



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2877

DATE FILMED 9/12/89 CAMERA NO. 4

CAMERAMAN AS

89040763959

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 8 February 1989

ANALYST: Todd Gerlough

I. COMMITTEE: Cuddihy for Congress
(C00227223)
Ted Owens, Treasurer
1759 Ivanhoe Avenue
Lafayette, CA 94549

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

III. BACKGROUND:

Failure to File a Required Report as of Election Day

The Cuddihy for Congress committee ("the Committee") failed to file the 1988 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 8, 1988. The Committee was notified on October 3, 1988 that the 12 Day Pre-General Report was due on October 27, 1988 (Attachment 2). A Non-Filer Notice was sent to the Committee on December 28, 1988 for failure to file the 1988 12 Day Pre-General Report (Attachment 3).

On January 3, 1989, the Committee filed a 1988 Year End Report which contained the coverage dates for the 1988 12 Day Pre-General Report. Although there is an apparent seven (7) day gap between the coverage dates of the 1988 October Quarterly and Year End Reports, the beginning and ending cash figures match between the reports (Attachment 4).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

FEDERAL ELECTION COMMISSION
1987-1988
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 27JAN89

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
CUDDIHY, JOHN JOSEPH JR		HOUSE 08 REPUBLICAN PARTY					1988 ELECTION	ID# H8028033	
1. STATEMENT OF CANDIDATE									
1988 STATEMENT OF CANDIDATE							4MAY88	1	88H88/352/1331
2. PRINCIPAL CAMPAIGN COMMITTEE									
CUDDIHY FOR CONGRESS								ID #0001227283 HOUSE	
1988 STATEMENT OF ORGANIZATION							4MAY88	1	88H88/352/1338
APRIL QUARTERLY			1.056		948		8FEB88 -31MAR88	5	88H88/352/1338
OCTOBER QUARTERLY				5.138			4.732 15APR88 - 8OCT88	6	88H88/364/3897
NOTICE OF FAILURE TO FILE							10OCT88 -19OCT88	1	88FEC/575/4175
NOTICE OF FAILURE TO FILE							22OCT88 -28NOV88	1	88FEC/575/4174
YEAR-END				754			1.391 15OCT88 -31DEC88	4	89H88/374/2822
TOTAL			1.056	5.892	948	6.123		18	TOTAL PAGES
3. AUTHORIZED COMMITTEES									
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

THE LAST REPORT REVIEWED WAS THE APRIL QUARTERLY (3/31/88)
ENDING CASH-ON-HAND AS OF 12/31/88: (111)*
DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE AS OF 12/31/88: \$0

* () denotes negative figure

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL CANDIDATES

October 3, 1988

Report	Reporting Period	Reg./Cert.	Filing
		Mailing Date*	Date
Pre-General	10/01/88**- 10/19/88	10/24/88	10/27/88
Post-General	10/20/88 - 11/28/88	12/08/88	12/08/88

WHO MUST FILE

All 1988 general election principal campaign committees must file the pre- and post-general election reports.

WHO NEED NOT FILE

Principal campaign committees of candidates not active in the 1988 elections (i.e., committees active in past or future elections) and 1988 campaign committees not participating in the general election do not file the pre- and post-general reports.

WHAT MUST BE REPORTED

All financial activity (not previously reported) that occurred during the reporting period.

REPORTING FORMS

Candidate committees use FORM 3 (enclosed). If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on FORM 3Z.

WHERE TO FILE

Consult the instructions on the back of the FORM 3 Summary Page. Note State filing requirements also.

LAST-MINUTE CONTRIBUTIONS

A Congressional committee that receives a contribution of \$1,000 or more during the period beginning October 20 and ending November 5 must provide notice of it to the appropriate filing offices within 48 hours of its receipt. Call the FEC for more information.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

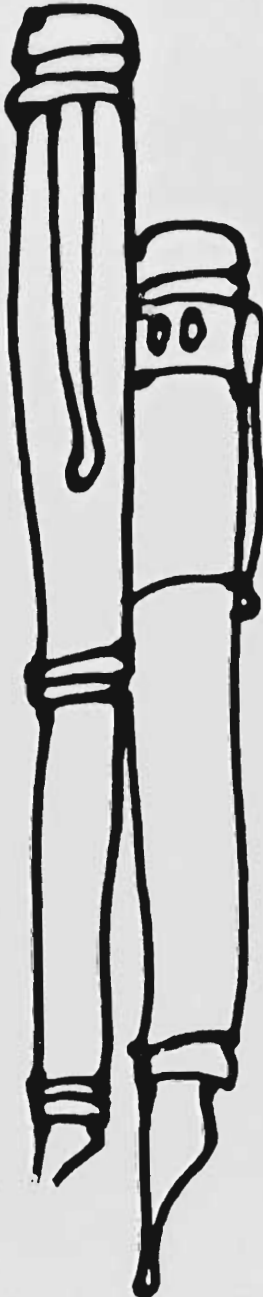
COMPLIANCE

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

*Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

**Or from the date of registration, or the close of books of the last report filed, whichever is later.

FOR INFORMATION, Call: 202/376-3120 or 800/424-9530





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

December 28, 1988

Ted Owens, Treasurer
Cuddihy for Congress
1759 Ivanhoe Avenue
Lafayette, CA 94549

Identification Number: C00227223

Reference: 12 Day Pre-General (10/1/88-10/19/88) and 30 Day
Post-General (10/20/88-11/28/88) Reports

Dear Mr. Owens:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Reports of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due dates for these reports.

It is important that you file these reports immediately with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510, as appropriate. Copies of the reports should also be filed with the Secretary of State or equivalent state officer of your state.

The failure to file these reports may result in an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Todd Gerlough on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

A handwritten signature in dark ink, appearing to read "John D. Gibson", is written over a horizontal line.

John D. Gibson
Assistant Staff Director
Reports Analysis Division

CERTIFIED MAIL

REPORT OF RECEIPTS AND DISBURSEMENTS

Attachment 4

JAN - 6 AM 8 42

JAN - 8 1988

For An Authorized Committee
(Summary Page)

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

USE FEC MAILING LABEL
OR
TYPE OR PRINT

C00227223 CA/08 120888 TED OMENS CUDDING FOR CONGRESS 1759 IVANNOE AVENUE LAFAYETTE CA 94549		121949 2. FEC IDENTIFICATION NUMBER C00227223 3. IS THIS REPORT AN AMENDMENT? <input type="checkbox"/> YES <input type="checkbox"/> NO
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4. TYPE OF REPORT

- ☐ April 15 Quarterly Report
☐ July 15 Quarterly Report
☐ October 15 Quarterly Report
☒ January 31 Year End Report
☐ July 31 Mid-Year Report (Non-election Year Only)
☐ Termination Report
- ☐ Twelfth day report preceding _____ (Type of Election)
 election on _____ in the State of _____
☐ Thirtieth day report following the General Election on _____
 in the State of _____
- This report contains activity for ☐ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
10-15-87 through 12-31-87		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	855	5921.52
(b) Total Contribution Refunds (from Line 20(d))		
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	744.00	5921.52
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	1391.96	6031.73
(b) Total Offsets to Operating Expenditures (from Line 14)		
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	1391.96	6031.73
8. Cash on Hand at Close of Reporting Period (from Line 27)	-111088	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		

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

Type or Print Name of Treasurer

John Cudding

Signature of Treasurer

John Cudding

Date

12-31-87

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

FEC FORM 3
(revised 4/87)

2 7 1 3 7 1 0 8 2 2

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

89 MAY -3 PM 3:46

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral # 89NF-22
STAFF MEMBER: Ivonne Cotto

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

RESPONDENT: Cuddihy for Congress and Ted Owens, as
treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(2)(A)(i)

INTERNAL REPORTS
CHECKED: None

FEDERAL AGENCIES
CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred Cuddihy for Congress ("the Committee") to the Office of the General Counsel on February 9, 1989. The basis for the attached referral is the Committee's failure to file the 12 Day Pre-General Report in a timely manner.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act") provides that in a calendar year during which there is a regularly scheduled election for which a candidate is seeking election, or nomination for election, the treasurer of the candidate's principal campaign committee shall file a pre-

election report, which shall be filed no later than the 12th day before any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election.

2 U.S.C. § 434(a)(2)(A)(i). The Committee was notified on October 3, 1988, that the report was due on October 27, 1988.

On February 3, 1989, the Committee filed its 1988 Year End Report which contained information relevant to the coverage dates for the 1988 12 Day Pre-General Report.

Accordingly, the Office of the General Counsel recommends that the Commission open a MUR and find reason to believe that Cuddihy for Congress and Ted Owens, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

0 9 6 0 9 2 0 4 0 7 6 0 9 6 0

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Cuddihy for Congress and Ted Owens, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached letter, Factual and Legal Analysis, and proposed conciliation agreement.

Lawrence M. Noble
General Counsel

2004076004
Date

May 9, 1989

By:

George F. Kishel
Acting Associate General
Counsel

Attachments

1. Referral Materials
2. Proposed Conciliation Agreement
3. Letter and Factual and Legal Analysis

Staff Person: Ivonne Cotto

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Cuddihy for Congress and Ted Owens, as
treasurer

)
)
)
RAD Ref. 89NF-22

(MUR
2877)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on May 12,
1989, the Commission decided by a vote of 5-0 to take
the following actions in RAD Ref. 89NF-22:

1. Open a MUR.
2. Find reason to believe that Cuddihy for Congress
and Ted Owens, as treasurer, violated 2 U.S.C.
§ 434(a)(2)(A)(i) and enter into conciliation
prior to a finding of probable cause to believe.
3. Approve the letter, Factual and Legal Analysis,
and proposed conciliation agreement, as recommended
in the First General Counsel's report signed
May 9, 1989.

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

Attest:

May 12, 1989
Date

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

Received in the Office of Commission Secretary: Tues., 5-9-89, 3:45
Circulated on 48 hour tally basis: Wed., 5-10-89, 11:00
Deadline for vote: Fri., 5-12-89, 11:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

May 19, 1989

Ted Owens, Treasurer
Cuddihy for Congress
1759 Ivanhoe Avenue
Lafayette, CA 94549

RE: MUR 2877
Cuddihy for Congress and
Ted Owens, as treasurer

Dear Mr. Owens:

On May 12, 1989, the Federal Election Commission found that there is reason to believe Cuddihy for Congress ("Committee") 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 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 the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign

Ted Owens
Page 2

and return the agreement, 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.

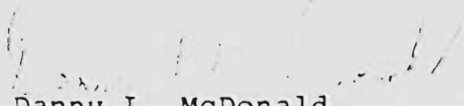
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the 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 Ivonne Cotto, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


Danny L. McDonald
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 24, 1989

CERTIFIED - MAIL
RETURN RECEIPT REQUESTED

Ted Owens, Treasurer
Cuddihy for Congress
1759 Ivanhoe Avenue
Lafayette, CA 94549

RE: MUR 2877
Cuddihy for Congress and Ted
Owens, as treasurer

Dear Mr. Owens:

On May 19, 1989, you were notified that the Federal Election Commission had 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. On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreement. The 30 day period for negotiations has now expired. Unless we receive a response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

Should you have any questions, please contact Mary Ann Bumgarner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to be "LGL", is written over the typed name of Lois G. Lerner.

BY: Lois G. Lerner
Associate General Counsel

89 AUG 28 PM 4:25

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
Cuddihy for Congress and Ted Owens,) MUR 2877
as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND


Attached is a conciliation agreement which has been signed
by John J. Cuddihy, Jr.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Cuddihy for Congress and Ted Owens, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

8/24/89
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Letter to Respondent

Staff Assigned: Mary Ann Bumgarner

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Cuddihy for Congress and Ted Owens,) MUR 2877
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 31, 1989, the Commission decided by a vote of 5-0 to take the following actions in MUR 2877:

1. Accept the conciliation agreement with Cuddihy for Congress and Ted Owens, as treasurer, as recommended in the General Counsel's Report dated August 24, 1989.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's Report dated August 24, 1989.

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

Attest:

8/31/89
Date

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

Received in the Secretariat:	Monday, August 28, 1989	4:25 p.m.
Circulated on 48 hour tally basis:	Tuesday, August 29, 1989	11:00 a.m.
Deadline for vote:	Thursday, August 31, 1989	11:00 a.m.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 6, 1989

Mr. John J. Cuddihy, Jr.
1759 Ivanhoe Avenue
Lafayette, California 94549.

RE: MUR 2877
Cuddihy for Congress and
Ted Owens, as treasurer

Dear Mr. Cuddihy:

On August 31, 1989, the Federal Election Commission accepted the signed conciliation agreement submitted on your 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 you. 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 find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Mary Ann Bumgarner, the attorney assigned to this matter, at (202) 376-5690.

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Cuddihy for Congress and Ted Owens,) MUR 2877
as treasurer)

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 AUG 15 PM 12:58

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 Cuddihy for Congress and Ted Owens, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(2)(A)(i).

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. Cuddihy for Congress is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Ted Owens is the treasurer of Cuddihy for Congress.

3. Section 434(a)(2)(A)(i) of Title 2 provides that in a calendar year during which there is a regularly scheduled election for which a candidate is seeking election, or nomination for election, the treasurer of the candidate's principal campaign committee shall file a pre-election report, which shall be filed no later than the 12th day before any election, or nomination for election, and which should be complete as of the 20th day before such election.

4. Respondents filed the 1988 12 Day Pre-General Report, which was due on October 27, 1988, on January 3, 1989, sixty eight (68) days late. The total amount of financial activity disclosed was \$498.25.

V. Respondents failed to file their 1988 12 Day Pre-General Report in a timely manner, 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 dollars (\$300.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

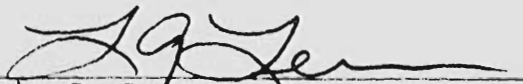
VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. 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

9/5/89
Date

FOR THE RESPONDENTS:


(Name)
(Position)

12 August 1989
Date

447940763974



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 2827

DATE FILMED 9/12/89 CAMERA NO. 4

CAMERAMAN AS

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