



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2919

DATE FILMED 9/13/89 CAMERA NO. 4

CAMERAMAN AS

80040705509

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 20 April 1989

ANALYST: R. Todd Gerlough

I. COMMITTEE: Dave Baker for Congress
(C00222133)
Patricia K. Baker, Treasurer
(June 15, 1988 to Present)
Hank Adler, Treasurer
(January 22, 1988 - June 14, 1988)
13722 Red Hill #41
Tustin, CA 92680^{1/}

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

III. BACKGROUND:

Acceptance of an Apparent Excessive In-kind Contribution

Dave Baker for Congress ("the Committee") received an apparent excessive in-kind contribution of \$11,000 from an individual. One refund of \$5,500 was made within sixty (60) days of receipt, resulting in an apparent excessive contribution of \$5,500.

Schedule A of the Committee's 1988 April Quarterly Report discloses the receipt, on January 17, 1988, of a \$1,000 contribution from Stella Crawford. This contribution is designated for the Primary election (Attachment 2).

Schedule A of the Committee's 1988 July Quarterly Report discloses the receipt of an \$11,000 in-kind contribution from Stella Crawford on June 3, 1988. This contribution is designated for the Primary election (Attachment 3). Schedule B of the Committee's July Quarterly Report identifies Stella Crawford's in-kind contribution as a contribution for Green Stripe Media (Attachment 4).

^{1/} The previous address of record was 24 Warmspring, Irvine, CA 92714. The change of address occurred on October 13, 1988.

DAVE BAKER FOR CONGRESS
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

A Request for Additional Information ("RFAI") was sent to the Committee on September 27, 1988 (Attachment 5). The RFAI informed the Committee that there appeared to be a contribution made to the Committee that exceeded the limits set forth in the Act.

A response was received on October 16, 1988 (Attachment 6). This response included a copy of a \$5,500 repayment check, dated July 15, 1988, to Stella Crawford. In addition, the Committee provided a letter from Stella Crawford, dated August 20, 1988. In her letter, Stella Crawford states that she "received from you the balance of the \$11,000 borrowed (an additional \$5,500.00)." This letter supports the Committee's claim that the second check for \$5,500 was written on August 18, 1988.

The Committee's 1988 October Quarterly Report discloses the \$11,000 refund on Schedule B and Schedule C. On Schedule C, the Committee discloses that the candidate used personal funds to refund the apparent excessive in-kind contribution (Attachment 7).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

FEDERAL ELECTION COMMISSION
1987-1988

DATE 19APR89

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
			PRIMARY	GENERAL	PRIMARY	GENERAL			
BAKER, C DAVID		HOUSE 40 REPUBLICAN PARTY			CALIFORNIA		1988 ELECTION	ID# HBCA40040	
1. STATEMENT OF CANDIDATE									
1988 STATEMENT OF CANDIDATE							26JAN88	1	88HSE/342/1870
2. PRINCIPAL CAMPAIGN COMMITTEE									
DAVE BAKER FOR CONGRESS								ID #C00222133	HOUSE
1988 STATEMENT OF ORGANIZATION							26JAN88	1	88HSE/342/1868
48 HOUR CONTRIBUTION NOTICE							25MAY88	1	88HSE/350/4003
48 HOUR CONTRIBUTION NOTICE							27MAY88	1	88HSE/351/1284
48 HOUR CONTRIBUTION NOTICE							2JUN88	1	88HSE/351/2302
48 HOUR CONTRIBUTION NOTICE							2JUN88	1	88HSE/351/2923
48 HOUR CONTRIBUTION NOTICE							2JUN88	1	88HSE/351/2304
48 HOUR CONTRIBUTION NOTICE							6JUN88	1	88HSE/351/2958
STATEMENT OF ORGANIZATION - AMENDMENT							15JUN88	1	88HSE/351/5418
STATEMENT OF ORGANIZATION - AMENDMENT							22JUN88	1	88HSE/352/0035
STATEMENT OF ORGANIZATION - AMENDMENT							13OCT88	1	88HSE/362/4400
APRIL QUARTERLY			234,993		44,854		1JAN88 - 31MAR88	43	88HSE/346/2003
APRIL QUARTERLY - AMENDMENT			-		-		1JAN88 - 31MAR88	2	88HSE/350/5116
PRE-PRIMARY			155,964		278,314		1APR88 - 18MAY88	52	88HSE/351/0321
PRE-PRIMARY - AMENDMENT			-		-		1APR88 - 18MAY88	6	88HSE/355/4291
REQUEST FOR ADDITIONAL INFORMATION							1APR88 - 18MAY88	7	88FEC/532/3313
JULY QUARTERLY			110,883		171,737		19MAY88 - 30JUN88	34	88HSE/356/2719
JULY QUARTERLY - AMENDMENT			-		-		19MAY88 - 30JUN88	5	88HSE/362/4320
JULY QUARTERLY - AMENDMENT			-		-		19MAY88 - 30JUN88	4	88HSE/369/0394
REQUEST FOR ADDITIONAL INFORMATION							19MAY88 - 30JUN88	5	88FEC/549/0857
REQUEST FOR ADDITIONAL INFORMATION 2ND							19MAY88 - 30JUN88	1	88FEC/557/1551
OCTOBER QUARTERLY			13,109		13,971		1JUL88 - 30SEP88	15	88HSE/362/4210
OCTOBER QUARTERLY - AMENDMENT			-		-		1JUL88 - 30SEP88	2	89HSE/374/1713
YEAR-END			50		403		1OCT88 - 31DEC88	8	89HSE/375/4817
TOTAL			514,999	0	509,279	0		194	TOTAL PAGES
3. AUTHORIZED COMMITTEES									
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

All reports have been reviewed.

Ending cash-on-hand as of 12/31/88: \$5719.79

Outstanding debts owed by the Committee as of 12/31/88: \$183,946.14

For use by the
Committee on the
Judiciary of the
United States House of Representatives

7 95
FOR LINE NUMBER
11a

This information should be used only for the purpose of identifying contributions or for commercial purposes, and should not be used for any political campaign to solicit contributions from such sources.

NAME OF CONTRIBUTOR (in Full)

DAVE BAKER FOR CONGRESS - C00222133

1988 April Quarterly

ATTACHMENT #2

A. Full Name, Mailing Address and ZIP Code Claudia A. Carver 1543 Viewrite Dr. Los Angeles, CA 90069 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Paul, Hastings, Janofsky & Walker Occupation Attorney Aggregate Year-to-Date > \$1,000.	Date (month, day, year) 03/22/88	Amount of Each Receipt this Period 1,000.
B. Full Name, Mailing Address and ZIP Code Douglas C. Conroy 1030 Vista Del Valle La Canada, CA 91011 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Paul, Hastings, Janofsky & Walker Occupation Attorney Aggregate Year-to-Date > \$ 500.	Date (month, day, year) 03/31/88	Amount of Each Receipt this Period 500.
C. Full Name, Mailing Address and ZIP Code Stella Crawford 1810 Ave. Del Mundo, #1403 Coronado, CA 92118 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer None Occupation Homemaker Aggregate Year-to-Date > \$ 1,000.	Date (month, day, year) 01/17/88	Amount of Each Receipt this Period 1,000.
D. Full Name, Mailing Address and ZIP Code John J. Cronin 1231 E. Warner Santa Ana, CA 92705 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Capital Investments & Ventures Co. Occupation Owner/President Aggregate Year-to-Date > \$ 1,000.	Date (month, day, year) 03/31/88	Amount of Each Receipt this Period 1,000.
E. Full Name, Mailing Address and ZIP Code James A. Dailey 211 Iris Ave. Corona Del Mar, CA 92625 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer The Inverness Group Occupation President Aggregate Year-to-Date > \$ 1,000.	Date (month, day, year) 03/24/88	Amount of Each Receipt this Period 1,000.
F. Full Name, Mailing Address and ZIP Code Karl C. Danyi 34 Vista Lago Rancho Santa Margarita, CA 92688 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Howard F. Thompson Architects, Inc. Occupation Architect Aggregate Year-to-Date > \$ 500.	Date (month, day, year) 03/14/88	Amount of Each Receipt this Period 500.
G. Full Name, Mailing Address and ZIP Code Donald A. Daucher 990 W. Birchcrest Ave. Brea, CA 92621 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Paul, Hastings, Janofsky & Walker Occupation Attorney Aggregate Year-to-Date > \$	Date (month, day, year) 02/13/88	Amount of Each Receipt this Period 1,000.

SUBTOTAL of Receipts This Page (optional)

6,000.

TOTAL This Period (last page this line number only)

THIS FORM IS TO BE USED BY ANY PERSON FOR THE PURPOSE OF REPORTING CONTRIBUTIONS OR FOR COMMERCIAL PURPOSES TO WHICH CONTRIBUTIONS FROM SUCH SOURCES ARE PERMITTED.

NAME: **BOB BARR FOR CONGRESS - C00222133 / H.O.R. #125423** ATTACHMENT 3 1988 July Quarterly

A. Full Name, Mailing Address and ZIP Code Richard A. Sak 754 Claremont Belmont Shore, CA 90803 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer more information requested- no response Occupation Aggregate Year-to-Date \$ 500.00	Date (month, day, year) 05/27/88	Amount of Each Receipt this Period 500.00
B. Full Name, Mailing Address and ZIP Code Stella Crawford 1810 Ave. Del Mundo, #1403 Coronado, CA 92118 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Insurance maker Aggregate Year-to-Date \$ 12,000.00	Date (month, day, year) 06/01/88	Amount of Each Receipt this Period 11,000.00 (in-kind contr. for media)
C. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > 0	Date (month, day, year)	Amount of Each Receipt this Period
D. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > 0	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > 0	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > 0	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > 0	Date (month, day, year)	Amount of Each Receipt this Period

13562738
 331430

SCHEDULE

Use separate sheets for each category of the Detailed Summary Page

 PAGE 6 OF 6
 FOR LINE NUMBER 17

Any information reported here with respect to contributions for the purpose of collecting contributions or for commercial purposes, shall be subject to the provisions of the Internal Revenue Code, and shall be subject to the provisions of the Code.

NAME OF CONTRIBUTOR

MELVE BAKER FOR CONGRESS - C00222133 / BOR #125423

1988 July Quarterly

A. Full Name, Mailing Address and ZIP Code Frank Caterinichio 977 Acapulco St. Laguna Beach, CA 92615	Purpose of Disbursement Consulting Fees Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 06/28/88	Amount of Each Disbursement This Period 1,000.00
B. Full Name, Mailing Address and ZIP Code American Security Council PAC 499 South Capitol St., #500 Washington, D.C. 20003	Purpose of Disbursement in-kind contributions for events in Washington Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 04/21/88 04/11/88 04/21/88	Amount of Each Disbursement This Period 184.88 220.00 989.00
C. Full Name, Mailing Address and ZIP Code Green Stripe Media 901 Dove Street, #220 Newport Beach, CA 92660	Purpose of Disbursement in-kind contribution for media Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 06/03/88	Amount of Each Disbursement This Period 11,000.00
D. Full Name, Mailing Address and ZIP Code Raymond E. Berg, M.D. 400 Newport Center Dr., #506 Newport Beach, CA 92660	Purpose of Disbursement contribution in kind for envelopes, postage & printing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 06/21/88	Amount of Each Disbursement This Period 345.00
E. Full Name, Mailing Address and ZIP Code American Express Travel Related Services P.O. Box 0001 Los Angeles, CA 90096	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 05/23/88	Amount of Each Disbursement This Period 1,496.84
F. Full Name, Mailing Address and ZIP Code Willard International Hotel Washington, D.C.	Purpose of Disbursement Travel to Washington, D.C. Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 04/21/88	Amount of Each Disbursement This Period 565.64 (memo)
G. Full Name, Mailing Address and ZIP Code American Airline Dallas, TX	Purpose of Disbursement Airfare to Washington, D.C. Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 04/11/88	Amount of Each Disbursement This Period 648.00 (memo)
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

169,737.41

3 9 0 1 3 5 6 2 7 4 7



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Patricia K. Baker, Treasurer
Dave Baker for Congress
24 Warmspring
Irvine, CA 92714

SEP 27 1988

Identification Number: C00222133

Reference: July Quarterly Report (5/19/88-6/30/88)

Dear Ms. Baker:

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

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual or a political committee other than a multicandidate committee may not make a contribution to a candidate for Federal office in excess of \$1,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. (2 U.S.C. §§441a(a) and (f); 11 CFR 110.1(b), (e) and (k))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution(s) you received exceeds the limits, you should either refund to the donor the amount in excess of \$1,000 or get the donor to redesignate and/or reattribute the contribution in writing. All refunds, redesignations, and reattributions must be made within sixty days of the treasurer's receipt of the contribution. Copies of refund checks and copies of letters reattributing or redesignating the contributions in question may be used to respond to this letter. Refunds are reported on Line 20 of the Detailed Summary Page and on Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR 104.8(d)(2), (3) and (4))

TG

DAVE BAKER FOR CONGRESS
PAGE 2

Although the Commission may take further legal steps, prompt action by you to refund or seek redesignation and/or reattribution of the excessive amount will be taken into consideration.

-Line 17, Column A, of the Detailed Summary Page discloses \$169,737.41 in operating expenditures. The total on the last page of Schedule B supporting this Line is \$169,737.41; however, the sum of all entries itemized equals \$168,678.57. Please explain this discrepancy and amend your report(s) accordingly.

-Commission Regulations requires the reporting of all contributions/loans received by your committee. 48 Hour Notices on file with the Commission indicate that you may have failed to report several contributions/loans received by your committee during May 19 through June 4, 1988 (i.e., Dave Baker - \$90,300). Please amend your report to clarify if this contribution and others need to be disclosed within this report.

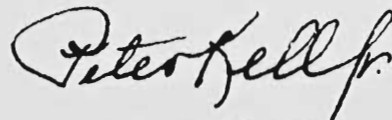
-Commission Regulations define the term "purpose" to mean a brief statement or description of why a debt is owed. Examples are "dinner expense", "media", "salary", "polling", "travel", "party fees", "phone banks", "travel expenses", "travel expense reimbursement" and "catering costs". Unacceptable descriptions include "advance", "election day expense", "expenses", "other expenses", "expense reimbursement", "miscellaneous", "outside services", "get-out-the-vote" and "voter registration". (11 CFR 104.3(b)(4)) Please amend Schedule D of your report to clarify the descriptions which do not meet the requirements of the Regulations.

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Primary report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. (11 CFR 104.5(f))

DAVE BAKER FOR CONGRESS
PAGE 3

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,



Peter Kell Jr.
Chief, Authorized Branch
Reports Analysis Division

3379340832

October 15, 1988

OCT 16 AM 9:00

ATTACHMENT 6 (Page 1 of 4)

Peter Hall, Jr.
Chief, Authorized Branch
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

RE: DAVE BAKER FOR CONGRESS
Response to your letter reference HQ-2

Identification Number: C00222133 / House of Rep. #400400

Reference: July Quarterly Report (5/19/88-6/30/88)

Dear Mr. Hall:

First of all I apologise for the delay in responding to your letter. The Bakers have recently moved and the letter was forwarded. Address change in Statement of Organization will be forthcoming.

Sincerely, thank you for your assistance today over the phone. It is greatly appreciated.

Now to respond to your letter. I am enclosing a copy of your letter and have numbered the areas in question.

1. Excessive contribution:

Refund payments have been made directly out of the candidate personal funds on 7/14 and 8/18/88 and are reported on the 9/30/88 October Quarterly Report. Copies of the first check and a letter from Mrs. Crawford are attached. Hope this satisfies this problem.

2. Sch B line 17 -itemized sum vs. figure on last page:

The difference is \$1,058.84 which is the exact amount of the non-itemized disbursements. I was under the impression that the total figure on the last page of Sch B included the non-itemized figures. After our discussion today, I have made a note to my files of the correct procedure. Attached is a copy of the amended page in question.

3. 48 Hour Notices of contribution/loan by candidate
by Dave Baker in the amount of \$90,300:

On June 4th I was informed that the candidate had paid out of his personal funds directly to vendors \$90,300 on June 3rd. Knowing the candidate would like to be reimbursed, I sent a mailgram as a loan. Several days after the election, I was advised that \$3,770.15 more had been paid to vendors by the candidate on June 3rd. Now it's too late for another mailgram. While preparing the next report, I

125423

OCT 17 AM 11:10

8304075670

Wrote to Elaine Curry of the FEC on July 14 on how to report this "loan" considering that no monies from the candidate were deposited into the campaign checking account. She recommended that I show the total sum of \$64,879.15 as a debt owed to the candidate on Sch D. Sounded simple enough and took her advice. That is why the July quarterly report did not back up the mailgram "loan" by doing a Schedule C because it ended up on Line 10 of Schedule D.

4. Descriptions of purpose on Schedule D:

The October Quarterly report has all the correct descriptions. For your suggestion, also is an Attachment A that list the vendors paid out of Dave Baker's personal funds.

5. 48 Hour Notices:

Upon review of my mailgrams, and based on what information I had at that time, it appears that I did miss one. The name was John Cervelli who gave two checks within a two day period. I did not know about the Congress 24-kind contribution until after the election nor the candidate's additional payments to vendors that took place on June 3rd. (see #6).

As I said on the phone, the campaign and candidate had an unfortunate breakdown in communication on June 3rd. However, all campaign related transactions have now been reported and /or rectified as of today. Now all we have to do is figure out how to pay off the debts owed by the campaign.

Again Mr. Hall, thank you for your help on this matter.

Sincerely,

Jane K. Willet

Jane K. Willet
Assistant Treasurer
Dave Baker for Congress

cc: Clerk of the House of Representatives

03013624321

May 23, 2000

Dear Stella:

Please find enclosed our check for \$5,500.00, in partial
 repayment of your kind gesture. The campaign report must show
 the transaction that had taken place and we apologise for any
 inconvenience it may cause. Again Stella, thank you very, very
 much for your kind support.

[Signature]

Enclosures

[illegible]

August 20, 1988

Carl David Baker and
Patricia K. Baker
24 Warm Springs
Irvine, CA 92714

Dear Dave & Patty:

This letter will confirm that I have received from you the
balance of the \$11,000.00 borrowed (an additional \$5500.00).

Thank you for your check.

Sincerely,

Stella Crawford
Stella Crawford

1810 Avenida del Mundo
Corona del Mundo, CA 92118

Check dated 8/18/88

83013624321
2309076612

San Juan Fox 0002200 - 00022153

1988 October Quarterly Attachment 7 1 of 2 (Page

<p>A. Full Name, Mailing Address and ZIP Code 1818 Ave. Pal Verde, #1403 Coronado, CA 92118 (Initials) (Date), reported 4/30/88</p>	<p>Purpose of Disbursement Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Date (month, day, year) 07/15/88 08/18/88</p>	<p>Amount of Each Disbursement This Period 5,500.00 5,500.00</p>
<p>B. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Disbursement This Period</p>
<p>C. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Disbursement This Period</p>
<p>D. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Disbursement This Period</p>
<p>E. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Disbursement This Period</p>
<p>F. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Disbursement This Period</p>
<p>G. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Disbursement This Period</p>
<p>H. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Disbursement This Period</p>
<p>I. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Disbursement This Period</p>

GRAND TOTAL of Disbursements This Page (optional)

TOTAL This Period (fill page with two number only)

11,000.00

323413624816

A. Full Name, Mailing Address and ZIP Code of Debtor:
C. David Baker - candidate paid out of
13722 Red Hill, #41 personal funds:
Trustin, CA 93880

Original Amount of Loan
11,000.00

Amount Paid To Date
0

Balance Outstanding at Close of This Period
11,000.00

Debtor's Signature _____ **Date** _____

Refund of in kind contribution to Stella Crawford
originally reported on Schedule D

Terms: Date Insured _____ **Date Due:** _____ **Interest Rate:** _____ **Other:** _____

List All Endorsers or Guarantors (if any) to Item A

1. Full Name, Mailing Address and ZIP Code	Name of Employer
	Occupation
	Amount Guaranteed Outstanding
2. Full Name, Mailing Address and ZIP Code	Name of Employer
	Occupation
	Amount Guaranteed Outstanding
3. Full Name, Mailing Address and ZIP Code	Name of Employer
	Occupation
	Amount Guaranteed Outstanding

B. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Amount Paid To Date	Balance Outstanding at Close of This Period
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): _____ Terms: Date Insured _____ Date Due _____ Interest Rate _____ Other _____ <input type="checkbox"/> Secured			

List All Endorsers or Guarantors (if any) to Item B

1. Full Name, Mailing Address and ZIP Code	Name of Employer
	Occupation
	Amount Guaranteed Outstanding
2. Full Name, Mailing Address and ZIP Code	Name of Employer
	Occupation
	Amount Guaranteed Outstanding
3. Full Name, Mailing Address and ZIP Code	Name of Employer
	Occupation
	Amount Guaranteed Outstanding

SUBTOTALS This Period This Page (optional)	
TOTALS This Period (last page in this line only)	11,000.00
Carry outstanding balance only to LINE 2, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.	

83013624219

89 JUN 16 AM 9:59

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral 89L-07
STAFF MEMBER C. Miller

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

RESPONDENTS: Dave Baker for Congress, and
Patricia Baker, as treasurer
Stella Crawford

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

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division referred the Dave Baker for Congress Committee ("Committee") to the Office of the General Counsel because of the apparent receipt of an excessive in-kind contribution from Stella Crawford which was not refunded within 60 days. According to the Committee's reports, Ms. Crawford made an "in-kind contribution for media" of \$11,000 on June 3, 1988, having already contributed \$1,000 on January 17, 1988. Both contributions were designated for the primary election.

The Committee informed Ms. Crawford that the in-kind contribution was excessive, and refunded to her \$5,500 on July 15, 1988. The remaining \$5,500 was refunded to Ms. Crawford out of the candidate's personal funds on August 18,

1988.

The referral materials indicate that the Committee has less than \$6000 cash on hand, with outstanding debts in excess of \$183,000. It is noted, however, that Dave Baker for Congress was the requestor in AO 1989-2, where it was noted that part of the Committee's indebtedness is to the candidate himself. Baker has apparently decided to recharacterize his loan to the Committee of \$105,079 as a gift, leaving the Committee with an indebtedness of \$78,876.

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441a, it is unlawful for any person to make a contribution for any election in excess of \$1,000, and for any political committee to accept a contribution in excess of that amount. 2 U.S.C. §§ 441a(a) and 441a(f). The definition of contribution, under the Act, includes "any thing of value," including all in-kind contributions. 2 U.S.C. § 431(8)(A), 11 C.F.R. § 100.7(a)(1)(iii)(A).

It is clear that the Committee accepted an excessive contribution from Ms. Crawford, and that the contribution was not expeditiously refunded. The full amount was finally refunded to Ms. Crawford on August 18, 1988, seventy-three days after the receipt of the contribution. Therefore, this Office recommends finding reason to believe that the Committee violated 2 U.S.C. § 441a(f) and that Stella Crawford violated 2 U.S.C. § 441a(a).

III. RECOMMENDATIONS

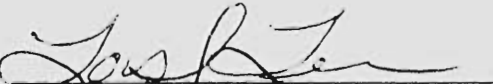
1. Open a MUR.
2. Find reason to believe that Dave Baker for Congress, and Patricia Baker, as treasurer violated 2 U.S.C. § 441a(f).
3. Find reason to believe that Stella Crawford violated 2 U.S.C. § 441a(a).
4. Approve the attached letters and Factual and Legal Analyses.

Lawrence M. Noble
General Counsel

Date

6/15/88

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Referral Materials
2. Proposed Letters and Factual and Legal Analysis (2)

3 9 0 4 0 7 6 6 1 7

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Dave Baker for Congress, and
Patricia Baker, as treasurer
Stella Crawford

)
)
)
)
)
)
RAD Ref. 89L-07

(MUR)
2919

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 21, 1989, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 89L-07:

1. Open a MUR.
2. Find reason to believe that Dave Baker for Congress, and Patricia Baker, as treasurer violated 2 U.S.C. § 441a(f).
3. Find reason to believe that Stella Crawford violated 2 U.S.C. § 441a(a).
4. Approve the letters and Factual and Legal Analyses, as recommended in the First General Counsel's report signed June 15, 1989.

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

Attest:

6-21-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Fri.,	6-16-89,	9:59
Circulated on 48 hour tally basis:	Mon.,	6-19-89,	11:00
Deadline for vote:	Wed.,	6-21-89,	11:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 30, 1989

Patricia K. Baker, Treasurer
Dave Baker for Congress Committee
24 Warmspring
Irvine, CA 92714

RE: MUR 2919

Dear Ms. Baker:

On June 21, 1989, the Federal Election Commission found that there is reason to believe the Dave Baker for Congress Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The 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.

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 the 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 the 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, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

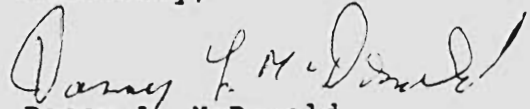
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Colleen Miller, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Danny L. McDonald
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form

004076000



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 30, 1989

Stella Crawford
1810 Avenida del Mundo #1403
Coronado, CA 92118

RE: MUR 2919

Dear Ms. Crawford:

On June 21, 1989, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441a(a), 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 you. 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 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 the 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 the 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, the Commission will not entertain requests for pre-probable cause conciliation 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 the General

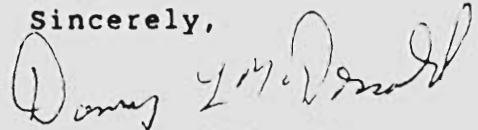
Counsel ordinarily will not give extensions beyond 20 days.

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 Colleen Miller, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Danny L. McDonald
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form

0004076622

HAND DELIVERED
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

OGC 3448

REED & DAVIDSON

ATTORNEYS AT LAW

89 JUL 18 AM 10:33

888 WEST SIXTH STREET, 12TH FLOOR
LOS ANGELES, CALIFORNIA 90017
TELEPHONE (213) 362-9238

ORANGE COUNTY OFFICE
3151 AIRWAY AVENUE, SUITE 400
COSTA MESA, CALIFORNIA 92626
TELEPHONE (714) 541-6888
FACSIMILE (714) 546-003

DANA W. REED
CARY DAVIDSON
DANIEL R. WOLD
OF COUNSEL

July 17, 1989

Colleen Miller, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2919

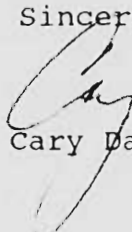
Dear Colleen:

In furtherance of our telephone conversation, we respectfully request a twenty day extension of time to reply to the reason to believe letter dated June 30, 1989, in connection with the above referenced MUR. Ms. Crawford is out of town for a brief vacation, but will return in time for her to reply on or before August 7, 1989.

I am not certain whether Ms. Crawford will be represented by counsel in this matter. However, for the time being, please let us know whether you have granted the requested extension.

Thank you for your assistance with this matter. Please do not hesitate to contact us if you have any questions.

Sincerely,


Cary Davidson

CD:lb

cc: Ms. Stella Crawford

89 JUL 18 PM 12:15

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

July 27, 1989

Stella Crawford
1810 Avenida del Mundo #1403
Coronado, CA 92118

RE: MUR 2919
Stella Crawford

Dear Ms. Crawford:

This is in response to Cary Davidson's letter, written on your behalf, dated July 17, 1989, which we received on July 18, requesting an extension until August 7, 1989 to respond to the reason to believe findings in MUR 2919. After considering the circumstances presented in Mr. Davidson's letter, I have granted the requested extension. Accordingly, your response is due by the close of business on August 7, 1989.

If you have any questions, please contact Colleen Miller, 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 the typed name.

BY: Lois G. Lerner
Associate General Counsel

9309076624

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

89 JUL 27 AM 9:32

C. David Baker
13722 Red Hill
Apt. 41
Tustin, CA 92680RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH
89 JUL 27 PM 1:27

July 21, 1989

Colleen Miller, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2919

Dear Ms. Miller:

This letter will confirm our telephone conversation of yesterday, wherein I informed you, on behalf of my campaign, my wife and treasurer, Patricia K. Baker and my Aunt, Stella Crawford, that we request pre-probable cause conciliation.

In furtherance of your request, I am submitting this letter to you to reiterate the following:

1. In the hectic days of the campaign, after protracted personal expenses, an unintentional mistake was made in accepting this loan.

2. Mrs. Crawford was not an experienced political giver making a donation, but is my Aunt who was making a personal loan as she had in the past many years before I was ever a candidate. It was my misunderstanding that "personal" funds could be used for both personal living and if chosen, campaign needs. It was always regarded as a personal loan.

3. Upon discovering that this was not the case, we attempted to correct the problem as quickly as possible and fully disclosed the matter in all FEC reports. It was not our intention to hide or avoid anything.

4. The loan was repaid entirely from our personal funds and no campaign funds were ever used. A principal contention in the Factual and Legal Analysis appears to be that "the contribution was not expeditiously refunded" and took seventy-three days to refund the full amount. Upon realizing the mistake \$5,500.00 was repaid from our personal funds which was everything we could afford at the time. The balance was repaid August 20, 1989 immediately following the sale of our home which was necessary to pay for debts.

5. I have no intention of ever running for anything again and would readily give up that right if it helps at all. The campaign committee continues to be active only for the purpose of winding down and disposing of debts.

Finally, I would like to reiterate that I take full and complete responsibility personally for any mistake that was made. We never intentionally intended to violate anything, but were only trying to make sure that bills got paid; and attempted to do so at great personal expense to the fullest extent possible. Accordingly, I would respectfully request that any penalty be borne by me personally and not my wife or aunt.

My most sincere apologies to you and the Commission for requiring your time and attention to clarify this matter. Thank you very much for all your cooperation in resolving it as expeditiously as possible in what ever manner you and the Commission deem fully appropriate. Should you have any questions, please do not hesitate to contact me at (714) 832-6218.

Sincerely,

Dave Baker

Dave Baker

3 4 0 4 0 7 6 6 2 0

89 AUG 24 AM 11:05

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of

Dave Baker for Congress, and
Patricia Baker, as treasurer
Stella Crawford

MUR 2919

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 21, 1989, the Commission found reason to believe that Dave Baker for Congress, and Patricia Baker, as treasurer (the "Committee") violated 2 U.S.C. § 441a(f), and that Stella Crawford violated 2 U.S.C. § 441a(a). The findings were based on information provided by the Reports Analysis Division indicating that the Committee had accepted an in-kind contribution from Ms. Crawford in the amount of \$11,000. Half of that amount was repaid to Ms. Crawford within sixty days, the remainder was repaid within 73 days of the contribution.

The Commission's findings and factual and legal analyses were sent to the respondents on June 30, 1989. On July 21, 1989, Dave Baker responded on behalf of his committee and Ms. Crawford, who is his aunt. The response admits to the violation and requests pre-probable cause conciliation. (Attachment 1). Baker states that he and his wife repaid the in-kind contribution from personal funds, which required them to sell their own home. The delay in refunding the contribution resulted from the time required to complete the sale of their home.

II. DISCUSSION

This Office recommends taking no further action against the Committee and Ms. Crawford. It appears that the candidate made extensive efforts to expeditiously correct the situation once it was discovered to be a violation. The fact that the candidate went to the extent of selling his home to refund the contribution to his aunt should be considered as mitigating in this instance. Therefore, this Office recommends taking no further action and closing the file.

III. RECOMMENDATIONS

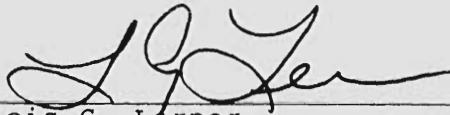
1. Take no further action.
2. Send the attached letter.
3. Close the file.

Lawrence M. Noble
General Counsel

Date

8/23/89

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Answer
2. Letter

Staff assigned: C. Miller

9 2 0 4 0 7 0 3 6 2 8

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dave Baker for Congress, and) MUR 2919
Patricia Baker, as treasurer)
Stella Crawford)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 28, 1989, the Commission decided by a vote of 5-0 to take the following actions in MUR 2919:

1. Take no further action as recommended in the General Counsel's Report dated August 23, 1989.
2. Send the letter as recommended in the General Counsel's Report dated August 23, 1989.
3. Close the file.

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

Attest:

8/28/89
Date

Hilda Arnold
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Thursday, August 24, 1989,	11:05
Circulated to the Commission:	Thursday, August 24, 1989,	4:00
Deadline for vote:	Monday, August 28, 1989,	4:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

September 1 1989

C. David Baker
13722 Red Hill, Apartment 41
Tustin, CA 92680

RE: MUR 2919
Dave Baker for Congress, and
Patricia Baker, as treasurer
Stella Crawford

Dear Mr. Baker:

On June 21, 1989, the Federal Election Commission found reason to believe that Dave Baker for Congress, and Patricia Baker, as treasurer violated 2 U.S.C. § 441a(f) and that Stella Crawford violated 2 U.S.C. § 441a(a). On July 27, 1989, you submitted a response to the Commission's reason to believe findings in this matter.

After considering the circumstances of the matter, the Commission determined on August 28, 1989, to take no further action against Dave Baker for Congress, and Patricia Baker, as treasurer and Stella Crawford, and closed the file. The file will be made part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The Commission reminds you that the making and the receipt of an excessive in-kind contribution appear to be violations of 2 U.S.C. § 441a. You should take immediate steps to insure that this activity does not occur in the future.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

8304070530



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2919

DATE FILMED 9/12/89 CAMERA NO. 4

CAMERAMAN AS

89040760631