



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2316

DATE FILMED 9/29/89 CAMERA NO. 3

CAMERAMAN AS

39040764951

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 3 December 1986

ANALYST: Robin Kelly

I. COMMITTEE: Kansans for Kline
(C00208934)
Major C. Weiss, Treasurer
(August 29, 1986 - present)
R.R. Anderson, Treasurer
(inception (7/9/86) - August 28, 1986)
2941 South Topeka Boulevard
Topeka, KS 66611

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(2)(A)(i)
11 CFR 104.5(a)(1)(i)(A)

III. BACKGROUND:

Failure to File a Required Report as of Election Day

Kansans for Kline ("the Committee") has failed to file the 1986 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 4, 1986. The Committee was notified on September 29, 1986 that the 12 Day Pre-General Report was due October 23, 1986 (Attachment 2). A mailgram was sent to the Committee on October 24, 1986 for failure to file the 12 Day Pre-General Report (Attachment 3). The mailgram informed the Committee that failure to file the report within four (4) business days might result in publication, audit or legal enforcement action.

The treasurer of the Committee, Mr. Major Weiss telephoned a Reports Analysis Division analyst on October 30, 1986. Mr. Weiss stated that the 12 Day Pre-General Report had just been filed the day before (October 29, 1986) and asked if the Committee would be published for failure to file. The analyst informed Mr. Weiss that unless the report was received by the close of business of that day, the Committee would be published (Attachment 4). The name of the Committee was published on October 31, 1986 for failure to file the 12 Day Pre-General Report (Attachment 5).

On November 14, 1986 the analyst attempted to call Mr. Weiss, but there was no answer (Attachment 6). On November

3 2 0 4 0 7 6 4 9 5 2

KANSANS FOR KLINE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

17, 1986 another call was made to Mr. Weiss. There was still no answer, but a message was left on the recorder to return the call (Attachment 7). On November 18, 1986, Mr. Weiss returned the call (Attachment 8). The analyst told Mr. Weiss that the 12 Day Pre-General Report had not been filed. Mr. Weiss said he had a copy of the report, and thought that a copy had been filed. Mr. Weiss said that he would check on the matter. The analyst told Mr. Weiss that failure to file a report was a serious matter, and advised him to get the report filed as soon as possible.

To date, the 12 Day Pre-General Report has not been filed.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION

1985-1986

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 20NOV86

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF	MICROFILM
			PRIMARY	GENERAL	PRIMARY	GENERAL		PAGES	LOCATION

KLINE, PHILLIP DEAN	HOUSE 02	REPUBLICAN PARTY			KANSAS		1986 ELECTION	ID#	H6KS02185
1. STATEMENT OF CANDIDATE									
1986 STATEMENT OF CANDIDATE							24JUL86	1	86HSE/311/0557
2. PRINCIPAL CAMPAIGN COMMITTEE									
KANSANS FOR KLINE							ID# C00208934	HOUSE	
1986 STATEMENT OF ORGANIZATION							9JUL86	1	86HSE/306/0769
STATEMENT OF ORGANIZATION - AMENDMENT							22JUL86	1	86HSE/310/3588
STATEMENT OF ORGANIZATION - AMENDMENT							30SEP86	3	86HSE/314/42
STATEMENT OF ORGANIZATION - AMENDMENT							16OCT86	1	86HSE/320/094
JULY QUARTERLY			6,475		0		1APR86 -30JUN86	8	86HSE/311/0645
PRE-PRIMARY			2,450		250		1JUL86 -15JUL86	8	86HSE/311/0558
OCTOBER QUARTERLY				19,369		20,161	16JUL86 -30SEP86	15	86HSE/318/3442
NOTICE OF FAILURE TO FILE							1OCT86 -15OCT86	1	86FEC/443/1506
TOTAL			8,925	19,369	250	20,161		38	TOTAL PAGES
3. AUTHORIZED COMMITTEES									
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

Reports which have been reviewed: July Quarterly and Pre-Primary

Ending cash as of 9/30/86: \$7,883.56

Debts owed by the Committee as of 9/30/86: \$0

ATTACHMENT 1

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CANDIDATE COMMITTEES

September 29, 1986

WHO MUST FILE

The principal campaign committees authorized by candidates^{1/} who are seeking election in the 1986 general elections must file the pre-election report due October 23, 1986, and the post-election report due December 4, 1986.

WHAT MUST BE REPORTED

The pre-election report must disclose all financial activity that occurred from the close of books for the last report through October 15, 1986. (Political committees that are filing a report for the first time should report all financial activity through October 15, 1986.)^{2/} The post-election report must cover all financial activity of the campaign from October 16 through November 24, 1986. (See the chart on the reverse side.) NOTE: In addition, if the campaign has more than one committee, the principal campaign committee must also file a consolidated report, (FEC Form 32). For details, see page 14 of the Campaign Guide For Congressional Candidates and Committees or 11 CFR 104.3(f).

WHEN TO FILE

Pre-election reports sent by registered or certified mail must be postmarked no later than midnight October 20, 1986. Reports hand delivered or mailed first class must be received no later than close of business October 23, 1986.

Post-election reports sent by registered or certified mail must be postmarked no later than midnight December 4, 1986. Reports hand delivered or mailed first class must be received no later than close of business December 4, 1986.

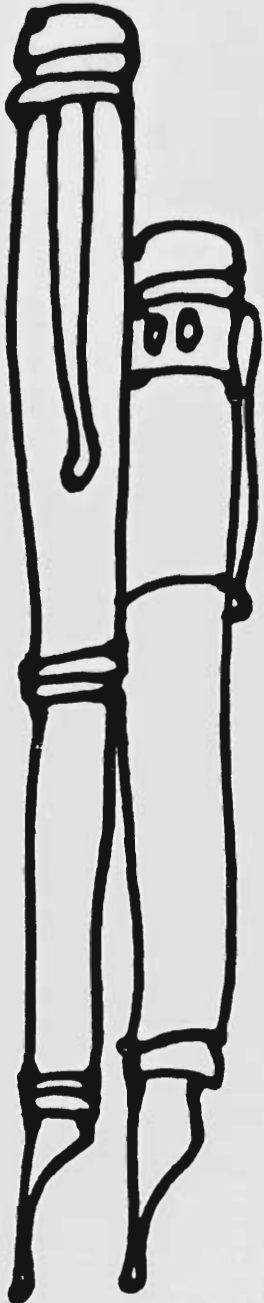
WHERE AND HOW TO FILE

Committees should consult the instructions on the enclosed FEC Form 3, for details.

^{1/}Individuals should refer to the enclosed brochure for the definition of the term "candidate," and the registration requirements. If you determine that you meet the definition of candidate, your principal campaign committee should comply with the above reporting requirements. Appropriate forms are enclosed.

^{2/}The first report filed by a committee shall include all amounts received or disbursed prior to reaching the threshold for candidate registration. See 11 CFR 101.3; 104.3(a) and (b). Activity which occurred prior to 1986, however, should be disclosed separately.

-over-



REPORTS DUE DURING OCTOBER, DECEMBER AND JANUARY

<u>Name of Report</u>	<u>Period Covered</u>	<u>Reg/Cert. Mailing Date</u>	<u>Filing Date</u>
Oct. Quarterly	07/01* - 09/30/86	10/15/86	10/15/86
Pre-General	10/01 - 10/15/86	10/20/86	10/23/86
Post-General	10/16 - 11/24/86	12/04/86	12/04/86
Year-End	11/25 - 12/31/86	01/31/87	01/31/87

NOTE: Last Minute Contributions

Last minute contributions of \$1,000 or more received, by authorized committees, between two and 20 days before the general election, must be reported within 48 hours of their receipt. (See 11 CFR 104.5(f)).

COMPLIANCE

Political committees are fully liable for failure to file any report required under the Act. Failure to file in a timely fashion is a serious violation. Offending committees are subject to enforcement action. Committees must also submit legible reports which can be clearly reproduced. Illegible reports which can not be clearly reproduced and reports submitted on non-FEC forms will not be accepted, and committees filing such documents will be required to refile.

*Committees should use this date, the closing date of the last report filed, or the date of candidate status, whichever is later. See also footnote 2 on page 1.

FOR INFORMATION CALL: Information Services Division
800/424-9530 or 202/376-3120

RQ-7

(This is a copy of the text of a mailgram sent to the committee listed below on October 24, 1986.)

Major C. Weiss, Treasurer
Kansans for Kline
2941 South Topeka Boulevard
Topeka, KS 66611

Identification Number: C00208934

Reference: 12 DAY PRE-GENERAL REPORT (10/1/86-10/15/86)

860344315097
It has come to the attention of the Federal Election Commission that you may have failed to file the 1986 12 Day Pre-General Report of Receipts and Expenditures as required by the Federal Election Campaign Act, as amended. Unless you recently registered, prior notification was sent to you approximately 24 days ago advising you that your report was due on October 23, 1986.

You will be allowed four (4) business days from the date of this notice to file the 12 Day Pre-General Report. The report should be filed with the Clerk of the House, Office of Records and Registration, 1036 Longworth HOB, Washington, D.C. 20515, or the Secretary of the Senate, Office of Public Records, 232 Hart Senate Office Building, Washington, D.C. 20510, as appropriate. Copy of the report should also be filed with the appropriate Secretary of State or equivalent state officer.

860344315097
If you have filed the report timely by certified or registered mail, please notify us immediately, in writing, of the certified or registered number and the date that the report was sent.

The failure to file this report may result in publication, audit or legal enforcement action.

If you have any questions regarding this matter, please contact the Reports Analysis Division on our toll free number (800) 424-9530 or on our local number (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

MEMORANDUM FOR FILES: TELECON

SUBJECT: 12 Day Pre-General Report

FROM: Call from the Treasurer, Major Weiss

TO: Robin Kelly, RAD Analyst

NAME OF COMMITTEE: Kansans for Kline

DATE: October 30, 1986

Mr. Major Weiss, Treasurer of the committee Kansans for Kline called to inform me that the Committee's 12 Day Pre-General Report had just been filed the day before. He wanted to know if the Committee would be published. I told him that unless the report was received by the close of business today, that the Committee would be published.

FEDERAL ELECTION COMMISSION

Press Office
999 E Street, N.W., Washington, D.C. 20463
Phone: Local 376-3155 Toll Free 800-424-9530



FOR IMMEDIATE RELEASE:
FRIDAY, OCTOBER 31, 1986

CONTACT: FRED EILAND
SHARON SNYDER
KAREN FINUCAN

FEC PUBLISHES PRE-GENERAL NON-FILERS

WASHINGTON—The Federal Election Commission today published a list of committees authorized by 1986 Congressional candidates involved in the November 4 general election which failed to file the required 12-day pre-general financial disclosure reports.

The reports were due October 23rd, covering activity from October 1, 1986, through October 15, 1986. If sent by regular mail, or if hand-delivered, the reports should have been received by close of business on October 23. If sent by registered or certified mail, the reports must have been postmarked by midnight October 20. Committees were notified of their filing requirements on September 29 and those which failed to file were again notified October 24.

As of 5 p.m. October 30, reports from the following committees had not been filed:

AR/04...Keels for Congress Committee...Lamar Keels...Rep.
AS/00...Friends for Soli...Soli Amosualogo Salanca...Rep.
CA/31...Jack McMurray for U.S. Congress...Jackson M. McMurray, II...Rep.
FL/18...Tom Brodie for Congress...Thomas Graham Brodie...Rep.
IL/07...Citizens to Elect Jerald Wilson for Congress...Jerald Wilson...Ind.
KS/02...Kansas for Kline...Phillip Dean Kline...Rep.
KY/03...The Holmes Committee...Lee Holmes...Rep.
LA/03...The Billy Tauzin Committee...Wilbert Joseph Tauzin, II...Dem.
MD/03...Pierpont for Congress...Dr. Ross Zimmerman Pierpont...Rep.
NE/SEN...Peabody for U.S. Senate...Endicott Peabody...Dem.
NJ/07...June S. Fischer for Congress...June S. Fischer...Dem.
NY/06...Dietl for Congress Committee...Richard A. Dietl...Rep.
NY/21...Friends of Sam Fish, Jr...Hamilton Fish, Jr...Rep.
NY/12...Congressman Major Owens in '86...Major Robert Owens...Dem.
NY/07...Rodriguez for Congress Committee...Edward N. Rodriguez...Rep.
NY/05...Committee to Elect Michael T. Sullivan...Michael T. Sullivan...Dem.
NY/04...Pat Sullivan for Congress Committee...Patricia Sullivan...Dem.
OH/11...Margaret Mueller for Congress Committee...Margaret R. Mueller...Rep.
SC/06...Committee to Elect Robbie Cunningham to Congress...
Robert Hugh Cunningham, Jr...Rep.
TX/12...Friends of Don McNiel...Don McNiel...Rep.
MI/13...Mary Griffin for Congress...Mary Harrell Griffin...Rep.

The 1979 Amendments to the Federal Election Campaign Act specify that the Commission publish only those committees authorized by candidates to raise and spend money on their behalf. Therefore, this list does not include other types of political committees which may have been required to file.

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In addition, individuals register as candidates only after they have raised or spent in excess of \$5,000. Prior to reaching that threshold, no registration or reporting is required. Therefore, some individuals whose names appear on state ballots may have no filing obligations.

Further Commission action against non-filers will be decided on a case-by-case basis. The Federal Election Campaign Act gives the Commission broad authority to initiate enforcement actions, including civil court enforcement and the imposition of civil penalties (\$5,000 for "any violation" and \$10,000 for any "knowing and willful" violation) for infractions of the law, including failure to file required disclosure reports.

The next report due for general election candidates will be the 30-day post election report, due December 4, covering activity from October 16 through November 24.

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MEMORANDUM FOR FILES: TELECON

SUBJECT: Notifying the Treasurer of failure to file a report

FROM: Call made by Robin Kelly, RAD Analyst

TO: Major Weiss, Treasurer

NAME OF COMMITTEE: Kansans for Kline

DATE: November 14, 1986

I attempted to call the treasurer today in regards to the 12 Day Pre-General Report. There was no answer.

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MEMORANDUM FOR FILES: **TELECON**

SUBJECT: Notifying the Treasurer of failure to file a report

FROM: Call made by Robin Kelly, RAD Analyst

TO: Major Weiss, Treasurer

NAME OF COMMITTEE: Kansans for Kline

DATE: November 17, 1986

I attempted again to reach the Treasurer, Mr. Weiss for information regarding the 12 Day Pre-General Report. Again the Treasurer was not at home, but there was a recorder, so I left a message for Mr. Weiss to return my call.

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MEMORANDUM FOR FILES: **TELECON**

SUBJECT: 12 Day Pre-General Report

FROM: Call from Mr. Major Weiss, Treasurer

TO: Robin Kelly, RAD Analyst

NAME OF COMMITTEE: Kansans for Kline

DATE: November 18, 1986

3 9 0 4 0 7 6 4 9 5 3

Mr. Weiss said that he had gotten a message to call me. I explained to him that we had not received the 12 Day Pre-General Report for the Committee. He said that he had a copy of the report and thought one had been filed. He told me that he would check with his secretary. I informed him that failure to file a report was a serious matter, and advised him to get the report filed as soon as possible. He said that he would take care of the matter.

SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

RAD REFERRAL 86NF-24
STAFF MEMBER
Deborah Curry

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS' NAMES: Kansans for Kline and Major C. Weiss,
as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(2)(A)(i);
11 CFR 104.5(a)(1)(i)(A)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

This matter was generated by the Reports Analysis Division ("RAD") after a review of the disclosure reports of Kansans for Kline (hereinafter "Kline Committee").

SUMMARY OF ALLEGATIONS

The RAD referral reveals that the Kline Committee and Major C. Weiss, as treasurer, may have violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 Pre-General Election Report in a timely manner.

FACTUAL AND LEGAL ANALYSIS

The Kline Committee was notified on September 29, 1986 that the 12 Day Pre-General Report was due October 23, 1986 (Attachment 1, page 5). A mailgram was sent to the Committee on October 24, 1986 for failure to file the 12 Day Pre-General Report (Attachment 1, page 7). The mailgram informed the

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Committee that failure to file the report within four (4) business days might result in publication, audit or legal enforcement action.

The treasurer of the Committee, Major C. Weiss telephoned a Reports Analysis Division analyst on October 30, 1986. Mr. Weiss stated that the 12 Day Pre-General Report had just been filed the day before (October 29, 1986) and asked if the Committee would be published for failure to file. The analyst informed Mr. Weiss that unless the report was received by the close of business of that day, the Committee would be published (Attachment 1, page 8). The name of the Committee was published on October 31, 1986 for failure to file the 12 Day Pre-General Report (Attachment 1, page 9).

On November 14, 1986 the analyst attempted to call Mr. Weiss, but there was no answer (Attachment 1, page 11). On November 17, 1986 another call was made to Mr. Weiss. There was still no answer, but a message was left on the recorder to return the call (Attachment 1, page 12). On November 18, 1986, Mr. Weiss returned the call (Attachment 1, page 13). The RAD analyst told Mr. Weiss that the 12 Day Pre-General Report had not been filed. Mr. Weiss said he had a copy of the report, and thought that a copy had been filed. Mr. Weiss said that he would check on the matter. The RAD analyst told Mr. Weiss that failure to file a report was a serious matter, and advised him to get the report filed as soon as possible. To date, the 12 Day Pre-General Report has not been filed.

2 U.S.C. § 434(a)(2)(A)(i) states, among other things, that the treasurer of the principal campaign committee of a candidate must file a pre-election report no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the candidate seeks election or nomination for election. 11 C.F.R. § 104.5(a)(1)(i)(A).

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The Kline Committee is the principal campaign committee of Phillip Dean Kline. Mr. Kline lost the general election after receiving twenty-nine percent (29%) of the vote. The referral materials indicate that the Kline Committee has not filed the 1986 Pre-General Election Report. Therefore, in view of the Committee's failure to file the 1986 Pre-General Election Report by the required filing date, it is the recommendation of this Office that the Commission open a MUR in this matter and find reason to believe the Kline Committee and Major C. Weiss, as treasurer, violated 2 U.S.C. § 434a(2)(A)(i).

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Kansans for Kline and Major C. Weiss, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

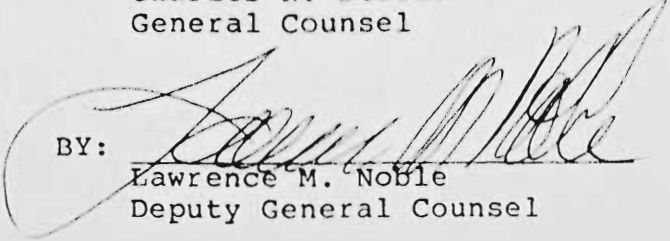
3. Approve the attached letter and General Counsel's factual and legal analysis.

Charles N. Steele
General Counsel

Date

1/6/87

BY:


Lawrence M. Noble
Deputy General Counsel

Attachments

1. Referral Materials
2. Letter (1)
3. General Counsel Factual and
Legal Analysis (1)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Kansans for Kline and Major C.)
Weiss, as treasurer)

RAD Ref. 86NF-24

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 9, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 86NF-24.

1. Open a MUR.
2. Find reason to believe that Kansans for Kline and Major C. Weiss, as treasurer, violated 2. U.S.C. § 434(a)(2)(A)(i).
3. Approve the letter and General Counsel's factual and legal analysis, as recommended in the First General Counsel's Report signed January 6, 1987.

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

Attest:

1-9-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Wed., 1-7-87 11:02
Circulated on 48 hour tally basis: Wed., 1-7-87 4:00
Deadline for vote: Fri., 1-9-87 4:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 15, 1987

Major C. Weiss, Treasurer
Kansans for Kline
2941 South Topeka Boulevard
Topeka, KS 66611

RE: MUR 2316
Kansans for Kline
and Major C. Weiss, as
treasurer

Dear Mr. Weiss:

On January 9, 1987, the Federal Election Commission determined that there is reason to believe Kansans for Kline and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i), 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

Major C. Weiss, Treasurer
Page 2

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 Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

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

Attachment

1 - 10

February 4, 1987

7 FEB 9 P1:16

Phill Kline
5921 Mastin
Merriam, Ks. 66203
(913) 677-2039

To Whom It May Concern:

This correspondence is official notice by respondent, Kansans for Kline, that it seeks pre-probable cause conciliation regarding MUR 2316. Please find enclosed an affidavit summarizing the facts regarding the committee's possible violation of 2 U.S.C. section 434(a)(2)(A)(i).

The affidavit enclosed contains statements of fact which mitigate against the imposition of any penalty against the committee. It is the committee's position that it is not responsible for the failure to file the Pre-General Election Report. All such responsibility lies individually and personally with Mr. Major C. Weiss. The committee understands the importance of such reports and the significance of federal election disclosure laws. It has been, and will continue to be, the committee's intention to comply with all such law.

It is the committee's understanding that the purposes of federal election disclosure laws are to inform the public, insure the payment of all campaign debts, insure fairness in the election process and prevent criminal activity. At this time the committee is working to insure that all campaign creditors receive payment in full. Due to Mr. Weiss' misuse of funds the Kansans for Kline account is experiencing a shortfall in funds. (See attached affidavit and the committee's year-end report). In addition, the committee has made all information relevant to the account public and turned over account records to a public prosecutor. The committee, in all of its actions is trying to conform with the purposes of the disclosure laws.

If the committee were to receive a pecuniary penalty in regards to this matter, efforts to fully compensate creditors would be hampered and a underlying purpose of the disclosure laws would be defeated. Also, the committee is unable to file a late pre-election report only because it does not yet have sufficient records to file an accurate report and does not desire to mislead the commission or the public.

It is not the committee's intention to receive any special treatment in this matter, only that the mitigating circumstances be fully considered. Kansans for Kline is anxious to cooperate with the commission in any fashion.

87 FEB 9 P4:32

RECEIVED
GUTHRIE
FEB 11 1987

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Sincerely,
Phill Kline

Phill Kline for
Kansans for Kline

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AFFIDAVIT

Affidavit of Respondent: Kansans for Kline

MUR 2316

State of Kansas

County of Johnson

I, Phillip D. Kline, upon first being duly sworn state as follows:

1. The campaign committee, Kansans for Kline, was organized to promote the election of the affiant, Phillip D. Kline, to the United States Congress.
2. The Kansans for Kline campaign committee is still an operating entity located at 5921 Mastin, Merriam, Kansas 66203.
3. On January 22, 1987, I, on behalf of Kansans for Kline, received notification of the Commission's intention to pursue probable cause investigation regarding a possible violation by the campaign committee, and Major E. Weiss as treasurer, of 2 U.S.C. section 434(a)(2)(A)(i).
4. The previously stated notification is the first notice received by the campaign committee regarding a possible failure to file the 1986 Pre-General Election Report. Prior to such notification Mr. Weiss had repeatedly assured members of the committee all relevant reports had been filed in a timely fashion.
5. Due to Mr. Weiss' assurances, his receipt of all correspondence with the Federal Election Commission prior to January 22, 1987 and the following factual statements; January 22, 1987 is the earliest date the Kansans for Kline campaign committee could have reasonably ascertained the possible reporting violation.
6. On November, 26, 1986 I was alerted to possible irregularities with the campaign account by a creditor's phone call. The creditor, who should have been paid at that date, stated he had not received payment. The same day I contacted bank officials and asked them to begin pulling account records.

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7. Ms. Betty Persing of the Commerce Bank of Topeka contacted me by phone on Friday, November 28, 1986. She indicated that the bank had \$3,800 of "chargebacks" to the campaign account apparently due to improper activity by Mr. Weiss. I instructed Commerce Bank to freeze the account. The same day I contacted Mr. Weiss and informed him I needed all account records in his possession.

8. On Saturday, November 29, 1986 Mr. Bryan Daniel and I met with Ms. Persing at the bank. I was shown checks Mr. Weiss had written to Kansans for Kline on a closed personal account. I instructed bank officials to access all account records to discover if Mr. Weiss' activities were attempts to cover unauthorized withdrawals and/or expenditures. The same day I submitted a change of address form to the United States Postal Service to prevent Mr. Weiss from receiving campaign mail.

9. Without informing Mr. Weiss of recent events, I met with him on Monday, December 1, 1986 in an attempt to acquire all records to the account. I only received partial records due to his reluctance to cooperate. At that time he stated he did not keep a ledger or disbursements for the account and never withdrew funds from the account. Mr. Raleigh VanTrease, my former roommate was present at the meeting.

10. On Tuesday, December 2, 1986, Mr. Weiss failed to attend a scheduled meeting regarding the account.

11. On Friday, December 5, 1986 Mr. McDill "Huck" Boyd and I met with Mr. Larry Carlson of the Commerce Bank. At the meeting I was provided, for the first time, copies of checks authorized by Mr. Weiss for expenditures unrelated to the campaign. Many of these checks were made out to Mr. Weiss as payee. The same day, by phone, Mr. Weiss assured me he would leave all campaign records in his possession in his mailbox for me to pick-up. He failed to do so.

12. Major C. Weiss was the only authorizing signature for Kansans for Kline from September 4, 1986 to September 30, 1986. On October 1, 1986 Mr. Boyd's signature was added to the

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account.

13. In a meeting on December 9, 1986 Mr. Weiss admitted to misappropriating \$8,900 of campaign funds. He stated he intended to make restitution. I removed Mr. Weiss from his position with the campaign committee and appointed Mr. James R. Kline, Jr. as treasurer.

14. From December 11, 1986 to January 14, 1987 repeated attempts to contact Mr. Weiss by phone and in person failed. Messages left on his phone answering device were never returned.

15. On January 9, 1987 Mr. Boyd passed away due to lung cancer.

16. On January 15, 1987 I reached Mr. Weiss through a third party and informed him of my intention to approach the Shawnee County District Attorney's office and to make the matter public. I also informed him of my reasons for taking such action. They were; (1) to insure creditors were payed, (2) to prevent innocent parties from being defamed, and (3) to respect the public's right to know. He, once again, admitted his wrongdoing.

17. At 1:00 p.m. on January 15, 1987 I held a news conference to disclose the irregularities with the campaign account. The same day I met with Mr. David Debenham of the Shawnee County District Attorney's office and Detective Sergeant McLaughlin of the Topeka, Kansas Police Department. All campaign account records in my possession were turned over to them at that time.

18. During Mr. Weiss' term as treasurer he assured members of the committee that all records were in order and that all reports had been filed in a timely fashion.

19. Due to Mr. Weiss' distortion of records, and failure to keep or produce other records, it is impossible for the committee to submit a late Pre-General Election Report. Any attempts to reconstruct account transactions during the reporting period must wait until after the completion of the criminal investigation and Mr. Weiss is compelled to produce relevant information.

89040764975

6

20. All information relating to the campaign account clearly indicates that Mr. Weiss, and only Mr. Weiss, is responsible for the unauthorized campaign expenditures and the committee's failure to file.

Phillip D. Kline

Phillip D. Kline

Date: February 4 1987

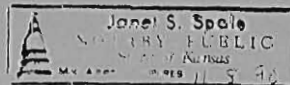
NOTARY PUBLIC

STATE OF Nevada

COUNTY OF Washoe

Before me, the undersigned authority, on this day personally appeared Philip D. Kline known to me to be the person whose name is subscribed above, and acknowledged to me that he executed the same for the purpose therein expressed.

Sworn and subscribed before me this 4 day of February, 1987.



(Seal)

Notary public in and for Washoe County, Nevada

My commission expires _____

89040764970

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Kansans for Kline and) MUR 2316
Major C. Weiss,)
as treasurer)

GENERAL COUNSEL'S REPORT

BACKGROUND

This matter was generated by the Reports Analysis Division ("RAD") after a review of the disclosure reports of Kansans for Kline (hereinafter "Kline Committee"). On January 9, 1987, the Commission found reason to believe that the Kline Committee and Major C. Weiss, as treasurer 1/ violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 Pre-General Election Report by the required filing date. On February 9, 1987 the Office of General Counsel received a response from Phillip Kline on behalf of the Kline Committee.

FACTUAL AND LEGAL ANALYSIS

A cover letter and supporting affidavit formed the Kline Response. The cover letter signed by Phillip Kline, the candidate, indicated that the particular facts of the matter should "mitigate against the imposition of any penalty against the committee." (Attachment, 1 page 1). The Response further indicated that the responsibility for failing to file the Pre-General Election Report "lies individually and personally with Mr. Major C. Weiss" and not with the committee. (Attachment 1,

1/ According to the Kline response, Major C. Weiss is no longer treasurer of Kansans for Kline. (See Attachment 1 page 5) James R. Kline has been appointed treasurer by the candidate.

page 1). The position of the Kline Committee is premised on an allegation of misuse of campaign funds by Mr. Weiss, which according to the Committee caused a shortfall in the Committee's funds. (Attachment 1, page 1). The Kline Affidavit describes in detail the events leading up to and surrounding the Committee's allegation of misuse of campaign funds by Mr. Weiss. (Attachment 1, pages 3-6).

According to the Kline affidavit, Mr. Weiss repeatedly told Committee members that reports had been filed in a timely manner. (Attachment 1, page 3). Mr. Kline indicates that a phone call from a creditor alerted him of possible irregularities with the campaign account (Attachment 1, page 3). A subsequent review of bank records, by a banking official and Mr. Kline, revealed improper activity causing Mr. Kline to freeze the campaign account. (Attachment 1 page 4).

Further investigation by Mr. Kline disclosed "copies of checks authorized by Mr. Weiss for expenditures unrelated to the campaign. Many of these checks were made out to Mr. Weiss as payee." (Attachment 1, page 4).

According to Mr. Kline, only partial records were received by the Committee due to Mr. Weiss' reluctance to cooperate in the matter. (Attachment 1, page 4). Mr. Kline further states that Mr. Weiss admitted misappropriating \$8,900 of campaign funds. Mr. Kline has turned over all campaign account records to the District Attorney's office which is investigating the matter. (Attachment 1, page 5). Both, the Kline letter and

affidavit state that due to the aforementioned circumstances the Committee is unable to file a late Pre-Election report.

(Attachment 1, page 1 and page 5).

Pursuant to 2 U.S.C. § 432(b)(3), "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual." Based on the Kline response, the recommendation of this Office is that Mr. Weiss be added as a Respondent in his personal and individual capacity, and that the issue of whether or not Mr. Weiss commingled campaign and personal funds should be investigated by the Commission. (See MURs 2189 and 2137). Investigation of an alleged 2 U.S.C. § 432(b)(3) violation by Mr. Weiss may have a direct bearing on the resolution of the apparent 2 U.S.C. § 434 reporting violation in terms of the allocation of responsibility for the violation.

Therefore, the Office of General Counsel recommends that the Commission find reason to believe Major C. Weiss violated 2 U.S.C. § 432(b)(3). 2/

RECOMMENDATIONS

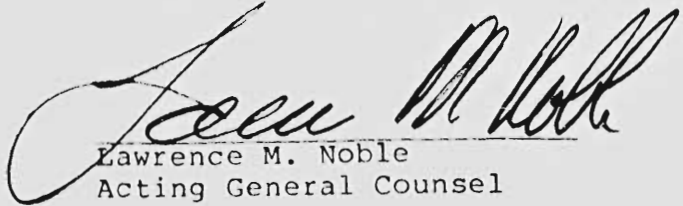
1. Find reason to believe Major C. Weiss violated 2 U.S.C. § 432(b)(3).

2/ Depending upon the evidence adduced in the investigation, the Office of General Counsel may make further recommendations that the violations by Mr. Weiss were knowing and willful.

2. Approve attached letter and General Counsel's Factual and Legal Analysis.

Date

4/6/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Kline Response
2. Letter
3. General Counsel Factual and Legal Analysis

8 3 0 4 0 7 6 4 9 8 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Kansans for Kline and) MUR 2316
Major C. Weiss,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 9, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2316:

1. Find reason to believe Major C. Weiss violated 2 U.S.C. § 432(b)(3).
2. Approve the letter and General Counsel's Factual and Legal Analysis, as recommended in the General Counsel's Report signed April 6, 1987.

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

Attest:

4-9-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Mon., 4-6-87, 4:16
Circulated on 48 hour tally basis: Tues., 4-7-87, 11:00
Deadline for vote: Thurs., 4-9-87, 11:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 23, 1987

Major C. Weiss
1439 Rhode Island
Lawrence, Kansas 66044

RE: MUR 2316
Major C. Weiss

Dear Mr. Weiss:

On April 9, 1987, the Federal Election Commission determined there is reason to believe you violated 2 U.S.C. § 432(b)(3), 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. Statements should be submitted under oath.

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 Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

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

7/2/87

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 2316
STAFF MEMBER(S) & TEL. NO.
Deborah Curry (202) 376-8200

RESPONDENT Major C. Weiss

SUMMARY OF ALLEGATIONS

This matter was generated by the Reports Analysis Division ("RAD") after a review of the disclosure reports of Kansans for Kline (hereinafter "Kline Committee"). On January 9, 1987, the Commission found reason to believe that the Kline Committee and Major C. Weiss, as treasurer 1/ violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 Pre-General Election Report by the required filing date. On February 9, 1987 the Office of General Counsel received a response from Phillip Kline on behalf of the Kline Committee.

FACTUAL BASIS AND LEGAL ANALYSIS

A cover letter and supporting affidavit formed the Kline Response. The cover letter signed by Phillip Kline, the candidate, indicated that the particular facts of the matter should "mitigate against the imposition of any penalty against the committee." The Response further indicated that the responsibility for failing to file the Pre-General Election Report "lies individually and personally with Mr. Major C. Weiss"

1/ According to the Kline response, Major C. Weiss is no longer treasurer of Kansans for Kline. (See Attachment 1 page 5) James R. Kline has been appointed treasurer by the candidate.

and not the committee. The position of the Kline Committee is premised on an allegation of misuse of campaign funds by Mr. Weiss, which according to the Committee caused a shortfall in the Committee's funds. The Kline Affidavit describes in detail the events leading up to and surrounding the Committee's allegation of misuse of campaign funds by Mr. Weiss.

According to the Kline affidavit, Mr. Weiss repeatedly told Committee members that reports had been filed in a timely manner. Mr. Kline indicates that a phone call from a creditor alerted Mr. Kline of possible irregularities with the campaign account. A subsequent review of bank records, by a banking official and Mr. Kline, revealed improper activity causing Mr. Kline to freeze the campaign account.

Further investigation by Mr. Kline disclosed "copies of checks authorized by Mr. Weiss for expenditures unrelated to the campaign. Many of these checks were made out to Mr. Weiss as payee."

According to Mr. Kline, only partial records were received by the Committee due to Mr. Weiss' reluctance to cooperate in the matter. Mr. Kline further states that Mr. Weiss admitted misappropriating \$8,900 of campaign funds. Mr. Kline has turned over all campaign account records to the District Attorney's office which is investigating the matter. Both, the Kline letter

and affidavit state that due to the aforementioned circumstances the Committee is unable to file a late Pre-Election report.

Under 2 U.S.C. § 432(b)(3), "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual." Based on the Kline response, the recommendation of this Office is that Mr. Weiss be added as Respondent in his personal and individual capacity and that the issue of whether or not Mr. Weiss commingled campaign and personal funds should be investigated by the Commission. Investigation of an alleged 2 U.S.C. § 432(b)(3) violation by Mr. Weiss may have a direct bearing on the resolution of the apparent 2 U.S.C. § 434 reporting violation, in terms of the allocation of responsibility and civil penalties in this matter.

Therefore, the Office of General Counsel recommends that the Commission find reason to believe Major C. Weiss violated 2 U.S.C. § 432(b)(3).

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 20, 1987

POSTMASTER
William P. Reynolds
645 Vermont Street
Lawrence, Kansas 66044-9998

RE: MUR 2316

Dear Mr. Reynolds:

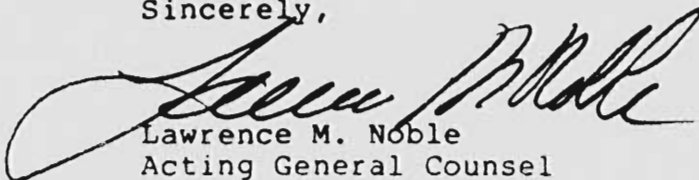
Pursuant to 39 C.F.R. § 265.6(d)(1), we request that you provide us with the present address of Major C. Weiss. According to our records, the address of Major C. Weiss was 1439 Rhode Island as of April 1, 1987.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call Deborah Curry, the attorney assigned to this matter, at (202) 376-8200. (The FTS telephone number is identical).

Thank you for your assistance.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Envelope

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Kansans for Kline,) MUR 2316
James R. Kline, Jr., as)
treasurer and Major C. Weiss)

GENERAL COUNSEL'S REPORT

BACKGROUND

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Kansans for Kline requested pre-probable cause to believe conciliation in their response to the reason to believe notification. */ The Office of General Counsel recommends that the Commission deny Kansans for Kline's request for pre-probable cause conciliation at this time pending the completion of the Commission's investigation of the matter. The Office of General Counsel also recommends that the Commission approve the attached letter to Kansans for Kline and James A. Kline, Jr., as treasurer, acknowledging their request for pre-probable cause to believe conciliation but denying such request until completion of the Commission's investigation in the matter.

RECOMMENDATIONS

1. Decline to enter into conciliation with Kansans for Kline and James R. Kline, Jr., as treasurer, prior to probable cause to believe at this time.

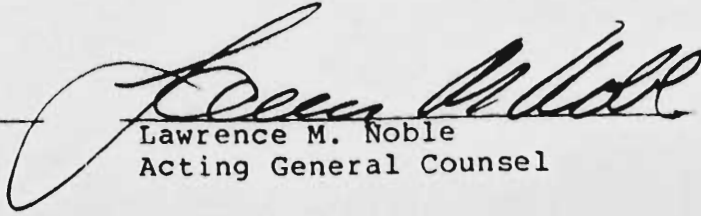
*/ On April 9, 1987, the Commission found reason to believe the Committee's former treasurer violated 2 U.S.C. § 432(b)(3) for commingling personal and campaign funds. Because the response focused on this more serious allegation, we inadvertently overlooked the committee's request for preprobable cause conciliation. The proposed letter includes an apology for the delay in responding to this request.

2. Approve attached letter.

Date

5/22/87

Lawrence M. Noble
Acting General Counsel



Attachments

1. Response of Kansans for Kline
2. Letter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Kansans for Kline,) MUR 2316
James R. Kline, Jr., as)
treasurer and Major C. Weiss)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 28, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2316:

1. Decline to enter into conciliation with Kansans for Kline and James R. Kline, Jr., as treasurer, prior to probable cause to believe at this time.
2. Approve the letter, as recommended in the General Counsel's Report signed May 22, 1987.

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

Attest:

5-29-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Tues., 5-26-87, 11:17
Circulated on 48 hour tally basis: Tues., 5-26-87, 4:00
Deadline for vote: Thurs., 5-28-87, 4:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 11, 1987

Phillip Kline
Kansans for Kline
5921 Mastin
Meriam, Kansas 66203

RE: MUR 2316
Kansans for Kline and
James R. Kline, Jr.,
as treasurer

Dear Mr. Kline:

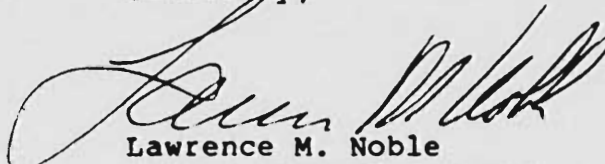
On January 9, 1987, you were notified that the Federal Election Commission found reason to believe that Kansans for Kline and James R. Kline, Jr., as treasurer violated 2 U.S.C. § 434(a)(2)(A)(i). We acknowledge receipt of your request to enter into conciliation negotiations prior to a finding of probable cause to believe. We apologize for the delay in responding to your request.

The Commission has considered your request and determined, because of the need to complete the investigation into the allegations concerning the committee's former treasurer, to decline at this time to enter into conciliation prior to a finding of probable cause to believe.

At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

If you have any questions please contact Deborah Curry the attorney assigned to this matter at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 13, 1987

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Major Charles Weiss
2020 West 27th Street
Lawrence, Kansas 66046

RE: MUR 2316
Major C. Weiss

Dear Mr. Weiss:

On April 9, 1987, the Federal Election Commission determined there is reason to believe you violated 2 U.S.C. § 432(b)(3), 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. Statements should be submitted under oath.

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 Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

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

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 2316
STAFF MEMBER(S) & TEL. NO.
Deborah Curry (202) 376-8200

RESPONDENT Major C. Weiss

SUMMARY OF ALLEGATIONS

This matter was generated by the Reports Analysis Division ("RAD") after a review of the disclosure reports of Kansans for Kline (hereinafter "Kline Committee"). On January 9, 1987, the Commission found reason to believe that the Kline Committee and Major C. Weiss, as treasurer 1/ violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 Pre-General Election Report by the required filing date. On February 9, 1987 the Office of General Counsel received a response from Phillip Kline on behalf of the Kline Committee.

FACTUAL BASIS AND LEGAL ANALYSIS

A cover letter and supporting affidavit formed the Kline Response. The cover letter signed by Phillip Kline, the candidate, indicated that the particular facts of the matter should "mitigate against the imposition of any penalty against the committee." The Response further indicated that the responsibility for failing to file the Pre-General Election Report "lies individually and personally with Mr. Major C. Weiss"

1/ According to the Kline response, Major C. Weiss is no longer treasurer of Kansans for Kline. (See Attachment 1 page 5) James R. Kline has been appointed treasurer by the candidate.

and not the committee. The position of the Kline Committee is premised on an allegation of misuse of campaign funds by Mr. Weiss, which according to the Committee caused a shortfall in the Committee's funds. The Kline Affidavit describes in detail the events leading up to and surrounding the Committee's allegation of misuse of campaign funds by Mr. Weiss.

According to the Kline affidavit, Mr. Weiss repeatedly told Committee members that reports had been filed in a timely manner. Mr. Kline indicates that a phone call from a creditor alerted Mr. Kline of possible irregularities with the campaign account. A subsequent review of bank records, by a banking official and Mr. Kline, revealed improper activity causing Mr. Kline to freeze the campaign account.

Further investigation by Mr. Kline disclosed "copies of checks authorized by Mr. Weiss for expenditures unrelated to the campaign. Many of these checks were made out to Mr. Weiss as payee."

According to Mr. Kline, only partial records were received by the Committee due to Mr. Weiss' reluctance to cooperate in the matter. Mr. Kline further states that Mr. Weiss admitted misappropriating \$8,900 of campaign funds. Mr. Kline has turned over all campaign account records to the District Attorney's office which is investigating the matter. Both, the Kline letter

and affidavit state that due to the aforementioned circumstances the Committee is unable to file a late Pre-Election report.

Under 2 U.S.C. § 432(b)(3), "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual." Based on the Kline response, the recommendation of this Office is that Mr. Weiss be added as Respondent in his personal and individual capacity and that the issue of whether or not Mr. Weiss commingled campaign and personal funds should be investigated by the Commission. Investigation of an alleged 2 U.S.C. § 432(b)(3) violation by Mr. Weiss may have a direct bearing on the resolution of the apparent 2 U.S.C. § 434 reporting violation, in terms of the allocation of responsibility and civil penalties in this matter.

Therefore, the Office of General Counsel recommends that the Commission find reason to believe Major C. Weiss violated 2 U.S.C. § 432(b)(3).

3304076490



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: *MJE* MARJORIE W. EMMONS/JERYL L. WARREN *JW*

DATE: JULY 30, 1987

SUBJECT: MUR 2316 - COMPREHENSIVE INVESTIGATIVE REPORT #1
SIGNED JULY 28, 1987

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The above-captioned matter was received in the Office of the Commission Secretary Tuesday, July 28, 1987 at 4:17 P.M. and circulated to the Commission on a 24-hour no-objection basis Wednesday, July 29, 1987 at 11:00 A.M.

There were no objections received in the Office of the Commission Secretary to the Comprehensive Investigative Report #1 at the time of the deadline.

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Kansans for Kline and)
Major C. Weiss, as treasurer;)
and Major C. Weiss)

MUR 2316

87 JUL 28 14:17

COMPREHENSIVE INVESTIGATIVE REPORT #1

BACKGROUND

This matter was generated by the Reports Analysis Division. On January 9, 1987, the Commission found reason to believe Kansans for Kline (Kline Committee) and Major C. Weiss, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 Pre-General Report in a timely manner. Based on allegations by the Kline Committee of misappropriation of campaign funds by Major C. Weiss, the Commission found reason to believe Major C. Weiss violated 2 U.S.C. § 432(b)(3) on April 6, 1987. Subsequently, the Commission on May 28, 1987 declined to enter into pre-probable cause conciliation with the Kline Committee pending completion of the Commission's investigation of the matter.

The Office of General Counsel has been stymied in its attempts to effect delivery of the notification of reason to believe to Major C. Weiss due to incorrect addresses and a recent move by the respondent.

However, the Office of the General has now located Major C. Weiss at a new address in Lawrence, Kansas. On July 3, 1987 a duplicate-original notification of reason to believe was signed by the Chairman and sent out by both certified and 1st class mail. The Office of General Counsel will submit a report when a

response is received from Major C. Weiss.

Lawrence M. Noble
Acting General Counsel

7/28/87
Date

By: Lois G. Lerner
Lois G. Lerner
Associate General Counsel

89040764999

JERRY L. HARPER
ATTORNEY AT LAW

August 25, 1987

Mr. Scott E. Thomas, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2316, Major C. Weiss

Dear Chairman Thomas:

Mr. Weiss brought your letter of July 13, 1987, to my office on Monday, August 24, 1987, and asked that I respond. Mr. Weiss would like to engage in pre-probable cause conciliation.

Although I am not totally familiar with the factual situation in this case, I am able to state that the materials provided to you by Mr. Kline are in error in several instances. In particular, I want to note that Mr. Weiss has not been charged with any crimes or named in any civil actions arising out of his association with the Kline campaign. The statements suggesting that he diverted campaign funds to his own use are false.

Mr. Weiss is a man of very modest means. From my conversations with him, it is my impression that he has been badly used in this instance. He does wish to cooperate with you. I believe you will find him very forthcoming -- notwithstanding his tardiness in coming to see me.

I have forwarded the Statement of Designation of Counsel to him for signature and forwarding to your office. As soon as you receive it, I would appreciate being notified so we may proceed to resolve this matter.

Sincerely,

JERRY L. HARPER

#926

6CC #4277
Curry
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

87 AUG 32 AM 11:21

1101 MASSACHUSETTS SUITE 200
POST OFFICE BOX 100
LAWRENCE, KANSAS 66044
TELEPHONE 913-749-0123

87 AUG 31 PM 5:20

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

87 SEP -9 AM 10:40

FEDERAL ELECTION COMMISSION

IN RE:)
) MUR NO. 2316
MAJOR C. WEISS)
Respondent)
)

MOTION TO ANSWER OUT OF TIME

Comes now the respondent, Major C. Weiss, by and through counsel, Jerry L. Harper, and moves the Commission for an order granting the respondent until October 1, 1987, in which to provide factual and legal materials under oath relevant to the Commission's consideration of the captioned matter. In support of the motion, the following is stated:

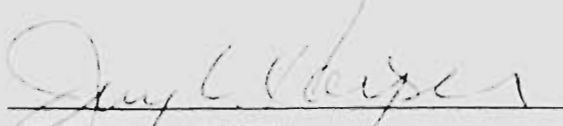
1. The 15-day notice was mailed to the respondent by letter dated July 13, 1987.
2. Respondent, due to illness, loss of employment, and a changed residence, did not bring the notice to counsel until August 24, 1987. At such time, counsel immediately wrote to the Commission and now follows with this motion.
3. During the week commencing August 28, 1987, the respondent (who is 25 years old, married and living with his parents) entered the hospital for tests. The results of the tests indicate a blockage and mild heart attack. He is presently at home under close medical supervision.
4. Respondent is mailing by separate mail the Designation of Counsel Statement.
5. Because of the aforementioned personal problems and a general lack of political reporting sophistication, the respondent failed to realize the seriousness of the notice.

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OFFICE OF GENERAL COUNSEL
87 SEP -9 AM 11:42

By failing to respond within the 15 days, respondent meant no disrespect to the Commission and now fully appreciates the necessity to resolve this matter.

6. Counsel is engaged full time in the practice of law and has other commitments to keep as well as this one.


7. An extension of time until October 1, 1987, is reasonable under the circumstances.


JERRY L. HARPER
P.O. Box 1000
Lawrence, KS 66044
913/749-0123
Attorney for Respondent

Certificate of Mailing

I certify that a correct copy of the foregoing motion to answer out of time was mailed on the 7th day of September, 1987, postage prepaid, by express mail and addressed as follows:

Federal Election Commission
Attn. Deborah Curry
Washington, D.C. 20463


JERRY L. HARPER

JERRY L. HARPER

ATTORNEY AT LAW

September 9, 1987

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

87 SEP 14 AM 9:20

1101 MASSACHUSETTS SUITE 201

POST OFFICE BOX 1000

LAWRENCE KANSAS 66044

TELEPHONE 913 749 0123

Deborah Curry
Federal Election Commission
Washington D.C. 20463

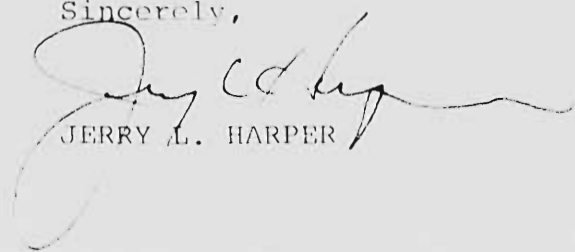
Re: MUR 2316 - WEISS

Dear Ms. Curry:

Assuming the Commission is disposed to grant my client additional time to respond in the captioned matter, it would be helpful for me to have a copy of the letter and affidavit of Mr. Kline to which reference is made in the General Counsel's Factual and Legal Analysis.

I would appreciate receiving a copy if at all possible.

Sincerely,


JERRY L. HARPER

#926

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

87 SEP 14 AM 11:24

COC#4375

STATEMENT OF DESIGNATION OF COUNSELMUR 2316NAME OF COUNSEL: Jerry L. HarperADDRESS: P.O. Box 1000
Lawrence, KS 66044TELEPHONE: 913/749-0123RECEIVED
FEDERAL ELECTION COMMISSION
SEP 15 1987
87 SEP 15 PM 2:45

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.

9/9/87
DateMajor C. Weiss
SignatureRESPONDENT'S NAME: Major Charles WeissADDRESS: 1406 Westbrook / 328 Winterbrook
Lawrence, KS 66044 / Olathe, KS 66062HOME PHONE: (913) 829-6096

BUSINESS PHONE: _____

10059204068

87 OCT -2 PM 3:46

87 OCT -2 AM 11:10

FEDERAL ELECTION COMMISSION

IN RE:

MAJOR C. WEISS
Respondent

MUR NO. 2316

AFFIDAVIT OF INFORMATION

State of Kansas, County of Douglas, ss:

Major C. Weiss, of lawful age, being sworn upon oath, states
the following:

1. He is the captioned respondent.
2. He was the treasurer for Kansans for Kline.
3. Subsequent to the primary election in 1986, the respondent was asked by the candidate to become treasurer of the Kansans for Kline campaign because the then treasurer, R.R. Anderson, was resigning the position.
4. The previous treasurer was an established businessman and included in a small coterie of businesspersons calling the shots for the Kline campaign. These included prominent Republican McDill 'Huck' Boyd of Phillipsburg, KS (since deceased) and Emory Eager of the Commerce National Bank in Topeka (where the Kline campaign banked) and Harriet Klinkenbeard (wife of the treasurer and long time advisor to Sen. Robert Dole's campaign).
5. By way of contrast, the respondent was a young man in his mid-twenties who was attracted to the campaign partly from a desire to participate in the election process and partly from the offer of compensation (five percent (5%) of the total campaign funds raised).
6. The respondent was informed that the previous treasurer was resigning from the campaign because the candidate (P. Kline) had decided to return to law school for the fall semester instead of devoting his full time to the campaign trail. At approximately the same time and for the same reason, a car, being leased from Jim Clark Motors of Topeka, Kansas, for the use of the client and being paid for by Mr. Eager, was returned to the dealer. Moreover, Mr. Eager declined to pay gas and mileage.
7. Mr. Anderson called the respondent and directed him to pay the gas and mileage. Ms. Klinkenbeard informed him that the

committee would have to pay it because Mr. Fager was a very important Republican. The respondent paid the bill.

8. Subsequent thereto, Mr. Boyd learned of this payment and became very angry with the respondent. He informed the respondent that these sort of situations should be referred to him. He said that he (Mr. Boyd) could have gotten Mr. Fager to go ahead and pay the gas and mileage bill. He further informed the respondent that if he every did something like that again, he would fire him.

9. At that point Mr. Boyd insisted that they change the bank account (Act. No. 21-727-1 - Kansans for Kline) to require two signatures on each check: Mr. Boyd's and the respondent's. Notwithstanding that fact, the campaign continued to write checks and the bank continued to cash them although some carried both signatures and some carried only Mr. Boyd's signature and others only the respondent's signature. This was necessitated by the practical consideration that Mr. Boyd lived several hundred miles away in Phillipsburg.

10. Mr. Boyd explained to the respondent that, notwithstanding the fact that the candidate was returning to law school and notwithstanding the fact of the unhappiness of some of his friends (Mr. Boyd's) over this fact, it was important to mount enough of a campaign to keep the incumbent (Cong. Slattery) at home and out of the governor's and other races. So the campaign proceeded on this token basis.

11. Mr. Boyd almost single-handedly kept the campaign afloat financially. He cajoled his long time Republican friends into contributing to the campaign. He allowed the campaign to do all of its printing at his newspaper plant in Phillipsburg. He let the candidate use his Cadillac and charge campaign expenses on his VISA card. He arranged for the State Republican Party headquarters to do a lot of secretarial and mailing work. (Early on the State party had paid the deposit and arranged for telephones.)

12. At one point in late August, the campaign was so broke that the candidate prevailed upon the respondent to give Mike Anani (a campaign worker) \$400.00 for living expenses out of his own pocket because the campaign couldn't afford to pay him what was owed. The attached document, bearing the signature of Mr. Anani, the candidate and the respondent attest to that fact. (See attached Exhibit A)

13. When the campaign received \$5,000 from Campaign America (a Sen. Dole committee with which Mr. Klinkenbeard has some type of affiliation), Mr. Boyd elected to put it in a separate account at Mr. Fager's bank with only Mr. Boyd's signature on the account and called the 'Kline for Congress' account (Accont. No.

66334-4).

14. Notwithstanding his lack of political sophistication, his occupying the uncomfortable position of treasurer and very junior campaign staff member, and his lack of experience with the election reporting requirements, the respondent prepared and filed the report due October 15, 1986. This report was apparently satisfactory to the Commission. The respondent worked at following the Commission's suggestions for campaign reports including noting on each check written the purpose for which written.

15. After the report was filed there was a flurry of activity within the Kline campaign and at State Republican headquarters because the report had not been cleared with Mr. Boyd and with party headquarters prior to filing.

16. Mr. Boyd was concerned because the report disclosed the receipt of the Campaign America contribution and of interest earned on it in the separate account.

17. The state headquarters was concerned because it had made so many different types of contributions to the candidate campaign that it might be over the limit.

18. A meeting was held at which the respondent indicated that all reports had been filed in a timely manner (this was after the October 15th report was filed, but prior to the time any other reports were due). In turn the respondent was informed that all future reports had to be "coordinated" with the state party (through Randy Debinham - a state party staff member with responsibility for the party financial records) and reviewed by Mr. Boyd prior to filing.

19. The respondent commenced preparation of the next report, but was unable to file it because he was waiting on Mr. Boyd to provide him with information about the various in-kind contributions arranged by him. Since the campaign had not been able to pay back amounts run through Mr. Boyd's printing business in Phillipsburg, through his VISA account and for the use of his vehicle, Mr. Boyd was going to be over the contribution limits. Mr. Boyd was working to get these things straightened out. In addition, the respondent had been unable to "coordinate" with the state party.

20. Money was very tight. The candidate, following a fund-raising bean feed at the ExpoCenter in Topeka, Kansas, with Sen. Nancy Kassebaum as the featured guest, made demand on the bank for re-payment of checks cashed to pay bean feed expenses (several thousand dollars) because only one signature was on the check. The bank did so (despite the fact that the expenditures

were all for legitimate campaign expenses) presumably to avoid any possible embarrassment to Mr. Boyd or Mr. Fager or the bank.

21. The candidate was also apparently quite low on funds and directed the printing of his resume to circulate among law firms and the payment of those costs by the campaign. (See attached Exhibit B)

22. To no one's great surprise, the election results were very lopsided in favor of the incumbent.

23. The night of the election, the candidate informed the respondent that he intended to keep the campaign open and run again in two years. He told him that his (the candidate's) brother was taking over as treasurer. Within the week the respondent met with the candidate's brother (a CPA) and turned over to him campaign materials.

24. Immediately after the election, Mr. Boyd had his name removed from the campaign.

25. The respondent continued to receive and deposit contributions and pay outstanding bills. Included in the outstanding obligations were payments to various campaign workers. Mr. Boyd arranged for a contribution from a man in Carthage, Missouri, in order to provide enough money to see that Mike Anani and Eric Sims were paid for their work.

26. The respondent continued to wait on Mr. Boyd to get his personal records straightened out. Before this was accomplished, Mr. Boyd was taken ill and died.

27. The candidate, in the post-election period, met with the respondent to go over finances. He told the respondent he had no right to pay any of these bills because the candidate had not personally approved their payment. The candidate stormed out of the meeting with the checkbook.

28. The next thing the respondent knew, when he returned from an out of town trip in January, the candidate had called a press conference and accused the respondent of misappropriating some \$8,900 in campaign funds and stated that he had turned the whole thing over to the Shawnee County District Attorney (Topeka, Kansas).

29. The candidate accused the respondent of using campaign funds to buy groceries. As evidence he produced a check to Holiday Square IGA for \$436.09. This, in fact, was a check to pay the campaign phone bill -- written by the respondent and delivered to the store by Ms. Klinkenbeard. (See Exhibit C) In addition, the candidate pointed to a check to All-Star Dairy for

39040765009
\$23.64 for butter reddies. This, in fact, was for butter for the Kassebaum bean feed that the respondent's wife picked up and took to the bean feed. (See Exhibit C). The candidate communicated to the respondent through a third party that he was "going to jail."

30. The respondent met with Mr. Debinham (Shawnee County Assistant District Attorney - may or may not be related to Randy Debinham of the State Republican Headquarters) and investigators and fully answered all questions. One detective even noted that he too paid his telephone bill at the grocery store. No charges have been filed or are contemplated by the prosecutor's office.

31. As near as respondent is able to determine, the allegations of the candidate concerning the \$8,900 are based upon the fact that some checks carried the respondent's signature alone (presumably he would then have to accuse the late Mr. Boyd of the same thing) and that some checks were made out to the respondent (notwithstanding the fact they were for the campaign).


32. The respondent did not co-mingle campaign funds and his personal funds and did violate 2 U.S.C. 432(b)(3). Every check written carries a notation at the bottom as to what the expenditure was for. Checks made payable to the respondent were either for funds due him as compensation, imbursement for campaign expenses. For instance, it was necessary on occasion to purchase stamps from a drug store (when couldn't get to post office). The store was more amenable to cash than struggling campaign checks. On other occasions, because of the limited financial resources of the respondent and other campaign staff members (who were promised compensation by the candidate, but frequently didn't get it or got it late), it was necessary to obtain cash advances for expenses to go to various towns in the district for political events (e.g., gas, food, motel). (See Exhibit D)

33. The respondent is unable to file late reports on behalf of the campaign because he does not have the necessary records to do so. The candidate and the candidate's brother have those records. In fact, it is the respondent's understanding that the bank closed out the campaign account and turned the funds in it over to the candidate, notwithstanding the fact that the candidate did not open the account and did not appear as a person authorized to write checks on the account.

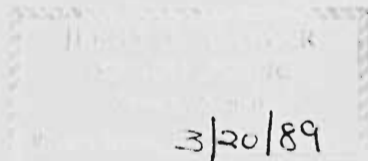
34. To the best of the respondent's knowledge, nothing would have been disclosed in the pre-election or post-election report that would have had any material impact on the campaign. The sums of money involved were modest for a congressional campaign.

35. The respondent is willing to do whatever the commission requests in order to come into full compliance with the law. He

is a man of modest means and is having some health problems, but understands the necessity of attending to this matter.


MAJOR C. WEISS


Subscribed and sworn before me this 1st day of October,
1987.




NOTARY PUBLIC

Certificate of Mailing

I certify that the foregoing Affidavit of Information was mailed, first-class, express mail, certified with return receipt requested, postage prepaid, on the 1st day of October, 1987, and addressed as follows: Federal Election Commission, Attn. Deborah Curry, Washington, D.C. 20463.


JERRY L. HARPER
P.O. Box 1000
Lawrence, KS 66044
913/749-0123
Attorney for Respondent

39040765010

8/29/86

Received by Mike Anani -
\$400⁰⁰ from Major
Weiss.

August 29, 1986

Mike Anani Mike Anani

Major Weiss

~~Major Weiss~~

Witness

Phil Klein

Witness

Emily E. Weiss

11050704068



**CENTER
OF TOPEKA**

607 SE Quincy
Topeka, Ks 66603
234-6613

STATEMENT

CUST# 5198

DATE 10/27/86

PHIL KLINE
2941 S. TOPEKA
TOPEKA, KS. 66611

AMOUNT ENCLOSED _____

PAGE 1

(Return this portion with payment.)

[illegible]

Retain this part for your own records.

1½% per month (18% per annum) added to all accounts not paid by 10th of month



**CENTER
OF TOPEKA**

607 SE Quincy
Topeka, Ks 66603
234-6613

Southwestern Bell Telephone

英英 BILL SUMMARY 英

SEP 09

913 267 2924 887

PAGE 2

EXHIBIT C

CURRENT CHARGES
SOUTHWESTERN BELL
AT&T COMMUNICATIONS ⊗

CURRENT CHARGES DUE BY SEP 26

LAST BILL
PAYMENTS

PAID

OFFICE

HOLIDAY SQUARE

605.10
607
PAID

OCT 0 4 50AM

MONDAY MORNING
1957

BUSINESS OFFICE 86

AMOUNT DUE

436.09

See Reverse

THANK YOU FOR PAYING BY MAIL

HOLIDAY SQUARE
IGA

10-74-55

* 4361074

* 4369
 * 0050
 * 0050

00075861
THANK YOU

RECEIVED BY

CUSTOMER'S COPY

**DAIRY
PHONE
843-5511**

LAWRENCE, KANSAS 66044

DIV. M. P. M. CO
P.O. BOX 505

All-Star Dairy

10279

**OZEN FOOD
PHONE
843-2222**

No

DATE 04/11/1986

SOLD TO

ADDRESS

DELIV

QUAN.

A.M. 10:55 M.

PRICE	AMOUNT
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KANSAS TURNPIKE AUTHORITY

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9401 EAST KELLOGG
WICHITA KANSAS 67214



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KANSAS TURNPIKE AUTHORITY

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9401 EAST KELLOGG
WICHITA KANSAS 67214



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WICHITA KANSAS 67214

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 18, 1987

SENSITIVE
87 SEP 18 PM 3:51
RECEIVED
FEDERAL ELECTION COMMISSION

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *LMN*
Acting General Counsel

SUBJECT: MUR #2316 Request for Extension of Time

By motion dated September 7, 1987, Jerry L. Harper, on behalf of Major C. Weiss, requested an extension until October 1, 1987, in which to respond to the Commission's notification of reason to believe against Major C. Weiss.^{1/} (Attachment 1) The motion explains that an extension is necessary because the notification was brought to the attention of the attorney at a late date due to personal problems of the respondent (e.g. illness, loss of employment and change of residence). A signed designation of counsel from the respondent was not received until September 15, 1987. (Attachment 2)

RECOMMENDATIONS

1. Grant an extension until October 1, 1987, to Major C. Weiss.
2. Approve the attached letter.

Attachments

1. Request for Extension
2. Designation of Counsel from Respondent
3. Letter to Jerry L. Harper

^{1/} The original due date for response to notification of reason to believe would have been August 3, 1987. The extended due date of October 1, 1987 would be 60 days beyond the original due date.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Major C. Weiss

)
)
)

MUR 2316

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 23, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2316:

1. Grant an extension until October 1, 1987, to Major C. Weiss, as recommended in the General Counsel's memorandum to the Commission dated September 18, 1987.
2. Approve the letter, as recommended in the General Counsel's memorandum to the Commission dated September 18, 1987.

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

Attest:

9-23-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Fri., 9-18-87, 3:51
Circulated on 48 hour tally basis: Mon., 9-21-87, 11:00
Deadline for vote: Wed., 9-23-87, 11:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

25 September 1987

Jerry L. Harper
P.O. BOX 1000
Lawrence, Kansas 66044

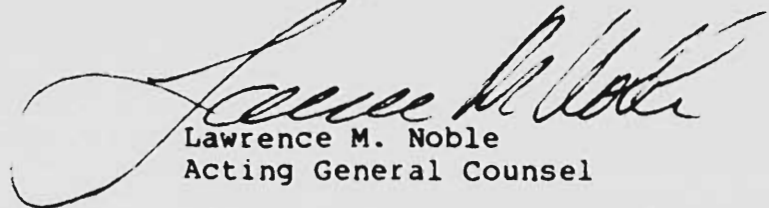
RE: MUR 2316
Major C. Weiss

Dear Mr. Harper:

This is in response to your motion dated September 7, 1987, which we received on September 9, 1987, requesting an extension until October 1, 1987, to respond to the Commission's notification of reason to believe against Major C. Weiss, your client. After considering the circumstances presented in your motion, the Federal Election Commission has granted the requested extension. Accordingly, your response is due by close of business on October 1, 1987.

If you have any questions, please contact Deborah Curry, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence M. Noble".
Lawrence M. Noble
Acting General Counsel

39040765015



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

16 December 1987

Dave Debenham, Esquire
District Attorney's Office
200 S.E. 7th Street
Suite 212
Topeka, Kansas 66603

RE: MUR 2316

Dear Mr. Debenham:

It has come to the attention of our office that the Shawnee County District Attorney's Office is conducting an investigation of Major C. Weiss with regard to activity during his tenure as treasurer of Kansans for Kline, a political action committee.

In view of the Commission's responsibilities under the Federal Election Campaign Act of 1971, as amended ("the Act") we would appreciate being advised at this time whether charges have been filed or are contemplated being filed in this matter by your office. If charges have been filed in this matter, please describe in full the nature of such charges. Additionally, please indicate and describe any documents in your possession that relate to the Kansans for Kline campaign.

Pursuant to 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) this inquiry is confidential. If you have any questions, please call Deborah Curry the attorney assigned to this matter at (202) 376-8200.

Thank you for your assistance and cooperation in this matter.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in cursive script, appearing to read "Lois G. Lerner".

By: Lois G. Lerner
Associate General Counsel

GCC #5010
- Mon 12/16

ASSISTANT DISTRICT ATTORNEYS

C. William Ossmann
Randy M. Hendershot
James J. Welch
David Debanham
Sue Carpenter
Kenneth R. Smith
Jean M. Schmidt
Eric S. Rosen
Amy A. McGowan
Jane Lindhout
Susan Stanley

Gene M. Olander

District Attorney

Kansas Third Judicial District

Suite 212 • Courthouse • Topeka, KS 66603 • 913/291-4330

OFFICE MANAGER/VICTIM
WITNESS COORDINATOR
Kathy Murphy

INVESTIGATORS
Donald M. Murphy
William T. Thoman



December 22, 1987

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 DEC 28 PM 3:21

Lawrence Noble
Federal Election Commission
Washington, D.C. 20463

RE: State of Kansas vs Major C. Weiss, Jr. 87-CR-2389

Dear Mr. Noble:

This office filed criminal charges against Major Weiss on the 23rd day of October, 1987. These charges consisted of 1 Count of Felony Theft and (4) four Counts of Forgery.

This case was set for preliminary hearing on November 30th, 1987. At that time, Mr. Weiss waived his right to a preliminary hearing and he was bound over to the District Court for jury trial on the above-mentioned charges. His case is set for jury trial during the two week period beginning February 8th, 1988.

In addition, I have enclosed for your use, a copy of the complaint and affidavit which was filed in the case.

If you have any questions please feel free to contact this office.

Sincerely,

DAVID B. DEBENHAM
Assistant District Attorney

DRD/td

STATE OF KANSAS, COUNTY OF SHAWNEE, SS.

I, DAVID B. DERENHAM, being duly sworn, on oath, says that on or about the 4th day of September through the 21st day of November A.D. 1986 in the County of Shawnee and State of Kansas, MAJOR C. WEISS, JR. LKA 1930 Rhoads Island, Lawrence, Kansas, Business: Mid-America Industries, 174 Reynolds, Kansas City, KS, dob 12-8-61, 5'10", 210 lbs., WM, KDL Y4V2T5

did then and there unlawfully, feloniously, and willfully,

Count 1

THEFT

Sec. 21-3701, K.S.A.; Penalty Sec. 21-3701;
value over \$150.00 Sec. 21-4501(e)

obtain or exert unauthorized control over property: to-wit: \$7,791.00 and with the intention to permanently deprive the owner, to-wit: Kansas for Kline and/or Phil Kline of the possession, use or benefit of said property, a value of more than (\$150.00) one hundred fifty dollars, contrary to the form of the statutes in such case made and provided and against the peace and dignity of the State of Kansas.

Count 2

FORGERY

Sec. 21-3710, K.S.A.; Penalty Sec. 21-4501(e)

On or about the 19th day of November, 1986 in the County of Shawnee and State of Kansas, MAJOR C. WEISS, JR. did then and there unlawfully, feloniously, willfully, knowingly and with intent to defraud and without authority, issue or deliver such written instrument, to-wit: a starter check drawn on the Independence State Bank, pay to the order of Major C. Weiss in the amt. of \$875.00 and signed in the name of Sally Joiner as maker knowing it to have been made, altered or endorsed in such manner that it purports to have been made, altered or endorsed by another person, either real or fictitious, to-wit: Sally Joiner the said Major C. Weiss, Jr. having knowledge that said written instrument was not made, altered or endorsed by the said Sally Joiner, contrary to the form of the statutes in such case made and provided and against the peace and dignity of the State of Kansas.

Count 3

FORGERY

Sec. 21-3710, K.S.A.; Penalty Sec. 21-4501(e)

On or about the 19th day of November, 1986 in the County of Shawnee and State of Kansas, MAJOR C. WEISS, JR. did then and there unlawfully, feloniously, willfully, knowingly and with intent to defraud and without authority, issue or deliver such written instrument, to-wit: a starter check drawn on the Independence State Bank, pay to the order of Kline for Congress in the amt. of \$900.00 and signed in the name of Harry Joiner as maker knowing it to have been made, altered or endorsed in such manner that it purports to have been made, altered or endorsed by another person, either real or fictitious, to-wit: Harry Joiner the said Major C. Weiss, Jr. having knowledge that said written instrument was not made, altered or endorsed by the said Harry Joiner, contrary to the form of the statutes in such case made and provided and against the peace and dignity of the State of Kansas.

Count 4

FORGERY

Sec. 21-3710, K.S.A.; Penalty Sec. 21-4501(e)

On or about the 30th day of November, 1986 in the County of Shawnee and State of Kansas, MAJOR C. WEISS, JR. did then and there unlawfully, feloniously, willfully, knowingly and with intent to defraud and without authority, issue or deliver such written instrument, to-wit: a starter check drawn on the Independence State Bank, pay to the order of Major C. Weiss in the amt. of \$500.00 and signed in the name of Sally Joiner as maker knowing it to have been made, altered or endorsed in such manner that it purports to have been made, altered or endorsed by another person, either real or fictitious, to-wit: Sally Joiner the said Major C. Weiss, Jr. having knowledge that said written instrument was not made, altered or endorsed by the said Sally Joiner, contrary to the form of the statutes in such case made and provided and against the peace and dignity of the State of Kansas.

Count 5

FORGERY

Sec. 21-3710, K.S.A.; Penalty Sec. 21-4501(e)

On or about the 20th day of November, 1986 in the County of Shawnee and State of Kansas, MAJOR C. WEISS, JR. did then and there unlawfully, feloniously, willfully, knowingly and with intent to defraud and without authority, issue or deliver such written instrument, to-wit: a starter check drawn on the Independence State Bank, pay to the order of Kansas For Kline in the amt. of \$950.00 and signed in the name of Sally Joiner as maker knowing it to have been made, altered or endorsed in such manner that it purports to have been made, altered or endorsed by another person, either real or fictitious, to-wit: Sally Joiner the said Major C. Weiss, Jr. having knowledge that said written instrument was not made, altered or endorsed by the said Sally Joiner,

WITNESSES:

Lt. McLaughlin	Shirley Baco	Betty Persing
Det. Sgt. Larry Moreland	Greg Palmer	James R. Kline Jr
Det. Greg Broxterman	R. Anderson	
Phil Kline	Mark Erwin	
Randy Debenham	Eric Simms	
Jim Wheeler	Harriett Klindenbeard	
Brian Davie	Archie Sietz	
Tom Fee	Mike Anani	
Hugh Hanagan	Marcia Goff	
Larry Carlson	Dagmar Payden	
Colleen Eccoles	Pat Koehler	
Betty Narolis	Bernice Todd	
Sheari Johnson	Janet Kline	
Wenona Wurtz	Shery Kline	
Mary Glover	Rick Nesbitt	
Kristin Newman	Raleigh Van Trease	
Eleanor Sullivan	Kevin Yowell	
Danny Freeman	Debbie Weiss	
Donna Coward	Kathy Ward	
Suzanne Boeppele	Fran Vitera	

89040765022

39040765025

contrary to the form of the statutes in such case made and provided
and against the peace, and dignity of the State of Kansas.

Subscribed and sworn to before me, this 23 day of
Nov, A.D. 1962.

BOND REQUESTED

\$8,000
Cash

Judge of the District Court

Clerk of the District Court

By _____ Deputy

IN THE DISTRICT COURT OF SHAWNEE, COUNTY, KANSAS

STATE OF KANSAS

PLAINTIFF

vs.

NO

MAJOR C. WEISS, JR.

DEFENDANT

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

AFFIDAVIT

I, DAVID B. DEBENHAM, Assistant District Attorney, being of lawful age and duly sworn upon my oath depose and state that I have received the following information on official Topeka Police Department reports, case number 1810-87, from officers whom I know to be reliable and credible based on past criminal investigations.

On the 15th day of January, 1987, Phil Kline met with members of the Topeka Police Department regarding a member of his campaign committee (Kansans for Kline) who had taken money from his campaign fund. Mr. Kline informed the officers that the suspect in this case was Major C. Weiss, Jr., who had in July of 1986 approached him and wanted to get involved in the campaign. Mr. Weiss informed Mr. Kline that he was part owner of a video store and had business knowledge. At that time, he began to work for the campaign. In September of 1986, Major Weiss became the campaign fund treasurer.

Phil Kline informed the officers that Major Weiss' job was to keep track of the funds and make deposits with money received and pay any bills that were due. He also assisted the campaign in other ways. Mr. Kline stated that he first became aware of problems involving his campaign fund when he

was called by a Cable Firm regarding a bill that he knew should have been paid.

On October 1st, 1986, Phil Kline changed the checking account and added Huck Boyd to the account as a co-signer. The checking account was at Commerce Bank & Trust, which was located in Topeka, Shawnee County, Kansas. All checks thereafter would require the signatures of Huck Boyd and Major Weiss to be valid.

In a statement prepared by Phil Kline, he stated that Betty Persing of the Commerce Bank & Trust contacted him by phone on November 28th, 1986. At that time, she indicated the bank had \$3,000.00 worth of "charge backs" to the campaign account, apparently due to improper activity by Mr. Weiss. At that time, Mr. Kline instructed Commerce Bank to freeze the account. The same day he contacted Mr. Weiss and informed him that he needed all account records in his possession.

On November 29th, 1986, Brian Daniel and Phil Kline met with Ms. Persing at Commerce Bank & Trust. Phil Kline was shown checks Mr. Weiss had written to Kansans for Kline on a closed personal account. At that time, he instructed bank officials to access all account records to discover if Mr. Weiss' activities were attempts to cover unauthorized withdrawals and or expenditures.

Without informing Mr. Weiss of recent events, Phil Kline met with him on December 1st, 1986 in an attempt to acquire all records to the account. Mr. Kline received only partial records due to Mr. Weiss' reluctance to cooperate. At that time, Mr. Weiss stated he did not keep a ledger of disbursements for the account and never withdrew funds from the account. On December 2nd, 1986, Mr. Weiss failed to attend a scheduled meeting regarding the account.

On December 5th, 1986, Mr. McDill "Huck" Boyd, and Phil Kline met with Mr. Larry Carson of Commerce Bank & Trust.

At the meeting Phil Kline was provided copies of checks, from Sept 4, 1986 through November 21, 1986, authorized by Mr. Weiss for expenditures unrelated to the campaign. Many of the checks were made out to Mr. Weiss as payee. Even though Mr. Boyd's signature was added to the checking account on October 1st, 1986, eighteen (18) of the checks were written after October 1st, 1986 containing only Weiss' signature as maker. There were also two occasions, \$25.00 on 11-19-86 and \$100.00 on 11-21-86, when it appears Mr. Weiss received cash back from deposits. The total amount of unauthorized expenditures appears to be \$7,791.00.

The same day by phone, Mr. Weiss assured Phil Kline he would leave all campaign records in his possession in his mail box for Mr. Kline to pickup. Mr. Weiss failed to do so.

On December 9th, 1986, Phil Kline and Brian Daniel met with Major Weiss at his house located in Lawrence, Kansas. During the conversation, Phil Kline accused Major Weiss of taking approximately \$8,400.00. Major Weiss corrected Phil Kline and informed him that it was more like \$8,900.00.

On or about the 19th day of November, 1986, a starter check drawn on the Independence State Bank, with the name Sally Joiner written in as account holder, pay to the order of Major C. Weiss in the amount of \$875.00 and signed in the name of Sally Joiner as maker, was cashed at the Commerce Bank & Trust located in Shawnee County, Topeka, Kansas. The endorsement on the backside of the check was in the name of Major Weiss.

On or about the 19th day of November, 1986, a starter check drawn on the Independence State Bank, with the name Sally Joiner written in as account holder, pay to the order of Kline for Congress in the amount of \$900.00 and signed in the name of Harry Joiner as maker was deposited into the

Kansans for Kline account located at Commerce State Bank & Trust, Shawnee County, Topeka, Kansas.

On or about the 30th day of November, 1986, a starter check drawn on the Independence State Bank, with the name Sally Joiner written in as account holder, pay to the order of Major C. Weiss in the amount of \$500.00 and signed in the name of Sally Joiner as maker was deposited into the Kansans for Kline account located at Commerce Bank & Trust in Shawnee County, Topeka, Kansas.

On or about the 20th day of November, 1986, a starter check drawn on the Independence State Bank, with the name Sally Joiner written in as account holder, pay to the order of Kansans for Kline in the amount of \$950.00 and signed in the name of Sally Joiner as maker was deposited into the Kansans for Kline account located at Commerce Bank & Trust in Shawnee County, Topeka, Kansas.

All four of the checks drawn on the Sally and Harry Joiner account at Independence State Bank were on account #08-279-1.

On the 6th day of February, 1987, Fran Vitera informed Det. Greg Broxterman, by way of letter, that account #08-279-1 was in the name of Mrs. B.E. Newell until she dies in 1978. At that time, it was in the name of her husband Melvin A. Newell and remained as such until the account was closed December 30th, 1983, when Mr. Newell died in a nursing home in Independence, Kansas.

Ms. Vitera informed Det. Greg Broxterman that there was never any one by the name of Joiner ever connected with the account. Ms. Vitera further stated that the Independence State Bank changed their name to Citadel Bank in 1986.

On the 20th day of February, 1987, Major C. Weiss, Jr. met with Det. Sgt. McLaughlin and Det. Broxterman of the Topeka Police Department. After being shown the checks drawn on the account of Sally and Harry Joiner, Mr. Weiss

informed the Detectives that he wrote the checks. When they asked who Sally and Harry Joiner were, Mr. Weiss replied that the name was a "figment of his imagination." Mr. Weiss stated that he got these checks from some old papers, which his father had lying around. Mr. Weiss was then shown the checks which had been turned over by Phil Kline as unauthorized expenditures by Major Weiss. Mr. Weiss provided an explanation for every one of the checks, except one as legitimate campaign expenses.

Wherefore, affiant believes probable cause exists to believe that Major C. Weiss, Jr. has committed the crimes of One Count of Theft in Excess of \$150.00 and Four Counts of Forgery and prays for a warrant to issue for his arrest.

DAVID B. DEBENHAM
ASSISTANT DISTRICT ATTORNEY

Subscribed and sworn to before me this ____ day of _____, 1987.

JUDGE OF THE DISTRICT COURT

SANDOVAL DEVELOPMENT CORPORATION
2121 Pech
Houston, Texas 77080
(713) 464-0457

600 8894
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 MAR 25 AM 11:30

February 12, 1988

Lee Anderson, Esq.
999 E Street NW
Office of General Counsel
Washington, D.C. 20463

re: Major Charles Weiss
mur 2316

Dear Mr. Anderson,

This letter is written pursuant our telephone conversation this afternoon. As we discussed, Major Weiss worked for me in Lawrence, Kansas during November and December 1987 at the Jayhawkwest Apartments. The property was under Chapter 11 Bankruptcy Court protection therefore all collected rents were Trust Funds and commingling and misappropriation are statutorily regulated.

While reviewing the apartment books and records for November in early December several instances came to my attention where Mr. Weiss had written checks, one to himself and several to a local carpet company. After further investigation I confronted Mr. Weiss with questions about the transactions. As to the check written to himself his only statement was that he needed money. As to the carpet company series of checks I was told that I to could participate in the proceeds that would be distributed in cash from the carpet company to him.

Needless to say I was astounded at not only the shamelessness but the devil-may-care attitude was more than I could handle and Mr. Weiss was terminated. Whereby Mr. Weiss threatened me with several extremely callous remarks culminating with physical threats to me as well as character assassination. The attached copy of an affidavit signed by Mr. Weiss is an example of what limits he has gone to carry out those threats.

88 MAR 25 PM 4:46
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MAIL ROOM

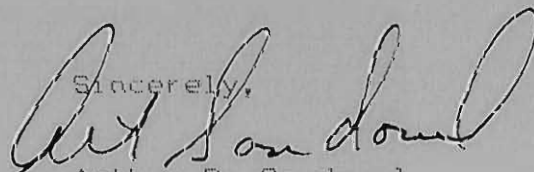
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Mr. Weiss called the local authorities and repeated his stories and accusations. The local police appeared and physically removed me and my crews from the property under Mr. Weiss' instructions.

In my haste to leave the property I gathered all documentation within my grasp. One of those documents was the July 13, 1987 letter from Mr. Scott Thomas' office to Mr. Weiss (copy attached). The only basis I have for alleging this complaint is 2 USC 437(g). This matter may not be within your jurisdiction however, fraud, misappropriation of trust funds, intentional slander, defamation and wrongful imprisonment are being reported and ought to be weighted in the matter Mr. Thomas is handling concerning Mr. Weiss. An attempt must be made to thwart situations of this nature in the future. Please take note of the copy of the armband found in the letter from Mr. Thomas to Mr. Weiss. It seems Mr. Weiss is involved in some sort of Neo-Nazi Organization. The thought of facing such a foe alone does not excite me in the least. However should you find use for my testimony please feel free to contact these offices at your convenience.

As you can imagine the mental anguish of the matter is almost not worth confrontation with the potential problems and ramifications of the association with Mr. Weiss. Please keep me advised.

Sincerely,


Arthur P. Sandoval,
President

THE STATE OF TEXAS

COUNTY OF Harris

BEFORE ME, a Notary Public

in and for said County and State, on this day personally appeared Arthur P. Sandoval known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of Sandoval Development Corporation, of Harris County, Texas, and as the President thereof and for the purposes and consideration therein expressed.

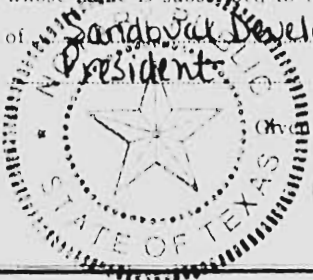
Gave under my hand and seal of office, this

15 day of March, 1988

DEWEE E. LINDE

Dewee E. Linde

Notary Public in and for the State of Texas
My Commission Expires March 1, 1989





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 11, 1988

Arturo F. Sandoval, President
Sandoval Development Corporation
2121 Reed
Houston, TX 77080

Dear Mr. Sandoval:

This acknowledges receipt of your letter of March 25, 1988, inquiring about a possible violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The Federal Election Commission has jurisdiction over the Act and Chapters 95 and 96 of Title 26, United States Code. After careful review of your correspondence, we have determined that your letter does not state any acts which appear to constitute a violation under our jurisdiction. If you feel your complaint does constitute a violation of the Act or Chapters 95 or 96 of Title 26, United States Code, the Commission will be glad to review the matter again.

If you have any questions, please have no hesitation in contacting me at (202) 776-9200.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "Lois G. Lerner".

By: Lois G. Lerner
Associate General Counsel

80040765032

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

88 MAR 22 AM 9:58

In the Matter of)
)
Kansans for Kline,)
James R. Kline, as treasurer)
and Major C. Weiss)

MUR 2316

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated by the Reports Analysis Division. On January 9, 1987, the Commission found reason to believe Kansans for Kline ("Kline Committee") and Major C. Weiss, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 Pre-General Election Report in a timely manner. Based on allegations of misappropriation of campaign funds by Major C. Weiss, the Commission found reason to believe Major C. Weiss violated 2 U.S.C. § 432(b)(3) on April 16, 1987. Subsequently, the Commission on May 28, 1987 declined to enter into pre-probable cause conciliation with the Kline Committee pending completion of the Commission's investigation of the matter.

The Office of the General Counsel had been stymied in its attempts to effect delivery of the notification of reason to believe to Major C. Weiss due to incorrect addresses and a change of residence by Mr. Weiss. On September 1, 1987, the Office of General Counsel received a request for pre-probable cause conciliation from Jerry L. Harper, an attorney, on behalf of Mr. Weiss. (Attachment 1) However, a signed designation of counsel form from Mr. Weiss was not received by this Office until September 15, 1987.

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On September 23, 1987, the Commission granted Major C. Weiss an extension of time until October 1, 1987 to respond to the Commission's notification of reason to believe. Major C. Weiss responded to the Commission's notification of reason to believe on October 2, 1987. (Attachment 2) During December 1987, the Office of General Counsel spoke to Mr. David Debenham, an Assistant District Attorney in Topeka, Kanasa. On December 28, 1987, David Debenham submitted to the Office of General Counsel a copy of the charges filed against Major C. Weiss.

II. ANALYSIS

The response of Major C. Weiss to the Commission's notification of reason to believe consists of an affidavit of information and attached exhibits. Mr. Weiss' affidavit describes his role and actions with regard to the Kansans for Kline Campaign. Mr. Weiss states that he was attracted to the Kline campaign by a desire to participate in politics and an offer of 5% of the total campaign funds raised as compensation. (Attachment 2, page 2) According to Mr. Weiss, initially his name was the only authorized signature on the bank account for Kansans for Kline. Mr. Weiss states the account was later changed to require two signatures: Mr. Weiss and Mr. Boyd. (Attachment 2, page 2) However, Mr. Weiss notes that since Mr. Boyd lived several hundred miles away, checks drawn on the Kansans for Kline Account at times showed both their signatures together on checks or checks signed by only one of them. (Attachment 2, page 2).

Mr. Weiss contends that his delay in filing the Pre-General Election Report was due to his waiting for Mr. Boyd to provide information on various contributions. (Attachment 2, page 3) According to Mr. Weiss, before Mr. Boyd could straighten out the records, he died. (Attachment 2, page 5) Indeed, Mr. Weiss' affidavit as a whole seems to imply that other members of the campaign were running the campaign and "calling the shots" and that he did not have much control. (Attachment 2) Mr. Weiss indicates that during the post general election period, the candidate, Mr. Kline, stormed out of a meeting with him because he had paid bills without Mr. Kline's approval. (Attachment 2, page 5).

Contrary to Mr. Kline's allegation of misappropriating campaign funds, Mr. Weiss maintains that every check signed by him was either for funds due him as compensation or for legitimate campaign expenses. (Attachment 2, pages 5-6) Mr. Weiss explains that every check written by him carries a notation at bottom as to what the expenditure was for. Mr. Weiss contends that campaign related checks were made out to himself as payee because cash was more acceptable to the stores and towns where the campaign expenses were incurred. (Attachment 1, page 6) Mr. Weiss submitted evidence of checks to a hotel (\$436) and to an All-Star Dairy to prove that expenses paid by him were for legitimate campaign expenses. (Attachment 2, page 10) Other receipts were also submitted as exhibits. (Attachment 2, pages 8-12).

Mr. Weiss notes that he spoke to the Mr. Debenham, Assistant District Attorney, and fully answered his questions. (Attachment 2, pages 6) Mr. Weiss states no charges have been filed or are contemplated against him by the prosecutors office. 1/ (Attachment 2, page 6).

Mr. Weiss maintains that he did not commingle campaign funds with his personal funds and that he did not violate 2 U.S.C. § 432(b)(3). (Attachment 2, page 6) Mr. Weiss states that he believes that the allegation of the \$8,900 misappropriation may be due to fact that some checks carried his signature alone, or were made out to him even though they were for expenses relating to the campaign. (Attachment 2, page 6) Mr. Weiss also states that Mr. Kline and his brother have the records relating to the campaign so that he does not have the necessary information to file the missing reports. (Attachment 2, page 6) Finally, Mr. Weiss states that it is his understanding that the bank has closed out the campaign account and that the remaining funds have been turned over to the candidate. (Attachment 2, page 6).

Mr. Kline alleged that Mr. Weiss misappropriated \$8,900 of campaign funds and has submitted an affidavit to support the allegation. The Commission has found reason to believe Mr. Weiss violated 2 U.S.C. § 432(b)(3) by commingling campaign and personal funds. On the other hand Mr. Weiss has submitted an affidavit denying that he has commingled campaign and personal

1/ As noted, supra, criminal charges have been filed against Mr. Weiss, however, the charges were filed after Mr. Weiss had submitted his response to the Commission.

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funds. Thus it appears that further discovery is necessary to resolve the significant factual dispute in this matter. It does not appear, however, that either respondent has access to documents relating to the Kansans for Kline campaign at this time. Mr. Weiss states that he turned over all such campaign records to Mr. Kline, while Mr. Kline disputes this, stating that he received only partial records. (See General Counsel's Report dated May 22, 1987) In any case, Mr. Kline has turned over whatever records in his possession to the Assistant District Attorney. (See General Counsel's Report dated May 22, 1987).

As noted, supra, criminal charges have been filed against Major C. Weiss by the District Attorney's office in Kansas based on Mr. Weiss' alleged illegal acts during his tenure as treasurer of Kansans for Kline. (Attachment 3) The charges filed against Mr. Kline consist of one count of felony theft and four counts of forgery. Mr. Debenham indicated in his letter dated December 22, 1987, that the case was set for jury trial in February. (Attachment 3, page 13) Subsequently, this Office spoke with Mr. Debenham, who indicated that depending on how things go at Mr. Weiss' trial the campaign records might be returned to Mr. Kline when the trial is over. 2/

Based on the foregoing, the Office of General Counsel recommends that the Commission approve the attached letter to Major C. Weiss denying his request for pre-probable cause to

2/ According to a recent conversation with the Assistant District Attorney, Mr. Weiss was set to enter a guilty plea. However, due to a medical condition causing Mr. Weiss' hospitalization, the entering of the plea has been postponed. The Assistant District Attorney anticipates that the whole matter will be resolved by the end of April.

believe conciliation until completion of the Commission's investigation in the matter. (See Attachment 4, page 22) The Office of General Counsel also recommends that the Commission approve the attached letter, to the District Attorney, so that the documents relating to this matter can be sent to us as soon as they become available.

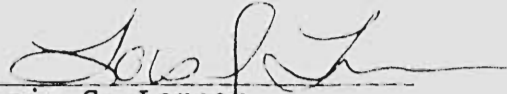
RECOMMENDATIONS

1. Decline to enter into conciliation with Major C. Weiss, prior to a finding of probable cause to believe at this time.
2. Approve attached letters.

Lawrence M. Noble
General Counsel

3/24/88
Date

By:


Lois G. Lerner
Associate General Counsel

Attachments

1. Request for Pre-Probable Cause Conciliation
2. Response of Major C. Weiss
3. Letter from District Attorney
4. Letter to Mr. Weiss
5. Letter to the District Attorney

Staff Member: Deborah Curry

89090703038

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Kansans for Kline,) MUR 2316
James R. Kline, as treasurer)
and Major C. Weiss)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 24, 1988, the Commission decided by a vote of 6-0 to take the following actions in MUR 2316:

1. Decline to enter into conciliation with Major C. Weiss, prior to a finding of probable cause to believe at this time.
2. Approve the letters, as recommended in the General Counsel's report signed March 21, 1988.

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

Attest:

3/24/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Tues.,	3-22-88,	4:58
Circulated on 48 hour tally basis:	Tues.,	3-22-88,	4:40
Deadline for vote:	Thurs.,	3-24-88,	4:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 4, 1988

Gene M. Olander, District Attorney
District Attorney's Office
200 S.E. 7th Street
Suite 212
Topeka, Kansas 66603

RE: MUR 2316

Dear Mr. Olander:

During a telephone conversation, Susan Carpenter, of your office, indicated that Major C. Weiss is set to enter a guilty plea with regard to activity during his tenure as treasurer of Kansans for Kline, a political action committee.

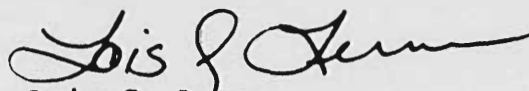
In view of the Commission's investigative responsibilities under the Federal Election Campaign Act of 1971, as amended ("the Act"), we make this formal request for the following information. We request as soon as possible that all campaign records maintained by Major C. Weiss during his tenure as treasurer be sent to us. Please include, among other things, letters, notes, diaries, log sheets, records of telephone communications, vouchers, bills, bank statements, checks, and other commercial paper, federal reports, accounting statements, ledgers, etc. Additionally, please submit a copy of the plea agreement or any other material that might be helpful to our investigation.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

If you have any questions, please direct them to me, at (202) 376-5690. Thank you for your assistance and cooperation in this matter.

Sincerely,

Lawrence M. Noble
General Counsel

By: 
Lois G. Lerner
Associate General Counsel

3 2 0 4 0 7 6 5 0 4 0



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 4, 1988

Jerry L. Harper, Esquire
P.O. BOX 1000
Lawrence, Kansas 66044

RE: MUR 2316
Major C. Weiss

Dear Mr. Harper:

On August 24, 1987, you were notified that the Federal Election Commission found reason to believe that your client, Major C. Weiss, violated 2 U.S.C. § 434(2)(b)(3). We acknowledge receipt of a request to enter into conciliation negotiations prior to a finding of probable cause to believe. We apologize for the delay in responding to your request.

The Commission has reviewed your request and determined to decline at this time to enter into conciliation prior to a finding of probable cause to believe because additional investigation is necessary.

At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

If you have any questions, please contact Deborah Curry, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

A handwritten signature in cursive script, reading "Lois G. Lerner", is written over the typed name.

By: Lois G. Lerner
Associate General Counsel

87040763091

BCC #9267

Gene M. Olander

District Attorney

Kansas Third Judicial District

Suite 212 • Courthouse • Topeka, KS 66603 • 913/291-4330

ASSISTANT DISTRICT ATTORNEYS

C. William Ossmann
Randy M. Hendershot
James J. Welch
David Debanham
Sue Carpenter
Kenneth R. Smith
Jean M. Schmidt
Eric S. Rosen
Amy A. McGowan
Jane Lindhout
Susan Stanley

RECEIVED
FEDERAL ELECTION COMMISSION

88 MAY 12

OFFICE MANAGER/VICTIM
WITNESS COORDINATOR
Kathy Murphy

INVESTIGATORS
Donald M. Murphy
William T. Thomas



April 6, 1987

Louis G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: State of Kansas vs Major C. Weiss, 87-CR-2389

Dear Ms. Lerner:

Please find enclosed, a copy of the Journal Entry which explains in detail, the exact determination of sentencing that was made by the judge on the defendant(s) in the case in which you were involved.

The District Attorney's office thanks you for your help and cooperation in making our criminal justice system work. If you have any questions regarding the disposition of the case, please feel free to call our office, and I will be glad to personally discuss it with you.

Sincerely,

Kathy Murphy

Kathy Murphy
Victim/Witness Coordinator

KM/td
Encl:

88 MAY 12 AM 11:39

RECEIVED
FEDERAL ELECTION COMMISSION

1/2

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
SECOND DIVISION

STATE OF KANSAS

PLAINTIFF

vs.

87-CR-2389

MAJOR C. WEISS, JR.

DEFENDANT

JOURNAL ENTRY

Now on this 30th day of November, 1987, the above-entitled matter comes on for hearing in the Fourth Division of the Shawnee County District Court, the Honorable Adrian J. Allen presiding. The State appears by David B. Debenham, Assistant District Attorney. The defendant appears in person and by Jerry Harper, his attorney. Thereupon, the defendant waives his right to a preliminary hearing. After due inquiry, the Court finds the waiver is freely, voluntarily, and intelligently made with the advise and assistance of counsel. The defendant is bound over to the District Court for trial. Thereupon, the defendant waives a formal arraignment and reading of the complaint and enters a plea of not guilty. The matter is continued for trial.

Now on this 30th day of March, 1988, the above-entitled matter comes on for plea in the First Division of the Shawnee County District Court, the Honorable William R. Carpenter presiding. The State appears by Sue Carpenter, Assistant District Attorney. The defendant appears in person and by Jerry Harper, his attorney. Thereupon, the State dismisses Counts 3 through 5. Thereafter, the defendant enters a plea of no contest to Count 1, Theft pursuant to K.S.A. 21-3701, Penalty Section 21-4501(e), and to Count 2, Forgery pursuant to K.S.A. 21-3710, Penalty Section 21-4501(e). After due inquiry, the Court finds the plea is freely, voluntarily, and intelligently made and a factual basis exists for the same. The Court accepts the plea and adjudges the defendant guilty. A presentence investigation is ordered and the matter is continued for sentencing.

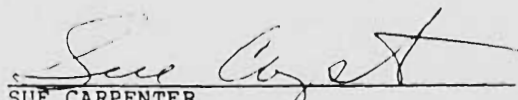
12

Now on this 29th day of April, 1988, the above-entitled matter comes on for sentencing in the Second Division of the Shawnee County District Court, the Honorable Fred S. Jackson presiding. The State appears by Sue Carpenter, Assistant District Attorney. The defendant appears in person and by Jerry Harper, his attorney. Thereupon, allocution is had and the Court places the defendant on four (4) years supervised probation under the usual terms and the following special conditions:

- 1) pay court costs of \$119.00 and probation fee of \$50.00
 - 2) pay restitution of \$7,890.00 to be distributed to:
 - a) Commerce Bank & Trust \$4,540.86
31st and Topeka
Topeka, Kansas 66611
 - b) Phil Kline \$3,349.14
40 Corporate Woods, Suite 210
9401 Indian Creed Parkwa
P.O. Box 25388
Overland Park, Kansas 66225
 - 3) complete and follow up with treatment
 - 4) cooperate with court services
- IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT
SECOND DIVISION

APPROVED BY:


SUE CARPENTER
Assistant District Attorney

JERRY HARPER
Attorney for Defendant

87090765044

ASSISTANT DISTRICT ATTORNEYS

C. William Oasmann
Randy M. Hendershot
James J. Welch
David Debanham
Sue Carpenter
Kenneth R. Smith
Jean M. Schmidt
Eric S. Rosen
Amy A. McGowan
Jane Lindhout
Susan Stanley

Gene M. Olander

District Attorney

Kansas Third Judicial District

Suite 212 • Courthouse • Topeka, KS 66603 • 913/291-4330

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 APR 18 PM 1:14

OFFICE MANAGER/VICTIM
WITNESS COORDINATOR
Kathy Murphy

INVESTIGATORS
Donald M. Murphy
William T. Thoman



April 13, 1988

Louis G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: State v. Weiss

Dear Ms. Lerner:

Enclosed is a copy of the complaint and affidavit in our case against Mr. Weiss. Pursuant to negotiations in this case, Mr. Weiss on March 30, 1988, entered pleas of nolo contendere to counts one and two, both class E felonies. The balance of the counts were dismissed.

The agreements were that the State would agree to abide by the recommendations contained in the presentence report and if the defendant were granted probation, he would agree to make full restitution in the amount of \$7,890.00 during the course of the probation period, if granted. That is the extent of the negotiations.

Sentencing is scheduled for April 29th. We will be glad to advise you of the outcome of the sentence. Upon completion of the sentencing, we will be returning the items of evidence submitted to us from the Kline for Congress Committee.

Yours very truly,

Gene M. Olander
District Attorney

GMO/tb

Enclosure

83 APR 18 PM 3:20

RECEIVED
FEDERAL ELECTION COMMISSION

GCC #9082
Mr 2316

STATE OF KANSAS, COUNTY OF SHAWNEE, SS.

I, DAVID B. DEBENHAM, being duly sworn, on oath, says that on or about the 4th day of September through the 21st day of November A.D. 1986 in the County of Shawnee and State of Kansas, MAJOR C. WEISS, JR. LKA 1930 Rhoads Island, Lawrence, Kansas, Business: Mid-America Industries, 174 Reynolds, Kansas City, KS, dob 12-8-61, 5'10", 210 lbs., WM, KDL Y4V2T5

did then and there unlawfully, feloniously, and willfully,

Count 1

THEFT

Sec. 21-3701, K.S.A.; Penalty Sec. 21-3701;
value over \$150.00 Sec. 21-4501(c)

obtain or exert unauthorized control over property: to-wit: \$7,791.00 and with the intention to permanently deprive the owner, to-wit: Kansas for Kline and/or Phil Kline of the possession, use or benefit of said property, a value of more than (\$150.00) one hundred fifty dollars, contrary to the form of the statutes in such case made and provided and against the peace and dignity of the State of Kansas.

Count 2

FORGERY

Sec. 21-3710, K.S.A.; Penalty Sec. 21-4501(c)

On or about the 19th day of November, 1986 in the County of Shawnee and State of Kansas, MAJOR C. WEISS, JR. did then and there unlawfully, feloniously, willfully, knowingly and with intent to defraud and without authority, issue or deliver such written instrument, to-wit: a starter check drawn on the Independence State Bank, pay to the order of Major C. Weiss in the amt. of \$875.00 and signed in the name of Sally Joiner as maker knowing it to have been made, altered or endorsed in such manner that it purports to have been made, altered or endorsed by another person, either real or fictitious, to-wit: Sally Joiner the said Major C. Weiss, Jr. having knowledge that said written instrument was not made, altered or endorsed by the said Sally Joiner, contrary to the form of the statutes in such case made and provided and against the peace and dignity of the State of Kansas.

Count 3

FORGERY

Sec. 21-3710, K.S.A.; Penalty Sec. 21-4501(c)

On or about the 19th day of November, 1986 in the County of Shawnee and State of Kansas, MAJOR C. WEISS, JR. did then and there unlawfully, feloniously, willfully, knowingly and with intent to defraud and without authority, issue or deliver such written instrument, to-wit: a starter check drawn on the Independence State Bank, pay to the order of Kline for Congress in the amt. of \$200.00 and signed in the name of Harry Joiner as maker knowing it to have been made, altered or endorsed in such manner that it purports to have been made, altered or endorsed by another person, either real or fictitious, to-wit: Harry Joiner the said Major C. Weiss, Jr. having knowledge that said written instrument was not made, altered or endorsed by the said Harry Joiner, contrary to the form of the statutes in such case made and provided and against the peace and dignity of the State of Kansas.

Count 4

FORGERY

Sec. 21-3710, K.S.A.; Penalty Sec. 21-4501(e)

On or about the 30th day of November, 1986 in the County of Shawnee and State of Kansas, MAJOR C. WEISS, JR. did then and there unlawfully, feloniously, willfully, knowingly and with intent to defraud and without authority, issue or deliver such written instrument, to-wit: a starter check drawn on the Independence State Bank, pay to the order of Major C. Weiss in the amt. of \$500.00 and signed in the name of Sally Joiner as maker knowing it to have been made, altered or endorsed in such manner that it purports to have been made, altered or endorsed by another person, either real or fictitious, to-wit: Sally Joiner the said Major C. Weiss, Jr. having knowledge that said written instrument was not made, altered or endorsed by the said Sally Joiner, contrary to the form of the statutes in such case made and provided and against the peace and dignity of the State of Kansas.

Count 5

FORGERY

Sec. 21-3710, K.S.A.; Penalty Sec. 21-4501(e)

On or about the 20th day of November, 1986 in the County of Shawnee and State of Kansas, MAJOR C. WEISS, JR. did then and there unlawfully, feloniously, willfully, knowingly and with intent to defraud and without authority, issue or deliver such written instrument, to-wit: a starter check drawn on the Independence State Bank, pay to the order of Kansas For Kline in the amt. of \$950.00 and signed in the name of Sally Joiner as maker knowing it to have been made, altered or endorsed in such manner that it purports to have been made, altered or endorsed by another person, either real or fictitious, to-wit: Sally Joiner the said Major C. Weiss, Jr. having knowledge that said written instrument was not made, altered or endorsed by the said Sally Joiner,

WITNESSES:

Lt. McLaughlin	Shirley Baco	Betty Persing
Det. Sgt. Larry Moreland	Greg Palmer	James R. Kline Jr
Det. Greg Broxterman	R. Anderson	
Phil Kline	Mark Erwin	
Randy Debenham	Eric Simms	
Jim Wheeler	Harriett Klinkenbeard	
Brian Davie	Archie Sietz	
Tom Fee	Mike Anani	
Hugh Hanagan	Marcia Goff	
Larry Carlson	Dagmar Payden	
Colleen Eccoles	Pat Koehler	
Betty Narolis	Bernice Todd	
Sheari Johnson	Janet Kline	
Wenona Murtz	Shery Kline	
Mary Glover	Rick Nesbitt	
Kristin Newman	Raleigh Van Trease	
Eleanor Sullivan	Kevin Yowell	
Danny Freeman	Debbie Weiss	
Donna Coward	Kathy Ward	
Suzanne Boeppele	Fran Vitera	

329040763043

contrary to the form of the statutes in such case made and provided
and against the peace, and dignity of the State of Kansas.

Subscribed and sworn to before me, this 23 day of
Oct, A.D. 1959.

BOND REQUESTED

\$8,000
Cash

Judge of the District Court

Clerk of the District Court

By _____ Deputy

IN THE DISTRICT COURT OF SHAWNEE, COUNTY, KANSAS

STATE OF KANSAS

PLAINTIFF

vs.

NO

MAJOR C. WEISS, JR.

DEFENDANT

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

AFFIDAVIT

I, DAVID B. DEBENHAM, Assistant District Attorney, being of lawful age and duly sworn upon my oath depose and state that I have received the following information on official Topeka Police Department reports, case number 1810-87, from officers whom I know to be reliable and credible based on past criminal investigations.

On the 15th day of January, 1987, Phil Kline met with members of the Topeka Police Department regarding a member of his campaign committee (Kansans for Kline) who had taken money from his campaign fund. Mr. Kline informed the officers that the suspect in this case was Major C. Weiss, Jr., who had in July of 1986 approached him and wanted to get involved in the campaign. Mr. Weiss informed Mr. Kline that he was part owner of a video store and had business knowledge. At that time, he began to work for the campaign. In September of 1986, Major Weiss became the campaign fund treasurer.

Phil Kline informed the officers that Major Weiss' job was to keep track of the funds and make deposits with money received and pay any bills that were due. He also assisted the campaign in other ways. Mr. Kline stated that he first became aware of problems involving his campaign fund when he

was called by a Cable Firm regarding a bill that he knew should have been paid.

On October 1st, 1986, Phil Kline changed the checking account and added Huck Boyd to the account as a co-signer. The checking account was at Commerce Bank & Trust, which was located in Topeka, Shawnee County, Kansas. All checks thereafter would require the signatures of Huck Boyd and Major Weiss to be valid.

In a statement prepared by Phil Kline, he stated that Betty Persing of the Commerce Bank & Trust contacted him by phone on November 28th, 1986. At that time, she indicated the bank had \$3,300.00 worth of "charge backs" to the campaign account, apparently due to improper activity by Mr. Weiss. At that time, Mr. Kline instructed Commerce Bank to freeze the account. The same day he contacted Mr. Weiss and informed him that he needed all account records in his possession.

On November 29th, 1986, Brian Daniel and Phil Kline met with Ms. Persing at Commerce Bank & Trust. Phil Kline was shown checks Mr. Weiss had written to Kansans for Kline on a closed personal account. At that time, he instructed bank officials to access all account records to discover if Mr. Weiss' activities were attempts to cover unauthorized withdrawals and or expenditures.

Without informing Mr. Weiss of recent events, Phil Kline met with him on December 1st, 1986 in an attempt to acquire all records to the account. Mr. Kline received only partial records due to Mr. Weiss' reluctance to cooperate. At that time, Mr. Weiss stated he did not keep a ledger of disbursements for the account and never withdrew funds from the account. On December 2nd, 1986, Mr. Weiss failed to attend a scheduled meeting regarding the account.

On December 5th, 1986, Mr. McMill "Huck" Boyd, and Phil Kline met with Mr. Larry Carson of Commerce Bank & Trust.

At the meeting Phil Kline was provided copies of checks, from Sept 4, 1986 through November 21, 1986, authorized by Mr. Weiss for expenditures unrelated to the campaign. Many of the checks were made out to Mr. Weiss as payee. Even though Mr. Boyd's signature was added to the checking account on October 1st, 1986, eighteen (18) of the checks were written after October 1st, 1986 containing only Weiss' signature as maker. There were also two occasions, \$25.00 on 11-19-86 and \$100.00 on 11-21-86, when it appears Mr. Weiss received cash back from deposits. The total amount of unauthorized expenditures appears to be \$7,791.00.

The same day by phone, Mr. Weiss assured Phil Kline he would leave all campaign records in his possession in his mail box for Mr. Kline to pickup. Mr. Weiss failed to do so.

On December 9th, 1986, Phil Kline and Brian Daniel met with Major Weiss at his house located in Lawrence, Kansas. During the conversation, Phil Kline accused Major Weiss of taking approximately \$8,400.00. Major Weiss corrected Phil Kline and informed him that it was more like \$8,900.00.

On or about the 19th day of November, 1986, a starter check drawn on the Independence State Bank, with the name Sally Joiner written in as account holder, pay to the order of Major C. Weiss in the amount of \$875.00 and signed in the name of Sally Joiner as maker, was cashed at the Commerce Bank & Trust located in Shawnee County, Topeka, Kansas. The endorsement on the backside of the check was in the name of Major Weiss.

On or about the 19th day of November, 1986, a starter check drawn on the Independence State Bank, with the name Sally Joiner written in as account holder, pay to the order of Kline for Congress in the amount of \$200.00 and signed in the name of Harry Joiner as maker was deposited into the

Kansans for Kline account located at Commerce State Bank & Trust, Shawnee County, Topeka, Kansas.

On or about the 30th day of November, 1986, a starter check drawn on the Independence State Bank, with the name Sally Joiner written in as account holder, pay to the order of Major C. Weiss in the amount of \$500.00 and signed in the name of Sally Joiner as maker was deposited into the Kansans for Kline account located at Commerce Bank & Trust in Shawnee County, Topeka, Kansas.

On or about the 20th day of November, 1986, a starter check drawn on the Independence State Bank, with the name Sally Joiner written in as account holder, pay to the order of Kansans for Kline in the amount of \$950.00 and signed in the name of Sally Joiner as maker was deposited into the Kansans for Kline account located at Commerce Bank & Trust in Shawnee County, Topeka, Kansas.

All four of the checks drawn on the Sally and Harry Joiner account at Independence State Bank were on account #08-279-1.

On the 6th day of February, 1987, Fran Vitera informed Det. Greg Broxterman, by way of letter, that account #08-279-1 was in the name of Mrs. B.E. Newell until she dies in 1978. At that time, it was in the name of her husband Melvin A. Newell and remained as such until the account was closed December 30th, 1983, when Mr. Newell died in a nursing home in Independence, Kansas.

Ms. Vitera informed Det. Greg Broxterman that there was never any one by the name of Joiner ever connected with the account. Ms. Vitera further stated that the Independence State Bank changed their name to Citadel Bank in 1986.

On the 20th day of February, 1987, Major C. Weiss, Jr. met with Det. Sgt. McLaughlin and Det. Broxterman of the Topeka Police Department. After being shown the checks drawn on the account of Sally and Harry Joiner, Mr. Weiss

informed the Detectives that he wrote the checks. When they asked who Sally and Harry Joiner were, Mr. Weiss replied that the name was a "figment of his imagination." Mr. Weiss stated that he got these checks from some old papers, which his father had lying around. Mr. Weiss was then shown the checks which had been turned over by Phil Eline as unauthorized expenditures by Major Weiss. Mr. Weiss provided an explanation for every one of the checks, except one as legitimate campaign expenses.

Wherefore, affiant believes probable cause exists to believe that Major C. Weiss, Jr. has committed the crimes of One Count of Theft in Excess of \$150.00 and Four Counts of Forgery and prays for a warrant to issue for his arrest.

DAVID B. DEBENHAM
ASSISTANT DISTRICT ATTORNEY

Subscribed and sworn to before me this ____ day of _____, 1987.

JUDGE OF THE DISTRICT COURT



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

MEMORANDUM TO:

LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM:

MARJORIE W. EMMONS/KAREN E. TRACH ~~et~~
JUNE 13, 1988

DATE:

JUNE 13, 1988

SUBJECT:

MUR 2316 - COMPREHENSIVE INVESTIGATIVE
REPORT #2
SIGNED JUNE 9, 1988

The above-captioned matter was received in the Office of the Secretary of the Commission Thursday, June 9, 1988, at 4:31 P.M. and circulated to the Commission on a 24-hour no-objection basis Friday, June 10, 1988 at 12:00 P.M.

There were no objections received in the Office of The Secretary of the Commission to the Comprehensive Investigative Report #2 at the time of the deadline.

BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL RECEIVED
08 JUN -9 11:43

In the Matter of)
)
Kansans for Kline and James R.) MUR 2316
Kline, as treasurer and Major)
C. Weiss)

COMPREHENSIVE INVESTIGATIVE REPORT #2

I. BACKGROUND

This matter was generated by the Reports Analysis Division. On January 9, 1987, the Commission found reason to believe Kansans for Kline ("Kline Committee") and Major C. Weiss, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 Pre-General Election Report in a timely manner. Based on allegations of misappropriation of campaign funds by Major C. Weiss, the Commission found reason to believe Major C. Weiss violated 2 U.S.C. § 432(b)(3) on April 16, 1987. Subsequently, the Commission on May 28, 1987, declined to enter into pre-probable cause conciliation with the Kline Committee pending completion of the Commission's investigation of the matter.

On March 24, 1988, the Commission declined to enter into conciliation with Major C. Weiss prior to probable cause to believe pending completion of the Commission's investigation. In furtherance of its investigation, the Commission approved a letter to Gene Olander, the District Attorney of the Kansas Third Judicial Circuit, so that documents relating to this matter could be sent to us as soon as they became available. On April 18, 1988, this Office received a response from Mr. Olander outlining Mr. Weiss' plea to counts of theft and forgery. Mr. Olander indicated in the letter that sentencing was set for April 29, 1988, and upon sentencing the campaign records would be returned


to the Kline Committee. On May 12, 1988, this Office received another letter from Mr. Olander detailing the sentencing of Mr. Weiss. Subsequently, the Kline Committee was contacted by phone about sending the campaign records and other evidence to the Commission. The Committee is in the process of reviewing and referencing the records so they can be sent to our office. The Committee has indicated that this information will be mailed by June 10, 1988.

Upon receipt of this information and review by this Office, a report will be circulated to the Commission with appropriate recommendations.

Lawrence M. Noble
General Counsel

9 0 0 4 0 7 6 5 0 5 0
Date

By:


Lois G. Lerner
Associate General Counsel

Staff Person: Deborah Curry

600# 9913

BLACKWELL SANDERS MATHENY WEARY & LOMBARDI

40 CORPORATE WOODS, SUITE 1200

9401 INDIAN CREEK PARKWAY

P. O. BOX 25388

OVERLAND PARK, KANSAS 66225-5388

913 345-8400

TELECOPIER
913 345-2067

TWO PERSHING SQUARE
2300 MAIN STREET-SUITE 1100
P. O. BOX 419777
KANSAS CITY, MISSOURI 64141-6777
816 274-6800

July 22, 1988

Deborah Curry, Esq.
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR2316 -- Kansans for Kline

Dear Deborah:

Please find enclosed the following regarding the investigation of Major Weiss:

1. A transcript of a December 9, 1986 conversation between Major Weiss, Bryan Daniel and myself in which Major Weiss admits liability for the misappropriated funds;
2. Copies of the Topeka Police Department's investigation reports;
3. Copy of my original Affidavit sent to your office;
4. Photocopies of unauthorized drafts by Major Weiss drawn on the Kansans for Kline account;
5. A cassette tape containing the December 9, 1986 conversation indicated above; and
6. A taped conversation between Major Weiss and myself which occurred on January 15, 1987 in which he again admitted liability for the theft.

I apologize for the delay in providing these materials to you, however, it was necessary for me to await the end of the investigation and Major's conviction before I could obtain them from the prosecutor's office. Please let me know if there is any other action I can take which will aid you in your investigation.

88 JUL 25 PM 2:55

BLACKWELL SANDERS MATHENY WEARY & LOMBARDI

Deborah Curry, Esq.
July 22, 1988
Page 2

Thank you very much for your time and attention to this matter. If you should have any questions or comments, please feel free to contact me.

Best regards.

Sincerely,



Phillip D. Kline

PDK/srm
Enclosure

97040763038

TRANSCRIPTS OF RECORDED CONVERSATION
PHILL KLINE, MAJOR WEISS, BRIAN DANIEL
LAWRENCE, KANSAS
DECEMBER 9, 1986

WEISS: Why don't I just plan on meeting you tomorrow night over at your house once that's done to have you go back through and look?

KLINE: OK. I need to talk to you for a second.

WEISS: OK. Why don't we do that at about nine tomorrow?

KLINE: Well, of course we've got some things to talk about now.

WEISS: OK.

KLINE: (Inaudible.)

WEISS: What did you do?

KLINE: I was at the bank and I took the checks and I know all the money that you've taken out. It totals \$8,300. And, I know you know it's, you know, let's stop bullshitting and talk about what we can do about it, because bank officials are ready to file civilly against you and I'll follow suit and usually they go to a prosecutor. I think it would be

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better, I don't know what a prosecutor would do and I don't know what my duties are to report something like this. I might have an obligation by federal law due to the nature of accounts and reporting, I don't know. But I'm sure, regardless of what happens, things would work out better for you if you come to some terms with the bank and with the account, with Kansans for Kline, to try to repay all that's gone.

WEISS: What's the total amount?

KLINE: 83.

WEISS: No, that's wrong.

KLINE: Well, I'll be glad to go through it with you.

WEISS: No, it's wrong. It's more than that.

KLINE: Is it?

WEISS: Yes.

KLINE: Well, I appreciate your honesty.

WEISS: It's more, it's not 83 hundred.

KLINE: I totaled 83.

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WEISS: You totaled 83 hundred?

KLINE: Yeh.

WEISS: I wouldn't live with that one, but I didn't, 'cause I just totaled it up.

KLINE: What did you have?

WEISS: 89.

KLINE: Well, I might be missing something, but I know, well, I can't speak for the bank. I don't know what they're -- I bet you you could get out of this, under that, is my guess. But, anyway, if it gets, just don't snowball it. I mean don't write bad checks, don't make it worse than what it is or people won't put up with it anymore. Because, I know you're in a fix. I came over to your place the other night and there was a note that I thought was for me, but it was from your landlord.

WEISS: Yeh.

KLINE: I know they're after you, too.

WEISS: Yeh, that's right.

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300900705062

KLINE: So, I'm in the middle of finals. Honestly, Maj, I don't know what my duty is in reporting this to a prosecutor. I'm afraid because, when you talk about political candidates (inaudible) we might want to walk this way. (Inaudible) anybody who discovers fraud to report it, because they don't want things like that covered up. I've been checking the laws and I haven't seen it yet, but I've got to go through (inaudible).

WEISS: No, I won't. The law, I've already read the law. In fact, I'll get you a book so you can read it.

KLINE: No.

WEISS: Check for it yourself, but I'll get you a copy so you can read it.

KLINE: Would you be willing to meet with the bank and us and come to agreement on terms for repayment?

WEISS: Yeh, you'll get paid in full, but I can't do that until Friday.

KLINE: Well, you know, I want to believe you.

WEISS: No, that's, no. I, because I've been going through things. But I can't give you an answer. I mean, yeh, I'll meet with you but I can't, you know, I can't go in there and

either tell them on, you know, what type of payment, it would have to be until Friday. I can't do anything until Friday. And that's what I'm trying to say.

KLIN: OK. Well, can you, something that would be really helpful to me and, again, I think it would be helpful to you, is I need, I appreciate your honesty. But I need you to keep appointments with me and the bank because, you know, if those bank people get stood up a couple of times, they're not going to put up with it.

WEISS: OK. Friday would be the only day that I would have that I can give you an honest answer on anything.

KLIN: OK.

WEISS: OK?

KLIN: Well, I'll, uh, --

WEISS: It would have to be Friday.

KLIN: OK. I'll talk to them. And we'll see what they're willing to do. So, and I think it also would help a lot if you were willing to disclose everything that you have. We've got copies of everything. I've got copies of everything at home.

WEISS: OK.

KLINE: Dammit, I don't know why you did this.

WEISS: Can't answer that. Yeh, you'll, when do you want to do it first?

KLINE: Well, you see I'm in the middle --

WEISS: Thursday I could do, Thursday could be a day.

KLINE: Well, Thursday's a better day for me.

WEISS: Thursday would be a day, but it would probably be closer in the afternoon. Thursday morning, between eight and ten, I have something that I have to do.

KLINE: (Inaudible.)

WEISS: Eight and ten I have --

KLINE: A couple of things I have to ask about. (Inaudible).

WEISS: OK.

KLINE: Why?

WEISS: OK. That was my agreement with Eric. OK? When he

3 2 0 4 0 7 6 5 0 5 4

because he had offered to help and that was
first before I'd ever settled into anything. And I
my a that was my agreement.

ju

WE: I'm getting billed from the Ramada now.

WEISS: For what?

KLINE: The room.

WEISS: I just sent them their money. It was a hundred and
--

KLINE: (inaudible.)

WEISS: The statement I've got, I don't think I've got it in
the car, but I've got a statement for a hundred and
seventy-six that was on your room. And I just sent them
that, and it was in a money order. Didn't send them until
Friday morning.

KLINE: Your money order?

WEISS: Yes. They should get that, what I got was a hundred
and seventy-six something.

KLINE: Well, the bill's old, the bill's old. I also need
you to go to the post office and forward the post office box

to my address. They won't let me do it. The money order from IGA, you never paid the phone bill.

WEISS: There is a, no, we have a check from IGA for the phone bill.

KLINE: That was a money order. I counted that as something that you took. The check was cashed by Harry's IGA.

WEISS: Yeh, that's because they can take bank things. Harriett Clinkenbeard did that. She took that over to Harry's IGA.

KLINE: OK. I double-checked. The phone company says they've never been paid and we owe them two hundred dollars over the deposit, which puts us thirteen hundred dollars in the hole because the state party wants its money.

WEISS: That would be, no, that bill would be for their, that would be their September bill that Harry's IGA had. That was for Southwestern Bell.

KLINE: OK. Well, I need you to come forward with all you've got.

WEISS: OK.

KLINE: And be fair with the bank officials.

first came on. Because he had offered to help and that was my agreement before I'd ever settled into anything. And I just said, that was my agreement.

KLINE: I'm getting billed from the Ramada now.

WEISS: For what?

KLINE: The room.

WEISS: I just sent them their money. It was a hundred and --

KLINE: (inaudible.)

WEISS: The statement I've got, I don't think I've got it in the car, but I've got a statement for a hundred and seventy-six that was on your room. And I just sent them that, and it was in a money order. Didn't send them until Friday morning.

KLINE: Your money order?

WEISS: Yes. They should get that, what I got was a hundred and seventy-six something.

KLINE: Well, the bill's old, the bill's old. I also need you to go to the post office and forward the post office box

39040765067

WEISS: OK. That's fine.

KLINE: What else was it I had to question you about?

DANIEL: The Golden Horseshoe.

KLINE: What in the hell was that?

DANIEL: There ain't no girl good looking enough for that.

WEISS: The Golden Horseshoe?

KLINE: October 10.

WEISS: Right, yeh. The Golden Horseshoe is, uh, is the Golden Horseshoe. The only thing I can say about that is that, uh, before I ever got to the Golden Horseshoe, I was pretty drunk. I slept in my car all night.

KLINE: You know you wrote them a check on campaign funds?

WEISS: Yes, I --

KLINE: You know that check had my name on it?

WEISS: Yes, I realized that afterwards.

93040765068

KLING: You know they're talking about that all through
Topeka right now.

WEISS: They are?

KLING: It's not in the paper, but people are talking about
it.

WEISS: Why, what did they say?

KLING: You know, after I saw that check, I dreamt, I dreamt
about you being in prison. I mean -- Well, let's see, what
other checks are there? What other questions do I have?

DANIEL: Independence?

KLING: Apple Advertising. What is that?

WEISS: That's to Greg Palmer and that one I'll have to pay.
I mean, yeh, that's, that one I never got back in there and I
should have. That was an agreement that I had with him, that
he was doing that research and stuff for us. But I should
have paid that one myself. But that one I never did.

KLING: We didn't know what that was.

WEISS: OK.

3 2 0 4 0 7 6 5 0 6 4

KLING: Now, Eric's, answer me this question. Eric didn't have any expenses. I know, because whenever he went on the road with me we paid for everything. That was an, that was an outright salary to Eric. Did he request that after he found out that Mike was being paid?

WEISS: Yeh, he did.

KLING: I'm going to confront him with it.

WEISS: OK.

KLING: I think that was wrong of him. So, I'm going to talk to him about that.

WEISS: That he did.

KLING: OK.

DANIEL: Harry and Sally Joiner.

KLING: Oh, man, this is where you really got yourself in deep shit. There's no such people as Harry and Sally Joiner.

WEISS: There is a Harry Joiner that I received money on.

KLING: Independence State Bank, Independence, Kansas?

89040765070

KLIN: -- for some forgery.

WEISS: OK.

KLIN: Now, those get charged back to the account. You see,
the bank covered our debts --

WEISS: Right.

KLIN: -- lying on those checks.

WEISS: Right.

KLIN: And now we're in the hole --

WEISS: Right.

KLIN: -- to the bank for that amount. And then, of course,
your three checks --

WEISS: Right.

KLIN: -- which total about twelve hundred bucks. So, I
mean, what we need to know is, is there really a Harry and
Sally Joiner that bounced their checks that we need to pursue
to collect from?

39040705074

Harry Joiner, but he lives over

WEISS: There-
in the Jayhaw in Independence?

KLINE: F

WEISS:
as that you?

K

WEISS: Yeh.

KLINE: OK. One other question I have for you.

WEISS: OK.

KLINE: Did you ever siphon off any contributions?

WEISS: No.

KLINE: And endorse them to yourself?

WEISS: No.

DANIEL: There's only one account bearing the Kline for
Kansas name then, or the two in the Commerce Bank? There's
not, we're not going to find one in Olathe, or --

WEISS: No.

WEISS: There's one guy named Harry Joiner, but he lives over in the Jayhawk West Apartments.

KLINE: He doesn't live in Independence?

WEISS: No.

KLINE: Was that you?

WEISS: Yeh.

KLINE: OK. One other question I have for you.

WEISS: OK.

KLINE: Did you ever siphon off any contributions?

WEISS: No.

KLINE: And endorse them to yourself?

WEISS: No.

DANIEL: There's only one account bearing the Kline for Kansas name then, or the two in the Commerce Bank? There's not, we're not going to find one in Olathe, or --

WEISS: No.

39040765074

DANIEL: OK.

WEISS: There's two. One's closed.

DANIEL: Right. OK.

KLIN: OK. Well, I think the bank would be really willing to work with you, and I know I would, if you're able to sit down and tell them exactly what you did, figure out the books, and then start some kind of a payment deal and don't, don't try to pull any more games on paying people back.

WEISS: OK. Now, to answer your question. OK?

KLIN: Why you did it?

WEISS: I'll do it the best, I'll handle it the best I can.

OK? The bank will be paid back. You'll have the right to do however you wish. If you want to work with me, that's fine.

99040765073

CITY OF TOPEKA, KANSAS
POLICE DEPARTMENT

TPD Property # _____
KBI Property # _____
Lost & Found # _____
Ticket # _____
Case # _____

PHYSICAL EVIDENCE CUSTODY RECEIPT

(Property Room Location _____)

Property Rec'd. From) Phillip Kline (VICTIM) _____

Address 5921 Martin Phone # 677-2034 DOB _____ Race _____ Sex _____
Merriam, KS.

Property OWNER) Kline Address _____

Address _____ Phone # _____

INCIDENT LOCATION - (Street Address) (SUSPECT) _____

DOB _____ Race _____ Sex _____

Address _____

Phone # _____

NCIC CHECK - Date/Time _____ Type of Case Theft

Result of NCIC Check _____ Offense Code 06

Item No.	Quantity	ARTICLE DESCRIPTION - (Be Specific) (Detail, Make, Model, Serial #, Size, Etc.)	Requested Exam.	Prop. Code #
1	5	Checks drawn on Commerce Bank & Trust Bank Major Weiss ① #183 dated 11-6-86 amt. 500.00 Payee Major Weiss ② #186 " " 11-12-86 " 300.00 " ③ #187 " " 11-10-86 " 300.00 " " Commerce Bank ④ #190 " " 11-17-86 " 30.00 " " Major Weiss ⑤ #192 " " 11-21-86 " 600.00 " " Major Weiss	Hold	
2	1	Ledger for Kansas for Kline checkbook acct.		
3	2	Cassette tapes of other conversations between Phillip Kline & Major Weiss		
4	1	Box of Misc records from Kansas for Kline Campaign, & two checkbooks on Kansas for Kline acct.		

Date & Time 1-15-87 1455 Print Name/ID# of Collector Det. Broxtorman 177 Signature of Collector Det. Broxtorman 177

Item #	Date	Received From	Received By	Purpose of Transfer

Copies as Follows: ORIGINAL Stays With Property cc: To Person From Whom You Took Property

Narrative Report

278 CASE NO

1810

279 VICTIM

Phill Kline

280 OFFENSE

Thy

281 DATE OF OFFENSE

1986

282 NARRATIVE

On 1-15-87 at 1415, RO, Det. B, DA Debenham met with Rnady Debenham and Phill Kline reference this case. The meeting was held in the interview room of the det div. Mr Kline had requested this meeting.

Mr Kline was a candidate for public office in the past election. He stated taht a memeber of his campaign committee and taken fudn from his campaign fund. In summary, officers were told the following by Kline.

That the suepct in this case was a Major Weiss, wm, 24-25 yrs old who lices in lawrence. Kline said that in July of 1986 Weiss appriached him and wanted to get invloved in hit campaign for office. weiss told kline that he was part owner of a video store and had busniess knowledge. He began to work for the camplaing. In sept 1986 he became the campaign fund teresassreri.

Weiss job was to keep track of the funds and make deposits of money recieved and pay any bills that were due. he aslos assisted the campaign in other ways.

Kline said that he was appriached at a fund raiser by a jim wheeler who owns fun time movies in lawrence ka and warned about weiss. k siad that he was told that w wrote a bad check for a down payment on a liq store in lw.

K said that he first became aware of problems incloving his c fund when he wa s called by a calbe firm about a bill that he knew should have been paid.

On Oct 1 kline cahnged the account and added huck boyd to id as a co signer. all checks thereafter wold have to have two csignatures to be calid.

When k became suspprcious of the accunt after the election, he obtained bank record and found that several cheks hae been written to w and wher not aurhotizezed. k also could not find many of the origianl cheko adn it is presumed that they were destroyed by the sueoct.

Officers were givne a lsit of the cheks in question and come bringila chekcs and copies of all cheks inthe acoulnt.

K said that he approacekd w and conformtee him with the infomation aobut the cheks.

BY: [illegible]

DATE: [illegible]

TYPED BY: [illegible]

DATE: [illegible]

RECEIVED BY: [illegible]

DATE: [illegible]

FILED: [illegible]

FILED

FILED

FILED

FILED

FILED

FILED

(1)

Narrative Report

278 CASE NO.	279 VICTIM	280 OFFENSE	281 DATE OF OFFENSE
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282 NARRATIVE

W admitted to k that he took the money and spent it. it is unknown wht he spnet this money onl-. K asked w to assit him in clearing thismatter up. w said that he wuold but then never kept the appointments that k set up with the bnak and himself.

After repaeatedly trying to meet with w, on 12-9-86 k accomapained by a frined of his Bryan davie went to w house in law and spoke with w. davie recorded the converation.

(Note David lives at 850 avalon law ka ph 749-4569.)

In the converasation with w, k told him that he had takne approx 8400 and w correscted him and siad that it was more like 8900. W admitted taking the monye.

(Note- K retains the orignal tape recording) officers were provided with a typed transcript of the tape.)

On 1-15-87 k called w on the phnoe and recorded that conversation also. again w sadi that he would try to pay off the chekcs and asked k not to go to the authoritites.

K then contaceed offciers and came to the pd.

officers were given a box of paperwork invovlved inthis case.

On this same date, prior to meeting with k , ro recieved a call from a man who idd himslef as jamajor weiss. he told ro that he lerned that k was coming to see ro and that he would be glad to meet woith ro reference this case. he siad that hwl wuold contacte his att and get back in touch with ro to set up a appointment.

Ad of 2-4-87 , ro hs not been contcedd by w.

On this same date, 1-15-87 ro ran and dl cneckd and chkd ncic for warrantes on Major C Weiss jr wm 12-8-61. It showend neg warrantes byt a suspected ks dl Y4 V2 T5.

(Note this is the nasemd dl number that was used on several of the cekhs.)

Nothing further at this time, investigation conticnudes.

OFFICIAL OFFICER	DATE	OFFICIAL OFFICER	DATE	OFFICIAL OFFICER	DATE	OFFICIAL OFFICER	DATE
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Narrative Report

Transcribed on Time
3-4-87

268 CASE STATUS

1 ACTIVE 2 INACTIVE 3 CLEARED

270 CASE DISPOSITION

1 NONE AVAILABLE 2 UNFOUNDED
2 EXCEPTIONAL CLEARANCE 3 ADULT 4 JUVENILE 5 ADULT & JUVENILE
6 REVISED

278 CASE NO

279 VICTIM

280 OFFENSE

281 DATE OF OFFENSE

1810-87

Kline, Phil D.

Thief by
Receipt

1-1-86 to 12-31-87

282 NARRATIVE

On 2-2-87 Monday at 1425hrs, RO Det. Broxterman along with Dr. Sgt. McLaughlin went to Commerce Bank and Trust at 31st and Topeka to obtain information from tellers who handled the transactions involving ~~fraudulent~~ checks drawn on KXXXXX ^{th. 23} ~~which had been cashed at the bank~~ Kansas for Kline account. RO's talked to Hugh Hanagan and showed him the checks in question. ~~which had been cashed at the bank.~~ Mr. Hanagan took the checks to his head cashier who advised RO's that the checks were taken by the following tellers.

Colleen Eccoles- took checks #rd 150,174,190.

Betty Narolis' took checks #'rd 143,170,177,192,
167,

3 Shari Johnson- took checks #'rd 160,162,169,171,178,182.

4) Wenona Wurtz took checks #'rd 151,152,155.

5) Mary Glover took checks #'rd 157.

6) Kristin Newman took check # 138.

7) Eleanor Sullivan took check # 147

8) Danny Freeman took -check # 148

9) Donna Coward took check # 183

10) Susan Boepple took check # 186

11) Shirley Bacon took check # 187

RO along with Det. Sgt. McLaughlin talked to Tellers Colleen Eccoles, Betty Narolis, Shari Johnson and Wenona Wurtz and they all advised that they could ID the subject who cashed the checks, ^{They stated} ~~and that~~ they knew ~~who~~ worked for Kansas for Kline campaign, ^{for this reason} so they did not see any problem with cashing the checks. They all knew him to be Major Weiss. All the checks were presented for cash by Major Weiss on 2-3-87 Monday at 1345 hrs. RO along with Det. Sgt. McLaughlin went to Gold-Horner's Tavern ^{of Kansas- the Kline account} and talked to Tom Fee owner of Gold-Horner's tavern 4720 S. Topeka, RO showed Mr. Fee check # 173 which had been cashed at the tavern on 10-10-86 in the amount of 375.00 dollars. Mr. Fee advised that he did remember the check and that he

Narrative Report

266 CASE STATUS 1 ACTIVE 2 INACTIVE 3 CLEARED		270 CASE DISPOSITION ARREST 0 NONE AVAILABLE 1 UNFOUNDED 2 EXCEPTIONAL CLEARANCE 3 ADULT 4 JUVENILE 5 ADULT & JUVENILE 6 REVISED	
278 CASE NO	279 VICTIM	280 OFFENSE	281 DATE OF OFFENSE

282 NARRATIVE

approved that checks on that date. Mr. Fee explained that on that date a W/M heavy set blonde ^{Brown} hair came into the bar with several other people. Mr. Fee advised that the subject was obviously trying ~~to~~ to impress the people he was with by paying for all the drinks and talking very loudly about who he was and what he worked for Klines campaign. At first the subject was paying for the drinks with cash then asked Mr. Fee to cash the check for him so he could continue buying the drinks. Mr. Fee gave the subject 375.00 dollars in cash. ~~XXXXXXXXXXXX~~ Mr. Fee advised that he is sure he could ID the subject if he saw him again.

On 2-3-87 RO talked to Greg Palmer ~~as~~ owner of Apple Advertising where checks #175, and 179 were cashed. Mr. Palmer advised that the checks were in payment for TV advertising that they did for Klines campaign. Mr. Palmer advised that Major Weiss ordered the advertising and wrote the two checks to the company giving them to him. The advertising was actually done for the Kline campaign.

~~With information advising they are positively the subject~~

On 2-4-87 at 1135 hrs. RO called Independence State Bank (now Citicorp Bank) to receive information re 3 checks drawn on their bank made payable to Major C. Weiss for Kline. When these checks were ^{at Commerce Bank} deposited into Weiss's account for Kline acct # 21-727-1 by Major Weiss ^{and were returned as not cleared.} following is a list of the checks:

- 1) Dated 11-30-86 Amount 500.00 made Sally Green Page Major Weiss
- 2) " 11-19-86 " 900.00 " Harry Green " Kline for Congress
- 3) " 11-20-86 " 950.00 " Sally Green " Weiss for Kline

RO was advised that this Checking Acct # 082791 was closed sometime in the late 1970's by an elderly female customer and that the customer is now deceased. They have no idea how anyone got the stolen checks. The bank will be forwarding ^{and} information re.

Narrative Report

268 CASE STATUS

1 ACTIVE 2 INACTIVE 3 CLEARED

270 CASE DISPOSITION ARREST

0 NONE AVAILABLE 1 UNFOUNDED
2 EXCEPTIONAL CLEARANCE 3 ADULT 4 JUVENILE 5 ADULT & JUVENILE
6 REVISED

278 CASE NO

279 VICTIM

280 OFFENSE

281 DATE OF OFFENSE

282 NARRATIVE

~~On 2.9.87 (RO) received info from Citadel Bank~~
~~that check signed in name of Major Warren was cashed~~
~~the account. (RO) will forward info to D.A. under review.~~
Apparently Major Warren deposited three checks along
with 3 checks on his personal checking acct ^{at 1st Nat in Topeka, Ks.} into the
Warren for Klean Acct in ^{an} attempt to cover for the money
he had illegally removed from ^{Klean} Acct. Following
is a list of the 3 checks belonging to Major Warren which were
deposited into Warren for Klean Acct. & returned in Acct. closed.
1) # 124 dated 11-19-86 amt \$45.00 made Major Warren Payee Klean
2) # 514 " 11-19-86 " 175.00 " " " "
3) # 515 " 11-19-86 " 125.00 " " " "

Nothing further by R.O. Refer to det. Lt. McLaughlin
report for further details.

83040763081

TOPEKA POLICE DEPARTMENT
TOPEKA, KANSAS 66603
NCIC AGENCY IDENT. NO.
KS 0890100

Narrative Report

268 CASE STATUS 1 ACTIVE 2 INACTIVE 3 CLEARED		270 CASE DISPOSITION ARREST 0 NONE AVAILABLE 1 UNFOUNDED 2 EXCEPTIONAL CLEARANCE 3 ADULT 4 JUVENILE 5 ADULT & JUVENILE 6 REVISED	
278 CASE NO.	279 VICTIM	280 OFFENSE	281 DATE OF OFFENSE

282 NARRATIVE

On 2-20-87 Fri. at 0955 hrs. Major Weiss came to our office to talk to us about the reported fraud. checks written on the account of Kansans for Kline. RO Det. Broxteramn received the folowing personal info from Major weiss. D.O.B. 12-8-61 address 1930 Rhode island lawrence, Ks. 66044 # 842-4369 employed at mid america industries 174 reynolds, K.C. Ks. #(913) 28105634 has been employed there 3 months.

At 0958hrs. RO read Mr. Weiss his rights from the blue miranda card stopping after each right and asking if he understood. Mr. Weiss replied "Yes". After reading mr. weiss his rights RO asked him if he would voluntarily give up these rights at this time to talk to us. Mr. Weiss replied "sure".

RO began by asking Mr. weiss to explain what his position was with the kansaan' for kline campaign and what his responsibilities were. Major stated that he was the treasureed and coordinated campaign functions/ Major advised that he was hired by huc boyd and phil kling to handle the campaign. Also that he had been contacte by RR Anderson who asked him to take ofer his position as treasured because he was going to resign (because of phil kline). Major was in charge of paying bills and' Eric Simms was hired to be in charge of the youth activities.

When asked about whether he was to be paid or if he was voluntarily doing his work o the campaign major stated that phi had told him that he could either draw a salary or he could draw 10% of the contributions to the campaign. Major stated he chose to draw the 10%. Around the end of Sept. major stated that phil told him they could not pay him but he made the mistake of going ahead and paying himself along with eric simms. Major stated that he usually paid himself every trwo weeks and tried to keep it at 10% of the total campaign contrbutions.

RO asked major if he evere used any of the wandy compaing checks to pay for personal items or bills. Major stated that ~~oned~~ he made a check payable to the golden horseshoe tavern to pay for a bar tab. he thought this was around 10-8-

REPORTING OFFICER	DATE	TIME	REVIEWED BY	DATE	TIME

filed - 11-15-56
(29)
Narrative Report

268 CASE STATUS

1 ACTIVE 2 INACTIVE 3 CLEARED

270 CASE DISPOSITION ARREST

2 EXCEPTIONAL CLEARANCE

6 REVISED

0 NONE AVAILABLE

3 ADULT

4 JUVENILE

1 UNFOUNDED

5 ADULT & JUVENILE

278 CASE NO

279 VICTIM

280 OFFENSE

281 DATE OF OFFENSE

1810-87

Kline Phil O.

Ketz bridge 1-1-56 to 12-31-56

282 NARRATIVE

At 1010hrs. major ~~st~~ stated that there is 150.00 dollars cash from the petty cash fund at his house that belongs to the campaign. He stated he took the money home because according to election laws they had to much money in the petty cash fund.

Major stated that phil kline used huc boyd's ~~xxxxxx~~ credit card to charge his expenses then he would pay the bills for him from the campaing checking account.

At 1032 hrs. Sgt. Mc showd major the checks written to the campaign on the account of sally and harry joiner. Major looked at them then stated "I wrote them" when asked who sally and harry joiner are, major stated that name was a "figment of his imagination". He stated he got the checks from some old papers his father had lying around..

Det. Sgt. Mc. then showed major each of the checks on the campaign account which had been reported as forgeries add or fraud. refer to sgt. mc. supp. for details of what major stated each check was for.

Major aa advised that since he was hired as treasured of the campaign he was the only one woh had the authority to change the account or to sign the checks. He advised that he was the only one who had officially signed as being on the committee for kansass for kline campaign and for this reason he was in charge of the campaigg and had authority to wried the checks for ~~xxxxxx~~ campaign expenses. He also advised that even after huc boyd and phil kline changed the account to require ~~xxxx~~ two signatures on the checks they told him to go ahead and issue checks with just his signature and the bank would accept them because huc boyd lived out of town and was not always available to sign the checks.

Major stated ~~at~~ that there were two accounts set up on the campaign and he was checking only authorized to write checks on the one account. The other account was set up by huc boyd with money that was ~~so~~ contributed by senator dole. this was put into a C.D. or some other type of account and major advises he had no access to this.

300 REPORTING OFFICER

301 DATE

302 TYPED BY

303 DATE

304 REVIEWED BY

305 DATE

306 CORRECTION

307 OFF

308 APPROVED

309 SIGNED

310 OFF

311 APPROVED

312 SIGNED

TOPEKA POLICE DEPARTMENT
TOPEKA, KANSAS 66603
NCIC AGENCY IDENT. NO.
KS 0890100

Narrative Report

268 CASE STATUS

1 ACTIVE 2 INACTIVE 3 CLEARED

270 CASE DISPOSITION ARREST

0 NONE AVAILABLE 1 UNFOUNDED
2 EXCEPTIONAL CLEARANCE 3 ADULT 4 JUVENILE 5 ADULT & JUVENILE
6 REVISED

278 CASE NO

279 VICTIM

280 OFFENSE

281 DATE OF OFFENSE

282 NARRATIVE

Major advises that according to the affidavit of forgery he has been given a copy of by the bank the money has supposedly been taken from the second account which he has never had access to and for this reason he feels he has been falsely accused. Nothing further by RO refer to Det. Sgt. Mc. report for further details.

89040765084

REPORTING OFFICER
Det. Broxtelrman

REPORT DATE

REPORT TYPE

REPORT DATE

REPORTING OFFICER

REPORT DATE

REPORT TO

REPORT TO

REPORT TO

REPORT TO

LIMITED ACCESS

Standard Offense/Incident Report

TOPEKA POLICE DEPT
204 W 4TH, TOPEKA, KANSAS 66603

101 ORI KS 0890100

102 CASE NO

1510 -87

103 1 DISPATCHED
2 CITIZEN
3 ON VIEW104 DATE REPORTED
1-15-87105 TIME REPORTED
1415

106 TIME ARRIVED

107 TIME CLEARED

108 DATE OF OFFENSE
1986

109 TIME OCCURRED

110 OFFENSE - LIST MOST SERIOUS FIRST

111 STATUTES

112 OFFENSE
CODE
A113 TYPE OF PREMISE
1 STREET
2 SINGLE RESIDENCE
3 MULTIPLE RESIDENCE
4 COMMERCIAL
5 GAS STATION
6 CONVENIENCE STORE
7 PHARMACY/DOCTOR OFFICE
8 PUBLIC/COMMUNITY BLDG9 RESTAURANT
10 STORAGE/WAREHOUSE
11 TAVERN/BAR/LIQUOR
12 VEHICLE
13 BANK
14 OPEN AREA (PARK, FIELD, ETC.)
15 OTHER

114 LOCATION OF OFFENSE

31+ 8300 Kp

115 AIR A

TYPE (INSERT NUMBER)

116 VICTIM V VICTIM W WITNESS P PARENT D DISCOVERED CRIME

R REPORTING PARTY

B BUSINESS

117 VICTIM'S NAME - LAST FIRST MIDDLE (FIRM IF BUSINESS)

Kline Phill D.

118 RACE

121 SEX

122 AGE

123 DATE OF BIRTH

124 HT

125 WT

126 HAIR

127 EYES

128 OCCUPATION

129 BUSINESS ADDRESS - PHONE

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Narrative Report

268 CASE STATUS

1 ACTIVE 2 INACTIVE 3 CLEARED

270 CASE DISPOSITION, ARREST

2 EXCEPTIONAL CLEARANCE 3 ADULT 4 JUVENILE 5 ADULT & JUVENILE 6 REVISED

0 NONE AVAILABLE

UNFOUNDED

278 CASE NO

279 VICTIM

280 OFFENSE

281 DATE OF OFFENSE

282 NARRATIVE

On 2-20-87 at 0955 Major Weiss came to our office to talk to us about this case. Present in the office were ro and det Broxterman.

After being advised of his rights by Det broxterman, Weiss said that he would talk to us about this case. During the course of the interview, RO showed each check to mr Weiss and asked him to explain it. Below is the list of checks and his ~~explian~~ explanation.

~~checks~~

~~138x~~

Check 138 - Weiss said that it might have been for a hotel.

Check 143- " " it was for his salary

check 147 it was for petty cash and coffee

check 148 " " it was for petty cash and no receipts were necessary for this fund.

check 149 - " " it was for salary expenses for Eric

check 150 - " " it was for motel expenses

check 151 - " " it was for campaign literature to penny power

check 152 - " " Didn't know

check 155 - " " Parade expenses in frankfort.

check 157 - " " it was for stamps for the right to ^{work} ~~life~~ mailing.

check 160 " " it was for another mailing

check 161 - " " it was used to pay phone bills

check 167 - " " it was used for another mailing

check 168 - " " paid for the liquor at the new marriott motel in johnson co.

check 169- " " parade expenses -- maple leaf festival

check 170- " " it was for stamps for the small business mailing

check 171 - " " it was for gas expense on husck boyds cadillac

check 173 - " " it was his paycheck

check 174 - " " gas expense

Narrative Report

265 CASE STATUS

1 ACTIVE 2 INACTIVE 3 CLEARED

4 CASE DISPOSED ON ARREST
5 EXCEPTIONAL CLEARANCE
6 REVISED

7 NONE AVAILABLE

8 ADULT 9 JUVENILE

10 UNFOUNDED

11 ADULT & JUVENILE

278 CASE NO

279 VICTIM

280 OFFENSE

281 DATE OF OFFENSE

282 NARRATIVE

Check 175 - Weiss said that it was for TV advertising

check 177 - " " " " " Victory party

check 178 - " " " " " a parade in Hiawatha

check 179 - " " " paid apple advertising

check 182 - " " " paid for reception for food and liquor

check 183 - Weiss said that it was for his salary and travel expenses

check 186 - " " " it was for a thank you ~~xxx~~ mailing

check 187 - " " " paid for persons to go through books.

check 190 - " " it was for travel expenses for him

check 192 - " " he doesn't remember.

When asked about the checks in the account name of ~~sally~~ sally ~~Joiner~~ Joiner, Weiss said that it

was just a name he made up and that he had forged the checks and it was a mistake.

Weiss said that there were two accounts at the commerce bank for Kline's campaign and that all

of the checks were accepted by the federal campaign committee as legitimate expenses.

Weiss again said that he forged those Joiner checks.

Weiss said that the account on the letter from commerce bank about the checks does not have

his name on it. He said that Huck Boyd closed the account.

At 1105 the interview ended and Weiss left the station.

On 2-20-87 at 1107 RO interviewed Eric D. Sims WM 5-15-68 of 5218 W 31 Terr Ph 272-3809.

In summary officers were told the following. that he was hired as a driver by Kline for the

campaign and that Weiss hired him as a schedule director. Weiss said that he would pay him 350.

Sims said that he asked Weiss if everything was OK with Kline and was told that it was.

Weiss said that he would pay him at the end of the campaign.

Nothing further was learned and the interview ended at 1118.

Narrative Report

(3)

278 CASE NO		279 VICTIM	280 OFFENSE	281 DATE OF OFFENSE
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NARRATIVE

On 2-27-87 at 1027 Phil Kline came to the det div and a interview was held in the interview room. RO detr Broxterman and DA debenham were present. RO showed mr kline the checks and told him ~~xxxxxxxxxxxx~~ that we needed to know what each of these checks was for. Below is the list of the checks and klines explanation for each.

check 138 - Kline said that Weiss had no authorization to pay for hotel expenses and there were no receipts and that this check was cashed at the bank for cash.

check 143 - Kline said that Weiss was not to receive a salary

check 147 - Kline said that no cash was kept in the office

Check 148 - " " " " " " " "

Check 149 - " " that this was not a legitimate expense. Mike Anani was the only paid staff person

check 150 - Kline said this was the first check that weiss wrote on campaign. He came on the campaign 9-48x 4-86. there were no receipts at this time and the check was made payable to himself.

check 151 - Kline said that they paid penny power by check and that huck boyd paid for all the literature except for yard signs. etc

check 152 - didnt know

check 155 - There were no gas or food expenses, we used hucks personnel credit card.

check 157 - might be a legitimate expense the check was made payable to the postmaster general

check 160 - " " " " "

check 161 - paid phone bill

check 167 - didnt know

check 168 - huck boyd paid for the liquor at the hotel liquor store.

check 169 - Kline said that he had a bill for the food that weiss never paid for from the Kof C.

check 170 - didnt know

check 171 - might be legitimate

TOPEKA POLICE DEPARTMENT
TOPEKA, KANSAS 66603
NCIC AGENCY IDENT NO
KS 0890100

Narrative Report

268 CASE STATUS

1 ACTIVE 2 INACTIVE 3 CLEARED

CASE 1 POSITIVE 2 NEGATIVE

EXCEPTIONAL CLEARANCE 1

0 NONE AVAILABLE

3 ADULT

UNFOUNDED

4 JUVENILE

5 ADULT & JUVENILE

278 CASE NO

279 VICTIM

280 OFFENSE

281 DATE OF OFFENSE

282 NARRATIVE

chek 173 - didnt know

check 174 - penny owner was right across the street.

check 175 - this was 5 days before the election and he did not have a reception at the ramada

cekc 177 weiss was not to have anything to do with tv ads.

chekc 178 - kline said that he went alone to this with his mother and she paid all expenses.

he never got cas from weiss

check 179 - weiss did not pay advertising

chekc 183 weiss was not to get a salary or travel expenese.

chekc 186 - tere was not thank you mailing

cehck 187 there was no auditor.

cekc 190 not authorized.

cehk 2 192 was written 17 days after the campaign.

kline said htat on oct 1 he put two names on the campng account. the reason for that was tnat

they didnt trus:

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AFFIDAVIT

Affidavit of Respondent: Kansans for Kline

MUR 2316

State of Kansas

County of Johnson

1. Phillip D. Kline, upon first being duly sworn state as follows:

1. The campaign committee, Kansans for Kline, was organized to promote the election of the affiant, Phillip D. Kline, to the United States Congress.

2. The Kansans for Kline campaign committee is still an operating entity located at 5921 Mastin, Merriam, Kansas 66203.

3. On January 22, 1987, I, on behalf of Kansans for Kline, received notification of the Commission's intention to pursue probable cause investigation regarding a possible violation by the campaign committee, and Major C. Weiss as treasurer, of 2 U.S.C. section 434(a)(2)(A)(i).

4. The previously stated notification is the first notice received by the campaign committee regarding a possible failure to file the 1986 Pre-General Election Report. Prior to such notification Mr. Weiss had repeatedly assured members of the committee all relevant reports had been filed in a timely fashion.

5. Due to Mr. Weiss' assurances, his receipt of all correspondence with the Federal Election Commission prior to January 22, 1987 and the following factual statements: January 22, 1987 is the earliest date the Kansans for Kline campaign committee could have reasonably ascertained the possible reporting violation.

6. On November, 26, 1986 I was alerted to possible irregularities with the campaign account by a creditor's phone call. The creditor, who should have been paid at that date, stated he had not received payment. The same day I contacted bank officials and asked them to begin pulling account records.

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7. Ms. Betty Persing of the Commerce Bank of Topeka contacted me by phone on Friday, November 28, 1986. She indicated that the bank had \$3,800 of "chargebacks" to the campaign account apparently due to improper activity by Mr. Weiss. I instructed Commerce Bank to freeze the account. The same day I contacted Mr. Weiss and informed him I needed all account records in his possession.

8. On Saturday, November 29, 1986 Mr. Bryan Daniel and I met with Ms. Persing at the bank. I was shown checks Mr. Weiss had written to Kansans for Kline on a closed personal account. I instructed bank officials to access all account records to discover if Mr. Weiss' activities were attempts to cover unauthorized withdrawals and/or expenditures. The same day I submitted a change of address form to the United States Postal Service to prevent Mr. Weiss from receiving campaign mail.

9. Without informing Mr. Weiss of recent events, I met with him on Monday, December 1, 1986 in an attempt to acquire all records to the account. I only received partial records due to his reluctance to cooperate. At that time he stated he did not keep a ledger of disbursements for the account and never withdrew funds from the account. Mr. Raleigh VanTrease, my former roommate was present at the meeting.

10. On Tuesday, December 2, 1986, Mr. Weiss failed to attend a scheduled meeting regarding the account.

11. On Friday, December 5, 1986 Mr. McDill "Huck" Boyd and I met with Mr. Larry Carlson of the Commerce Bank. At the meeting I was provided, for the first time, copies of checks authorized by Mr. Weiss for expenditures unrelated to the campaign. Many of these checks were made out to Mr. Weiss as payee. The same day, by phone, Mr. Weiss assured me he would leave all campaign records in his possession in his mailbox for me to pick-up. He failed to do so.

12. Major C. Weiss was the only authorizing signature for Kansans for Kline from September 4, 1986 to September 30, 1986. On October 1, 1986 Mr. Boyd's signature was added to the

32040705091

46

account.

13. In a meeting on December 9, 1986 Mr. Weiss admitted to misappropriating \$8,900 of campaign funds. He stated he intended to make restitution. I removed Mr. Weiss from his position with the campaign committee and appointed Mr. James R. Kline, Jr. as treasurer.

14. From December 11, 1986 to January 14, 1987 repeated attempts to contact Mr. Weiss by phone and in person failed. Messages left on his phone answering device were never returned.

15. On January 9, 1987 Mr. Boyd passed away due to lung cancer.

16. On January 15, 1987 I reached Mr. Weiss through a third party and informed him of my intention to approach the Shawnee County District Attorney's office and to make the matter public. I also informed him of my reasons for taking such action. They were; (1) to insure creditors were payed, (2) to prevent innocent parties from being defamed, and (3) to respect the public's right to know. He, once again, admitted his wrongdoing.

17. At 1:00 p.m. on January 15, 1987 I held a news conference to disclose the irregularities with the campaign account. The same day I met with Mr. David Debenham of the Shawnee County District Attorney's office and Detective Sergeant McLaughlin of the Topeka, Kansas Police Department. All campaign account records in my possession were turned over to them at that time.

18. During Mr. Weiss' term as treasurer he assured members of the committee that all records were in order and that all reports had been filed in a timely fashion.

19. Due to Mr. Weiss' distortion of records, and failure to keep or produce other records, it is impossible for the committee to submit a late Pre-General Election Report. Any attempts to reconstruct account transactions during the reporting period must wait until after the completion of the criminal investigation and Mr. Weiss is compelled to produce relevant information.

39040765092

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20. All information relating to the campaign account clearly indicates that Mr. Weiss, and only Mr. Weiss, is responsible for the unauthorized campaign expenditures and the committee's failure to file.

Phillip D. Kline

Date: _____

NOTARY PUBLIC

STATE OF _____

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed above, and acknowledged to me that he executed the same for the purpose therein expressed.

Sworn and subscribed before me this _____ day of _____, 1987.

(Seal) _____

Notary public in and for _____ County, _____

My commission expires _____

33040705093

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UNAUTHORIZED EXPENDITURES
Kansans for Kline
September 4, 1986 - November 21, 1986

The following checks, drawn on the Kansans For Kline account, appear to be for unauthorized expenditures. This list is not necessarily inclusive due to the unavailability of complete account records.

CHECK NO.	DATE	PAYEE	SIGNOR	AMOUNT
138	9/4/86	Comm.Bk./Cash	Major Weiss	\$ 850.00
143	9/10/86	Comm.Bk./Cash	Major Weiss	500.00
147	9/18/86	Comm.Bk./Cash	Major Weiss	275.00
148	9/10/86	Comm.Bk./Cash	Major Weiss	100.00
149	9/11/86	Eric Simms	Major Weiss	350.00
150	9/15/86	Major Weiss	Major Weiss	1,050.00
151	9/16/86	Major Weiss	Major Weiss	425.00
152	9/16/86	Major Weiss	Major Weiss	75.00
155	9/19/86	Major Weiss	Major Weiss	160.00
157	9/18/86	Comm.Bk./Cash	Major Weiss	45.00
160	10/3/86	Major Weiss	Major Weiss	55.00
161	10/3/86	Harry's IGA	Major Weiss	436.09
167	10/9/86	Major Weiss	Major Weiss	45.00
168	10/10/86	Footie Liq.	Major Weiss	163.77
169	10/15/86	Major Weiss	Major Weiss	225.00
170	10/10/86	Major Weiss	Major Weiss	175.00
171	10/20/86	Major Weiss	Major Weiss	50.00
173	10/10/86	Golden Horseshoe Tavern	Major Weiss	375.00
174	10/28/86	Major Weiss	Major Weiss	30.00
175	10/29/86	Apple Adv.	Major Weiss	346.00
177	10/29/86	Major Weiss	Major Weiss	150.00
178	10/31/86	Major Weiss	Major Weiss	125.00
179	11/3/86	Apple Adv.	Major Weiss	60.00
182	11/3/86	Major Weiss	Major Weiss	450.00
183	11/6/86	Major Weiss	Major Weiss	500.00
186	11/12/86	Major Weiss	Major Weiss	300.00
187	11/10/86	Comm.Bk./Cash	Major Weiss	300.00
190	11/17/86	Major Weiss	Major Weiss	30.00
192	11/21/86	Major Weiss	Major Weiss	600.00
CshW/dwl.	11/19/86	CshW/dwl.	Major Weiss	25.00
CshW/dwl.	11/21/86	CshW/dwl.	Major Weiss	100.00

TOTAL \$ 8,370.86

89040705094

49

KANSANS FOR KLINE
2941
Topeka, Blvd
TOPEKA, KS 66614

PAY TO THE ORDER OF Commerce Bank & Trust
Eight hundred and 50 dollars

Commerce Bank & Trust
TOPEKA KANSAS

FOR Expenses for salary for Major

SEP 4 1986
TELLER 1
\$ 850.00
DOLLARS

SEP 05 1986

000138 10100728 21727 0000085000

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

PAY TO THE ORDER OF Commerce Bank & Trust
Five hundred dollars

Commerce Bank & Trust
TOPEKA KANSAS

FOR Expenses for Salary for Major

PAID 9/10 1986
SEP 10 86
\$ 500.00
DOLLARS

000143 10100728 21727 0000050000

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

PAY TO THE ORDER OF Commerce Bank
Two hundred and 75 dollars

Commerce Bank & Trust
TOPEKA KANSAS

FOR Major

SEP 10 86
\$ 275.00
DOLLARS

000147 10100728 21727 0000027500

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

PAY TO THE ORDER OF Commerce Bank
One hundred and 00 dollars

Commerce Bank & Trust
TOPEKA KANSAS

FOR Major

SEP 11 86
\$ 100.00
DOLLARS

000148 10100728 21727 00000100

32040766095

0000 149 1: 10: 1007 281: 2 1 7 2 7 1 000000 3 5000.

11 000 1 50 11 10 1 100 7 28 11 2 1 7 2 7 1 92 0000 105000

0000151 1:1011007281 217271 0000042500

1100015211 1:1011007281: 1121...727...111 92 1'00000007500.

51

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

155

PAY TO THE ORDER OF Maya Weiss
One hundred and sixty

PAID Sept 19 19 86 44-72
1011
\$ 160.00
DOLLARS

Commerce Bank & Trust
TOPEKA KANSAS

FOR Travel Expenses Reim

SEP 19 1986

000155 101000728 21727 92 0000016000

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

157

PAY TO THE ORDER OF Commerce Bank
Forty five dollar

PAID Sept 18 19 86 44-72
1011
\$ 45.00
DOLLARS

Commerce Bank & Trust
TOPEKA KANSAS

FOR Sept 8 86

SEP 18 1986

000157 101000728 21727 92 0000004500

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

160

PAY TO THE ORDER OF Mrs. C. Weiss
Forty five dollar

PAID Oct 3 19 86 44-72
1011
\$ 55.00
DOLLARS

Commerce Bank & Trust
TOPEKA KANSAS

FOR Reimbursement

OCT 3 1986 #6

000160 101000728 21727 92 0000005500

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

161

PAY TO THE ORDER OF Supt. Harry's #5
Four hundred and thirty six

PAID Oct 3 19 86 44-72
1011
\$ 436.00
DOLLARS

Commerce Bank & Trust
TOPEKA KANSAS

FOR Sept 21 (Munc. Bd.)

OCT 3 1986

000161 101000728 21727 92 0000043600

52

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

167

PAY TO THE ORDER OF Mayor Weiss
Forty Five Dollars

PAID Oct 9 19 86 44-72
1011
\$ 45.00

Commerce Bank & Trust
TOPEKA, KANSAS

FOR Steps more Right to work

92 0000004500

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

168

FOOTER DETAIL HONOR
FOR DEPOSIT

PAY TO THE ORDER OF Charles and Maryanne

PAID 10/10 19 86 44-72
1011
\$ 163.72

Commerce Bank & Trust
TOPEKA, KANSAS

FOR San Marcos Magazine

92 00000016377

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

169

PAY TO THE ORDER OF Mayor C. Weiss
Two hundred and twenty five Dollars

PAID Oct 15 19 86 44-72
1011
\$ 225.00

Commerce Bank & Trust
TOPEKA, KANSAS

FOR Trade Expense for people look ing for
Also Nancy Cassingham Bean Field

92 00000022500

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

170

PAY TO THE ORDER OF Mayor C. Weiss
Seventy Five Dollars

PAID 10/10 19 86 44-72
1011
\$ 75.00

Commerce Bank & Trust
TOPEKA, KANSAS

FOR Steps more Right to work

92 0000007500

53

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

171

PAY TO THE ORDER OF Mary C. Wynn

PAID Oct 20 1986 \$ 50.00

44-72
1011

Commerce Bank & Trust
TOPEKA KANSAS

FOR Golden Horseshoe

000171 101007281 21727 92 0000005000

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

173

PAY TO THE ORDER OF Golden Horseshoe

PAID Oct 14 1986 \$ 37.50

44-72
1011

Commerce Bank & Trust
TOPEKA KANSAS

FOR Golden Horseshoe

000173 101007281 21727 92 0000037500

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

174

PAY TO THE ORDER OF Mason Wynn

PAID Oct 23 1986 \$ 30.00

44-72
1011

Commerce Bank & Trust
TOPEKA KANSAS

FOR Mason Wynn

000174 101007281 21727 92 0000003000

KANSANS FOR KLINE
2955 WANAMAKER DRIVE
TOPEKA, KS 66614

175

PAY TO THE ORDER OF Apple Pie

PAID Oct 23 1986 \$ 34.00

44-72
1011

Commerce Bank & Trust
TOPEKA KANSAS

FOR Apple Pie

000175 101007281 21727 92 0000034000

39040703099



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 11, 1988

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS *MWE*
SECRETARY OF THE COMMISSION

SUBJECT: MUR 2316
Comprehensive Investigative Report #3,
signed August 9, 1988

The above-captioned matter was received in the FEC Secretariat at 9:43 a.m. on August 10, 1988, and circulated to the Commission on a 24-hour no-objection basis at 4:00 p.m. on August 10, 1988.

There were no objections to the report.

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Kansans for Kline and James R.) MUR 2316
Kline, as treasurer; and Major)
C. Weiss)

COMPREHENSIVE INVESTIGATIVE REPORT #3

I. BACKGROUND


This matter was generated by the Reports Analysis Division. On January 9, 1987, the Commission found reason to believe Kansans for Kline ("Kline Committee") and Major C. Weiss, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 Pre-General Election Report in a timely manner. Based on allegations of misappropriation of campaign funds by Major C. Weiss, the Commission found reason to believe Major C. Weiss violated 2 U.S.C. § 432(b)(3) on April 16, 1987. Subsequently, the Commission on May 28, 1987, declined to enter into pre-probable cause conciliation with the Kline Committee pending completion of the Commission's investigation of the matter. On March 24, 1988, the Commission also declined to enter into conciliation with Major C. Weiss prior to a finding of probable cause to believe pending completion of the Commission's investigation of the matter.

On July 25, 1988, the Office of the General Counsel received from Mr. Kline information concerning his allegation of misappropriation of campaign funds by Mr. Weiss. Included in the materials submitted by Mr. Kline were transcripts and tapes of conversations with Mr. Weiss, copies of the Topeka Police Department's investigation, and photocopies of alleged unauthorized drafts by Major C. Weiss. Upon review of this

information by this Office, a report will be circulated to the Commission with appropriate recommendations.

Lawrence M. Noble
General Counsel

Date 8/9/88

By: 
Lois G. Lerner
Associate General Counsel

Staff Person: Deborah Curry

32040705172

CURRY
QCC#142
(MUR 2316)

**U.S. Bankruptcy Court - District of Kansas
TOPEKA DIVISION**

In Re a Petition for Relief under Chapter 13 of Title 11, U.S. Code, filed by or against the below-named Debtor(s) on August 11, 1988:

DEBTOR : MAJOR CHARLES WEISS, JR. of 1103 W. 19th, Lawrence, KS
66044, aka/dba ESSI, SSAN:511-74-5769

JT. DEBTOR: DEBORAH JODEANE WEISS, aka/dba Deborah Jodeane Lawson,
SSAN: 511-82-7875

FILED

CASE NO. 88-41028 -13

AUG 12 1988

RUSSELL L. BRENNER, Clerk
U.S. COURT OF BANKRUPTCY

Creditors: File your claims NOW.
Claims not filed by claims bar
date generally are not allowed.
Bar date is January 2, 1989.

By J. M. Harper **ORDER FOR AND NOTICE OF MEETING OF CREDITORS AND AUTOMATIC STAY**
ATTY FOR DEBTOR: Jerry L. Harper, P. O. Box 1000, Lawrence, KS 66044

Phone: 913-749-0117

TRUSTEE: Lloyd C. Swartz, P. O. Box 3527, Topeka, KS 66601

PHONE: 913-234-1551

ITEM NO. 1 - §341(a) MEETING DATE: October 3, 1988 at 11:00 AM in Room
303, U. S. Post Office Building, 5th & Kansas, Topeka, KS
66603

ITEM NO. 2 - FILING DEADLINE FOR §523(c)/§727 COMPLAINTS: Not applicable.

ITEM NO. 3 - CONFIRMATION HEARING: October 25, 1988 at 9:00 AM in Room
492 Federal Building, 444 SE Quincy, Topeka, KS 66683

IT IS ORDERED AND NOTICE IS HEREBY GIVEN THAT:

A meeting of creditors pursuant to 11 U.S.C. §341(a) shall be held at the time and place specified in ITEM NO. 1 above at which time creditors may examine the debtor and file claims.

The debtor [and joint debtor, if any] and attorney for debtor(s) shall appear at the §341(a) meeting.

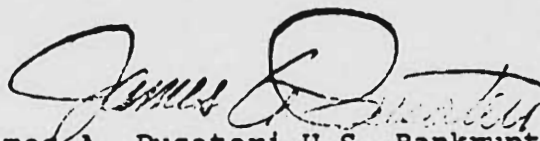
Failure of the debtor or debtor's attorney to appear at the §341(a) meeting or to timely file Chapter 13 statement and plan may result in dismissal.

All proofs of claims with supporting documentation shall be filed by the claims bar date listed above. Secured claims should be filed prior to the §341(a) meeting date in ITEM NO. 1 above. Claims shall be filed in duplicate with the Clerk of U.S. Bankruptcy Court 444 SE Quincy, Rm. 280, Topeka, KS 66683.

Unless the court extends the time, any objection to the debtor's claim of exempt property (Schedule B-4) must be filed within 30 days after the conclusion of the above scheduled meeting of creditors, or within 30 from any amendment to the list of exempt property.

A hearing on confirmation of the plan will be held at the date and time specified in ITEM NO. 3 above. Objections to the plan shall be filed 15 days before the hearing scheduled in ITEM NO. 3 above. During this confirmation hearing, the court will consider objections to confirmation of the plan and debtor's attorney's claim for fees as well as conversion or dismissal of this case on request made before or at the hearing by any party in interest.

Upon filing of this petition, certain acts and proceedings against the debtor, co-debtor(s), and the estate are stayed. See 11 U.S.C. §362(a) and §1301.



James A. Pusateri, U.S. Bankruptcy Judge

Dated: August 12, 1988

Total Debts: \$59,337.00

Scheduled payments to Trustee: \$300.00 each month

80

68 AUG 17 PM 12:11

United States Bankruptcy Court
District of Kansas

IN RE:

WEISS, MAJOR CHARLES
WEISS, DEBORAH JODEANE

Case No.

Debtor.

CHAPTER 13 DEBTOR'S PLAN

The debtor submits all or such portion of his future income to the control of the trustee as is, or may be necessary for the execution of the plan. The debtor or the debtor's employer shall pay to the trustee the sum of \$ 300.00 each month to be distributed by the trustee under the plan.

Payments to the trustee shall be made in installments conforming to the debtor's pay periods over a period of not longer than 5 years from the date of confirmation of the plan in such amounts as may be required to provide for the payment of all costs of administration, the payment in full of all claims entitled to priority as defined in 11 U.S.C. 507, the present value of all allowed secured claims and an amount not less than 0 % to each allowed unsecured claim.

The debtor's total payments to the trustee under the plan shall not be less than \$ 10800.00
(Total number of payments times amount of each payment)

After the payment of costs of administration as provided by order of the court, the moneys paid to the trustee shall be distributed as indicated on the attached Schedule of Debts as follows:

1. All claims entitled to priority under 11 U.S.C. 507 shall be paid in full in deferred cash payments as required by 11 U.S.C. 1322(a)(2) in the manner indicated on the attached Schedule of Debts.

2. With respect to each allowed secured claim (unless the creditor has accepted different treatment of its claim or the debtor proposes to surrender the property securing the claim):

(a) the holder of each such claim shall retain the lien securing such claim, and

(b) the holder of such claim shall be paid cash in such amounts as to have a value, as of the effective date of the plan, that is not less than the allowed amount of such claim, (as that amount may be finally determined).

Unless otherwise specifically noted on the attached Schedule of Debts the plan does not propose that the debtor surrender any property to the holders of secured claims.

Special treatment for individual creditors including specific or fixed monthly payments, if any, are noted on the attached Schedule of Debts opposite the name and address of the creditor or creditors affected. All unsecured creditors shall be paid in a manner that provides the same treatment for each claim within a particular class. The amount to be distributed to each unsecured creditor under the plan shall not be less than the value (as of the effective date of the plan) of the amount, if any, that would be paid such claim if the estate of the debtor were to be liquidated under chapter 7 of Title 11 of the United States Code.

The attached "Schedule of Debts" together with all remarks and other notations thereon is incorporated in and made a part of this plan.

[Special treatment, if any, provided for individual creditors, i.e., a specific monthly payment, different compromise (forgive) percentage, priority of payment or interest to be paid, should be noted in the "Remarks" section of the affected creditor's block of space.]

Executed on

8/8/88

Deborah J. Weiss
Debtor(s)
Major C. Weiss

United States Bankruptcy Court

88 SEP 12 AM 11:33

For the _____ District of _____ Kansas

- Mr 2316

In re

WEISS, MAJOR CHARLES JR.
WEISS, DEBORAH JORDEANE

Case No. 88-41028-13

Debtor*

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Notice is hereby given that: A MODIFICATION OF PLAN BEFORE CONFIRMATION
was filed by the debtor on September 8, 1988

(COPY ATTACHED ~~xxx PROPOSING THE FOLLOWING xxx~~ - See back of this page)

The Honorable James A. Pusateri, Bankruptcy Judge, has directed that all
creditors be noticed concerning this modification.

YOU ARE FURTHER NOTIFIED that all creditors have 20 days from this date
September 8, 1988 to file written objection thereto. If no objection
is filed, an ex parte order will be entered.

If an objection is filed by October 10, 1988, an evidentiary
hearing will be scheduled before the Court of Bankruptcy, 492 Federal
Building, 444 SE Quincy, Topeka, Kansas, 66683 on October 25, 1988, at 9 a.m.

DATED AT TOPEKA, KANSAS this 8th day of September, 19 88.

CERTIFICATE OF MAILING

I hereby certify a true copy of the foregoing Notice was sent by U.S. Mail
to Debtor (s), Interim Trustee, U.S. Trustee, U.S. Attorney, I.R.S., scheduled
creditors, and all other parties in interest of record.

By: _____

JERRY L. HARPER, Attorney for Debtors
P.O. Box 1000
Lawrence, KS 66044
913/749-0123

Date of issuance: September 8, 1988

88 SEP 12 PM 2:09

RECEIVED
FEDERAL ELECTION COMMISSION

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS

IN RE:

WEISS, MAJOR CHARLES JR.)
WEISS, DEBORAH JORDEANE)
_____)

In Proceedings
For A Plan
Under Ch. 13

Case 88-41028-13

FIRST AMENDED CHAPTER 13 PLAN

The debtors with counsel hereby amend their Chapter 13 Plan as follows:

1. The debtors will pay within the plan a special class of creditors consisting of those creditors with non-dischargeable debts under the provisions of Sec. 523(a)(2) of the U.S. Bankruptcy Code.

2. Debtors believe that the creditors in the 523(a)(2) class are Lawrence National Bank, ADC KU Federal Credit Union, and Larry Sinks.

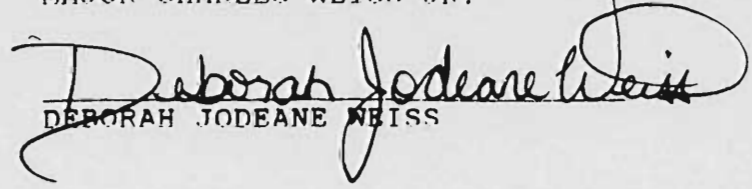
3. The debtors will pay within the plan a special class of creditors consisting of post-petition creditors.

4. Debtors believe that the creditors in the post-petition class are Jerry L. Harper and Michael Hickman.

5. The plan, as originally filed and except as changed by this amendment, shall remain the same.



MAJOR CHARLES WEISS JR.



DEBORAH JODEANE WEISS

United States Bankruptcy Court 88 SEP 12 AM 11:33
For the _____ District of Kansas - Am 2316

In re

WEISS, MAJOR CHARLES JR.
WEISS, DEBORAH JORDEANE

Case No. 88-41028-13

Debtor*

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(COPY ATTACHED ~~xxxPROPOSING THE FOLLOWINGxxx~~ - See back of this page)

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I hereby certify a true copy of the foregoing Notice was sent by U.S. Mail
to Debtor (s), Interim Trustee, U.S. Trustee, U.S. Attorney, I.R.S., scheduled
creditors, and all other parties in interest of record.

By: Jerry L. Harper

JERRY L. HARPER, Attorney for Debtors
P.O. Box 1000
Lawrence, KS 66044
913/749-0123

Date of issuance: September 8, 1988

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS

IN RE:

WEISS, MAJOR CHARLES JR.)
WEISS, DEBORAH JORDEANE)
_____)

In Proceedings
For A Plan
Under Ch. 13

Case 88-41028-13

FIRST AMENDED CHAPTER 13 PLAN

The debtors with counsel hereby amend their Chapter 13 Plan as follows:

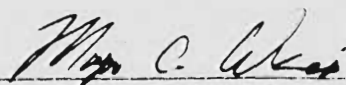
1. The debtors will pay within the plan a special class of creditors consisting of those creditors with non-dischargeable debts under the provisions of Sec. 523(a)(2) of the U.S. Bankruptcy Code.

2. Debtors believe that the creditors in the 523(a)(2) class are Lawrence National Bank, ADC KU Federal Credit Union, and Larry Sinks.

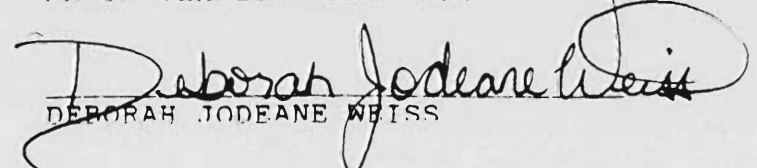
3. The debtors will pay within the plan a special class of creditors consisting of post-petition creditors.

4. Debtors believe that the creditors in the post-petition class are Jerry L. Harper and Michael Hickman.

5. The plan, as originally filed and except as changed by this amendment, shall remain the same.



MAJOR CHARLES WEISS JR.



DEBORAH JODEANE WEISS

BEFORE THE FEDERAL ELECTION COMMISSION

88 NOV 16 AM 10:07

In the Matter of)
)
Kansans for Kline and James R.) MUR 2316
Kline, Jr., as treasurer;)
and Major C. Weiss)

EXECUTIVE SESSION

SENSITIVE

DEC 01 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated by the Reports Analysis Division. On January 9, 1987, the Commission found reason to believe Kansans for Kline ("Kline Committee") and Major C. Weiss, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 Pre-General Election Report in a timely manner. Based on allegations of misappropriation of campaign funds by Major C. Weiss, the Commission found reason to believe Major C. Weiss violated 2 U.S.C. § 432(b)(3) on April 9, 1987. Subsequently, the Commission on May 28, 1987, declined to enter into pre-probable cause conciliation with the Kline Committee pending completion of the Commission's investigation of the matter.

Attempts to effect delivery of the notification of reason to believe on Mr. Weiss were unsuccessful due to incorrect addresses and a recent move by the Respondent. Upon locating Mr. Weiss at a new address in Kansas, the Office of General Counsel sent out a duplicate original notification of reason to believe to Mr. Weiss in July 1987. On September 2, 1987, the Office of General Counsel received a letter from an attorney on behalf of Mr. Weiss requesting pre-probable cause conciliation. No designation of Counsel was filed by Mr. Weiss, however, until September 15, 1987. Subsequently, Counsel for Mr. Weiss requested an extension

of time to answer the reason to believe notification. On October 2, 1987, a response to the notification of reason to believe was filed by Respondent Weiss.

Since it appeared that a criminal investigation was being conducted with regard to Mr. Weiss, this Office contacted the District Attorney's Office in November of 1987. David Debenham, a Kansas Assistant District Attorney, confirmed by telephone conversation and later correspondence in December 1987 that criminal charges had been filed against Mr. Weiss with regard to his tenure as treasurer of Kansans for Kline. Thereafter, on March 24, 1988, the Commission also declined to enter into conciliation with Major C. Weiss prior to a finding of probable cause to believe pending completion of the Commission's investigation of the matter.

In furtherance of its investigation the Commission approved a letter to Gene Olander, the District Attorney of the Kansas Third Judicial Circuit, so that documents relating to this matter could be sent to the Commission as soon as they became available. On April 18, 1988, this Office received a response from Mr. Olander outlining Mr. Weiss' plea to counts of theft and forgery. (Attachment 1). Mr. Olander indicated in the letter that sentencing was set for April 29, 1988, and upon sentencing the campaign records would be returned to the Kline Committee. On May 12, 1988, this Office received another letter from Mr. Olander detailing the sentencing of Mr. Weiss. (Attachment 2).

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Finally on July 25, 1988, the Office of the General Counsel received from Mr. Kline information concerning his allegation of misappropriation of campaign funds by Mr. Weiss. Included in the materials submitted by Mr. Kline were transcripts and tapes of conversations with Mr. Weiss, copies of the Topeka Police Department's investigation, and photocopies of alleged unauthorized checks by Major C. Weiss. (Attachment 3).

II. ANALYSIS

A. Kansans for Kline Committee

1. Reporting Requirements Under 2 U.S.C. § 434(a)

2 U.S.C. § 434(a)(2)(A)(i) states, among other things, that the treasurer of the principal campaign committee of a candidate must file a pre-election report no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the candidate seeks election or nomination for election. 11 C.F.R. § 104.5(a)(1)(i)(A).

The 12 Day Pre-General Report was due October 23, 1986. The Kline Committee failed to file the 1986 12 Day Pre-General Election Report by the required filing date and to date no 12 Day Pre-General Election Report has been filed by the Kline Committee.

The failure to file the 1986 12 Day Pre-General Report by the Committee has never been in dispute. The Kline Committee admits that the 12 Day Pre-General Election Report was not filed by the required due date. Therefore, it appears that a violation of 2 U.S.C. § 434(a)(2)(A)(i) did occur with respect to the non-filed report.

The Kline Committee has asserted that they were unable to file the 12 Day Pre-General Election Report because of incomplete campaign records due to Mr. Weiss' alleged misappropriation of campaign funds and because records relating to the campaign were in the hands of the district attorney prosecuting the matter. (See General Counsels Report dated April 6, 1987 and Attachment 3, pages 44-47).

On January 31, 1986, the Kline Committee did file their 1986 Year End Report covering November 25, 1986 through December 31, 1986. According to notations on the report and the letter accompanying the report, the Kline Committee indicates that the filing was accurate and complete insofar as the records available to them and that some information was unknown due to lack of records.

Although the alleged misappropriation by Mr. Weiss and the holding of campaign records by the district attorney does not negate the reporting violation in question, the overall record demonstrates that the Kline Committee made reasonable responses under exigent circumstances to disclose the reporting information required under the Act.

According to the Kline Committee, Mr. Weiss had repeatedly assured the Committee that relevant reports were being filed in a timely fashion. The Kline Committee maintains that it wasn't until January 22, 1987, when the notification of reason to believe was sent to the Kline Committee, (after Mr. Weiss had been replaced as treasurer), that the Committee became aware of the non-filed reports. The Kline Committee notes that as soon as the Kline Committee became aware of banking irregularities

(November 1986) they contacted the bank to start pulling records of the accounts. Upon learning of the improper activities of Mr. Weiss, the bank account was frozen and Mr. Weiss was contacted about returning campaign records. Mr. Weiss failed on several occasions to deliver the campaign records to Mr. Kline. Moreover, in December of 1987, Mr. Kline received only partial campaign records from Mr. Weiss when he was fired as treasurer.

The evidence in this matter, therefore, indicates that the Kline Committee made numerous attempts to obtain the campaign records, but in the end only partial records were available to it. Subsequently, on January 15, 1987, Mr. Kline filed reports with the police and district attorney in Kansas with regard to the alleged misappropriation of funds by Mr. Weiss. As a consequence, campaign records were submitted to and kept by those entities until the completion of their investigation 15 months later.

Thus, it appears that the unusual sequence of events in this matter contributed significantly to the Kline Committee's failure to file the required 12 Day Pre-General Report. As detailed below, it is the view of this Office that these circumstances should be considered in mitigation of the civil penalty.

2. Discussion of Conciliation Provisions and Civil Penalty

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The record demonstrates that campaign funds were misappropriated by Mr. Weiss (as discussed below). Moreover, the partial campaign records received by the Kline Committee remained in the hands of law enforcement authorities and were not available to the Kline Committee until recently.^{1/} The Kline Committee, however, has failed to file their 1987 Year End Report and their 1988 Mid-Year.^{2/} Thus, the

. Moreover, the conciliation agreement

^{1/} The 1986 Year End Report filed by the Committee on January 31, 1987, in all likelihood discloses all of the financial activity of the Kline Committee campaign during the pre-primary reporting period since, due to the alleged misappropriation, bills were not paid and the money went directly to Mr. Weiss. According to the 1986 Year End Report, the Kline Committee experienced a shortfall (\$3,568.01) in funds due to the alleged misappropriation of funds by Mr. Weiss.

^{2/} The last report filed by the Kline Committee was the 1987 Mid-Year Report. The 1987 Mid-Year Report (11/1/87 - 6/30/87) shows \$0 in receipts; 487.88 in operating expenditures; \$2,111.70 in debts and obligations and; a cash on hand balance of \$527.77.

requires that the Kline Committee file all outstanding reports.^{3/}

B. Major C. Weiss

**1. Commingling of Campaign Funds and Personal Funds
under 2 U.S.C. § 432(b)(3)**

Pursuant to 2 U.S.C. § 432(b)(3), "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual."

11 C.F.R. § 102.15. The Kline Committee has alleged that Mr. Weiss misappropriated \$8,900 in campaign funds. Based on this allegation, the Commission found reason to believe Mr. Weiss violated 2 U.S.C. § 432(b)(3) and conducted an investigation of the alleged violation. Mr. Weiss on the other hand, has maintained that he did not commingle campaign funds with his personal funds. Nonetheless, the evidence in this matter indicates that Mr. Weiss did in fact commingle campaign funds with his personal funds, and that he did so in a knowing and willful manner.

Based on the affidavits of David B. Debenham (Assistant District Attorney), Phillip Kline, Police Reports, copies of unauthorized checks, the plea bargain and journal entry in this matter, the facts appear to be the following. (See Attachments 1-3). Mr. Weiss became treasurer of the Kline Committee in September 1986 and, as such, it was his duty to keep track of campaign funds, make deposits of money received and pay bills

^{3/} The Office of the General Counsel notes, however, that a full and accurate 12 Day Pre-General Election Report may never be possible due to the circumstances in this matter.

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when due. On October 1, 1986, Mr. Kline changed the checking account to add one Huck Boyd as co-signer.^{4/} Therefore, all subsequent checks would require the signatures of both Mr. Weiss and Mr. Boyd to be valid.

On November 28, 1986, Mr. Kline was contacted by the bank with regard to certain irregularities in the Kline account apparently due to improper activity by Mr. Weiss. On that same day the Kline Committee account was frozen. On November 29, 1986, Mr. Kline met with bank officials and was shown checks drawn by Mr. Weiss on a closed personal account in his name with the Kline Committee, as payee.

On December 5, 1986, Mr. Kline again met with bank officials and was provided with checks from September 4, 1986, though November 21, 1986, signed by Mr. Weiss for expenditures that in most cases appeared to be unrelated to the Kline campaign. Many of the checks that were made out to Mr. Weiss, as payee, were written after October 1, 1986, and contained only Mr. Weiss' signature as maker. Furthermore, it appears that on at least two occasions Mr. Weiss received cash back from deposits. The total

^{4/} Apparently, after Mr. Weiss became treasurer of the Kline Committee, Mr. Kline became suspicious of him and added Mr. Boyd's name to the account for security reasons. The police report notes two incidents that may have aroused his suspicions. (Attachment 3, page 31).

amount of apparent unauthorized expenditures appears to be approximately \$8,000.^{5/}

During November 1986 Mr. Weiss deposited into the Kline Account three checks for \$900, \$950 and \$500. The three checks were signed Sally Joiner, as maker. All three checks were drawn on the Independence State Bank, used starter checks and were written in the name of Sally Joiner as account holder. Police investigation revealed that the account number on the starter checks was actually the personal account number of Mrs. B. E. Newell until she died in 1978 and then Melvin A. Newell until he died in 1983. Therefore, the above-mentioned checks deposited in the Kline Committee account by Mr. Weiss were drawn on the closed account of deceased persons.^{6/}

It appears that as part of a scheme to misappropriate funds of the Kline Campaign, Mr. Weiss made numerous checks out to himself as payee even after two signatures were required for the checks to be valid. Additionally, to cover for the shortfall of funds in the Kline account because of Mr. Weiss's apparent misappropriation of campaign funds, Mr. Weiss wrote checks to the

^{5/} Due to the alleged misappropriation and incomplete records only an approximate figure can be established.

^{6/} Mr. Weiss later admitted to the police that he wrote the checks and that the names Sally and Harry Joiner were a "figment of his imagination." Mr. Weiss explained to the police that he got the starter checks from some old papers his father had lying around.

Kline Committee account on his own closed personal account as well as the closed account of two other deceased persons.^{7/}

Mr. Weiss has argued that the checks written on the Kline Account were for legitimate campaign expenses. Mr. Weiss contends that the checks written were for either funds due him as compensation^{8/} or as an advance for campaign related expenses. Mr. Weiss has pointed out that every check carried a notation as to its purpose. Mr. Weiss claims that checks were made payable to him because that was more acceptable to the businesses where the campaign expenses were incurred. Mr. Weiss has also asserted that he signed checks in his name only because the co-signer, Mr. Boyd lived several miles away. (See Affidavit of Mr. Weiss, General Counsel's Report dated March 21, 1988.).

While most of the checks carry a notation of purpose on them, the checks appear to have been cashed and used for purposes other than the purpose described on their face. The evidence indicates that many of the campaign bills were not paid, that purchases were not made, events described on the checks never happened, and that in most instances, when legitimate bills

^{7/} Moreover, based on the foregoing, Mr. Weiss pleaded no contest to one count of theft and one count of forgery in criminal proceedings in Kansas. As part of the plea bargain he was placed on four years probation and ordered to make restitution.

^{8/} With regard to salary issue, Mr. Weiss indicated that he was to get 5-10% of the contributions received by the campaign as a salary. Mr. Kline disputes this, stating that he was to receive no compensation. Mr. Weiss indicates, however, that around the end of September he was notified he could not be paid. Nevertheless, Mr. Weiss admits paying himself and another worker by mistake after this time period.

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were incurred checks were made out to the vendor directly.^{9/} Additionally, it is seems unlikely that the campaign would have to be conducted on a cash only basis, especially in the light of the significant amount of money involved. Moreover, as noted, supra, many of the checks were not properly authorized because the Kline Committee required two signatures on checks to be valid.

It appears, therefore, that Mr. Weiss' notation of a purpose on the checks was merely a ruse in furtherance of his scheme to misappropriate the funds of the Kline Committee. Since most of the checks drawn on the Kline account went directly to Mr. Weiss as payee and were not made payable to specific creditors, it appears that Mr. Weiss commingled campaign funds with his own funds. Furthermore, the evidence demonstrates that Mr. Weiss' actions were conducted in a knowing and willful manner.

2. Discussion of Conciliation Provision and Civil Penalty

^{9/} This was not always the case, one check drawn on the Kline Committee account with Golden Horseshoe Tavern as payee, was used to pay for Mr. Weiss' bar tab, not a legitimate campaign expense.

appropriate in light of the amount and seriousness of the violation and reflects the knowing and willfull commission of the violation at the issue.

III. RECOMMENDATIONS

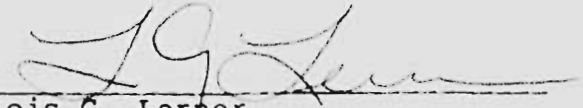
1. Enter into conciliation with Kansans for Kline and James R. Kline, Jr., as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed Conciliation Agreement and letter to Kansans for Kline and James R. Kline, Jr., as treasurer.
3. Enter into conciliation with Major C. Weiss prior to a finding of probable cause to believe.
4. Approve the attached proposed Conciliation Agreement and Letter to Mr. Weiss.

Lawrence M. Noble
General Counsel

0040705120
Date

11/15/88

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response of District Attorney
2. Supplemental Response of District Attorney
3. Kline Campaign Documents
4. Proposed Conciliation Agreement and Letter to Kansans
5. Proposed Conciliation Agreement and Letter to Weiss

Staff Member: Deborah Curry



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN *Jm*
COMMISSION SECRETARY

DATE: NOVEMBER 21, 1988

SUBJECT: OBJECTION TO MUR 2316 - General Counsel's Report
Signed November 15, 1988

The above-captioned document was circulated to the
Commission on Wednesday, November 16, 1988 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s)
as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____X_____

This matter will be placed on the meeting agenda
for December 1, 1988.

Please notify us who will represent your Division before the
Commission on this matter.

33704703122

In the Matter of)
)
Kansans for Kline and James R.) MUR 2316
Kline, Jr., as treasurer;)
Major C. Weiss)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 30, 1988, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 2316:

1. Enter into conciliation with Kansas for Kline and James R. Kline, Jr., as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed Conciliation Agreement and letter to Kansas for Kline and James R. Kline, Jr., as treasurer, as recommended in the General Counsel's report dated November 15, 1988.
3. Enter into conciliation with Major C. Weiss prior to a finding of probable cause to believe.
4. Approve the proposed Conciliation Agreement and letter to Mr. Weiss as recommended in the General Counsel's report dated November 15, 1988.

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

Attest:

Marjorie W. Emmons
Secretary of the Commission

12/2/88
Date



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

December 16, 1988

Jerry L. Harper, Esquire
P.O. Box 1000
Lawrence, Kansas 66044

RE: MUR 2316
Major C. Weiss

Dear Mr. Harper:

On April 9, 1987, the Federal Election Commission found reason to believe that Major C. Weiss violated 2 U.S.C. § 432(b)(3). At your request, on November 30, 1988, the Commission determined to enter into negotiations directed toward 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. 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 Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BV: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

8 2 0 4 0 7 6 5 1 2 3



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

December 16, 1988

Phillip Kline
Kansans for Kline
5921 Mastin
Meriam, Kansas 66203

RE: MUR 2316
Kansans for Kline and James R.
Kline, Jr., as treasurer

Dear Mr. Kline:

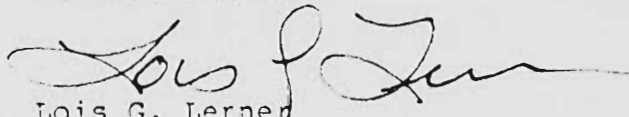
On January 9, 1987, the Federal Election Commission found reason to believe that Kansans for Kline and James R. Kline, Jr., as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i). At your request, on November 30, 1988, the Commission determined to enter into negotiations directed toward reaching a conciliation 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. 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 you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

HARPER LAW OFFICES

1101 MASSACHUSETTS - SUITE 201
P O BOX 1000
LAWRENCE KANSAS 66044

RECEIVED
FEDERAL MAIL ROOM

88 DEC 27 AM 9:33

TELEPHONE
913 749 0123

December 23, 1988

Deborah Curry, Attorney
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2316
Major C. Weiss

Dear Ms. Curry:

I received the letter from the F.E.C., dated December 16, 1988 yesterday, in which it is stated that the Commission has determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed with that letter was a conciliation agreement, which I have reviewed.

In responding, I feel it is important to provide the Commission with some background information relevant to this matter.

First, let me note that Major is Mr. Weiss' name and not his rank. He is a relatively young man in his mid-20s with a wife & two small children (ages 3 and 1).

In January of 1988, Mr. Weiss entered Charter Hospital of Overland Park (a psychiatric hospital in a Kansas City suburb). He was an in-patient there until approximately May 1, 1988, and continues out-patient treatment for his psychiatric problems today.

It was only through this process of treatment that the extent of his problems became clear to him, to his family and to me. With this new understanding and an improving ability to cope with life, Mr. Weiss has set about putting his life back in order.

It has not been an easy process.

On March 30, 1988, he was transported from the hospital to Shawnee County District Court in Topeka, Kansas, where he entered a plea to one count of felony theft and one count of felony forgery. He was subsequently granted probation and ordered to make restitution payments of approximately \$8,000. About \$4,500 is to be paid to Commerce Bank for forged checks and about \$3,500 is to be paid to Phil Kline as reimbursement for campaign funds misappropriated. Enclosed is the Journal Entry in that case.

88 DEC 27 PM 2:45

FEC/Weiss

Page 2

On August 11, 1988, Mr. Weiss and his wife filed bankruptcy under the provisions of Chapter 13 of the Bankruptcy Code. (The FEC was listed as a possible creditor.) I have enclosed a copy of the petition and supporting schedules from the bankruptcy case.

I believe you can determine from a review of the bankruptcy pleadings that Mr. Weiss is in an extremely difficult financial situation.

Mr. Weiss is presently making monthly payments through the Chapter 13 Plan of \$300 and additionally paying restitution directly to the court in the criminal case.

Fortunately, Mr. Weiss has been able to obtain a job. He is doing well physically and mentally. But it will take a good deal of courage on his part and a lot of help from his family and physicians to get him through the next few years.

He has very few assets. The only car for the family is 16 years old. Their household furnishing are extremely modest.

Mr. Weiss remains willing to cooperate with you in any way that you want -- including answering questions about how other persons in the campaign dealt with financial matters.

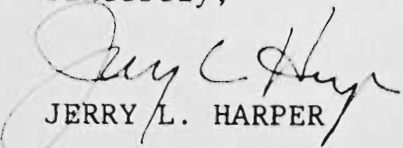
I do note that this is supposed to be resolved in 30 days. That will be a difficult task with the holidays. I will be out of the office between Christmas and New Years. However, I will contact you in January (if I have not heard back

FEC/Weiss
Page 3

from you.

Your assistance and advice in resolving this matter is most appreciated by my client. He is very anxious to resolve this one remaining matter on his way to putting his life back on some sort of even keel.

Sincerely,



JERRY L. HARPER

JLH:fh
Enclosures

1234567890

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
SECOND DIVISION

STATE OF KANSAS

PLAINTIFF

vs.

87-CR-2389

MAJOR C. WEISS, JR.

DEFENDANT

JOURNAL ENTRY

Now on this 30th day of November, 1987, the above-entitled matter comes on for hearing in the Fourth Division of the Shawnee County District Court, the Honorable Adrian J. Allen presiding. The State appears by David B. Debenham, Assistant District Attorney. The defendant appears in person and by Jerry Harper, his attorney. Thereupon, the defendant waives his right to a preliminary hearing. After due inquiry, the Court finds the waiver is freely, voluntarily, and intelligently made with the advise and assistance of counsel. The defendant is bound over to the District Court for trial. Thereupon, the defendant waives a formal arraignment and reading of the complaint and enters a plea of not guilty. The matter is continued for trial.

Now on this 30th day of March, 1988, the above-entitled matter comes on for plea in the First Division of the Shawnee County District Court, the Honorable William R. Carpenter presiding. The State appears by Sue Carpenter, Assistant District Attorney. The defendant appears in person and by Jerry Harper, his attorney. Thereupon, the State dismisses Counts 3 through 5. Thereafter, the defendant enters a plea of no contest to Count 1, Theft pursuant to K.S.A. 21-3701, Penalty Section 21-4501(e), and to Count 2, Forgery pursuant to K.S.A. 21-3710, Penalty Section 21-4501(e). After due inquiry, the Court finds the plea is freely, voluntarily, and intelligently made and a factual basis exists for the same. The Court accepts the plea and adjudges the defendant guilty. A presentence investigation is ordered and the matter is continued for sentencing.

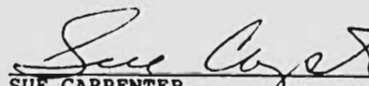
87040765128

Now on this 29th day of [REDACTED], 1988, the above-entitled matter comes on for sentencing in the Second Division of the Shawnee County District Court, the Honorable Fred S. Jackson presiding. The State appears by Sue Carpenter, Assistant District Attorney. The defendant appears in person and by Jerry Harper, his attorney. Thereupon, allocution is had and the Court places the defendant on four (4) years supervised probation under the usual terms and the following special conditions:

- 1) pay court costs of \$119.00 and probation fee of \$50.00
 - 2) pay restitution of \$7,890.00 to be distributed to:
 - a) Commerce Bank & Trust \$4,540.86
31st and Topeka
Topeka, Kansas 66611
 - b) Phil Kline \$3,349.14
40 Corporate Woods, Suite 210
9401 Indian Creed Parkway
P.O. Box 25388
Overland Park, Kansas 66225
 - 3) complete and follow up with treatment
 - 4) cooperate with court services
- IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT
SECOND DIVISION

APPROVED BY:


SUE CARPENTER
Assistant District Attorney

JERRY HARPER
Attorney for Defendant

99040763122

119
7890
8009

**United States Bankruptcy Court
District of Kansas**

**FILED
US COURT OF BANKRUPTCY
DISTRICT OF KANSAS**

IN RE (If a joint petition use both names.)

NAME WEISS, MAJOR CHARLES JR.

511-74-5769

AUG 11 9 03 AM '88

NAME WEISS, DEBORAH JODEANE

510-82-7875

RUSSELL L. BRENNER
CLERK

POST OFFICE ADDRESS 1103 W. 19th
Lawrence, KS 66044

COUNTY OF RESIDENCE Douglas

NATURE OF DEBTORS BUSINESS sales AT TOPEKA

Other names used by the debtor(s) within the past 6 years

Deborah Jodeane Lawson

88-41028-13

VOLUNTARY CASE: DEBTOR'S PETITION

- The debtor is ☐ an individual, ☒ a husband and wife as joint individuals, ☐ a partnership, ☐ a corporation. (check one) that is not a domestic or foreign insurance company, bank, saving bank, cooperative bank, savings and loan association, building and loan association, homestead association or credit union. The debtor's domicile, residence, principal place of business, or principal asset in the United States (or one of them) is, or has been, in this district for a longer portion of the preceding 180 days than in any other district.
- Attached, made a part hereof by reference and verified by the oath below, are schedules of the debtor's debts, assets and a statement of affairs as required by law. The obligations, assets and exemptions are summarized as follows:

PRIORITY DEBTS	SECURED DEBTS	UNSECURED DEBTS	TOTAL DEBTS	NUMBER OF SCHEDULED CREDITORS
\$ 5315.34	\$?	\$ 54921.47	\$ 59336.81	43

Total assets scheduled \$ 7705

Exemptions claimed \$ 7200

- The debtor is qualified for relief pursuant to the provisions of chapter 13 of Title 11 of the United States Code. (If appropriate) A copy of petitioner's proposed plan, dated 8/8/88 is attached (or Petitioner intends to file a plan pursuant to chapter 11 [or chapter 13] of title 11, United States Code).
- (If relief is requested under Chapter 13) Petitioner is an individual, not a stockbroker or a commodity broker, whose income is sufficiently stable to enable your petitioner to make payments under Chapter 13 of Title 11 U.S.C., who owes noncontingent, liquidated, unsecured debts aggregating less than \$100,000.00 and noncontingent, liquidated, secured debts of less than \$350,000.00. The petitioner submits all, or such portion of his future earnings or other future income to the control of the trustee as is necessary for the execution of the plan. The petitioner or an employer shall pay to the trustee the sum of \$ 300.00 each month to be distributed pursuant to this plan.

- (If relief is requested under Chapter 7 and petitioner is an individual whose debts are primarily consumer debts) Petitioner is aware that he (or she) may proceed under Chapter 7 or 13 of Title 11 U.S.C., understands the relief available under each such chapter and chooses to proceed under Chapter 7 of such Title. (If petitioner is a corporation) Exhibit "A" is attached to and made part of this petition.

Wherefore, your debtor pays for relief under the provisions of chapter (7, 11, 13) 13.

**CERTIFICATION OF PETITION AND OF SCHEDULES OF DEBTS AND OF PROPERTY AND OF THE
STATEMENT OF AFFAIRS ATTACHED TO THIS PETITION.**

The undersigned Major Charles Weiss Jr. and Deborah Jodeane Weiss certifies (debtor, or if not the debtor state title and authority to act for the debtor) under penalties of perjury, that I have read (1) the foregoing Petition, (2) Schedules "A" & "B" consisting of _____ sheets, and (3) the Statement of Financial Affairs, each attached hereto, and certify that the statements therein contained are true and complete and that the Schedules contain a statement of ALL the debts and ALL the property of the debtor as required by law, to the best of my knowledge, information and belief.

Executed on 8/11/88
Date

debtor

If a joint petition both debtors should sign

SIGNATURE OF ATTORNEY

NAME JERRY L. HARPER, Attorney
ADDRESS P.O. Box 1000
CITY STATE & ZIP Lawrence, KS 66044
TELEPHONE 913/749-0123

United States Bankruptcy Court
District of Kansas

IN RE:

WEISS, MAJOR CHARLES JR.
WEISS, DEBORAH JODEANE

Debtor(s)

FOR COURT USE ONLY:

Date Petition Filed _____

Case No. _____

Bankruptcy Judge _____

DISCLOSURE OF COMPENSATION PAID OR PROMISED TO
ATTORNEY FOR THE DEBTOR

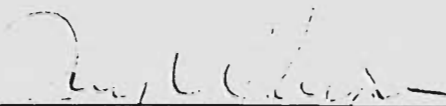
The undersigned states that he is attorney for the debtor and that the total compensation paid or promised (if such payment or agreement was made after one year before the date of the filing of the petition in this case) for services rendered or to be rendered in this case is as follows:

PAID	PROMISED	TOTAL
\$ 0	\$ 900.00	\$ 900.00

The source of such compensation paid or promised is:

Future earnings and any tax refund

Dated: 8/15/80


Attorney for Petitioner
JERRY L. HARPER.

If the petitioner is an individual whose debts are primarily consumer debts (incurred primarily for personal, family, or household purposes) EXHIBIT "B" must be completed and attached to the petition

EXHIBIT "B"

I, Jerry L. Harper, attorney for the petitioner named in the foregoing petition declare that I have informed the petitioner that he or she may proceed under chapter 7 or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

Dated: 8/15/80


Attorney for Petitioner
JERRY L. HARPER

RETAINER AGREEMENT

I hereby retain Jerry L. Harper, Attorney at Law, to represent me in the filing of a voluntary petition in bankruptcy and agree that his charges will be as stated below. In addition, I agree to pay through him all filing fees required by the Court unless application is made to the Court for payment as part of a Chapter 13 Plan.

I understand that the charge for those matters done in order to file my petition (including conferences, investigation, research, and the preparation of the bankruptcy petition, schedules and statement of financial affairs) will be 675.00. I understand that my attorney will not begin the preparation of my bankruptcy papers until a retainer deposit of 0 has been paid.

I understand that the additional sum of 225.00 will be charged for the following services: representation at the first meeting of creditors, representation at the confirmation hearing (if applicable), representation at the discharge and reaffirmation hearing, and such other incidental contacts or communications with my trustee and creditors as are usual in a simple bankruptcy.

I understand that all additional, but necessary, services not mentioned above will be charged at the rate of 75.00 per hour. Some examples of additional services are the negotiation of reaffirmation agreements, the negotiation of redemption agreements, the defense of adversary proceedings.

I understand and agree that all charges in excess of the retainer fee shall be paid as follows:

To be paid from future earnings and tax refund (if any)

through the Chapter 13 Plan.

Signed and dated this ____ day of _____, 198__.

ITEMIZED STATEMENT OF COUNSEL

05/20/88	Initial meeting concerning bankruptcy	1.0
05/24/88	Meet with Lawrence Natl Bank	1.0
05/27/88	Meet with client concerning debts	1.0
06/03/88	Meet with client	0.5
06/04/88	Prepare initial creditor list	2.0
06/06/88	Telephone conf. with client	0.2
06/07/88	Telephone conf. with accountant	0.2
06/07/88	Telephone conf. with accountant	0.1
07/22/88	Courthouse - research lawsuits	1.0
07/23/88	Prepare draft of petition/schedules	1.0
08/08/88	Revise petition and schedules	0.5
08/09/88	Go over petition & schedules with client	0.5

Hours	9.0
-------	-----

Fee to prepare and file	9 X \$75	675.00
-------------------------	----------	--------

Fee for appearances at		
341 hearing/confirmation hearing/ discharge hearing		225.00

Total		900.00
-------	--	--------

000040763133

NAME OF DEBTOR: WEISS, MAJOR & DEBORAH

SCHEDULE A
Statement of all debts of Debtor

Schedules A-1, A-2 and A-3 includes all the claims against the debtor or the debtor's property as of the commencement of the case.

SCHEDULE A-1
CREDITORS HAVING PRIORITY

INDICATE in the appropriate space the nature of the priority to which the creditor may be entitled; as follows:

- (a) "WAGES", if the claim is one for wages, salaries, or commissions, including vacation, severance and sick leave pay—
 - (i) earned by an individual within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first; but only
 - (ii) to the extent of \$2,000 for each such individual. (Sec. 507 (a) (3)).
- (b) "EMPLOYEE BENEFITS", if the claim is for contributions to employee benefit plans arising from services rendered within 180 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first. (Sec. 507 (a) (4)).
- (c) "SECURITY DEPOSIT", if the claim is for deposits to the extent of \$900.00 for an individual in connection with undelivered property or serves for personal, family or household use. (Sec. 507 (a) (5)).
- (d) "TAXES", if the creditor is a governmental unit, to the extent described in 11 USC. 507(a) (6).

Indicate in "Remarks" if the claim is

- 1. Disputed, Contingent or Unliquidated
- 2. Subject to a Setoff
- 3. Evidenced By a Judgment, Negotiable Instrument, or other writing.
- 4. A Claim Incurred as a Partner, Joint Contractor or Cosignatory (if so, identify the Partner, Joint Contractor or Cosignatory)

Name of creditor (including last known holder of any negotiable instrument) complete mailing address including zip code (if unknown, so state)

10 Harper, Jerry Attorney P.O. Box 1000 Lawrence, KS 66044 ACCOUNT NO.	AMOUNT OF CLAIM	WHEN INCURRED	CONSIDERATION
	900.00	1988	legal services
20 Internal Revenue Service Austin, TX ACCOUNT NO.	NATURE OF PRIORITY	REMARKS	
	admin. exp.	debtors' attorney	
30 Kansas Department of Revenue State Office Building Topeka, KS 66612 ACCOUNT NO.	AMOUNT OF CLAIM	WHEN INCURRED	CONSIDERATION
	3421.41	1980s	?
40 ACCOUNT NO.	NATURE OF PRIORITY	REMARKS	
	taxes	personal & employee - see attached	
50 ACCOUNT NO.	AMOUNT OF CLAIM	WHEN INCURRED	CONSIDERATION
	993.93	1980s	?
60 ACCOUNT NO.	NATURE OF PRIORITY	REMARKS	
	taxes	personal and employee - see attached	
70 ACCOUNT NO.	AMOUNT OF CLAIM	WHEN INCURRED	CONSIDERATION
80 ACCOUNT NO.	NATURE OF PRIORITY	REMARKS	
90 ACCOUNT NO.	AMOUNT OF CLAIM	WHEN INCURRED	CONSIDERATION
ACCOUNT NO.	NATURE OF PRIORITY	REMARKS	

Total Priority Debt

\$ 5315.34

Internal Revenue Service

1986 personal income tax	886	owed
1987 personal income tax	-824	refund
1987 business withholding	1347	owed
1987 business social sec.	1907.69	owed
1987 business FUTA	106.72	

TOTAL	3421.41
-------	---------

Kansas Department of Revenue

1986 personal income tax	267	owed
1987 personal income tax	-103	refund
1987 business withholding	343	owed
1987 unemployment	486.93	owed

TOTAL	993.93
-------	--------

NAME OF DEBTOR: WEISS, MAJOR & BORAH

Schedule A-2
Creditors Holding Security

Indicate in "Remarks" if the claim is

1. Disputed, Contingent or Unliquidated
2. Subject to a Setoff
3. Evidenced By a Judgment, Negotiable Instrument, or other writing.
4. A Claim Incurred as a Partner, Joint Contractor or Consignatory (if so, identify the Partner, Joint Contractor or Consignatory)

Name of creditor (including last known holder of any negotiable instrument) complete mailing address including zip code (if unknown, so state)

Lawrence National Bank
7th & Massachusetts
Lawrence, KS 66044

AMOUNT OF CLAIM ?	WHEN INCURRED 1980s	CONSIDERATION loan
BRIEF DESCRIPTION OF SECURITY misc. personal property		DATE OBTAINED 1987-8
MARKET VALUE OF SECURITY ?		
<small>If relief is requested under Chapter 7 state the debtors' intentions with respect to exemption, retention or surrender of the security and, if applicable, redemption of security or reaffirmation of the debt. <input type="checkbox"/> claimed as exempt <input type="checkbox"/> will surrender <input type="checkbox"/> wants to retain <input type="checkbox"/> will redeem <input type="checkbox"/> will reaffirm the debt</small>		
OTHER REMARKS		

1 ACCOUNT NO.

AMOUNT OF CLAIM	WHEN INCURRED	CONSIDERATION
BRIEF DESCRIPTION OF SECURITY		DATE OBTAINED
MARKET VALUE OF SECURITY		
<small>If relief is requested under Chapter 7 state the debtors' intentions with respect to exemption, retention or surrender of the security and, if applicable, redemption of security or reaffirmation of the debt. <input type="checkbox"/> claimed as exempt <input type="checkbox"/> will surrender <input type="checkbox"/> wants to retain <input type="checkbox"/> will redeem <input type="checkbox"/> will reaffirm the debt</small>		
OTHER REMARKS		

2 ACCOUNT NO.

AMOUNT OF CLAIM	WHEN INCURRED	CONSIDERATION
BRIEF DESCRIPTION OF SECURITY		DATE OBTAINED
MARKET VALUE OF SECURITY		
<small>If relief is requested under Chapter 7 state the debtors' intentions with respect to exemption, retention or surrender of the security and, if applicable, redemption of security or reaffirmation of the debt. <input type="checkbox"/> claimed as exempt <input type="checkbox"/> will surrender <input type="checkbox"/> wants to retain <input type="checkbox"/> will redeem <input type="checkbox"/> will reaffirm the debt</small>		
OTHER REMARKS		

3 ACCOUNT NO.

AMOUNT OF CLAIM	WHEN INCURRED	CONSIDERATION
BRIEF DESCRIPTION OF SECURITY		DATE OBTAINED
MARKET VALUE OF SECURITY		
<small>If relief is requested under Chapter 7 state the debtors' intentions with respect to exemption, retention or surrender of the security and, if applicable, redemption of security or reaffirmation of the debt. <input type="checkbox"/> claimed as exempt <input type="checkbox"/> will surrender <input type="checkbox"/> wants to retain <input type="checkbox"/> will redeem <input type="checkbox"/> will reaffirm the debt</small>		
OTHER REMARKS		

4 ACCOUNT NO.

AMOUNT OF CLAIM	WHEN INCURRED	CONSIDERATION
BRIEF DESCRIPTION OF SECURITY		DATE OBTAINED
MARKET VALUE OF SECURITY		
<small>If relief is requested under Chapter 7 state the debtors' intentions with respect to exemption, retention or surrender of the security and, if applicable, redemption of security or reaffirmation of the debt. <input type="checkbox"/> claimed as exempt <input type="checkbox"/> will surrender <input type="checkbox"/> wants to retain <input type="checkbox"/> will redeem <input type="checkbox"/> will reaffirm the debt</small>		
OTHER REMARKS		

5 ACCOUNT NO.

AMOUNT OF CLAIM	WHEN INCURRED	CONSIDERATION
BRIEF DESCRIPTION OF SECURITY		DATE OBTAINED
MARKET VALUE OF SECURITY		
<small>If relief is requested under Chapter 7 state the debtors' intentions with respect to exemption, retention or surrender of the security and, if applicable, redemption of security or reaffirmation of the debt. <input type="checkbox"/> claimed as exempt <input type="checkbox"/> will surrender <input type="checkbox"/> wants to retain <input type="checkbox"/> will redeem <input type="checkbox"/> will reaffirm the debt</small>		
OTHER REMARKS		

6 ACCOUNT NO.

Total Secured Debt \$?

<u>Name</u>	<u>Amount</u>	<u>Date</u>	<u>Consideration</u>
(A) Weiss, Major/Deborah 1103 W. 19th Lawrence KS 66044 Notice only. Debtor.			
(AA) Harper, Jerry L. P.O. Box 1000 Lawrence KS 66044 Notice only. Attorney for debtor. See Sch. A-1			
Belot, Monti Dr. Lawrence Natl. Bk. Bldg. Lawrence KS 66044 Lawrence Credit Bureau is collection agent	55.00	1980s	health services
Benessere Center 7000 Squibb Rd. Mission KS 66202 Most of indebtedness is covered by insurance. Creditor is listed for any uninsured indebtedness	?	1980s	health care services
Bennett, Lytle et al P.O. Box 8030 Prairie Village KS 66208 Collection attorney for KU Medical Center			
Billingsley, Thad M.D. 4501 College Blvd. # 350 Leawood KS 66211 Most of indebtedness is covered by insurance. Creditor is listed for any uninsured indebtedness	14232.56	1980s	medical services
Bock, Shelley Attorney 11th & Kentucky Lawrence KS 66044 Notice only. Collection attorney for Buck & Owen			
Buck & Owen, MDs 1112 W. 6th Lawrence KS 66044 Lawrence Credit Bureau is collection agent, Bock is collection attorney, Judgment in Case 87L781 (Douglas County District Court, Lawrence, KS)	1089.00	1980s	medical services
Butler, Todd Atty. P.O. Box 1280 Topeka KS 66601 Collection attorney for Lawrence Memorial Hospital			

Case LC85-511

Carnahan, Robert MD 264.00 1980s medical service
6th & Maine
Lawrence KS 66044
Lawrence Credit Bureau is collection agent

Charter Hospital of O.P. 8000.00 1980s hospital service
8000 W. 127th
Overland Park KS 60213
Most of indebtedness is covered by insurance. Creditor listed
for amount of any uninsured indebtedness

Check Rite
220 SW 33rd
Topeka KS 66601
Notice Only. Collection agent for various creditors including
Dillons.

City Utilities 139.41 1980s utility service
-Box 725 (Lawr. Cr. Bur.)
Lawrence KS 66044
Lawrence Credit Bureau is collection agent

Clinical Radiology Fndtn. 678.00 1980s medical service
39th & Rainbow
Kansas City KS 66103
Acct. 008719556

Commerce Bank & Trust
31st & Topeka
Topeka KS 66611
Notice only. To receive restitution in Case 87CR2389

Commerce Service Corp.
221 N. 13th
Philadelphia PA 19107
Notice only. Collection agent for K.P. & L

Country Inn 21.49 1980s food service
1350 N. 3rd
Lawrence KS 66044
Lawrence Credit Bureau is collection agent

Credit Bureau of Lawrence
Box 725
Lawrence KS 66044
Notice only. Collection agent for various creditors as shown

Ct. Services (Bachman)
Shawnee Cty. Courthouse
Topeka KS 66603
Notice only. Court Services officer in Case 87CR2389

Ct. Services (Schwere)
111 E. 11th
Lawrence KS 66044
Notice only. Court services officer in Case 87CR2389

DA's Office - Ms. Payne
111 E. 11th
Lawrence KS 66044
Notice only. Attorney in potential criminal case

Diamond International 1980s
1011 N. 3rd
Lawrence, KS 66044
Debtor does not believe he owes anything, but lists out of
abundance of caution

Dillons ? 1980s misc. purchases
3000 W. 6th
Lawrence KS 66044
Debtor does not believe there is any indebtedness, but lists
creditor out of abundance of caution.

Dillons ? 1980s misc. purchases
1740 Massachusetts
Lawrence KS 66044
Debtor does not believe there is any indebtedness, but lists
creditor out of abundance of caution.

Dillons ? 1980s misc. purchases
2108 W. 27th
Lawrence KS 66044
Debtor does not believe there is any indebtedness, but lists
creditor out of abundance of caution.

Dist. Ct. Clerk
111 E. 11th
Lawrence KS 66044
Notice only. Court in Lawrence Memorial Hospital v. Weiss,
Case No. LC85-511

Dist. Ct. Clerk
111 E. 11th
Lawrence KS 66044
Notice Only. Seiwart v. Weiss, Case No. LC85-989. Collection

attorney is George Catt

Dist. Ct. Clerk 88L13
111 E. 11th
Lawrence KS 66044
Notice only. Court in Mid-America Industries vs. Weiss,
Case No. 88L13. Whitsitt and Auston are collection attorneys

Dist. Ct. Clerk 87CR2389
Shawnee Cty. Courthouse
Topeka KS 66603
Notice only. Case No. 87CR2389, State v. Weiss

Dist. Ct. Clerk (87L291)
111 E. 11th
Lawrence KS 66044
Notice only. Court in Reed vs. Weiss, Case 87L291

Dist. Ct. Clerk (87L781)
111 E. 11th
Lawrence KS 66044
Notice only. Court in Buck & Owen vs. Weiss, Case 87L781

Dist. Ct. Clerk 87L942
111 E. 11th
Lawrence KS 66044
Notice only. Douglas County District Court Case 87L942, Godfrey
vs. Green vs. Weiss

District Attorney
Shawnee Cty. Courthouse
Topeka KS 66603
Notice only. Attorney in Shawnee Cty. District Court case
87CR2389.

District Attorney - Diehl
111 E. 11th
Lawrence KS 66044
Notice only. Attorney in potential criminal case

E.S.S.I. ? 1980s misc.
224 W. 9th
Lawrence KS 66044
Debtors do not believe there is any indebtedness, but list
creditor out of abundance of caution

Federal Election Comm. ? 1980s misc.
L. Lerner (MUR 2316)
Washington DC 20463
Listed out of abundance of caution because of involvement of
debtor in Kline for Congress campaign

Godfrey, A.T. / Warren ?
700 Massachusetts # 305
Lawrence KS 66044
Debtors do not believe they owe this creditor anything. How-
ever he has filed a suit against Major C. Weiss in Douglas County District
Court Case No. 87L942

Green, Rolfe H. ?
524 Frontier Rd.
Lawrence KS 66044
Debtors do not believe they owe creditor anything, but list
him out of abundance of caution because he has claimed an indebtedness
from time to time

Guaranteed Student Loan 1500.00 1980s student loan
University of Kansas
Lawrence KS 66045
Loan obtained through Patrons Bank (now Bank IV) in Olathe,
KS, and used at KU

Hickman, Michael CPA ? 1980s acctng. services
825 Vermont
Lawrence KS 66044
Debtors do not believe there is any indebtedness, but list out
of abundance of caution.

Houston, Anna 400.00 1980s loan
German town
Tennessee

Humana Hospital 122.00 1980s hospital services
10500 Quivera
Overland Park KS 66201
Collection agent is Kansas Counselors Inc.

IRS - Chief Spec. Proc.
412 S. Main Street
Wichita KS 67202
See Sch. A-1. Priority debt. Taxes

Johnson Cty. Medical Amb. 120.00 1980s ambulance service
P.O. Box 7931
Overland Park KS 66207
Acct. 17033

Kansas Counselors Inc.
10975 El Monte
Overland Park KS 66201
Collection agent for Humana Hospital

Kansas Department of Rev.
State Office Building
Topeka KS 66612
See Schedule A-1

Kirby Co. (Janson Sales) 995.00 1980s vacuum
2859 Four Wheel Drive
Lawrence KS 66044

Klemm, J. Martin M.D. ? 1980s medical services
1501 College Blvd. # 361
Leawood KS 66211

Most of debtors medical expenses are covered by insurance.
Creditor is listed for any uninsured indebtedness

Kline, Phil
40 Corporate Woods #210
Overland Park KS 66225
Notice only. Person to receive restitution in Case 87CR2389

Knoll Welding 53.20 1980s tank rental
100 Madison
Topeka KS 66607

The rented welding tanks cannot be returned because Jayhawk
West Apartments and Lawrence National Bank refuse to give them back to
debtor. Acct. ESSI

KP&L 75.76 1980s electrical service
9th & Tennessee
Lawrence KS 66044
Acct. 5190150506477008

KU Medical Center 7274.40 1980s health services
39th & Rainbow
Kansas City KS 66103
Accts. 10013340, 20120556, 8709356-5, 709356red indebtedness.

Collection attorneys are Bennett, Lytle, Wetzler, Winn & Martin

KU Psychiatry Foundation 11.00 1980s medical service
39th & Rainbow
Kansas City KS 66103
Acct. 0032719901C1

Lawrence Memorial Hosp. 3042.34 1980s hospital services
325 Maine
Lawrence KS 66044
Lawrence Credit Bureau is collection agency. Butler is
collection attorney. Evidenced by judgment in Douglas County District
Court Case No. LC85-511

Lawrence National Bank 3850.00 1980s bank services
7th & Massachusetts
Lawrence KS 66604
Covers unsecured portion of indebtedness. See Sch. A-1

Mid-America Industries 600.00 1980s expense voucher
-813 South I
Fort Smith AK 66606
This claim is disputed. Debtor does not believe anything is
owed. Subject of litigation in Douglas County District Court Case No.
88L33.

Moseley Group/Jayhawk Wt.
524 Frontier
Lawrence KS 66044
Debtors do not believe there is any indebtedness, but list
creditor out of abundance of caution

Mr/Ms Reed c/o B. Yoder 400.00 1980s rent
608 Kentucky
Lawrence KS 66044
Judgment for non-payment of rent. Case 87L291 (Douglas
County District Court, Lawrence, KS), B. Yoder is collection attorney

Patrons Bank / Bank IV
One Patrons Plaza
Olathe KS
See listing at Guaranteed Student Loan

Radiologic Prof. Service 193.50 1980s medical service
1112 W 6th
Lawrence KS 66044
Collection agent is Lawrence Credit Bureau

Rent-a-Center 711 W. 23rd Lawrence KS 66044	326.42	1980s	misc. rental
Riling, Norwood et al P.O. Box B Lawrence KS 66044 Acct. No. 6016	1243.75	1980s	legal services
Rusty's IGA 9th and Iowa Lawrence KS 66044 Lawrence Credit Bureau is collection agent	36.00	1980s	misc. purchases
Seiwart, M. / G. Catt 3300 Mesa Way Suite C Lawrence KS 66044 Evidenced by judgment in Douglas County District Court Case No. LC84-989. George Catt is collection attorney	1200.00	1980s	misc.
Shaw. Mission Eye Care 8901 W. 74th Suite 25 Shawnee Mission KS 66204 Acct. 0000403601SP	132.00	1980s	eye services
Southwestern Bell PO Box 738 Topeka KS 66738 Service at 2020 W. 27th # 2, Lawrence, KS 66044	454.70	1980s	telephone service
Springfield Telecable Box 725 (Law. Cred. Bur.) Lawrence KS 66044 Lawrence Credit Bureau is collection agent	127.94	1980s	cable service
State of Kansas 87CR2389 Shawnee Cty. Courthouse Topeka KS 66603 To be paid outside plan as directed by Court Services Office in Shawnee County District Court case 87CR2389.	8009.00	1980s	restitution-costs
Taco Bell 1220 W. 6th Lawrence KS 66044 Debtor lists creditor out of abundance of caution because of alleged indebtedness	?	1980s	?

U.S. Attorney
444 SE Quincy
Topeka KS 66683
Notice only. Attorney for I.R.S. See Sch. A-1

U.S. Attorney General.
P.O. Box 683
Washington DC 20044
Notice only. Attorney for IRS. See Schedule A-1

United Telespectrum, Inc.
P.O. Box 263-805
Kansas City MO 64193
Notice only. Do not believe anything is owed, but list out
of abundance of caution

Waitley & Friesen, MDs 275.00 1980s medical service
1112 W. 6th
Lawrence KS 66044
Lawrence Credit Bureau is collection agent

Warren, Harry E. Atty.
700 Massachusetts # 305
Lawrence KS 66044
Notice only. Attorney for Allan T. Godfrey

0. Whitsitt & Auston, Attys
6405 Metcalf # 100
Overland Park KS 66202
Notice only. Attorneys for Mid-America Industries

54,921.47

NAME OF DEBTOR: WEISS, MAJOR AND DEBORAH

**DISCLOSURE OF COMPENSATION PAID OR PROMISED TO ATTORNEY
FOR THE DEBTOR**

The debtor(s) state that the total compensation paid or promised for services rendered or to be rendered by the attorney for the debtor in connection with this case and the source of the compensation paid or to be paid is as follows:

PAID

PROMISED

TOTAL

\$ 0

\$ 900.00

\$ 900.00

The source of such compensation paid or promised is:

Future income and tax refund (if any)

SCHEDULE B—STATEMENT OF ALL PROPERTY OF DEBTOR

Schedules B—1, B—2, B—3, and B—4 include all legal or equitable interests of the debtor in property as of the commencement of the case, including ALL interests of the debtor (and the debtor's spouse, if any) in community property that is under the sole, equal, or joint management and control of the debtor or is liable for a claim against the debtor and against the debtor's spouse.

SCHEDULE B—1 — REAL PROPERTY

Description and location of all real property in which the debtor has an interest (including equitable and future interests, interests in estates by the entirety, community property, life estates, leaseholds, and rights and powers exercisable for his own benefit)

Nature of interest
(specify all deeds and
written instruments
relating thereto)

Market value of debtor's
interest without deduc-
tions for secured claims
listed in schedule A—1
or exemptions claimed in
schedule B—4

None

\$ 0

\$ 0

Total \$ 0

NAME OF DEBTOR: WEISS, MAJOR AND DEBORAH

SCHEDULE B-2 — PERSONAL PROPERTY Type of property (Attach and identify supplemental lists as may be necessary)	Description and location	Market value of debtor's interest without deductions for secured claims listed in schedule A-2 or exemptions claimed in schedule B-4
		\$ 25.00
a. Cash on hand		
b. Deposits of money with banking institutions, savings and loan associations, credit unions, public utility companies, landlords, and others	Jim Wise 200, SW Bell 60, Water 30, Gas 40	330.00
c. Household goods, supplies, and furnishings	Miscellaneous	3000.00
d. Books, pictures, and other art objects; stamp, coin, and other collections	Miscellaneous	500.00
e. Wearing apparel, jewelry, firearms, sports equipment, and other personal possessions	Miscellaneous	3000.00
f. Automobiles, trucks, trailers, and other vehicles	72 Volvo Wagon	700.00
		0
		0
7 1. Boats, motors, and their accessories	Sail boat (2 person)	150.00
2. Livestock, poultry, and other animals		0
3. Farming supplies and implements		0
4. Office equipment, furnishings, and supplies		0
5. Machinery, fixtures, equipment, and supplies (other than those listed in items j and l) used in business		0
6. Inventory		0
7. Tangible personal property of any other description		0
8. Patents, copyrights, franchises, and other general intangibles (specify all documents and writings relating thereto)		0
9. Government and corporate bonds and other negotiable and nonnegotiable instruments		0
Other liquidated debts owing bankrupt or debtor		0
Contingent and unliquidated claims of every nature, including counterclaims of the debtor (give estimated value of each)		0
Interests in insurance policies (itemize surrender or refund values of each)		0
Annuities (itemize and name each insurer)		0
Stocks and interests in incorporated and unincorporated companies (itemize separately)		0
Interests in partnerships		0
Equitable and future interests, life estates, and rights or powers exercisable for the benefit of the debtor (other than those listed in schedule B-1) (specify all written instruments relating thereto)		0
		0

Total \$ 7705.00

SCHEDULE B-3. — PROPERTY NOT OTHERWISE SCHEDULED

Type of property	Description and location	Market value of debtor's interest without deduction for secured claims listed in schedule A-2 or exemptions claimed in schedule B-4
Property transferred under assignment for benefit of creditors, within 90 days prior to filing of petition (specify date of assignment, name and address of assignee, amount realized therefrom by the assignee, and disposition of proceeds so far as known to debtor)	None	\$ 0
Legal or equitable interest in Property of any kind not otherwise scheduled	None	0
Total		0

EXEMPTION ELECTION

The Debtor WEISS, MAJOR CHIP JR.
(name)
elects to have exemptions determined pursuant to (Check one)
☒ 11 U.S.C. 522(b) (1) (Federal exemption)
☒ U.S.C. 522(b) (2) (State exemption), and all other exemptions to which debtor is or may become entitled

(If a Joint case)
 The Debtor WEISS, DEBORAH JODEANE
(name)
 elects to have exemptions determined pursuant to (Check one)
☐ 11 U.S.C. 522(b) (1) (Federal exemption)
☒ 11 U.S.C. 522(b) (2) (State exemption), and all other exemptions to which debtor is or may become entitled

SCHEDULE B-4. — PROPERTY CLAIMED AS EXEMPT

Property at residence unless clearly otherwise Type of property	Specify statute creating the exemption	Value claimed exempt
All furnishings, equipment & supplies, including food, fuel and clothing for the person in the debtors' present possession and reasonably necessary for one year	KSA 60-2304	\$ 6000.00
Ornaments of the debtors' person, including jewelry having a value not exceeding \$500	KSA 60-2304	500.00
19 72 Volvo Wagon automobile used regularly by debtors for transportation	KSA 60-2304	700.00
All life insurance policies of debtors		
75% of all wages due at time of filing		
Any homestead of debtor		
All other exemptions to which debtors are or may become entitled		
Total		\$ 7,200.00

SUMMARY OF DEBTS AND PROPERTY

(From the statements of the debtor in schedules A and B)

Schedule A	DEBTS	Total
A (1) (a)	Wages, etc. having priority	0
A (1) (b)	Contributions to employee benefit plans	0
A (1) (c)	Deposits in connection with the purchase, lease, or rental of property, or the purchase of services, for the personal, family, or household use	0
	Admin. expense (attorney fees)	900.00
A (1) (d)	Taxes entitled to priority	4415.34
A-2	Secured claims	?
A-3	Unsecured claims without priority	54921.47
Schedule A total		\$ 59336.81

Schedule B	PROPERTY		Total
B-1 - Real property (total value)	0	B-2/n - Patents and other general intangibles	0
B-2/a - Cash on hand	25	B-2/o - Bonds and other instruments	0
B-2/b - Deposits	330	B-2/p - Other liquidated debts	0
B-2/c - Household goods	3000	B-2/q - Contingent and unliquidated claims	0
B-2/d - Books, pictures, and collections	500	B-2/r - Interests in insurance policies	0
B-2/e - Wearing apparel and personal possessions	3000	B-2/s - Annuities	0
B-2/f - Automobiles and other vehicles	700	B-2/t - Interests in corporations and unincorporated companies	0
B-2/g - Boats, motors, and accessories	150	B-2/u - Interests in partnerships	0
B-2/h - Livestock and other animals	0	B-2/v - Equitable and future interests, rights and powers in personality	0
B-2/i - Farming supplies and implements	0	B-3/a - Property assigned for benefit of creditors	0
B-2/j - Office equipment and supplies	0	B-3/b - Property not otherwise scheduled	0
B-2/k - Machinery, equipment, and supplies used in business	0		
B-2/l - Inventory	0		
B-2/m - Other tangible personal property	0		
		Schedule B total	\$ 7705

B-4 Property claimed as exempt \$ 7200

We, the debtors declare under penalty of perjury that I have read the foregoing schedules, consisting of 16 page and that they are true and correct to the best of my knowledge, information and belief.

Executed on _____

Signature

NAME OF DEBTOR Weiss, Major and Deborah

CHAPTER 13 STATEMENT

EACH QUESTION SHOULD BE ANSWERED OR THE FAILURE TO ANSWER EXPLAINED. IF ADDITIONAL SPACE IS NEEDED FOR THE ANSWER TO ANY QUESTION, A SEPARATE SHEET, PROPERLY IDENTIFIED AND MADE A PART HEREOF, SHOULD BE USED AND ATTACHED.
(IF THE ANSWER TO A SPOUSES QUESTIONS IS THE SAME AS FOR THE DEBTOR THE QUESTION MAY BE ANSWERED "SAME")

QUESTIONS TO BE ANSWERED BY THE DEBTOR

MCW

WHAT DO YOU CONSIDER YOUR PERMANENT RESIDENCE IF DIFFERENT FROM THAT LISTED ON THE PETITION.

Same

TELEPHONE NO 913/842-5671

GIVE PRESENT OCCUPATION (IF MORE THAN ONE LIST ALL)

PRESENT EMPLOYER G & B Batteries
STREET ADDRESS Leavenworth,
CITY & STATE KS

TELEPHONE NO ?

BADGE OR
EMPLOYEE NO

HOW LONG HAVE YOU BEEN EMPLOYED BY THIS EMPLOYER? Just started

IF YOU HAVE NOT BEEN EMPLOYED BY YOUR PRESENT EMPLOYER FOR A PERIOD OF ONE YEAR STATE THE NAME OF PRIOR EMPLOYER(S) AND NATURE OF EMPLOYMENT DURING THAT PERIOD.

Self employed

In hospital for 6 months

HOW OFTEN ARE YOU PAID AND WHAT ARE YOUR GROSS WAGES, SALARY OR COMMISSIONS DUE EACH TIME?

WEEKLY ☐ SEMI-MONTHLY ☐ MONTHLY ☒ OTHER ☐ GROSS WAGES
\$ 2000.00

PAYROLL DEDUCTIONS

WITHHOLDING & SOC SEC TAXES \$ _____

INSURANCE \$ _____

CREDIT UNION \$ _____

UNION DUES \$ _____

OTHER \$ _____

NET TAKE HOME PAY \$ 1500.00

IF YOUR EMPLOYMENT IS SUBJECT TO SEASONAL OR OTHER CHANGES INDICATE THE IDLE SEASON

N/A

HAVE YOU OPERATED A BUSINESS IN PARTNERSHIP OR OTHERWISE DURING THE PAST THREE YEARS? (IF SO, GIVE THE PARTICULARS, INCLUDING NAMES, DATES AND PLACES)

Yes - See Statement of Affairs

IF YOU NOW OPERATE A BUSINESS OR PROFESSION INDICATE THE NATURE THEREOF, THE AMOUNT AND FREQUENCY OF THE INCOME AVAILABLE FOR THE PURPOSE OF MAKING PAYMENTS UNDER A PLAN, AND ATTACH A STATEMENT OF AFFAIRS FOR A DEBTOR ENGAGED IN BUSINESS.

do not

WHAT WAS THE AMOUNT OF YOUR GROSS INCOME FOR THE LAST CALENDAR YEAR? \$ ±10,700

HAVE YOU MADE ANY WAGE ASSIGNMENT OR ALLOTMENT (IF SO, INDICATE THE PERSON TO WHOM ASSIGNED - (FULL NAME AND ADDRESS SHOULD BE ON LIST OF CREDITORS).

No

QUESTIONS TO BE ANSWERED BY THE SPOUSE, IF ANY (IF DEBTOR IS UNMARRIED OR SEPARATED SO STATE)

DJW

WHAT DO YOU CONSIDER YOUR PERMANENT RESIDENCE IF DIFFERENT FROM THAT LISTED ON THE PETITION.

Same

TELEPHONE NO 913/842-5671

GIVE PRESENT OCCUPATION (IF MORE THAN ONE LIST ALL)

retailing
PRESENT EMPLOYER Thimbles
STREET ADDRESS On the Plaza
CITY & STATE Kansas City, MO

TELEPHONE NO 816-753-0539

BADGE OR
EMPLOYEE NO

HOW LONG HAVE YOU BEEN EMPLOYED BY THIS EMPLOYER? 2 years

IF YOU HAVE NOT BEEN EMPLOYED BY YOUR PRESENT EMPLOYER FOR A PERIOD OF ONE YEAR STATE THE NAME OF PRIOR EMPLOYER(S) AND NATURE OF EMPLOYMENT DURING THAT PERIOD.

HOW OFTEN ARE YOU PAID AND WHAT ARE YOUR GROSS WAGES, SALARY OR COMMISSIONS DUE EACH TIME?

WEEKLY ☒ SEMI-MONTHLY ☐ MONTHLY ☐ OTHER ☐ GROSS WAGES
\$210.00

PAYROLL DEDUCTIONS

WITHHOLDING & SOC SEC TAXES \$ _____

INSURANCE \$ _____

CREDIT UNION \$ _____

UNION DUES \$ _____

OTHER \$ _____

NET TAKE HOME PAY \$ 170.00

IF YOUR EMPLOYMENT IS SUBJECT TO SEASONAL OR OTHER CHANGES INDICATE THE IDLE SEASON

No

HAVE YOU OPERATED A BUSINESS IN PARTNERSHIP OR OTHERWISE DURING THE PAST THREE YEARS? (IF SO, GIVE THE PARTICULARS, INCLUDING NAMES, DATES AND PLACES)

IF YOU NOW OPERATE A BUSINESS OR PROFESSION INDICATE THE NATURE THEREOF, THE AMOUNT AND FREQUENCY OF THE INCOME AVAILABLE FOR THE PURPOSE OF MAKING PAYMENTS UNDER A PLAN, AND ATTACH A STATEMENT OF AFFAIRS FOR A DEBTOR ENGAGED IN BUSINESS.

N/A

WHAT WAS THE AMOUNT OF YOUR GROSS INCOME FOR THE LAST CALENDAR YEAR? \$ ±7500

HAVE YOU MADE ANY WAGE ASSIGNMENT OR ALLOTMENT (IF SO, INDICATE THE PERSON TO WHOM ASSIGNED - (FULL NAME AND ADDRESS SHOULD BE ON LIST OF CREDITORS).

No

Weiss, Major & Deborah
NAME OF DEBTOR

SCHEDULE OF CURRENT INCOME AND CURRENT EXPENDITURES

EXPENSES

GIVE ESTIMATED AVERAGE FUTURE MONTHLY EXPENSES OF FAMILY
(NOT INCLUDING DEBTS TO BE PAID UNDER PLAN) CONSISTING OF

RENT OR HOME LOAN PAYMENT
(INCLUDE LOT RENTED FOR MOBILE HOME) \$ 385

UTILITIES

ELECTRICITY \$ 50

WATER \$ 25

HEAT \$ 50

TELEPHONE \$ 50

OTHER \$ 15 (cable)

TOTAL UTILITIES \$ 190

ROUTINE HOME MAINTENANCE

FOOD (includes at work) \$ 400

CLOTHING (includes diapers) \$ 50

LAUNDRY & CLEANING \$ 30

NEWSPAPERS, PERIODICALS & BOOKS (INCLUDING SCHOOL BOOKS) \$ 10

DOCTOR & MEDICAL EXPENSES \$ 75

TRANSPORTATION (INCLUDING ROUTINE AUTO REPAIR
BUT NOT INCLUDING AUTO PAYMENTS
TO BE PAID UNDER PLAN) \$ 150

RECREATION, CLUB & ENTERTAINMENT \$ 25

INSURANCE (NOT DEDUCTED FROM WAGES)

AUTO \$ 20

LIFE \$

OTHER \$

TOTAL INSURANCE \$ 20

TAXES NOT DEDUCTED FROM WAGES OR
INCLUDED IN HOME LOAN PAYMENTS \$ 10

DO YOU PAY OR ARE LIABLE FOR PAYMENT
OF ALIMONY OR SUPPORT PAYMENTS
STATE MONTHLY AMOUNT \$ 0

THE NAME, AGE & RELATIONSHIP TO YOU OF PERSONS FOR
WHOSE BENEFIT PAYMENTS ARE MADE

PAYMENTS FOR SUPPORT OF ADDITIONAL
DEPENDENTS NOT LIVING AT YOUR HOME \$ 0

OTHER (EXPLAIN) Restitution \$ 150
Daycare 430

TOTAL ESTIMATED FUTURE MONTHLY EXPENSES \$ 1930

INCOME

GIVE ESTIMATED AVERAGE FUTURE MONTHLY INCOME CONSISTING OF

DEBTOR'S TAKE HOME PAY (PER MONTH) \$ 1500

SPOUSE'S TAKE HOME PAY (PER MONTH) \$ 730

REGULAR INCOME AVAILABLE FROM
OPERATION OF BUSINESS OR PROFESSION \$ 0

DO YOU RECEIVE ANY ALIMONY OR SUPPORT PAYMENTS?
IF SO, STATE MONTHLY AMOUNT \$ 0

THE NAME, AGE & RELATIONSHIP TO YOU OF PERSONS FOR
WHOSE BENEFIT PAYMENTS ARE RECEIVED

PENSION, SOCIAL SECURITY OR RETIREMENT INCOME \$ 0

OTHER MONTHLY INCOME \$ 0

TOTAL MONTHLY INCOME \$ 2230

TOTAL MONTHLY EXPENSES \$ 1930

AMT OF PLAN PAYMENT
TO THE TRUSTEE \$ 300

TOTAL OF EXPENSES AND
PLAN PAYMENT \$ 2230

DIFFERENCE \$ 0

DEPENDENTS

NUMBER AGE & RELATIONSHIP OF DEPENDENTS (EXCEPT CURRENT SPOUSE)

Brooke Weiss - daughter age 3
Kandice Weiss - daughter age 1

OFFICIAL FORM NO. 7 **STATEMENT OF FINANCIAL AFFAIRS FOR DEBTOR NOT ENGAGED IN BUSINESS**

(Each question shall be answered or the failure to answer explained. If the answer is "none," or "not" applicable," so state. If additional space is needed for the answer to any question, a separate sheet, properly identified and made a part hereof, should be used and attached. The term, "original petition," as used in the following questions, shall mean the petition filed under Section 301, 302, 303 or 304 of Title 11 of the United States Code, or under Rule 1002, 1003, or 1004.)

1. Name and residence

Weiss, Major Charles Jr.

a. What is your full name? Weiss, Deborah Jodeane

b. Have you used, or been known by, any other names within the 6 years immediately preceding the filing of the original petition herein? (If so, give particulars.) Lawson, Deborah Jodeane

1103 W. 19th, Lawrence, KS 66044

c. Where do you now reside?

d. Where else have you resided during the 6 years immediately preceding the filing of the original petition herein? See attachment

2. Occupation and Income

MW - miscellaneous

a. What is your occupation? DW - retail sales

MW-

b. Where are you now employed? (Give the name and address of your employer, or the address at which you carry on your trade or profession, and the length of time you have been so employed or engaged.) DW- Thimbles, On the Plaza, KC, Mo 2 years

c. Have you been in a partnership with anyone, or engaged in any business during the 6 years immediately preceding the filing of the original petition herein? (If so, give particulars, including names, dates, and places.) Yes - MW - property management last quarter of 1987 - Jayhawk West Apt., 524 Frontier, Lawrence, KS - operated under name ESSI, business ended when became sick and entered hospital

d. What amount of income have you received from your trade or profession during each of the 2 calendar years immediately preceding the filing of the original petition herein?	MW	1986 6500	1987 10700	Note: Taxes are being prepared & some documents are missing. As a result these figures are estimates & may require revision
	DW	4700	7500	

e. What amount of income have you received from other sources during each of these 2 years? (Give particulars, including each source, and the amount received therefrom.) None (See note)

3. Tax returns and refundsa. Where did you file your last federal, state and municipal income tax returns for the 2 years immediately preceding the filing of the original petition herein? Federal - Austin, TX
State - Topeka, KS, Jefferson City, MO

b. What tax refunds (income and other) have you received during the year immediately preceding the filing of the original petition herein? None

c. To what tax refunds (income or other), if any, are you, or may you be entitled? (Give particulars, including information as to any refund payable jointly to you and your spouse or any other person.) None, to best of knowledge. Tax returns being prepared now.

Weiss, Major and Deborah

Official Form No. 7

Statement of Financial Affairs for Debtor Not Engaged in Business

Question 1 (d)

1103 W. 19th, Lawrence, KS
524 Frontier S-7 Lawrence, KS
2020 W. 27th #2 Lawrence, KS
1930 Rhode Island Lawrence, KS
1535 Wedgewood Lawrence, KS
227 Providence Lawrence, KS
201 Hanover Dr. Lawrence, KS
2215 S. Fremont Springfield, MO

Major

328 Winterbrook, Olathe, KS

Deborah

227 Providence, Lawrence, KS

33040765153

Weiss, Major & Deborah

4. Financial accounts, certificates of deposit and safe deposit boxes.

a. What accounts or certificates of deposit or shares in banks, savings and loan, thrift, building and loan and homestead associations, credit unions, brokerage houses, pension funds and the like have you maintained, alone or together with any other person, and in your own or any other name within the two years immediately preceding the filing of the original petition herein? (Give the name and address of each institution, the name and number under which the account or certificate is maintained, and the name and address of every other person authorized to make withdrawals from such account.)

Capitol Federal, Lawrence, KS - debtors
KUAFDC, Lawrence, KS - debtors
Law. Natl. Bk., Lawrence, KS - account in
name of ESSI, MW authorized to use

do not have account numbers
available at this time

b. What safe deposit box or boxes or other depository or depositories have you kept or used for your securities, cash, or other valuables within the two years immediately preceding the filing of the original petition herein? (Give the name and address of the bank or other depository, the name in which each box or other depository was kept, the name and address of every other person who had the right of access thereto, a brief description of the contents thereof, and, if the box has been surrendered, state when surrendered, or if transferred, when transferred, and the name and address of the transferee.)

None

5. Books and records

a. Have you kept books of account or records relating to your affairs within the 2 years immediately preceding the filing of the original petition herein?

Some records have been kept. To best
of knowledge known that were kept have
been lost

b. In whose possession are these books or records? (Give names and address.)

Debtor

c. If any of these books or records are not available, explain

See above. We have moved and some
could have been misplaced

d. Have any books of account or records relating to your affairs been destroyed, lost, or otherwise disposed of within the 2 years immediately preceding the filing of the original petition herein? (If so give particulars, including date of destruction, loss or disposition, and reason therefor.)

See above

6. Property held for another person

What property do you hold for any other person? (Give name and address of each person, and describe the property, or value thereof, and all writings relating thereto.)

None

7. Property held by another.

Is any other person holding anything of value in which you have an interest? (Give name and address, location and description of the property, and circumstances of the holding.)

No

8. Prior Bankruptcy

What cases under the Bankruptcy Act or title 11, United States Code have previously been brought by or against you? (State the location of the bankruptcy court, the nature and number of each case, the date when it was filed, and whether a discharge was granted or refused, the case was dismissed, or a composition arrangement, or plan was confirmed.)

None

9. Receiverships, general assignments, and other modes of liquidation

a. Was any of your property, at the time of the filing of the original petition herein, in the hands of a receiver, trustee, or other liquidating agent? (If so, give a brief description of the property, the name and address of the receiver, trustee, or other agent, and, if the agent was appointed in a court proceeding, the name and location of the court, the title and number of the case, and the nature thereof.)

Lawrence National Bank has approximately \$1000 worth of our property stored at Jayhawk Apartments, which it can keep and set off against what is owed .

No other

b. Have you made any assignment of your property for the benefit of your creditors, or any general settlement with your creditors, within one year immediately preceding the filing of the original petition herein? (If so, give dates, the name and address of the assignee, and a brief statement of the terms of assignment or settlement.)

No

10. Suits, executions, and attachments

a. Were you a party to any suit pending at the time of the filing of the original petition herein? (If so, give the name and location of the court and the title and nature of the proceeding.)

Douglas County District Court, Lawrence, KS

87L291, Reed vs. Weiss

87L781 Buck & Owens vs. Weiss

87L942 Godfrey vs. Green vs. Weiss

88L 13 Mid-America Industries vs.

Weiss

LC85-511 Law. Mem. Hosp. vs. Weiss

LC84-989 Seiwart vs. Weiss

Shawnee County District Court, Topeka, KS

87CR2389 State v. Weiss

b. Were you a party to any suit terminated within the year immediately preceding the filing of the original petition herein? (If so, give the name and location of the court, the title and nature of the proceeding, and the result.)

c. Has any of your property been attached, garnished, or seized under any legal or equitable process within the year immediately preceding the filing of the original petition herein? (If so, describe the property seized or person garnished, and at whose suit.)

No (see No. 9)

11. Payment of loans, installment purchases and other debts.

a. What payments in whole or in part have you made during the year immediately preceding the filing of the original petition herein on any of the following: (1) loans; (2) installment purchases of goods and services; and (3) other debts? (Give the names and addresses of the persons receiving payment, the amounts of the loans or other debts and the purchase price of the goods and services, the dates of the original transactions, the amounts and dates of payments and, if any of the payees are your relatives or insiders, the relationship; if the debtor is a partnership and any of the payees is or was a partner or a relative of a partner, state the relationship; if the debtor is a corporation and any of the payees is or was an officer, director, or stockholder, or a relative of an officer, director, or stockholder, state the relationship.)

We have made some payments to listed creditors

b. Setoffs.

What debts have you owed to any creditor, including any bank, which was setoff by that creditor against a debt or deposit owing by the creditor to you during the year immediately preceding the filing of the original petition herein? (Give the names and addresses of the persons setting off such debts, the dates of the setoffs, the amounts of the debts owing by you and to you and, if any of the creditors are your relatives or insiders, the relationship.)

See No. 9 above

12. Transfers of property

a. Have you made any gifts, other than ordinary and usual presents to family members and charitable donations, during the year immediately preceding the filing of the original petition herein? (If so, give names and addresses of donees and dates, description, and value of gifts.)

No

b. Have you made any other transfer, absolute or for the purpose of security, or any other disposition, of real or tangible personal property during the year immediately and preceding the filing of the original petition herein? (Give a description of the property, the date of the transfer or disposition, to whom transferred or how disposed of, and, if the transferee is a relative or insider, the relationship, the consideration, if any, received therefor, and the disposition of such consideration.)

No

20040763155

Weiss, Major and Deborah

13. Resposessions and returns

Has any property been returned to, or repossessed by, the seller or by a secured party during the year immediately preceding the filing of the original petition herein? (If so, give particulars including the name and address of the party getting the property and its description and value.)

Returned car to Counsin Charlies in Aug of 1987

Rented furnishings picked up by Rent A Center earlier this year

14. Losses

a. Have you suffered any losses from fire, theft, or gambling during the year immediately preceding or since the filing of the original petition herein? (If so, give particulars, including dates, names, and places, and the amounts of money or value and general description of property lost.)

No

b. Was the loss covered in whole or part by insurance? (If so, give particulars.)

N/A

15. Payments or transfers to attorneys

a. Have you consulted an attorney during the year immediately preceding or since the filing of the original petition herein? (Give date, name and address.)

Jerry L. Harper, Attorney
During 1987 and 1988

b. Have you during the year immediately preceding or since the filing of the original petition herein paid any money or transferred any property to the attorney or to any other person on his behalf? (If so, give particulars, including amount paid or value of property transferred and date of payment or transfer.)

Jerry L. Harper, Attorney
Have made some modest payments to him for representation in various of the cases listed in No. 10

c. Have you, either during the year immediately preceding or since the filing of the original petition herein, agreed to pay any money or transfer any property to an attorney at law, or to any other person on is behalf? (If so, give particulars, including amount and terms of obligation.)

Jerry L. Harper, Attorney
see disclosure elsewhere in these forms

I, Major and Deborah Weiss, declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and that they are true and correct to the best of my knowledge, information, and belief

Executed on _____
Date

Debtor

3 3 0 4 0 7 6 5 1 5 0

Debtor Major Weiss'

STATEMENT OF FINANCIAL AFFAIRS FOR DEBTOR ENGAGED IN BUSINESS

(Each question should be answered or the failure to answer explained. If the answer is "none," or "not applicable," so state. If additional space is needed for the answer to any question, a separate sheet, properly identified, and made part hereof, should be used and attached.

If the debtor is a partnership or a corporation, the questions shall be deemed to be addressed to, and shall be answered on behalf of, the partnership or corporation; and the statement verified by a member of the partnership or by a duly authorized officer of the corporation.

The term, "original petition," as used in the following questions shall mean the petition filed under Section 301, 302, 303 or 304 of Title 11 of the United States Code, or under Rule 1002, 1003 or 1004.)

1. Nature and location, and name of business

ESSI

524 Frontier, Lawrence, KS 66044

a. Under what name and where do you carry on your business? ..

b. In what business are you engaged? (If business operations have been terminated, give the date of such termination)

Managed Jayhawk Apartments, Lawrence, KS
524 Frontier. Ended at end of 1987

c. When did you commence such business?

Mid 1987

d. Where else, and under what other names, have you carried on business within the 6 years immediately preceding the filing of the original petition herein? (Give street addresses, the names of any partners, joint adventurers, or other associates, the nature of the business, and the periods for which it was carried on.)

None

2. Books and records

a. By whom, or under whose supervision, have your books of account and records been kept during the 2 years immediately preceding the filing of the original petition herein? (Give names, addresses, and periods of time)

Debtor

b. By whom have your books of account and records been audited during the 2 years immediately preceding the filing of the original petition herein? (Give names, addresses, and dates of audits) ..

No one

c. In whose possession are your books of account and records? (Give names and addresses.)

Debtor

d. If any of these books or records are not available, explain

Debtor has been in hospital for several months. During that time business terminated and some records may not have been recovered, but debtor thinks most are available

e. Have any books of account or records relating to your affairs been destroyed, lost, or otherwise disposed of within the 2 years immediately preceding the filing of the original petition herein? (If so, give particulars, including date of destruction, loss, or disposition, and reason therefor.)

3. Financial statements

Have you issued any written financial statements within the 2 years preceding the filing of the original petition herein? (Give dates, and the names and addresses of the persons to whom issued, including mercantile and trade agencies

Nothing other than some basic financial information to Lawrence National Bank

4. Inventories

a. When was the last inventory of your property taken?

No inventory

b. By whom, or under whose supervision, was the inventory taken?

N/A

c. What was the amount, in dollars, of the inventory? (State whether the inventory was taken at cost, market, or otherwise.)

N/A

d. When was the next prior inventory of your property taken?

N/A

e. By whom, or under whose supervision, was this inventory taken?

N/A

f. What was the amount, in dollars, of the inventory? (State whether the inventory was taken at cost, market, or otherwise.)

N/A

g. In whose possession are the records of the 2 inventories above referred to? (Give names and address.)

N/A

5. Income other than from operation of business

What amount of income, other than from operation of your business, have you received during each of the 2 years immediately preceding the filing of the original petition herein? (Give particulars, including each source, and the amount received therefrom.)

Business only operated for short period in 1987. See rest of pleadings for other income

6. Tax returns and refunds

a. In whose possession are copies of your federal, state and municipal income tax returns for the 3 years immediately preceding the filing of the original petition herein?

Only return relevant to this business is 1987 return which is now being prepared

b. What tax refunds (income or other) have you received during the 2 years immediately preceding the filing of the original petition herein?

None

c. To what tax refunds (income or other), if any, are you, or may you be entitled? (Give particulars, including information as to any refund payable jointly to you and your spouse or any other person)

Do not know. 1986 and 1987 returns are being prepared

7. Financial accounts, certificates of deposit and safe deposit boxes

a. What accounts or certificates of deposit or shares in banks, savings and loan, thrift, building and loan and homestead associations, credit unions, brokerage houses, pension funds and the like have you maintained, alone or together with any other person, and in your own or any other name, within the two years immediately preceding the filing of the original petition herein? (Give the name and address of each institution, the name and number under which the account or certificate is maintained, and the name and address of every person authorized to make withdrawals from such account.)

Lawrence National Bank, checking
for ESSi

b. What safe deposit box or boxes or other depository or depositories have you kept or used for your securities, cash, or other valuables within the two years immediately preceding the filing of the original petition herein? (Give the name and address of the bank or other depository, the name in which each box or other depository was kept, the name and address of every person who had the right of access thereto, a description of the contents thereof, and, if the box has been surrendered, state when surrendered or, if transferred, when transferred and the name and address of the transferee.)

None

8. Property held for another person

What property do you hold for any other person? (Give name and address of each person, and describe the property, the amount or value thereof and all writings relating thereto.)

None

9. Property held by another person

Is any other person holding anything of value in which you have an interest? (Give name and address, location and description of the property, and circumstances of the holding.)

Lawrence National Bank and Jayhawk Apts.
have about \$1000 worth of property which
they refuse to give back, but can keep

10. Prior proceedings

What proceedings under the Bankruptcy Act of 1898 or of Title 11 of the United States Code have previously been brought by or against you? (State the location of the bankruptcy court, the nature and number of proceeding, and whether a discharge was granted or refused, the proceeding was dismissed, or a composition, arrangement, or plan was confirmed.)

against debt (mostly tools)

None

11. Receiverships, general assignments, and other modes of liquidation

a. Was any of your property, at the time of the filing of the original petition herein, in the hands of a receiver, trustee, or other liquidating agent? (If so, give a brief description of the property and the name and address of the receiver, trustee, or other agent, and, if the agent was appointed in a court proceeding, the name and location of the court, the title and number of the case thereof.)

No

b. Have you made any assignment of your property for the benefit of your creditors, or any general settlement with your creditors, within the 2 years immediately preceding the filing of the original petition herein? (If so, give dates, the name and address of the assignee, and a brief statement of the terms of assignment or settlement.)

No

12. Suits, executions, and attachments

a. Were you a party to any suit pending at the time of the filing of the original petition herein? (If so, give the name and location of the court and the title and nature of the proceeding.)

See rest of pleadings. None are against
ESSi

b. Were you a party to any suit terminated within the year immediately preceding the filing of the original petition herein? (If so, give the name and location of the court, the title and nature of the proceeding, and the result.)

See rest of pleadings

c. Has any of your property been attached, garnished, or seized under any legal or equitable process within the 90 days immediately preceding the filing of the original petition herein? (If so, describe the property seized or person garnished, and at whose suit.)

no

13. Payments of loans, installment purchases and other debts

a. What payments in whole or in part have you made during the year immediately preceding the filing of the original petition herein on any of the following: (1) loans; (2) installment purchases of goods and services; and (3) other debts? (Give the names and addresses of the persons receiving payment, the amounts of the loans or other debts and of the purchase price of the goods and services, the dates of the original transactions, the amounts and dates of payments, and, if any of the payees are your relatives or insiders, the relationship; if the debtor is a partnership and any of the payees is or was a partner or a relative of a partner, state the relationship; if the debtor is a corporation and any of the payees is or was an officer, director, or stockholder, or a relative of an officer, director, or stockholder, state the relationship.)

See rest of pleadings

b. Setoffs

What debts have you owed to any creditor, including any bank, which was setoff by that creditor against a debt or deposit owing by the creditor to you during the year immediately preceding the filing of the original petition herein? (Give the names and addresses of the persons setting off such debts, the dates of the setoffs, the amounts of the debts owing by you and to you and, if any of the creditors are your relatives or insiders, the relationship.)

None, but see answer to No. 9

14. Transfers of property

a. Have you made any gifts, other than ordinary and usual presents to family members and charitable donations during the year immediately preceding the filing of the original petition herein? (If so, give names and addresses of donees and dates, description, and value of gifts.)

No

b. Have you made any other transfer, absolute or for the purpose of security, or any other disposition which was not in the ordinary course of business during the year immediately preceding the filing of the original petition herein? (Give a description of the property, the date of the transfer or disposition, to whom transferred or how disposed of, and state whether the transferee is a relative, partner, shareholder, officer, director, or insider, the consideration, if any, received for the property, and the disposition of such consideration.)

No

15. Accounts and other receivables

Have you assigned, either absolutely or as security, any of your accounts or other receivables during the year immediately preceding the filing of the original petition herein? (If so, give names and addresses of assignees.)

I don't think so

16. Repossessions and returns

Has any property been returned to, or repossessed by, the seller or by a secured party during the year immediately preceding the filing of the original petition herein? (If so, give particulars, including the name and address of the party getting the property and its description and value.)

See rest of pleadings.

17. Business leases

If you are a tenant of business property, what are the name and address of your landlord, the amount of your rental, the date to which rent had been paid at the time of the filing of the original petition herein, and the amount of security held by the landlord?

N/A

18. Losses

a. Have you suffered any losses from fire, theft, or gambling during the year immediately preceding the filing of the original petition herein? (If so, give particulars, including dates, names, and places, and the amounts of money or value and general description of property lost.)

No

b. Was the loss covered in whole or part by insurance? (If so, give particulars.)

N/A

19. Withdrawals

a. If you are an individual proprietor of your business, what personal withdrawals of any kind have you made from the business during the year immediately preceding the filing of the original petition herein?

About \$2500 as near as I can tell
(Tax return being prepared)

b. If the debtor is a partnership or corporation, what withdrawals, in any form (including compensation or loans), have been made by any member of the partnership, or by any officer, director, managing executive, or shareholder of the corporation, during the year immediately preceding the filing of the original petition herein? (Give the name and designation or relationship to the debtor of each person, the dates and amounts of withdrawals, and the nature or purpose thereof.)

N/A

20. Payments or transfers to attorneys

a. Have you consulted an attorney during the year immediately preceding or since the filing of the original petition herein? (Give date, name, and address.)

See rest of pleadings

b. Have you during the year immediately preceding or since the filing of the original petition herein paid any money or transferred any property to the attorney, or to any other person on his behalf? (If so, give particulars, including amount paid or value of property transferred and date of payment or transfer.)

See rest of pleadings

c. Have you, either during the year immediately preceding or since the filing of the original petition herein, agreed to pay any money or transfer any property to an attorney at law, or to any other person on his behalf? (If so, give particulars, including amount and terms of obligation.)

See rest of pleadings

Weiss, Major and Deborah

(If the debtor is a partnership or corporation, the following additional question should be answered.)

21. Members of partnership; officers, directors, managers, and principal stockholders of corporation

- a. What is the name and address of each member of the partnership, or the name, title, and address of each officer, director, and managing executive, and of each stockholder holding 20 per cent or more of the issued and outstanding stock, of the corporation?

Was a sole proprietorship. Started out to do corporation, but didn't get it done

- b. During the year immediately preceding the filing of the original petition herein, has any member withdrawn from the partnership, or any officer, director, or managing executive of the corporation terminated his relationship, or any stockholder holding 20 per cent or more of the issued stock disposed of more than 50 per cent of his holdings? (If so, give name and address and reason for withdrawal, termination, or disposition, if known.)

N/A

- c. Has any person acquired or disposed of 20 per cent or more of the stock of the corporation during the year immediately preceding the filing of the petition? (If so, give name and address and particulars.)

N/A

Note: My wife, Deborah Weiss was not involved in ESSI.

I, Major Charles Weiss, certify under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and that they are true and correct to the best of my knowledge, information, and belief.

Executed _____ Date _____ Debtor _____

United States Bankruptcy Court
District of Kansas

IN RE:

Case No.

WEISS, MAJOR CHARLES
WEISS, DEBORAH JODEANE

Debtor.

CHAPTER 13 DEBTOR'S PLAN

The debtor submits all or such portion of his future income to the control of the trustee as is, or may be necessary for the execution of the plan. The debtor or the debtor's employer shall pay to the trustee the sum of \$ 300.00 each month to be distributed by the trustee under the plan.

Payments to the trustee shall be made in installments conforming to the debtor's pay periods over a period of not longer than 5 years from the date of confirmation of the plan in such amounts as may be required to provide for the payment of all costs of administration, the payment in full of all claims entitled to priority as defined in 11 U.S.C. 507, the present value of all allowed secured claims and an amount not less than 0% to each allowed unsecured claim.

The debtor's total payments to the trustee under the plan shall not be less than \$ 10800.00
(Total number of payments times amount of each payment)

After the payment of costs of administration as provided by order of the court, the moneys paid to the trustee shall be distributed as indicated on the attached Schedule of Debts as follows:

1. All claims entitled to priority under 11 U.S.C. 507 shall be paid in full in deferred cash payments as required by 11 U.S.C. 1322(a)(2) in the manner indicated on the attached Schedule of Debts.

2. With respect to each allowed secured claim (unless the creditor has accepted different treatment of its claim or the debtor proposes to surrender the property securing the claim):

(a) the holder of each such claim shall retain the lien securing such claim, and

(b) the holder of such claim shall be paid cash in such amounts as to have a value, as of the effective date of the plan, that is not less than the allowed amount of such claim, (as that amount may be finally determined).

Unless otherwise specifically noted on the attached Schedule of Debts the plan does not propose that the debtor surrender any property to the holders of secured claims.

Special treatment for individual creditors including specific or fixed monthly payments, if any, are noted on the attached Schedule of Debts opposite the name and address of the creditor or creditors affected. All unsecured creditors shall be paid in a manner that provides the same treatment for each claim within a particular class. The amount to be distributed to each unsecured creditor under the plan shall not be less than the value (as of the effective date of the plan) of the amount, if any, that would be paid such claim if the estate of the debtor were to be liquidated under chapter 7 of Title 11 of the United States Code.

The attached "Schedule of Debts" together with all remarks and other notations thereon is incorporated in and made a part of this plan.

[Special treatment, if any, provided for individual creditors, i.e., a specific monthly payment, different compromise (forgive) percentage, priority of payment or interest to be paid, should be noted in the "Remarks" section of the affected creditor's block of space.]

Executed on _____

Debtor(s)

United States Bankruptcy Court
District of Kansas

IN RE:

WEISS, MAJOR CHARLES
WEISS, DEBORAH JODEANE

APPLICATION TO PAY FILING FEES IN INSTALLMENTS

1. The applicant is filing herewith a petition and a plan under Chapter 13 of Title 11 of the United States Code.
2. The applicant is unable to pay all ~~(or a part)~~ of the filing fees except in installments and propose that such fees be paid to the Chapter 13 Trustee in the installments as proposed in the plan filed herewith.
3. No money has been paid to the applicant's attorney for services in connection with this case or with any pending case under said Title 11 and no payment will be made to the attorney for such services except through the Trustee in this case.

WHEREFORE applicant prays for permission to pay all or the balance of the filing fees in installments.

DATE

APPLICANT

APPLICANT

ORDER PERMITTING PAYMENT OF FILING FEES IN INSTALLMENTS

The foregoing application having been considered:

It is ordered that the debtor pay any filing fee still owing by paying to the Chapter 13 Trustee the installment payments proposed in the debtor's plan; and

It is further ordered that the debtor shall pay no money and shall transfer no property to the attorney for services in connection with this case except as may be allowed by the court and paid by the Trustee pursuant to the plan and the orders of this court; and

It is further ordered that the debtor's attorney shall accept no money or property from the debtor or his spouse for services in connection with this case or any pending case under Title 11 of the United States Code, and that any award of compensation to the attorney for services in connection with this case shall be governed by such title and the Rules promulgated pursuant thereto.

DATE

BANKRUPTCY JUDGE

APPROVED

ATTORNEY FOR APPLICANT(S)

JERRY L. HARPER

30040763154

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF KANSAS

IN RE:

WEISS, MAJOR CHARLES
WEISS, DEBORAH JODEANE

Case No. _____

ASSIGNMENT OF INCOME TAX REFUNDS

For and in consideration of legal services rendered and to be rendered in connection with bankruptcy proceedings, the undersigned hereby assigns and transfers to Jerry L. Harper, Attorney at Law, all interest in and to any claims--past, present and future--for refunds of State and Federal income taxes overwithheld or overpaid during the taxable year, 1986 & 87, to the extent of \$ 900.00. The undersigned represents that an entitlement to refunds exists, that tax returns will be promptly filed, and that any tax refund checks received for the taxable year will be delivered to the assignee.

Executed on 8/8/87.

[Signature]

[Signature]

2274765165

HARPER LAW OFFICES

1101 MASSACHUSETTS SUITE 201
P O BOX 1000
LAWRENCE KANSAS 66044

06C1706
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 FEB -1 AM 9:33

TELEPHONE
913 749 0123

January 28, 1989

Ms. Deborah Curry, Attorney
Federal Election Commission
Washington, DC 20463

Re: MUR 2316
Major C. Weiss

Dear Ms. Curry:

I am writing as a follow up to my letter of December 23, 1988, and our telephone conversation of January 9, 1989, to see whether or not there is any additional information that I can provide you concerning the situation of my client, Mr. Major C. Weiss.

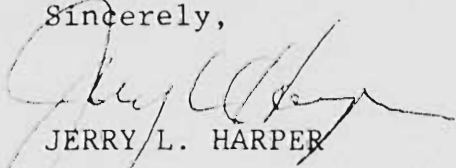
As previously indicated, Mr. Weiss has pretty much been through the wringer. There really is not much left to squeeze.

Mr. Weiss and/or I would be happy to provide you with whatever additional information that you might require.

In addition, it would seem to me that it might be appropriate to draft a conciliation agreement setting forth the fact of Mr. Weiss' criminal conviction, the restitution he is paying, the bankruptcy, and the psychiatric help. This would make clear that in this particular case a large civil penalty is not workable.

Thank you for you consideration.

Sincerely,


JERRY L. HARPER

JLH:fh

89 FEB -1 AM 9:33

06C 3792

RECEIVED
FEDERAL ELECTION COMMISSION**BLACKWELL SANDERS MATHENY WEARY & LOMBARDI**

40 CORPORATE WOODS, SUITE 1200

9401 INDIAN CREEK PARKWAY

P. O. BOX 25388

OVERLAND PARK, KANSAS 66225-5388

913 345-8400

August 11, 1989

89 AUG 18 AM 8:43

TWO PERSHING SQUARE

2300 MAIN STREET, SUITE 1100

P. O. BOX 419777

KANSAS CITY, MISSOURI 64141-6777

816 274-6800

TELECOPIER
913 345-2067RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 AUG 18 PM 1:11

Associate Counsel Deborah Curry
Federal Election Commission
Room 657
999 E. Street, N.W.
Washington, D.C. 20463

RE: MUR 2316
Kansans for Kline and Major C. Weiss, as treasurer

Dear Deborah:

As we discussed, please find enclosed an executed copy of the Conciliation Agreement. Accordingly, within thirty (30) days of the acceptance and filing of the Conciliation Agreement, Kansans for Kline will comply with the terms of the Agreement.

Additionally, as we discussed on Tuesday, August 8, 1989, Kansans for Kline will not be able to file an accurate Pre-General Election and Post-General Election Report. All of the records required to file those reports were destroyed or falsified by Major Weiss to cover his improper activities. Accordingly, I will file a report that includes the limited information that I have available.

Furthermore, the campaign committee has agreed to the \$350.00 fine so that this matter may be disposed of. It in no fashion, however, feels that this fine is warranted or justified. The campaign committee and the various parties involved, with the exception of Major Weiss, are victims of Mr. Weiss' improper conduct. It was possible for the committee to simply file an incomplete or false report at the time it discovered the falsifications made by Major Weiss. Rather, the committee decided to maintain its integrity and inform the Federal Election Commission of the activities of its treasurer. Additionally, the committee refused to file a false and inadequate report. For this conduct the committee now faces a fine.

79159206000

BLACKWELL SANDERS MATHENY WEARY & LOMBARDI

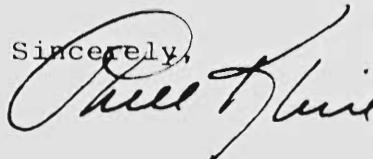
Ms. Deborah Curry
August 11, 1989
Page Two

Regardless, the Conciliation Agreement has been signed and in the near future \$350.00 will be forwarded to the Federal Election Commission so that this matter may be closed.

Thank you very much for your time and attention to this matter. If you should have any questions or comments, please feel free to contact me.

Best regards.

Sincerely,



Phillip D. Kline

PDK/bb
Enclosure

8 2 0 4 0 7 6 5 1 5 8

FEDERAL ELECTION COMMISSION
MAIL ROOM
CSC 379

89 AUG 17 AM 9:22

HARPER LAW OFFICES

1101 MASSACHUSETTS SUITE 201
P O BOX 1000
LAWRENCE KANSAS 66044

TELEPHONE
913 749 0123

August 12, 1989

Lawrence N. Noble, General Counsel
Federal Election Commission
Washington, D.C. 20463

Attn. Deborah Curry

Re: MUR 2316
Major C. Weiss

Dear Ms. Curry:

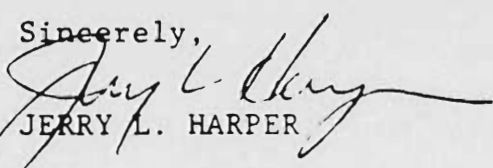
As a follow up to our telephone conversation, I am writing this letter.

When I returned to my office on August 8, 1989, from a 10 day trip, I found the letter of July 28, 1989, and the proposed conciliation agreement. Because my client's job requires him to be on the road during the week, I could not meet with him until today (August 12, 1989).

As previously indicated, my client is having a very difficult time financially. He is going to make the payments directly and not through his bankruptcy plan in order to accomodate your internal requirements.

The proposed changes in the agreement do not alter in any way the substantive statements therein and they do not change the total civil penalty to be paid. I, therefore, hope they are acceptable to the Commission.

Sincerely,


JERRY L. HARPER

JLH:fh

89 AUG 18 PM 1:11

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
WASHINGTON, D.C.

69159204068

89 SEP -7 AM 11:16

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

MUR 2316

SENSITIVE

Kansans for Kline and James R.)

Kline, Jr., as treasurer; and)

Major C. Weiss)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached are two conciliation agreements which have been signed by counsel on behalf of respondents in the matter.

Phillip Dean Kline has signed a conciliation agreement on behalf of Kansans for Kline and James R. Kline, Jr., as treasurer.

(Attachment 1). Major C. Weiss (respondent) and Jerry L. Harper (counsel) have signed the conciliation agreement for Major C. Weiss. (Attachment 2).

The attached agreement of Kansans for Kline and James R. Kline, Jr., as treasurer, contains no changes from the agreement approved by the Commission on July 21, 1989. A check for the civil penalty was not received with respect to the agreement for Kansans for Kline and James R. Kline, Jr., as treasurer.

00040763170

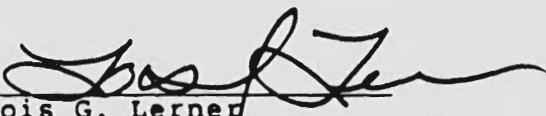
RECOMMENDATIONS

1. Accept the attached conciliation agreement with Kansans for Kline and James R. Kline, Jr., as treasurer.
2. Accept the attached conciliation agreement with Major C. Weiss.
3. Close the file.
4. Approve the attached letters.

Lawrence M. Noble
General Counsel

29040765171
Date 9/6/89

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement with Kansans for Kline
2. Conciliation Agreement with Major C. Weiss
and photocopy of civil penalty check
3. Letters to Respondents

Staff Assigned: Debby Curry

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Kansans for Kline and James R.) MUR 2316
Kline, Jr., as treasurer; and)
Major C. Weiss)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 11, 1989, the Commission decided by a vote of 4-0 to take the following actions in MUR 2316:

1. Accept the conciliation agreement with Kansans for Kline and James R. Kline, Jr., as recommended in the General Counsel's Report dated September 6, 1989.
2. Accept the conciliation agreement with Major C. Weiss, as recommended in the General Counsel's Report dated September 6, 1989.
3. Close the file.
4. Approve the letters, as recommended in the General Counsel's Report dated September 6, 1989.

Commissioners Aikens, Elliott, McDonald, and McGarry voted affirmatively for the decision; Commissioners Josefiak and Thomas did not cast votes.

Attest:

9-12-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Thursday, September 7, 1989 11:16 a.m.
Circulated to the Commission: Thursday, September 7, 1989 4:00 p.m.
Deadline for vote: Monday, September 11, 1989 4:00 p.m.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 18, 1989

Jerry L. Harper, Esquire
Harper Law Offices
1101 Massachusetts, Suite 201
Lawrence, Kansas 66044

RE: MUR 2316
Major C. Weiss

Dear Mr. Harper:

On September 11, 1989, the Federal Election Commission accepted the signed conciliation agreement and initial civil penalty payment submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 432(b)(3), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your client. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the agreement requires monthly installment payments of the civil penalty agreed to by your client. If you have any questions, please contact Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "Lois G. Lerner", is written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

3 2 9 4 0 7 6 5 1 7 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Major C. Weiss

)
) MUR 2316
)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Major C. Weiss ("Respondent") violated 2 U.S.C. § 432(b)(3) by commingling campaign funds and personal funds.

NOW, THEREFORE, the Commission and the 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. Major C. Weiss was the former treasurer of Kansans for Kline Committee (hereinafter "Kline Committee").

2. Major C. Weiss became treasurer of Kline Committee in September 1986.

99040765174

3. As treasurer, Mr. Weiss was to keep track of campaign funds, make deposits of money received and pay bills when due.

4. On October 1, 1986, Phillip Kline (the candidate) changed the checking account to add Huck Boyd, as co-signer.

5. Thereafter, all checks would require the signatures of Mr. Weiss and Mr. Boyd to be valid.

6. The record indicates that many of the checks drawn on the Kline account were made out to Mr. Weiss as payee and endorsed by Mr. Weiss.

7. Additionally, it appears that on two occasions Mr. Weiss received cash back on deposits of contributions made into the Kline Account.

8. Many of the checks made out during Mr. Weiss' tenure as treasurer were written after October 1, 1986 and bore only Mr. Weiss' signature as maker and thus were invalid.

9. To cover up for the shortfall of funds in the Kline Committee account due to this improper activity, Mr. Weiss wrote checks on a closed personal bank account and forged four checks on the closed personal bank account of two other deceased persons.

10. Instead of paying for campaign related expenses, Mr. Weiss commingled campaign funds (approximately \$8,000) with his own funds.

11. In January 1988, Mr. Weiss entered a psychiatric hospital in Kansas City where he remained an in-patient until

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May 1, 1988. To date, Mr. Weiss is seen on an out-patient basis at the psychiatric hospital.

12. During Mr. Weiss' tenure at the psychiatric hospital he was transported to Shawnee County District Court in Topeka, Kansas, where he pleaded no contest to one count of theft and one count of forgery based on facts relating to Mr. Weiss' commingling of campaign and personal funds.

13. As part of his sentence, Mr. Weiss was put on four years probation and ordered to complete and follow up with psychiatric treatment.

14. Additionally, Mr. Weiss was ordered to pay restitution in the amount of \$7,890.

15. Subsequently, on August 11, 1988, Mr. Weiss and his wife filed a petition in bankruptcy under the provisions of Chapter 13 of the Bankruptcy Code.

V. Mr. Major C. Weiss knowingly and willfully commingled campaign funds and personal funds, in violation of 2 U.S.C. § 432(b)(3).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Five Hundred Dollars (\$1,500), pursuant to 2 U.S.C. § 437g(a)(5)(A). Such penalty to be paid as follows:

1. One initial payment of \$25.00 at the time of execution of this agreement.
2. Thereafter, beginning on September 1, 1989, 59 consecutive monthly installment payments of \$25.00 each;

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3. Each such installment shall be paid on the first day of the month in which it becomes due;

4. In the event that any installment payment is not received by the Commission by the tenth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the respondent. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

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. 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 enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:

Lois G. Lerher
Associate General Counsel

Date

9/15/89

FOR THE RESPONDENT:

Maj C. Weiss
Major C. Weiss

Date

8/12/89

Approved:

Jerry L. Harper
JERRY L. HARPER
P.O. Box 1000
Lawrence, KS 66044
913/749-0123
Attorney for Respondent

89040765178



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

September 18, 1989

Phillip Dean Kline, Esquire
Blackwell, Sanders, Matheny, Weary & Lombardi
P.O. Box 25388
Overland Park, Kansas 66225-5388

RE: MUR 2316
Kansans for Kline and James R.
Kline, Jr., as treasurer

Dear Mr. Kline:

On September 11, 1989, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(a)(2)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your clients. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. The civil penalty of \$350 and the filing of the 1986 Pre-General Election Report are due within thirty days. If you have any questions, please contact Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

39040765179

000040765180

In the Matter of)
) MUR 2316
Kansans for Kline and James R.)
Kline, Jr., as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Kansans for Kline and its treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 12 Day Pre-General Election Report by the required due date.

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

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

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

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

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

1. Kansans for Kline is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Kansans for Kline is the principal campaign committee of Phillip Dean Kline.

3. Major C. Weiss was treasurer of Kansans for Kline at the time of the filing date for the 12 Day Pre-General Election Report.

4. James R. Kline, Jr. is the current treasurer of Kansans for Kline.

5. Respondents were required by 2 U.S.C. § 434(a)(2)(A)(i) to file the 1986 12 Day Pre-General Election Report by October 23, 1986.

6. Respondents failed to file the 1986 12 Day Pre-General Election Report by the required date due to improper activities by Mr. Weiss.

7. No 12 Day Pre-General Election Report has been filed. Additionally, due to improper activities by Mr. Weiss, Respondents contend that they are unable to file a complete 1986 12 Day Pre-General Election Report.

V. The 1986 12 Day Pre-General Election Report was not filed by the required due date, in violation of 2 U.S.C. § 434(a)(2)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Hundred Fifty Dollars (\$350) pursuant to 2 U.S.C. § 437g(a)(5)(A) and file all outstanding reports.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any

requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

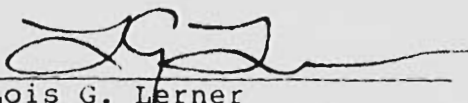
IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Date

9/15/88

FOR THE RESPONDENTS:


Phillip Dean Kline
Counsel

Date

August 11, 1988



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2316

DATE FILMED 9/29/89 CAMERA NO. 3

CAMERAMAN AS

8 2 0 4 0 7 6 3 1 9 3



FEDERAL ELECTION COMMISSION

WASHINGTON D C 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC RECORD IN (CLOSED) MUR 2316

80040771694

Deborah,

Since Major is out of town which
work quite a bit I am usually
the one who will mail his pay-
ments for him. I need to
know if there is a more specific
address to use than the
one I have addressed the
envelope to and if so could
you please let me know.
Also do I need to include
on the payments the Case #
and if so is the one I have on
the M.O. correct.

Thank you
Debbie Weiss

CLOSED

AMERICAN EXPRESS MONEY ORDER



Capitol Federal Savings
MEMBER F.S.L.I.C.

04-438,236,576

PAY THE SUM OF
NOT GOOD OVER \$1000.

DATE
TO THE
ORDER OF

Oct. 2, 89 THE SUM 25,000.00
Federal Election Commission
Major C. Weiss 14926 Glenwood Hill Road Park
SENDER'S NAME AND ADDRESS

Issued by American Express
Travel Related Services Company, Inc.
Boulderwood, Colorado

United Bank of Grand Junction - Downtown
Grand Junction, Colorado

⑆102100400⑆04 ⑈438236576⑈

89 OCT - 5 PM 3:40

FEDERAL ELECTION COMMISSION

RECEIVED
021

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CHERYL T WILLIAMS

FROM: CHERYL T WILLIAMS

FROM: DEBRA A. TRIMIEW

Money Order

CHECK NO. 04-438,236,576 { A COPY OF WHICH IS ATTACHED } RELATING TO

MUR 2316 AND NAME Major C. Weiss

(Curry)

WAS RECEIVED ON 10/6/89. PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

/ / BUDGET CLEARING ACCOUNT { 95F3875.16 }
/ ✓ / CIVIL PENALTIES ACCOUNT { 95-1099.160 }
/ / OTHER _____

SIGNATURE Debra A. Trimiew

DATE 10/10/89



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2316.

90040703850



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 24, 1990

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Major C. Weiss
1439 Rhode Island
Lawrence, KS 66044

RE: MUR 2316
Major C. Weiss

Dear Mr. Weiss:

On September 15, 1989, the Federal Election Commission and you entered into a conciliation agreement in settlement of a violation of 2 U.S.C. § 432(b)(3), a provision of the Federal Election Campaign Act of 1971, as amended. According to the agreement, you were required to pay a civil penalty of \$1,500 in 59 installments of \$25 each. The first payment was due on September 1, 1989, with additional payments due on the first day of each successive month.

According to Commission records, the payments for the months of November and December 1989 and January 1990 have not been received. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payments within five days, this Office will recommend that the Commission file suit to remedy this violation.

Should you have any questions, please contact Noriega E. James, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to be "L. G. Lerner", written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

90040703857

CLOSED



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

March 2, 1990

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Major C. Weiss
1103 W. 19th
Lawrence, KS 66044

RE: MUR 2316
Major C. Weiss

Dear Mr. Weiss:

On September 15, 1989, the Federal Election Commission and you entered into a conciliation agreement in settlement of a violation of 2 U.S.C. § 432(b)(3). According to the agreement, you were required to pay a civil penalty of \$1,500. The conciliation agreement provided for sixty (60) installment payments of \$25, with your first payment due on September 1, 1989, and additional payments due on the first day of each successive month.

According to Commission records, your payments for the months of November and December 1989 and January and February 1990 have not been received. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payments from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

90040703858

Major C. Weiss
Page 2

If you believe the Commission's records are in error, or if you have any questions, please contact Noriega E. James, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Verner
Associate General Counsel

90040703059



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2316 .

90040790582



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

April 23, 1990

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Major C. Weiss
14926 Glenwood
Overland Park, KS 66203

RE: MUR 2316
Major C. Weiss

Dear Mr. Weiss:

On September 15, 1989, the Federal Election Commission and you entered into a conciliation agreement in settlement of a violation of 2 U.S.C. § 432(b)(3). According to the agreement, you were required to pay a civil penalty of \$1,500. The conciliation agreement provided for 60 installment payments, with your first payment due on September 1, 1989, and additional payments due on the first day of each successive month.

According to Commission records, your payments for the months of November and December 1989, and January, February, March and April 1990 have not been received. On January 24, 1990, the Commission sent a reminder letter to the 1439 Rhode Island, Lawrence, Kansas address which was returned. On March 2, 1990 the Commission sent another reminder letter to the 1103 W. 19th, Lawrence, Kansas address which again was returned. Please be advised that you should properly notify the Commission of any changes in address. In addition, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we hear from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

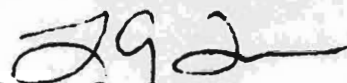
9004079058

Mr. Weiss
Page 2

If you believe the Commission's records are in error, or if you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

20040790584



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2316.

20040300030



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

June 22, 1990

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Major C. Weiss
1006 E. Park
Olathe, KS 66061

RE: MUR 2316
Major C. Weiss

Dear Mr. Weiss:

On September 15, 1989, the Federal Election Commission and you entered into a conciliation agreement in settlement of a violation of 2 U.S.C. § 432(b)(3). According to the agreement, you were required to pay a civil penalty of \$1,500. The conciliation agreement provided for 60 installment payments, with your first payment due on September 1, 1989, and additional payments due on the first day of each successive month.

According to Commission records, your payments for the months of November and December 1989, and January, February, March, April, May and June 1990 have not been received. On January 24, 1990, the Commission sent a reminder letter to the 1439 Rhode Island, Lawrence, Kansas address which was returned. On March 2, 1990 the Commission sent another reminder letter to the 1103 W. 19th, Lawrence, Kansas address which again was returned. On April 2, 1990 the Commission sent another reminder letter to the 14926 Glenwood, Overland Park, Kansas address which again was returned.

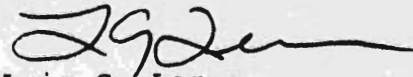
Please be advised that you should properly notify the Commission of any changes in address. In addition, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we hear from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

Mr. Weiss
Page 2

If you believe the Commission's records are in error, or if you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

90040500032



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2316.

9/13/91

2104056190

BEFORE THE FEDERAL ELECTION COMMISSION

CLOSED

In the Matter of)

Major C. Weiss.)

MUR 2316)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 13, 1991, the Commission decided by a vote of 5-0 to decline to enforce Provision VI of the conciliation agreement with Major C. Weiss, as recommended in the General Counsel's Report dated August 8, 1991.

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

Attest:

August 13, 1991

Date

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

Received in the Secretariat: Thurs., August 8, 1991 4:24 p.m.
Circulated to the Commission: Fri., August 9, 1991 12:00 p.m.
Deadline for vote: Tues., August 13, 1991 4:00 p.m.

dr



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel
DATE: August 8, 1991
SUBJECT: MUR 2316 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	XX	Compliance	XX
Sensitive	XX		
Non-Sensitive	[]	Audit Matters	[]
24 Hour No Objection	[]	Litigation	[]
Sensitive	[]	Closed MUR Letters	[]
Non-Sensitive	[]	Status Sheets	[]
Information	[]	Advisory Opinions	[]
Sensitive	[]		
Non-Sensitive	[]	Other (see distribution below)	[]
Other	[]		

BEFORE THE FEDERAL ELECTION COMMISSION AUG -8 PM 4:24

In the Matter of

)

)

MUR 2316

Major C. Weiss

)

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

On September 15, 1989, the Commission entered into a conciliation agreement with Major C. Weiss ("Respondent"). The conciliation agreement provided for a civil penalty of \$1,500 in settlement of a violation of 2 U.S.C. § 432(b)(3). At the time the Commission considered the civil penalty amount, several extraordinary circumstances concerning the respondent were taken into account. As a result, the Commission took the unusual step of allowing the respondent to pay the civil penalty in sixty (60) consecutive monthly installments of \$25 beginning September 1, 1989. As of this date, the respondent has paid a total of \$75 toward the civil penalty.

II. ANALYSIS

There are several factors the Commission should consider in this matter, despite the respondent's failure to fully comply with the terms of the conciliation agreement. The \$1,500 civil penalty was substantially lowered from this Office's original proposal for several reasons.

Also, in connection with this matter, the respondent was convicted of felony theft and forgery. As a result of these convictions, the criminal court ordered the respondent to make restitution

payments totaling \$8,000 directly to the court. Due to the financial difficulties arising from the transaction at issue and the subsequent order to pay restitution, coupled with the high cost of ongoing health care, the respondent was forced to file for bankruptcy under Chapter 13. In recognition of these multiple and extreme extenuating circumstances, the Commission agreed to substantially lower the civil penalty and grant an extended payment period of sixty months, or five years.

Since the Commission approved the conciliation agreement, the respondent's situation has worsened. Based on a discussion with a relative of the respondent, despite initially appearing to make a good faith effort to comply with the conciliation agreement, the respondent has been unable to sustain gainful employment.

the respondent is currently committed to a mental health institution

The respondent in this matter has been financially ruined and convicted of two felonies, all in connection with the transactions at issue in this matter.

For

these reasons, this Office does not find any viable interest in the Commission continuing to enforce the civil penalty payment provision of the conciliation agreement with Major C. Weiss in resolution of this matter.¹ Therefore, this Office recommends that the Commission decline to enforce Provision VI of the conciliation agreement in this matter.

III. RECOMMENDATION

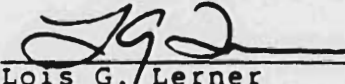
1. Decline to enforce Provision VI of the conciliation agreement with Major C. Weiss.

Lawrence M. Noble
General Counsel

40362175
Date

8/19/1

BY:


Lois G. Lerner
Associate General Counsel

Staff Assigned: Todd S. Hageman

¹ In MUR 2457 the Commission filed suit against Paul Sanford to recover \$1,000 after the respondent failed to comply with the civil penalty terms of a conciliation agreement he signed with the Commission and failed to submit proof of his asserted indigence. This matter differs significantly from MUR 2457. In this matter, we have substantial evidence of financial hardship in addition to indications of continuing physical and mental disorders.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2611.

9/13/91

1104052176

0002180



Arizona Republican Party

GERALD J. DAVIS
State Chairman

3501 North 24th Street
Phoenix, Arizona 85016-6607
(602) 957-7770
AZ (800) 224-2884
Fax (602) 224-0932

CLOSED

August 6, 1991

Jeffrey Long
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

RE: MUR 2611

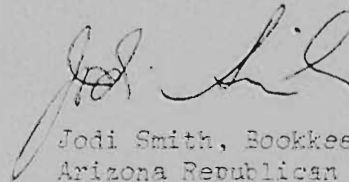
Dear Mr. Long:

Enclosed is the amended Report of Receipts & Disbursements for the period 10/16/86 thru 11/24/86 with original signature per our phone conversation today.

This amendment, with the check for \$1000.00 already in your hands, fulfills the requirements of our conciliation agreement with the FEC.

If there should be any other requirements to resolve this matter please contact me.

Sincerely,


Jodi Smith, Bookkeeper
Arizona Republican Party

91 AUG 13 AM 10:34
FEDERAL ELECTION COMMISSION

91 AUG 13 PM 4:39

7 2 6 1 0 4 1 1

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

(Summary Page)

FEDERAL

COMMISSION

91 AUG 13 AM 10:34

<p>1. Name of Committee (In Full)</p> <p>ARIZONA REPUBLICAN PARTY</p> <hr/> <p>Address (Number and Street)</p> <p>3501 N. 24TH STREET</p> <hr/> <p>City, State and ZIP Code</p> <p>PHOENIX, AZ 85016</p> <hr/> <p><input type="checkbox"/> Check here if address is different than previously reported.</p> <hr/> <p>2. FEC Identification Number</p> <p>000008227</p> <hr/> <p>3. <input type="checkbox"/> This committee qualified as a multicandidate committee during this Reporting Period on _____ (Date)</p>	<p>4. TYPE OF REPORT (Check appropriate boxes)</p> <p>(a) <input type="checkbox"/> April 15 Quarterly Report <input type="checkbox"/> October 15 Quarterly Report</p> <p><input type="checkbox"/> July 15 Quarterly Report <input type="checkbox"/> January 31 Year End Report</p> <p><input type="checkbox"/> July 31 Mid Year Report (Non-Election Year Only)</p> <p><input type="checkbox"/> Monthly Report for _____</p> <p><input type="checkbox"/> Twelfth day report preceding _____ (Type of Election)</p> <p>election on _____ in the State of _____</p> <p><input checked="" type="checkbox"/> Thirtieth day report following the General Election</p> <p>on 11/4/86 in the State of Arizona</p> <p><input type="checkbox"/> Termination Report</p> <p>(b) Is this Report an Amendment?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>
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SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period 10/15/86 through 11/24/86		
6. (a) Cash on hand January 1, 1986		\$ 89,353.80
(b) Cash on Hand at Beginning of Reporting Period	\$ 149,280.23	
(c) Total Receipts (from Line 18)	\$ 201,022.50	\$ 1,070,463.81
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 350,302.73	\$ 1,159,817.61
7. Total Disbursements (from Line 28)	\$ 322,302.19	\$ 1,139,717.19
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 28,000.54	\$ 28,000.54
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	\$ 1,800.01	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ 30,425.66	

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

For further information contact:

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
Toll Free 800-424-9530
Local 202-376-3120

David J. Hanna
Type or Print Name of Treasurer

[Signature]
SIGNATURE OF TREASURER

7/3/91
Date

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)**

Name of Committee (in Full)		Report Covering the Period	
ARIZONA REPUBLICAN PARTY		From: 10/16/86	To: 11/24/86
		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	80,725.95	222,250.86	11(a)
(Memo Entry Unitized \$ 20,555.95)			
(b) Political Party Committees	0.00	0.00	11(b)
(c) Other Political Committees	10,700.00	15,300.00	11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))	100,425.95	240,550.86	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	35,070.00	242,606.00	12
13. ALL LOANS RECEIVED	0.00	81,630.00	13
14. LOAN REPAYMENTS RECEIVED	0.00	0.00	14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	11,140.74	109,604.17	15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	0.00	0.00	16
17. OTHER RECEIPTS (Dividends, Interest, etc.)	484.82	4,891.82	17
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)	201,022.50	2,079,469.84	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES	215,576.04	915,929.12	19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	1,750.50	57,206.50	20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	35,050.61	49,708.61	21
22. INDEPENDENT EXPENDITURES (use Schedule E)	0.00	0.00	22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. § 441 aid) (Use Schedule F)	22,040.00	22,040.00	23
24. LOAN REPAYMENTS MADE	0.00	24,492.75	24
25. LOANS MADE	0.00	0.00	25
26. REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees	4,750.00	0.00	26(a)
(b) Political Party Committees	0.00	0.00	26(b)
(c) Other Political Committees	0.00	0.00	26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))	4,750.00	0.00	26(d)
27. OTHER DISBURSEMENTS	27,447.00	61,447.00	27
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	278,813.54	1,064,727.19	28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	100,425.95	240,550.86	29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)	4,750.00	0.00	30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	95,675.95	240,550.86	31
32. TOTAL OPERATING EXPENDITURES from Line 19	215,576.04	915,929.12	32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	11,140.74	109,604.17	33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	204,435.30	806,324.95	34

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule:
for each category of the
Detailed Summary PagePAGE 5 OF 20
FOR LINE NUMBER 10

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)

REPUBLICAN STATE COMMITTEE OF ARIZONA

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Browning-Ferris Industries P. O. Box 21596 Phoenix, AZ 85036	Trash collection Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Op. Exp.	11/14/86	\$ 39.05
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Budget Rent-A-Car P. O. Box 20368 Phoenix, AZ 85036	Car Leasing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Op. Exp.	11/1/86 11/14/86	153.22 145.11
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Business Credit Leasing 115 West College Drive Marshall, MN 56258	Copy machine payment Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Op. Exp.	11/1/86	437.15
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
C & F Printing & Mailing 2801 North 37th Avenue Phoenix, AZ 85009	Mailer Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Op. Exp.	10/28/86 11/14/86 11/12/86	14389.00 5849.49 750.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Campaign Technology 151 W. 25th St., 6th Floor New York, NY 10001	Voter ID Subcontract phone bank Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Op. Exp.	10/23/86 10/28/86	20000.00 2911.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Canyon Ribbon & Supply 1509 E. Washington Phoenix, AZ 85034	Computer ribbons Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Op. Exp.	10/31/86	109.47
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Jacqueline Catterall 5929 East 32nd Street Tucson, AZ 85711	Salary less withholding Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Op. Exp.	11/14/86	13.00
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
City of Phoenix P. O. Box 611 Phoenix, AZ 85055	Water Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Op. Exp.	11/14/86	43.69
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
City Wide Office Supply 5445 E. Washington, Suite 2 Phoenix, AZ 85034	Office supplies Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Op. Exp.	10/31/86	248.57

SUBTOTAL of Disbursements This Page (optional)

\$45088.75

TOTAL This Period (last page this line number only)

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedules for each category of the Detailed Summary Page

PAGE 20 OF 20
FOR LINE NUMBER 10

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)

REPUBLICAN STATE COMMITTEE OF ARIZONA

A. Full Name, Mailing Address and ZIP Code Western Savings 3443 North Central Phoenix, AZ 85012	Purpose of Disbursement Building rent Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Oper. Exp.	Date (month, day, year) 11/1/86	Amount of Each Disbursement This Period \$2982.00
B. Full Name, Mailing Address and ZIP Code Joetta Whitehill 1154 East Flower Tucson, AZ 85710	Purpose of Disbursement Salary less withholding Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Oper. Exp.	Date (month, day, year) 10/31/86 11/14/86	Amount of Each Disbursement This Period 26.00 60.12
C. Full Name, Mailing Address and ZIP Code Katie Whitehill 3915 N. Bear Canyon Tucson, AZ 85749	Purpose of Disbursement Salary less withholding Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Oper. Exp.	Date (month, day, year) 11/14/86	Amount of Each Disbursement This Period 19.50
D. Full Name, Mailing Address and ZIP Code Winward, Moody, Garvey & Gatesh 616 East Southern Avenue Mesa, AZ 85204	Purpose of Disbursement Advertising Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Oper. Exp.	Date (month, day, year) 10/22/86	Amount of Each Disbursement This Period 770.00
E. Full Name, Mailing Address and ZIP Code Cynthia Wissink 8726 Augusta Dr. East Sun City, AZ 85351	Purpose of Disbursement Salary less withholding Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Oper. Exp.	Date (month, day, year) 11/14/86	Amount of Each Disbursement This Period 9.75
F. Full Name, Mailing Address and ZIP Code Deborah Wissink 1145 North Mountain Tucson, AZ 85710	Purpose of Disbursement Salary less withholding Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Oper. Exp.	Date (month, day, year) 11/14/86	Amount of Each Disbursement This Period 21.12
G. Full Name, Mailing Address and ZIP Code World Travel 10300 N. Scottsdale Rd. Scottsdale, AZ 85253	Purpose of Disbursement Air fare Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Oper. Exp.	Date (month, day, year) 10/31/86 11/14/86	Amount of Each Disbursement This Period 100.00 46.00
H. Full Name, Mailing Address and ZIP Code Wayne Worthington B.U.F.O. Box 1072- Tucson, AZ 85720	Purpose of Disbursement Salary less withholding Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Oper. Exp.	Date (month, day, year) 10/31/86	Amount of Each Disbursement This Period 26.00
I. Full Name, Mailing Address and ZIP Code Neal Deslowsky 503 E. University Blvd. Tucson, AZ 85705	Purpose of Disbursement Salary less withholding Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Gen. Oper. Exp.	Date (month, day, year) 11/14/86	Amount of Each Disbursement This Period 16.25

SUBTOTAL of Disbursements This Page (optional)

\$ 4076.71

TOTAL This Period (last page this line number only)

\$218576.08

**ITEMIZED COORDINATED EXPENDITURES MADE BY
POLITICAL PARTY COMMITTEES OR DESIGNATED AGENT(S)
ON BEHALF OF CANDIDATES FOR FEDERAL OFFICE
(2 U.S.C. §441a(d))**

Page 1 of 1 for
LINE NUMBER 1

(To be used only by Political Committees in the General Election)

Name of Political Committee (in Full)				
ARIZONA REPUBLICAN PARTY				
Has your Committee been designated to make coordinated expenditures by a political party committee? <input type="checkbox"/> YES <input type="checkbox"/> NO				
If YES, name the designating committee				
Full Name, Mailing Address and ZIP Code of Subordinate Committee				
Full Name, Mailing Address and ZIP Code of Each Payee	Name of Federal Candidate Supported, State, District & Office Sought	Purpose of Expenditure	Date (month, day, year)	Amount
Campaign Technology 151 W. 15th St., 6th floor New York, NY 10001	(see allocation below)	Voter ID phone bank	10/28/86	\$11,089.00
Aggregate General Election Expenditure for this Candidate—\$				
Full Name, Mailing Address and ZIP Code of Each Payee	Name of Federal Candidate Supported, State, District & Office Sought	Purpose of Expenditure	Date (month, day, year)	Amount
	Bob Stump U.S. House candidate District 3, Arizona			2678.00 MEMO
Aggregate General Election Expenditure for this Candidate—\$				
Full Name, Mailing Address and ZIP Code of Each Payee	Name of Federal Candidate Supported, State, District & Office Sought	Purpose of Expenditure	Date (month, day, year)	Amount
	John C. Rhodes III U.S. House candidate District 1, Arizona			2500.00 MEMO
Aggregate General Election Expenditure for this Candidate—\$				
Full Name, Mailing Address and ZIP Code of Each Payee	Name of Federal Candidate Supported, State, District & Office Sought	Purpose of Expenditure	Date (month, day, year)	Amount
	Sheldon Clark U.S. House candidate District 2, Arizona			1811.00 MEMO
Aggregate General Election Expenditure for this Candidate—\$				
SUBTOTAL of Expenditures This Page (optional)				11,089.00
TOTAL This Period (last page this line number only)				

**ITEMIZED COORDINATED EXPENDITURES MADE BY
POLITICAL PARTY COMMITTEES OR DESIGNATED AGENT(S)
ON BEHALF OF CANDIDATES FOR FEDERAL OFFICE
(2 U.S.C. § 441a(d))**

(To be used only by Political Committees in the General Election)

Name of Political Committee (in Full)				
ARIZONA REPUBLICAN PARTY				
Has your Committee been designated to make coordinated expenditures by a political party committee? <input type="checkbox"/> YES <input type="checkbox"/> NO				
If YES, name the designating committee				
Full Name, Mailing Address and ZIP Code of Subordinate Committee				
Full Name, Mailing Address and ZIP Code of Each Payee	Name of Federal Candidate Supported, State, District & Office Sought	Purpose of Expenditure	Date (month, day, year)	Amount
Campaign Technology 151 W. 18th St., 6th Floor New York, NY 10001	see allocation below)	Voter ID phone bank	11/1/86	11,000.00
Aggregate General Election Expenditure for this Candidate—\$				
Full Name, Mailing Address and ZIP Code of Each Payee	Name of Federal Candidate Supported, State, District & Office Sought	Purpose of Expenditure	Date (month, day, year)	Amount
	Bob Stump U. S. House candidate District 3, Arizona			2550.00 MEMO
Aggregate General Election Expenditure for this Candidate—\$				
Full Name, Mailing Address and ZIP Code of Each Payee	Name of Federal Candidate Supported, State, District & Office Sought	Purpose of Expenditure	Date (month, day, year)	Amount
	John J. Rhodes III U. S. House candidate District 1, Arizona			3570.00 MEMO
Aggregate General Election Expenditure for this Candidate—\$				
Full Name, Mailing Address and ZIP Code of Each Payee	Name of Federal Candidate Supported, State, District & Office Sought	Purpose of Expenditure	Date (month, day, year)	Amount
	Inelson Clark U. S. House candidate District 2, Arizona			4778.00 MEMO
Aggregate General Election Expenditure for this Candidate—\$				
SUBTOTAL of Expenditures This Page (optional)				11,000.00
TOTAL This Period (last page this line number only)				20,298.00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 8316.

3/16/92

92040895481

92 MAR -6 PM 3:35

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

06C #320
FILED
TOPEKA

MAR 03 1992

IN RE: MAJOR C. WEISS, JR

DEBORAH WEISS
Debtor(s).

Case No. 88-41028-13

RUSSELL L. BRENNER, Clerk
U.S. COURT OF BANKRUPTCY
BY [Signature] Deputy

MUR 2316

ORDER OF DISMISSAL

[Signature] NOW, at Topeka, Kansas, on this 24 day of
1992, comes before the Court the above captioned
matter.

After reviewing the file, and being duly advised,
the Court finds that the Trustee has filed a Petition to Dismiss
with notice and an opportunity for hearing if a response had been
filed by December 27, 1991. That there having been no response
filed, therefore, the above captioned case should be dismissed for
the following reasons:

For Default

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND
DECREED that the above captioned matter is dismissed without
prejudice.

IT IS SO ORDERED.

[Signature]
U.S. BANKRUPTCY COURT JUDGE

Prepared By:

[Signature]
William H. Griffin #08060
Chapter 13 Trustee
433 Kansas Ave.
Topeka, Kansas 66603
(913) 234-1551

Date: February 20, 1992

CLOSED