line 11

Name/Address:	Contribution Information:
Datha E. Sager	Date Amount
1636 Newark St.	10-29-84 200.00

Aurora CO 80010	
Primary: Generalx	Year to Date Total: 275.00
Occupation/Employer	

Name/Address:	Contribution Information:
Barbara Salomon	Date Amount
90 Madison #404	10-30-84 100.00

Denver CO	
Primary: Generalx	Year to Date Total: 200.00
Occupation/Employer	
attorney/Donnell Davis & Salomon	

Name/Address:	Contribution Information:
Suzanne Saunders	Date Amount
3477 W. 37th Ave.	10-19-84 5.00

Denver CO 80211	
Primary: Generalx	10-23-84 100.00
Occupation/Employer	11-03-84 20.00
Attorney/	Year to Date Total: 285.00

Name/Address:	Contribution Information:
Nathan Shapiro	Date Amount
1700 Ridge Ave.	11-01-84 200.00

Highland Park IL 60035	
Primary: General	Year to Date Total:
Occupation/Employer	

Name/Address:	Contribution Information:
Doug Sheffer	Date Amount
P.O. Box 250	11-13-84 500.00

Primary: Generalx	Year to Date Total: 600.00
Occupation/Employer	
requested/requested	

Name/Address:	Contribution Information:
Norman Sheldon	Date Amount
5931 S. Boston St.	10-25-84 1500.00

Englewood CO 80111	
Primary: Generalx	Year to Date Total: 1500.00
Occupation/Employer	
Developer/Self	

87040561845

RECEIVED AT THE FEC
GCC#668
86 JUN 9 49:23

DEUTSCH & SHELTON

ATTORNEYS AND COUNSELLORS AT LAW
7991 EAST MAPLEWOOD AVENUE
SUITE 300
ENGLEWOOD, COLORADO 80111
(303) 694-1982

HARVEY E. DEUTSCH
MICHAEL A. SHELTON

June 2, 1986

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

86 JUN 9 AM: 11

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

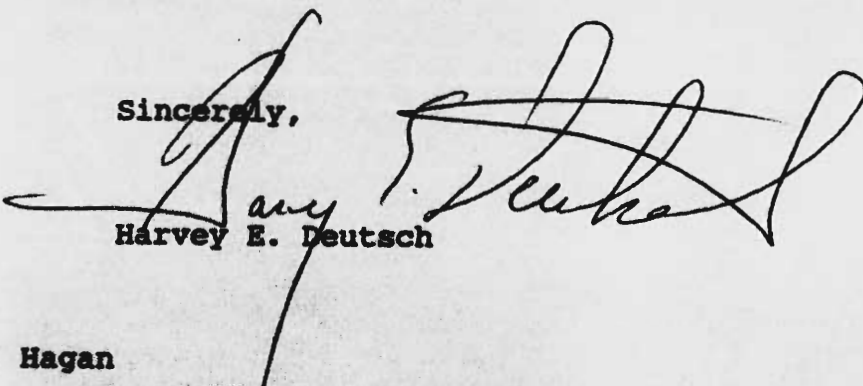
RE: MUR 2151, Walters Construction Management Political
Committee, Richard A. Gartrell as Treasurer, Bill L.
Walters

Dear Mr. Gross:

We are in receipt of the Conciliation Agreements you recently sent to us in the above referenced matter and are in the process of reviewing the same with our clients. We should have a response to you in about ten (10) days.

If you have a problem with this, please contact me or Bonnie Hill immediately at (303) 694-1982.

Sincerely,


Harvey E. Deutsch

HED/tri

cc: Ms. Frances B. Hagan

87040561846

18

BEFORE THE FEDERAL ELECTION COMMISSION

COMMISSION SECRETARY

SENSITIVE

In the Matter of)
The Armstrong Committee, Inc.)
Thomas E. Rodriguez, as treasurer)

06 JUN 9 AIO:16
MUR 2151

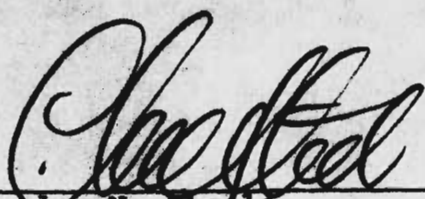
GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Office of the General Counsel is prepared to close the investigation in this matter as to the Armstrong Committee, Inc. and Thomas E. Rodriguez, as treasurer, based on the assessment of the information currently available.

Date

6 June 1956


Charles N. Steele
General Counsel

87040561847



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

MEMORANDUM

July 2, 1986

TO: The Commission
FROM: Charles N. Steele *CNS*
General Counsel
SUBJECT: MUR # 2151

96 JUL 2 13:00
RECEIVED
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on July 2, 1986. Following receipt of the Respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Briefs
2. Letters to Respondents

8704061049



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

2 July, 1986

James Kevin Wholey, Esquire
440 First Street, N.W.
Suite 600
Washington, D.C. 20001

RE: MUR 2151
Armstrong Committee, Inc.
Thomas E. Rodriguez,
as treasurer

Dear Mr. Wholey:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on March 18, 1986, found reason to believe that your client had violated 2 U.S.C. § 441a(f), and instituted an investigation in this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of General Counsel, if possible. The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

- 2 -

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

Should you have any questions, please contact Frances B. Hagan, the staff member assigned to handle this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

Enclosure
Brief

8704061850

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The Armstrong Committee, Inc.) MUR 2151
Thomas E. Rodriguez, as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On November 18, 1983, the Armstrong Committee Inc. accepted a contribution of \$4,000 from the Walters Construction Management Political Committee ("the Walters Committee"). The Walters Committee is not a multicandidate committee (See 2 U.S.C. § 441a(a)(4)) and is therefore limited to contributions of \$1,000 or less to political committees authorized by a candidate. (See 2 U.S.C. § 441a(a)(1)(A) and (2)(A)). In June 1984, the Armstrong Committee refunded the excessive portion (\$3,000). On March 18, 1986, the Commission found reason to believe that the Armstrong Committee Inc. and Thomas E. Rodriguez, as treasurer, violated 2 U.S.C. § 441a(f) in this matter.

II. LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) prohibits contributions to candidates and their committees in excess of \$1,000 per election.

2 U.S.C. § 441a(f) prohibits political committees from accepting contributions in excess of the limitations of 2 U.S.C. § 441a.

In response to the Commission's reason to believe finding, the Armstrong Committee stated that at the time of the contribution receipt, it was "of the belief that Walters

Attachment A(1)

Construction Management Political Committee was a multicandidate pac." During a follow-up telephone inquiry, the Armstrong Committee treasurer advised that it was Committee policy to contact contributors to ascertain multicandidate status and that the Walters Committee was no exception. The treasurer stated further that it took approximately three weeks after receipt of the contribution to locate and learn from the contributor that the Walters Committee was not a multicandidate pac. The Armstrong Committee treasurer stated that his committee then returned the portion in excess of \$1000, before receiving notice from the FEC.*

Because the Armstrong Committee Inc. accepted the excessive contribution from the Walters Committee, a violation of 2 U.S.C. § 441a(f) occurred. Therefore, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe in this matter.

*/ A letter we have from an Armstrong Committee fundraising agent to a Walters Committee member indicates that the refund was prompted by notice from the FEC. The Armstrong Committee treasurer suggested that the fundraiser's statement was more diplomatic than accurate in this regard.

A (2)

III. GENERAL COUNSEL'S RECOMMENDATIONS

Find probable cause to believe that the Armstrong Committee Inc. and Thomas E. Rodriguez, as treasurer, violated 2 U.S.C. § 441a(f).

7/1/86
Date

Charles N. Steele
Charles N. Steele
General Counsel

87040561853

A (3)

CCC#995
RECEIVED AT THE FEC
HAND DELIVERED
86 JUL 21 AIO: 12

DEUTSCH & SHELDON
ATTORNEYS AND COUNSELLORS AT LAW
7981 EAST MAPLEWOOD AVENUE
SUITE 300
ENGLEWOOD, COLORADO 80111
(303) 684-1982

HARVEY E. DEUTSCH
MICHAEL A. SHELDON
JANIS ANN BREGGIN
SUSAN LEE HIRSCH

July 17, 1986

VIA FEDERAL EXPRESS

Ms. Frances B. Hagan
Federal Election Commission
Washington, D.C. 10463

Re: MUR 2151
Walters Construction Management
Political Committee
Richard A. Gartrell, Treasurer
Bill L. Walters

86 JUL 22 AIO: 18

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Dear Ms. Hagan:

Enclosed is a copy of the check from the Walters CM Political Committee to the William Armstrong campaign.

As Harvey Deutsch and I discussed with you today, please incorporate the Nancy Dick contribution into the Walters CM Political Committee Conciliation Agreement.

Also, Harvey and I will call you on Monday, July 21st to discuss the Bill L. Walters Conciliation Agreement.

Thanks for your help on these matters.

Sincerely,

Bonnie L. Hill

Bonnie L. Hill

BLH:ji
Enclosure

cc: Harvey E. Deutsch

87040561854

Walters CM
Political Committee
7951 E. Maplewood Ave.
Englewood, CO 80121

No. 1507

November 18 19 83 23-1/1020

Pay to the order of William Armstrong Committee

\$ 4,000.00

*****FOUR THOUSAND DOLLARS AND 00 CENTS*****

Dollars

For Donation

W. Walters

⑆10200018⑆

7603162⑆

⑆0000400000⑆

8704061855

NO-1 FIRST INTERSTATE DEPOSIT
NEVER PAY ANY BANK (FORMERLY
FEDERAL RESERVE BANK OF DENVER, COLO.)
23-2
NOV 25 1983
DENVER, COLO.
23-2
FEDERAL RESERVE BANK OF DENVER, COLO.
414480212

FOR DEPOSIT ONLY
TO THE ACCOUNT OF
THE ARMSTRONG COMMITTEE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

In the Matter of)
)
Walters Construction Management)
Political Committee)
Richard A. Gartrell, as treasurer)
Bill L. Walters)
Nancy Dick for U.S. Senate Committee)
Patricia L. Kist, as treasurer)
The Armstrong Committee, Inc.)
Thomas E. Rodriguez, as treasurer)

MUR 2151

86 AUG 14 A 9:49

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 18, 1986, the Commission found reason to believe that the Walters Construction Management Political Committee ("the Walters Committee") and Richard A. Gartrell, as treasurer, violated:

- a) 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to federal candidates in 1983 and 1984;
- b) 2 U.S.C. § 441a(f) by receipt of contributions from an individual in excess of limitations at 2 U.S.C. § 441a(a)(1)(C); and
- c) 2 U.S.C. §§ 433 and 434 by failing timely to register and report as a political committee.

The Commission also found reason to believe that Bill L. Walters violated:

- a) 2 U.S.C. § 441a(a)(3) by making contributions in excess of the total individual contribution limit for 1983; and
- b) 2 U.S.C. § 441a(a)(1)(C) by making contributions in excess of limitations to a political committee other than an authorized or party committee.

On April 29, 1986, the Commission, at the Respondents' request, approved initiation of pre-probable cause conciliation negotiations.

Also on that date, the Commission found reason to believe that

the Nancy Dick for U.S. Senate Committee ("the Dick Committee") and Patricia L. Kist, as treasurer, violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 434(b)(2)(D) by receiving an apparently excessive contribution from the Walters Committee and failing to report the contribution receipt.*/

In response to the reason to believe findings, the Dick Committee asserted that it had not received a contribution "of any size" from the Walters Committee. Upon receipt of the General Counsel's factual and legal analysis, The Dick Committee contacted the Walters Committee to inquire about the contribution that the Walters Committee had reported making to the Dick Committee. According to the Dick Committee, the Walters Committee stated that on November 2, 1984, it had repaid an individual (and vice president with the Walters Companies), Norman A. Sheldon, for a contribution of \$1500 he had made to the Dick Committee. The Dick Committee, apparently having no indication at the time of receipt of Mr. Sheldon's connection with the Walters Committee, reported a receipt on October 25, 1984 of \$1500 from Norman A. Sheldon, "allocating" \$1,000 to the general election and \$500 to the primary debt. The Dick Committee provided a copy of Mr. Sheldon's personal check along with his contributor information card. Counsel for the Walters Committee has confirmed the facts as stated by the Dick Committee.

*/ Recommendations regarding these respondents were delayed pending the receipt of the Walters Committee's response to the reason to believe notification.

As a consequence of this transaction, additional violations appear to have occurred.

II. LEGAL ANALYSIS

2 U.S.C. § 441f states that no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

8
5
8
1
6
4
0
7
8
In this case, the Walters Committee made a contribution to the Dick Committee in the name of Norman A. Sheldon in violation of 2 U.S.C. § 441f. Because the contribution of \$1500 was \$500 in excess of the Walters Committee's limitations, the Commission has already found reason to believe that the Walters Committee violated 2 U.S.C. § 441a(a)(1)(A) by making this (and other) excessive contributions. This Office is making an additional recommendation for a finding of reason to believe that the Walters Committee violated 2 U.S.C. § 441f. Because Mr. Sheldon allowed his name to be used to effect the contribution from the Walters Committee, this Office is recommending that the Commission find reason to believe that Mr. Sheldon violated 2 U.S.C. § 441f.

Because there is no indication that the Dick Committee knew that the Norman Sheldon contribution was made on behalf of the Walters Committee, this Office makes no recommendation concerning a violation of section 441f by this respondent. Instead, this Office believes the Commission's previous finding is appropriate, that the Dick Committee accepted an excessive contribution (\$1,500)

in violation of 2 U.S.C. § 441a(f).

The Dick Committee has stated that it allocated this post-primary contribution as follows: \$1000 to the general election and \$500 to the primary debt. The Office of the General Counsel maintains the Commission-approved position that the recipient committee cannot, without contemporaneous, written designations from the contributor, treat a contribution received before the primary as a general election contribution or after the primary as a primary contribution. (See 11 C.F.R. § 110.1(a).) Although 11 C.F.R. 102.9(e) refers to "contributions . . . designated by the candidate or his or her authorized committee(s) . . .", this phrase should not be construed as permission for the recipient committee to assign contributions to a particular election.

87040361859

- 5 -

and in MUR 2134 (Harkin), the Commission found reason to believe and, based on 11 C.F.R. § 102.9(e), closed the file rather than pursue the matter against the recipient candidate committees.

87040561860

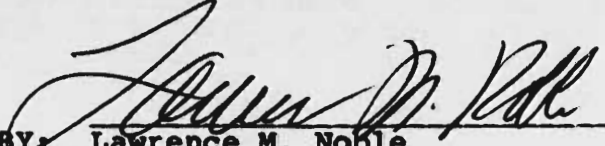
23

IV. RECOMMENDATION

1. Find reason to believe that the Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer, violated 2 U.S.C. § 441f.
2. Enter into conciliation with the Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer, concerning the above-named violation prior to a finding of probable cause to believe.
3. Approve and send the attached proposed conciliation agreement.
4. Find reason to believe that Norman A. Sheldon violated 2 U.S.C. § 441f.
5. Take no further action against the Nancy Dick for U.S. Senate Committee and Patricia L. Kist, as treasurer, for a violation of 2 U.S.C. § 441a(f).
6. Close the file as it relates to the Nancy Dick for U.S. Senate Committee and Patricia L. Kist, as treasurer.
7. Send the attached letters and General Counsel's Factual and Legal Analyses.

Charles N. Steele
General Counsel

87040561861
Date 8/13/86

BY: 
Lawrence M. Noble
Deputy General Counsel

Attachments

Proposed Conciliation Agreement
Letters to Respondents and General Counsel's Factual and Legal Analyses

Attachments to General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment Lrs see 26,

27,

28.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Walters Construction Management)
Political Committee)

MUR 2151

Richard A. Gartrell, as treasurer)
Bill L. Walters)
Nancy Dick for U.S. Senate Committee)
Patricia L. Kist, as treasurer)
The Armstrong Committee, Inc.)
Thomas E. Rodriques, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 18, 1986, the Commission decided by a vote of 4-0 to take the following actions in MUR 2151:

1. Find reason to believe that the Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer, violated 2 U.S.C. § 441f.
2. Enter into conciliation with the Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer, concerning the above-named violation prior to a finding of probable cause to believe.
3. Approve and send the proposed conciliation agreement, as recommended in the General Counsel's Report signed August 13, 1986.
4. Find reason to believe that Norman A. Sheldon violated 2 U.S. C. § 441f.
5. Take no further action against the Nancy Dick for U.S. Senate Committee and Patricia L. Kist, as treasurer, for a violation of 2 U.S.C. § 441a(f).

(continued)

6. Close the file as it relates to the Nancy Dick for U.S. Senate Committee and Patricia L. Kist as treasurer.
7. Send the letters and General Counsel's Factual and Legal Analyses, as recommended in the General Counsel's Report signed August 13, 1986.

Commissioners Harris, Josefiak, McDonald and McGarry voted affirmatively for this decision; Commissioners Aikens, and Elliott did not vote.

Attest:

8-19-86

Date

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

Received in Office of Commission Secretary:	Thurs.,	8-14-86,	9:49
Circulated on 48 hour tally basis:	Thurs.,	8-14-86,	4:00
Deadline for vote:	Mon.,	8-18-86,	4:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1986

Mr. Norman A. Sheldon
5931 S. Boston Street
Englewood, Colorado 80111

RE: MUR 2151
Norman A. Sheldon

Dear Mr. Sheldon:

On August 18, 1986, the Federal Election Commission determined that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

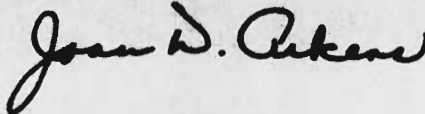
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



Joan D. Aikens
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

870405618660



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1986

Harvey E. Deutsch, Esquire
Deutsch and Sheldon
7951 East Maplewood Avenue #326
Englewood, Colorado 80111

RE: MUR 2151
Walters Construction
Management Political
Committee
Richard A. Gartrell,
as treasurer

Dear Mr. Deutsch:

On August 18, 1986, the Federal Election Commission determined that there is reason to believe that the Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer, violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

At your request, the Commission also determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.


Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. It incorporates the new finding with the findings previously sent to you for conciliation negotiations. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if

- 2 -

you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Charles W. Steele
General Counsel


BY: Lawrence M. Noble
Deputy General Counsel

Enclosures

87040661868



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1986

Patricia L. Kist, Treasurer
Nancy Dick for U.S. Senate Committee
P.O. Box 4313
Denver, CO 80204

RE: MUR 2151
Nancy Dick for U.S.
Senate Committee
Patricia L. Kist,
as treasurer

Dear Ms. Kist:

On April 29, 1986, the Commission found reason to believe that the Nancy Dick for U.S. Senate Committee and you, as treasurer, had violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, on August 18, 1986, the Commission determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days after the matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED AT THE FEC

GCC# 1400
86 SEP 3 ALL: 00

MUR 2151

NAME OF COUNSEL: Harvey E. Deutsch
Deutsch & Sheldon
ADDRESS: 7951 E. Maplewood Ave., #326
Englewood, Colorado 80111

TELEPHONE: (303) 694-1982

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

Sept. 2, 1986
Date

Norman Sheldon
Signature

RESPONDENT'S NAME: Norman Sheldon
ADDRESS: 5931 S. Boston
Englewood, CO 80111

HOME PHONE: (303) 694-1835
BUSINESS PHONE: (303) 741-2500

86 SEP 3 4:04
RECEIVED
GENERAL COUNSEL

87040661870

HAND DELIVERED

06 SEP 10 A10:35

CCC#1949

DEUTSCH & SHELTON

ATTORNEYS AND COUNSELLORS AT LAW

7991 EAST MAPLEWOOD AVENUE

SUITE 300

ENGLEWOOD, COLORADO 80111

(303) 684-1992

HARVEY E. DEUTSCH

MICHAEL A. SHELTON

JANIS ANN BREGGIN

September 9, 1986

Ms. Frances B. Hagan
Federal Election Commission
999 East Street NW
Washington, D.C. 20463

Re: MUR 2151
Walters Construction Management
Political Committee.
Richard A. Gartrell, Treasurer
Bill L. Walters

Dear Ms. Hagan:

Per our telephone conversation of last week, you requested that we state any mitigating factors that we believe would help in reaching agreement on the above referenced matters.

The Walters Construction Management PAC was originally opened with the intention of being a state PAC only. Our clients did not know that you would take the position that once a federal contribution was made from the PAC, the PAC automatically became a federal PAC.

As to alleged excessive contributions on Mr. Walters' part, Mr. Walters was not aware that your regulations would be interpreted so that contributions to the state PAC for state-related candidates would be considered federal contributions. (Refer to Federal Election Commission Campaign Guide dated June, 1985, Page 7, under Paragraph 4, Other Disbursements, Donations to Non-Federal Candidates - "A donation to a State or local candidate or to an organization that is not a political committee is not a contribution but may be subject to State Law.") This would appear to be inconsistent with Page 5, Paragraph 6, Federal/Non-Federal Activity.

In administering this PAC and contributing to state and local candidates, our clients were following the Colorado Campaign Reform Act and were in total compliance with that Act.

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

06 SEP 10 P12:16

87040561871

DEUTSCH & SHELDON

Ms. Frances B. Hagan
Federal Election Commission
September 9, 1986
Page Two

Also, upon notice from the Federal Election Commission, timely action was taken to correct the alleged violations.

The Federal Election Commission's position is inconsistent with the purpose of the Act which is to regulate federal elections, not state and local elections.

In light of the above, we would request that the penalties for all of the Respondents be substantially reduced and I would request such consideration.

Please send us any rulings, writings or opinions relating to the portions of the Federal Election Commission Campaign Guide referred to in this letter and also to the Federal Election Campaign Laws dated January, 1985, Sec. 441a.(a)3.

Thank you for your consideration of these requests.

Sincerely,

Harvey E. Deutsch
Harvey E. Deutsch *hch*

HED:ji

87040361872

appropriated to the Commission \$6,000,000 for the fiscal year ending June 30, 1976, \$1,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$6,000,000 for the fiscal year ending September 30, 1977, and \$7,811,500 for the fiscal year ending September 30, 1978.

§ 441a. Limitations on contributions and expenditures

(a) Dollar limits on contributions.

(1) No person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed \$20,000; or

(C) to any other political committee in any calendar year, which in the aggregate, exceed \$5,000.

(2) No multicandidate political committee shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$5,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed \$15,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed \$5,000.

(3) No individual shall make contributions aggregating more than \$25,000 in any calendar year. For purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held.

(4) The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party. For purposes of

Payment

Two methods may be used to pay these administration and solicitation costs.

Direct Payment

A connected organization may directly pay for the SSF's establishment, administration and solicitation expenses. 114.5 (b).

Administrative Account

Alternatively, the connected organization may set up a separate administrative account containing treasury funds that the SSF uses solely for its administration and solicitation expenses. Note that the administrative account may not be commingled with the SSF's account from which it makes contributions. *Advisory Opinions* (AOs) 1980-59 and 1981-19.

6. Federal/Non-Federal Activity

If a connected organization plans to support both Federal and local candidates, it may organize an SSF that is active in both Federal and non-Federal elections. Alternatively, it may establish an SSF solely for *Federal election* activity and a second fund for State and local activity.⁶

One SSF for Federal/Non-Federal Activity

A connected organization may establish an SSF that engages in both Federal and non-Federal financial activity. All contributions solicited and received by the SSF are subject to the *prohibitions, contribution limits* and solicitation requirements of the Act — regardless of whether the funds are ultimately used for Federal or non-Federal elections. All receipts and disbursements must be reported, including those that pertain to non-Federal activity. Moreover, contributors must be informed that their contributions count against the individual's contribution limit (see Appendix A), even if made in support of a non-Federal candidate. Note that contributions used in connection with non-Federal elections may be subject to applicable State law. 102.5(a)(1)(ii) and (2).

Two Accounts for Federal/Non-Federal Activity

Alternatively, a connected organization may establish an SSF to conduct Federal election activity and a second fund, with

a separate bank account, to engage exclusively in non-Federal activity.

Federal Account

The Federal account alone is considered an SSF with registration and reporting obligations under the Act. The Federal account (i.e., the SSF) may receive only contributions designated or expressly solicited for Federal campaigns and must observe the Act's contribution limits and solicitation requirements. 102.5(a)(1)(i) and (2). In addition, all of the Federal account's receipts and disbursements must be reported.

Non-Federal Account

On the other hand, the non-Federal account is not generally subject to the Act's registration and reporting requirements; nor is it subject to the Act's solicitation and contribution restrictions.

Contributions and Expenditures

However, if the non-Federal account makes contributions or expenditures (from *permissible funds*) in any amount in connection with Federal elections, it automatically becomes a *political committee* subject to the Act's requirements. 102.5(a)(1)(i). For example, in two advisory opinions, the Commission said if a non-Federal account transferred or loaned money to the Federal account (i.e., to the SSF), the non-Federal account would have to register as a political committee and divest itself of all funds prohibited under the Act. AOs 1981-6 and 1983-3.

Collecting Agent

A non-Federal account may act as a *collecting agent* for contributions to the Federal account (SSF) without having to register. (See "Fundraising by Agents," page 12.)

Loan Repayments

If a Federal account (SSF) loans money to a non-Federal account, the loan repayments and any commercially reasonable interest paid on the loan are not considered contributions to the Federal account and do not cause the non-Federal account to become a political committee. However, the principal and interest payments must be made from permissible funds. 100.7(a)(1)(i)(E); see also AO 1980-130.

7. Treasurer

Treasurer and Assistant

An SSF must have a treasurer before it

may accept contributions or make expenditures. Note that, in the absence of the treasurer, only a designated assistant treasurer may sign reports and statements and assume other duties of the treasurer. Therefore, the Commission recommends that an SSF also name an assistant treasurer to act as treasurer when he or she is unavailable or when there is a vacancy in that office. 102.7(a) and (b).

Treasurer's Duties

The treasurer or assistant treasurer has the following responsibilities:

Deposit Receipts

He or she must see that all receipts are deposited in the campaign depository within 10 days. 103.3(a).

Authorize Expenditures

The treasurer or assistant treasurer must authorize expenditures or appoint an agent (either orally or in writing) to authorize expenditures. 102.7(c).

Keep Records

He or she must see that all recordkeeping duties are fulfilled. 102.9 and 104.14(b). See also "Treasurer's Best Efforts," page 16.

Sign Reports

The treasurer or assistant treasurer must sign all reports and statements, including the Statement of Organization. 102.2(a), 104.1(a) and 104.14 (a).

File Reports

He or she is responsible for the timely, complete and accurate filing of reports and statements. 104.14(d).

8. Incorporation of SSF

An SSF that incorporates for liability purposes only is not subject to the prohibition on corporate contributions and expenditures. 114.12(a).

⁶ Subject to State law, a corporation or labor organization may use its general treasury funds to support non-Federal candidates. However, national banks and Federally chartered corporations are prohibited from using their treasury funds in connection with non-Federal as well as Federal elections. 114.2(a). If they wish to support State and local candidates, they must follow the above procedures concerning non-Federal activity. 114.2(a)(1).

expenses, the payment is considered a disbursement and must be reported by the SSF. The connected organization may reimburse the SSF for these operation and solicitation expenses, but it must do so within 30 days. 114.1(a)(2)(iii) and (b); 114.5(b).

3. Contributions Made by SSF

Contributions made by an SSF, like the contributions it receives, are subject to the Act's *contribution limits*. Listed below are examples of contributions made by an SSF (fully explained on page 14):

- Monetary contributions
- In-kind contributions
- Loans
- Endorsements or guarantees of loans
- Payments for fundraising tickets or items

4. Other Disbursements

SSFs may also make certain disbursements that are not considered contributions and, therefore, do not count against contribution limits. All such transactions, however, must be reported as disbursements by the SSF. They are described below.⁴

Loan Repayments

A repayment of a loan is not a contribution. 100.7(a)(1)(i)(E).

Transfers to Affiliated SSFs

An SSF may make unlimited *transfers* to *affiliated SSFs* and the outgoing funds do not count as contributions. 102.6(a).

Donations to Office Accounts⁵

A donation to an office account to support the activities of a Federal or State officeholder who is a candidate for Federal office is not a contribution as long as it is not made for the purpose of influencing a Federal election. 113.3(b) and 113.4(a).

Donations to Non-Federal Candidates

A donation to a State or local candidate or to an organization that is not a *political committee* is not a contribution but may be subject to State law.

Independent Expenditures

An *independent expenditure* made by an SSF on behalf of or in opposition to a candidate is not considered a contribution. See page 14.

5. Contribution Limits

Limits on contributions apply to both the contributions an SSF receives and the contributions it makes. Moreover, contribution limits apply to any type of contribution, including money, goods and services, loans, endorsements of loans, and so on.

Limits on Contributions Made by SSF

Listed below are the limits placed on contributions made by an SSF. Note that the limit varies depending on:

- What type of committee receives the contribution; and
- Whether the SSF has qualified as a *multicandidate committee*, as explained below.

There is no annual limit on contributions made by an SSF. See also the Chart on Contribution Limits, Appendix A.

To Candidates

Multicandidate Committee

A multicandidate committee may contribute up to \$5,000 per candidate, per election. 110.2(a)(1). To qualify as a multicandidate committee, an SSF must have:

- Received contributions from more than 50 persons;
- Been registered at least 6 months; and
- Contributed to at least 5 Federal candidates. 100.5(e)(3).

Non-Multicandidate Committee

If the SSF has not qualified as a multicandidate committee, it may contribute only \$1,000 per candidate, per election. 110.1(a)(1).

Contributions to Single-Candidate Committees

An SSF's contributions to a *candidate committee* and to an *unauthorized single-candidate committee* supporting the same candidate are subject to one contribution limit for that candidate (\$5,000 per election for a multicandidate committee; otherwise \$1,000 per election). 110.1(h).

To National Party Committees

An SSF that qualifies as a multicandidate committee (see above) may contribute \$15,000 per year to a *national party committee*. If an SSF is not a multicandidate committee, it may contribute \$20,000 per year. These limits apply separately to a party's national committee, Senate campaign committee and House campaign committee. 110.1(b) and 110.2(a)(2).

To Other Committees

Any SSF, regardless of whether it has qualified as a multicandidate committee, may contribute up to \$5,000 per year to political committees other than candidate committees, unauthorized single-candidate committees and national party committees. 110.1(c) and 110.2(a)(3).

To Convention Delegates

An SSF may contribute an unlimited amount to promote an individual's selection as a *delegate* to a national Presidential nominating convention. However, contributions to a *delegate committee* — by definition a *political committee* — are subject to \$5,000 per year. 110.14(c) and (e).

Limits on Contributions Received by SSF

Any SSF may receive up to \$5,000 per year from any one contributor. 110.1(c).

Affiliated SSFs Share One Limit

General Rule

Affiliated SSFs are considered one political committee for purposes of contribution limits. This means that all contributions received by several affiliated SSFs from the same donor count against one limit, and all contributions made by several affiliated SSFs to the same committee count against one limit. 110.3(a)(1). (See also "Affiliation," page 4.)

⁴ This list does not apply to disbursements made from corporate or labor treasury funds. See "Other Uses of Treasury Funds," page 26, for categories of exempt expenditures that a corporation or labor organization may pay for from general treasury funds.

⁵ House and Senate rules should also be consulted.

Rec. Aikens
9-16-86
GCC#1535
#1531

DEUTSCH & SHELDON

ATTORNEYS AND COUNSELLORS AT LAW

7001 EAST MAPLEWOOD AVENUE
SUITE 200
ENGLEWOOD, COLORADO 80111
(303) 684-1882

HARVEY E. DEUTSCH
MICHAEL A. SHELDON
JANIS ANN BREGGIN

September 15, 1986

96 SEP 17 AM 1:19

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Ms. Joan D. Aikens, Chairman
Federal Election Commission
999 East Street NW
Washington, D.C. 20463

Re: MUR 2151
Norman A. Sheldon

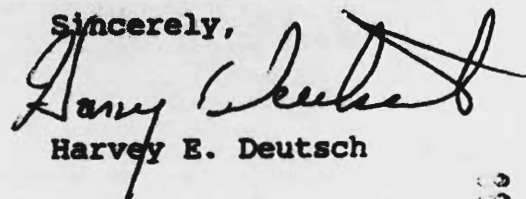
Dear Ms. Aikens:

We just received your letter of August 20, 1986, regarding the above referenced matter. We have already sent you a Statement of Designation of Counsel stating that our law firm represents Mr. Norman A. Sheldon in this matter.

We would like to pursue a pre-probable cause conciliation. If the Office of General Counsel agrees with this request, please let us know.

Your consideration of this request is appreciated.

Sincerely,


Harvey E. Deutsch

HED:ji

cc: Ms. Frances B. Hagan
Mr. Norman A. Sheldon

96 SEP 17 A 9:30

RECEIVED
OFFICE OF THE FEC
COMM. SECRETARY

87040561876

HARVEY E. DEUTSCH
MICHAEL A. SHELTON
JANIS ANN GREGG

DEUTSCH & SHELTON
ATTORNEYS AND COUNSELLORS AT LAW
7881 EAST MAPLEWOOD AVENUE
SUITE 300
ENGLEWOOD, COLORADO 80111
(303) 694-1955

600210-5
FEC
HAND DELIVERED
36 SEP 29 48:51
72

September 25, 1986

Ms. Frances B. Hagan
Federal Election Commission
999 East Street NW
Washington, D.C. 20463

Re: MUR 2151
Walters Construction Management
Political Committee, Richard A.
Gartrell as Treasurer
Bill L. Walters

Dear Ms. Hagan:

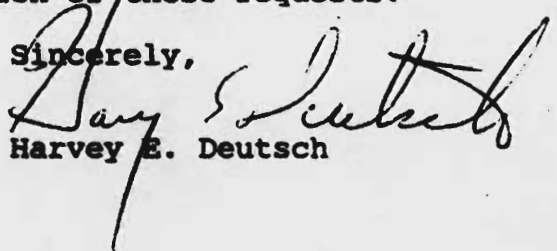
Per our telephone conversation of September 23, 1986, you requested that we give you specific dollar amounts as to what we feel the penalties should be in settlement of the above referenced matters.

We would again request that you consider our letters to you of June 25, 1986, and September 9, 1986, regarding mitigating factors. Another consideration in this matter is the fact that the Federal PAC has been closed.

Also, we feel that many of the federal rules and regulations are complex and often appear ambiguous without considerable analysis, particularly to laymen such as our clients.

Thank you for your consideration of these requests.

Sincerely,


Harvey E. Deutsch

HED:ji

cc: Mr. Bill L. Walters
Mr. Richard A. Gartrell

SEP 29 10:38

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

**RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY**

In the Matter of)

The Armstrong Committee, Inc.)
Thomas E. Rodriguez,)
as treasurer)

MUR 2151

86 SEP 15 P 3:07

EXECUTIVE SESSION

GENERAL COUNSEL'S REPORT

SEP 23 1986

I. BACKGROUND

On November 18, 1983, the Armstrong Committee, Inc. knowingly accepted a contribution of \$4,000 from the Walters Construction Management Political Committee ("the Walters Committee"). The Walters Committee is not a multicandidate committee (See 2 U.S.C. § 441a(a)(4)) and is therefore limited to contributions of \$1,000 or less to political committees authorized by a candidate. (See 2 U.S.C. § 441a(a)(1)(A) and (2)(A)). In June 1984, the Armstrong Committee refunded the excessive portion (\$3,000). On March 18, 1986, the Commission found reason to believe that the Armstrong Committee, Inc. and Thomas E. Rodriguez, as treasurer, violated 2 U.S.C. § 441a(f) in this matter.

In response to the Commission's reason to believe finding, the Armstrong Committee stated that at the time of the contribution receipt, it was "of the belief that Walters Construction Management Political Committee was a multicandidate pac." During a follow-up telephone inquiry, the Armstrong Committee treasurer advised that it was Committee policy to contact contributors to ascertain multicandidate status and that the Walters Committee was no exception. The treasurer stated

further that it took approximately three weeks after receipt of the contribution to locate the contributor by telephone and to learn that the Walters Committee was not a multicandidate pac. The Armstrong Committee treasurer stated that his committee then returned the portion in excess of \$1,000, before receiving notice from the FEC.* /

II. LEGAL ANALYSIS

The Armstrong Committee did not respond to the General Counsel's Brief. Therefore, the conclusion remains that because the Armstrong Committee, Inc. accepted the excessive contribution from the Walters Committee, a violation of 2 U.S.C. § 441a(f) occurred.

the Office of the General Counsel is recommending that the Commission find probable cause to believe, take no further action and close the file as to the Armstrong Committee in this matter.


III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe and take no further action against the Armstrong Committee, Inc. and Thomas E. Rodriguez, as treasurer, for a violation of 2 U.S.C. § 441a(f).
2. Close the file as it relates to the Armstrong Committee, Inc., and Thomas E. Rodriguez, as treasurer.

* / A letter we have from an Armstrong Committee fundraising agent to a Walters Committee member indicates that the refund was prompted by notice from the FEC. The Armstrong Committee treasurer suggested that the fundraiser's statement was more diplomatic than accurate in this regard.

3. Approve and send the attached letter to respondents.

15 Sept 1946
Date


Charles N. Steele
General Counsel

Attachment
Letter to Respondent

87040661890

87040561881

Attachments to General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment 14r see 35

_____	_____
_____	_____
_____	_____
_____	_____

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The Armstrong Committee, Inc.) MUR 2151
Thomas E. Rodriguez, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 23, 1986, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2151:

1. Take no further action against the Armstrong Committee, Inc. and Thomas E. Rodriguez, as treasurer for a violation of 2 U.S.C. § 441a(f).
2. Close the file as it relates to the Armstrong Committee, Inc. and Thomas E. Rodriguez, as treasurer.
3. Direct the Office of General Counsel to send an appropriate letter to respondents.

Commissioners Aikens, Elliott, Harris, Josefiak, and McGarry voted affirmatively for the decision; Commissioner McDonald was not present during consideration of this matter.

Attest:

9-23-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 30, 1986

James Kevin Wholey, Esquire
440 First Street, N.W.
Suite 600
Washington, D.C. 20001

RE: MUR 2151
Armstrong Committee, Inc.
Thomas E. Rodriguez, as
treasurer

Dear Mr. Wholey:

On March 18, 1986, the Commission found reason to believe that your clients had violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission determined to take no further action and on September 23, 1986, closed its file as it pertains to your clients.

The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

Lawrence M. Noble (RMF)

By: Lawrence M. Noble
Deputy General Counsel

87040561883

SENATOR JOHN HEINZ
CHAIRMAN

TOM GRISCOM
EXECUTIVE DIRECTOR

National Republican Senatorial Committee

CCC#1711
RECEIVED AT THE FEC
HAND DELIVERED
86 OCT 10 12:38

7 October 1986

Lawrence M. Noble, Esquire
Deputy General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: MJR 2151

Dear Mr. Noble:

The Armstrong Committee is gratified to learn, pursuant to your letter of September 30, 1986, that the Commission has determined to take no further action in connection with the above referenced matter. Needless to say, we believe this determination is appropriate.

So that the public record may be clear, let me restate the Committee's position that it has at all times acted in the fullest good faith in its efforts to comply with the Federal Election Campaign Act and applicable regulations, and does not believe that it has at any time violated the law.

Thank you for your courtesy in this matter.

Sincerely,

James Kevin Wholey
James Kevin Wholey
Counsel for The Armstrong Committee, Inc.

cc: Senator William L. Armstrong
Thomas E. Rodriguez

86 OCT 9 AIO: 15

RECEIVED
GENERAL COUNSEL

8704056184

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Walters Construction)	MUR 2151
Management Political)	
Committee)	
Richard A. Gartrell, as)	
treasurer)	
Bill L. Walters)	
Norman A. Sheldon)	

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY
66 OCT 30 A 9:27

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 18, 1986, the Commission found reason to believe that the Walters Construction Management Political Committee ("the Walters Committee") and Richard A. Gartrell, as treasurer, violated:

- a) 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to federal candidates in 1983 and 1984;
- b) 2 U.S.C. § 441a(f) by receipt of contributions from an individual in excess of limitations at 2 U.S.C. § 441a(a)(1)(C); and
- c) 2 U.S.C. §§ 433 and 434 by failing timely to register and report as a political committee.

The Commission also found reason to believe that Bill L. Walters violated:

- a) 2 U.S.C. § 441a(a)(3) by making contributions in excess of the total individual contribution limit for 1983; and
- b) 2 U.S.C. § 441a(a)(1)(C) by making contributions in excess of limitations to a political committee other than an authorized or party committee.

On April 29, 1986, the Commission, at the Respondents' request, approved initiation of pre-probable cause conciliation negotiations regarding these issues.

During the conciliation negotiations, Commission findings concerning another respondent, the Nancy Dick for U.S. Senate

87040561885

Committee, led to allegations of another violation by the Walters Committee. Therefore, on August 18, 1986, the Commission found reason to believe that the Walters Committee and treasurer violated 2 U.S.C. § 441f by making a contribution to a candidate committee in the name of another and at the Respondents' request, entered into pre-probable cause conciliation regarding this additional issue. At the same time, the Commission found reason to believe that Norman A. Sheldon violated 2 U.S.C. § 441f in this matter.

*Remainder of p.2 and pp 3-6
deleted per 2usc § 437f(a)(4)(B)(i).*

870405618886

IV. RECOMMENDATION

1. Reject the counterproposals offered by the following:
 - a) Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer;
 - b) Bill L. Walters
2. Enter into conciliation with Norman A. Sheldon prior to a finding of probable cause to believe.
3. Approve the attached proposed conciliation agreements.
4. Approve and send the attached letters.

Charles N. Steele
General Counsel

Date

10/29/66

BY:


Lawrence M. Noble
Deputy General Counsel

Attachments

Proposed Conciliation Agreements
Respondents' Counterproposals
Request for Conciliation
Letter to Respondents

8704056188Z

87040661888

Attachments to General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment ltr see 40

_____	_____
_____	_____
_____	_____
_____	_____



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/CHERYL A. FLEMING *CFH*

DATE: NOVEMBER 4, 1986

SUBJECT: OBJECTION TO MUR 2151 - GENERAL COUNSEL'S REPORT
SIGNED OCTOBER 29, 1986

The above-captioned document was circulated to the
Commission on Thursday, October 30, 1986 at 4:00 P.M.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	<u>X</u>
Commissioner Elliott	<u></u>
Commissioner Josefiak	<u>X</u>
Commissioner McDonald	<u></u>
Commissioner McGarry	<u></u>
Commissioner Thomas	<u>X</u>

This matter will be placed on the Executive Session
agenda for Tuesday, November 18, 1986.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Walters Construction Management

Political Committee

Richard A. Gartrell, as treasurer

Bill L. Walters

Norman A. Sheldon

MUR 2151

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 18, 1986, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2151:

1. Accept the counterproposals offered by the following respondents:
 - a) Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer;
 - b) Bill L. Walters
2. Enter into conciliation with Norman A. Sheldon prior to a finding of probable cause to believe.
3. Direct the Office of General Counsel to send the appropriate conciliation agreements.
4. Direct the Office of General Counsel to send appropriate letters.

Commissioners Aikens, Elliott, Josefiak, McDonald, and Thomas voted affirmatively for the decision; Commissioner McGarry was not present at the time this matter was considered.

Attest:

11-18-86

Date

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

87040361890



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 3, 1986

Harvey E. Deutsch, Esquire
Deutsch & Sheldon
7951 East Maplewood Avenue
Suite 326
Englewood, Colorado 80111

RE: MUR 2151
Walters Construction
Management Political Committee
Richard A. Gartrell, as
treasurer
Bill L. Walters
Norman A. Sheldon

Dear Mr. Deutsch:

On March 18, 1986, the Commission found reason to believe that the Walters Committee and Richard A. Gartrell, as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A), 441a(f), 433 and 434. The Commission also found reason to believe that Bill Walters violated 2 U.S.C. §§ 441a(a)(3) and 441a(a)(1)(C). At the respondents' request, the Commission entered into negotiations directed at reaching a conciliation agreement prior to a finding of probable cause to believe and sent your clients proposed agreements.

On November 18, 1986, the Commission reviewed and accepted the counterproposals offered by your clients, the Walters Committee, Richard A. Gartrell, as treasurer, and Bill L. Walters. Please sign and return the agreements, along with the civil penalties, to the Commission. Because the limited time for conciliation prior to a finding of probable cause has expired, we

must request a signed agreement within 10 days of your receipt of this letter.

On August 18, 1986, the Commission found reason to believe that the Walters Committee and its treasurer and Norman A. Sheldon violated 2 U.S.C. § 441f.

On November 18, 1986, at Norman Sheldon's request, the Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of the matter concerning him prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved in settlement of the matter concerning Norman Sheldon. If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

BY: *Lawrence M. Noble*
Lawrence M. Noble
Deputy General Counsel

Enclosures

HARVEY E. DEUTSCH
MICHAEL A. SHELTON
JANIS ANN BREGGIN
RICHARD L. GRIFFITH
JOHN M. SPILLANE

DEUTSCH & SHELTON

ATTORNEYS AND COUNSELLORS AT LAW

7881 EAST MAPLEWOOD AVENUE

SUITE 300

ENGLEWOOD, COLORADO 80111

(303) 684-1882

TELEFAX 220-5027

RECEIVED AT THE FEC
601#
86 DEC 22 AM 11:32
2349

December 17, 1986

Ms. Frances B. Hagan
Federal Election Commission
999 East Street NW
Washington, DC 20463

Re: MUR 2151
Walters Construction Management
Political Committee
Richard A. Gartrell, as Treasurer
Bill L. Walters

Dear Ms. Hagan:

Enclosed are the signed Conciliation Agreements for Bill L. Walters and for Richard A. Gartrell and the Walters Construction Management Political Committee. As soon as these Agreements have been signed by the Office of General Counsel, please send me one copy of each for my files.

Also enclosed are two checks as follows;

1. Check No. 4033 dated December 17, 1986, in the amount of \$4,000.00 for the civil penalty against Bill L. Walters.
2. Check No. 4034 dated December 17, 1986, in the amount of \$5,200.00 for the civil penalty against Richard A. Gartrell and the Walters Construction Management Political Committee.

During our phone conversation today, you agreed that the final report has been filed for the Walters Construction Management Political Committee and that that PAC is officially closed out and no further reporting is necessary.

DEUTSCH & SHELDON

Ms. Frances B. Hagan
December 17, 1986
Page Two

I will forward the Conciliation Agreement and a check in the amount of \$400.00 for the civil penalty against Norman A. Sheldon to you tomorrow or Friday.

Thank you for your help on these matters.

Sincerely,

Bonnie L. Hill

Bonnie L. Hill

BH:ji
Enclosures

cc: Mr. Bill L. Walters
Mr. Harvey E. Deutsch
Mr. Richard A. Gartrell

8704061894

RECEIVED AT THE FEC
GCC# 2373
86 DEC 23 AM: 33

DEUTSCH & SHELDON

ATTORNEYS AND COUNSELLORS AT LAW
7001 EAST MAPLEWOOD AVENUE
SUITE 300
ENGLEWOOD, COLORADO 80111
(303) 694-1992
TELEFAX 250-6027

HARVEY E. DEUTSCH
MICHAEL A. SHELDON
JANIS ANN BRESSIN
RICHARD L. GRIFFITH
JOHN M. SPILLANE

December 19, 1986

86 DEC 30 AM: 46

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Ms. Frances B. Hagan
Federal Election Commission
999 East Street NW
Washington, D.C. 20463

Re: MUR 2151
Norman A. Sheldon

Dear Ms. Hagan:

Enclosed is the signed Conciliation Agreement for Norman A. Sheldon. Please send me one copy for my files after it has been signed by the Office of General Counsel.

Also enclosed is Check No. 1717 dated December 18, 1986, in the amount of \$400.00 for the civil penalty against Norman A. Sheldon.

Thank you for your help on this matter.

Sincerely,

Bonnie L. Hill

Bonnie L. Hill

BLH:ji
Enclosure

cc: Mr. Harvey E. Deutsch
Mr. Norman A. Sheldon

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of :

MUR 2151

Walters Construction Management
Political Committee
Richard A. Gartrell, as treasurer
Bill L. Walters
Norman Sheldon

GENERAL COUNSEL'S REPORT

BACKGROUND

Attached are three conciliation agreements signed by counsel for the respondents: Walters Construction Management Political Committee, Richard A. Gartrell, as treasurer, Bill L. Walters and Norman Sheldon. The agreements contain no changes from those approved by the Commission. This Office has received checks for the civil penalties.

RECOMMENDATIONS

1. The Office of the General Counsel recommends accepting the conciliation agreements and closing the file.
2. Send the attached letter.

Charles N. Steele
General Counsel

Date

1/15/87

By:

Lawrence M. Noble
Deputy General Counsel

Attachments

Three Conciliation Agreements
Civil Penalty Checks
Letter to Respondents

8704061896

87040661897

Attachments to General
Council's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment Hr. see 46
Constitution Agreements 45

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Walters Construction Management) MUR 2151
Political Committee)
Richard A. Gartrell, as treasurer)
Bill L. Walters)
Norman Sheldon)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 21, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2151.

1. Accept the conciliation agreements, as recommended in the General Counsel's Report signed January 15, 1987.
2. Close the file.
3. Send the letter, as recommended in the General Counsel's Report signed January 15, 1987.

Commissioners Aikens, Elliott, Josefiak, McDonald McGarry and Thomas voted affirmatively for this decision.

Attest:

1-22-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Thurs., 1-15-87, 4:45
Circulated on 48 hour tally basis: Fri., 1-16-87, 2:00
Deadline for vote: Wed., 1-21-87, 4:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Harvey E. Deutsch, Esquire
Deutsch and Sheldon
7951 East Maplewood Avenue
Suite 326
Englewood, CO 80111

RE: MUR 2151
Walters Construction
Management Political
Committee
Richard A. Gartrell, as
treasurer
Bill L. Walters
Norman A. Sheldon

Dear Mr. Deutsch:

On January 22, 1987, the Commission accepted the conciliation agreements you signed and civil penalties in settlement of various violations of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondents and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find fully executed copies of the final conciliation agreements for your files.

Sincerely,

Charles N. Steele
General Counsel

121

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreements

44

87040618999

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Walters Construction Management
Political Committee
Richard A. Gartrell, as treasurer

)
)
) MUR 2151
)
)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Walters Construction Management Political Committee and Richard A. Gartrell, as treasurer, ("Respondent") violated the following:

- a) 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to federal candidates in 1983 and 1984;
- b) 2 U.S.C. § 441a(f) by receipt of contributions from an individual in excess of limitations at 2 U.S.C. § 441a(a)(1)(C);
- c) 2 U.S.C. §§ 433 and 434 by failing timely to register and report as a political committee.
- d) 2 U.S.C. § 441f by making a contribution in the name of another.

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

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

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

44a

87040561900

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

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

A. 1. The Walters Construction Management Political Committee is a political committee registered with the Commission.

2. Respondent Richard A. Gartrell is treasurer of the Respondent committee.

B. 1. During the first quarter of 1983, Respondents received contributions in excess of \$1,000 from an individual contributor.

2. On July 21, 1984, following notification by the Commission of their reporting responsibility, Respondents registered with the Commission.

3. 2 U.S.C. § 433 requires registration of a political committee by filing a Statement of Organization no later than 10 days after establishment of the committee. 2 U.S.C. § 434 requires that a committee file timely reports of receipts and disbursements at regular intervals.

4. Respondents failed to register and report in a timely manner in violation of 2 U.S.C. §§ 433 and 434.

C. 1 Respondents' 1983 reports disclosed receipts of \$24,350 from an individual contributor. Respondents' 1984 reports disclosed receipts of \$15,000 from the same individual.

2. On November 12 and December 31, 1985, Respondents refunded the excessive portion totaling \$29,350 to the contributor.

44a

87040561901

3. 2 U.S.C. § 441a(a)(1)(C) prohibits individual contributions in excess of \$5,000 in a calendar year to a political committee (other than an authorized candidate committee or party committee). 2 U.S.C. § 441a(f) prohibits receipt of such excessive contributions.

4. Respondents accepted excessive contributions in violation of 2 U.S.C. § 441a(f).

D. 1. On November 18, 1983 and November 2, 1984, Respondents contributed \$4000 and \$1500, respectively, to two federal candidate committees.

2. In response to a notice from the Commission, Respondents requested and obtained a refund of \$3000 from one of the candidate committees.

3. 2 U.S.C. § 441a(a)(1)(A) states that no person (including a political committee - 2 U.S.C. § 431(11)) shall make contributions to an authorized candidate committee in excess of \$1,000 per election.

4. Respondents made contributions totaling \$3,500 in excess of limitations in violation of 2 U.S.C. § 441a(a)(1)(A).

E. 1. On October 25, 1984, an individual gave \$1500 to a federal candidate committee from his personal account and thereafter, was reimbursed by the Respondents.

2. The recipient candidate committee reported the receipt of \$1500 from the individual. The Respondents reported a contribution of \$1500 as going directly to the candidate committee.

44a

87040561902

3. 2 U.S.C. § 441f states that no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution and no person shall knowingly accept a contribution made by one person in the name of another person.

4. By reimbursing the individual for his contribution to the candidate committee, Respondents made a contribution in the name of another in violation of 2 U.S.C. § 441f.

V. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Thousand Two Hundred Dollars (\$5,200), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

446

87040361903

FOR THE COMMISSION:

BY: Lawrence M. Noble
Deputy General Counsel

FOR THE RESPONDENTS:

December 17, 1986

Deutsch & Sheldon
7951 E. Maplewood Ave. #220
Englewood, CO 80111

44a

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Bill L. Walters

)
)
)
)

MUR 2151

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Bill L. Walters ("Respondent") violated the following:

- a) 2 U.S.C. § 441a(a)(3) by making contributions in excess of the total individual contribution limit for 1983;
- b) 2 U.S.C. § 441a(a)(1)(C) by making contributions in excess of limitations to a political committee other than an authorized or party committee.

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

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

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

III. Respondent enters voluntarily into this agreement with the Commission.

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

A. Respondent, Bill L. Walters, is an individual contributor.

8704061905

446

B. 1. During 1983, Respondent contributed \$24,350 to the Walters Construction Management Political Committee ("the Walters Committee"). During 1984, Respondent contributed \$15,000 to the Walters Committee.

2. On November 12 and December 31, 1985, the Walters Committee refunded the excessive portion (\$29,350) to Respondent.

3. 2 U.S.C. § 441a(a)(1)(C) prohibits individual contributions in excess of \$5,000 in a calendar year to a political committee (other than an authorized candidate committee or party committee.)

4. Respondent made excessive contributions to a political committee in violation of 2 U.S.C. § 441a(a)(1)(C).

C. 1. During 1983, Respondent made contributions totaling \$37,150 to federal political committees. Of this amount, Respondent received refunds of \$29,350 during 1985.

2. 2 U.S.C. § 441a(a)(3) states that no individual shall make contributions aggregating more than \$25,000 in any calendar year.

3. During 1983, Respondent made contributions totaling \$12,150 in excess of calendar year limitations in violation of 2 U.S.C. § 441a(a)(3).

V. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Four Thousand Dollars (\$4,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

446

8704061906

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

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

VIII. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

IX. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY:

Lawrence M. Noble
Deputy General Counsel

Date

FOR THE RESPONDENT:

Darryl S. Deutch

Deutch & Sheldon
7951 E. Maplewood Ave. #320
Englewood, CO 80111

Dec. 17, 1986
Date

446

87040661907

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Norman A. Sheldon

)
)
)
)

MUR 2151

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Norman A. Sheldon ("Respondent") violated 2 U.S.C. § 441f by knowingly permitting his name to be used to effect a contribution by the Walters Construction Management Political Committee.

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

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

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

III. Respondent enters voluntarily into this agreement with the Commission.

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

1. Respondent, Norman A. Sheldon, is an individual.
2. On October 25, 1984, Respondent gave \$1500 to the Nancy Dick for U.S. Senate Committee, a federal candidate committee, from his personal account and on November 2, 1984, was reimbursed by the Walters Construction Management Political Committee.

44c

3. The recipient candidate committee reported the receipts of \$1500 from the Respondent. The Walters Committee reported a contribution of \$1500 as going directly to the candidate committee from the Walters Committee.

4. Pursuant to 2 U.S.C. § 441f no person shall knowingly permit his name to be used to effect a contribution made by another.

V. Respondent knowingly permitted his name to be used to effect a contribution made by the Walters Committee to the candidate committee, in violation of 2 U.S.C. § 441f.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of four hundred dollars (\$400), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

IX. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

44c

FOR THE COMMISSION:

BY:

Date

Ray Leath

December 17, 1986
Date

44c



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 2151

DATE FILMED 11/25/87 CAMERA NO. 3

CAMERAMAN AS

87040661911