



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 3190

DATE FILMED 4/12/91 CAMERA NO. 4

CAMERAMAN AS

91040334715

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 16 October 1990

ANALYST: Todd Gerlough

I. COMMITTEE: Mark Blankenship for U.S. Congress
(C00243840)
Frederick J. Weil, Treasurer
650 East Hospitality Lane, Suite 670
San Bernardino, CA 92408

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(6)
11 CFR §104.5(f)

III. BACKGROUND:

Failure to File Forty-Eight Hour Notifications

The Mark Blankenship for U.S. Congress committee ("the Committee") has failed to file the required Forty-Eight (48) Hour Notifications ("48-Hour Notices") for two (2) contributions totaling \$22,000 received prior to the 1990 Primary Election.

The candidate was involved in the 1990 Primary Election held on June 5, 1990. Prior Notice was sent to the Committee on April 30, 1990 (Attachment 2). The Notice includes a section titled "Last-Minute Contributions". This section reads "Committees must also file special notices on contributions of \$1,000 or more, received during the period of May 17, 1990 through June 2, 1990. The notice must reach the appropriate federal and state offices within 48 hours of the committee's receipt."

Schedule C of the 1990 July Quarterly Report indicates that the Committee failed to file two (2) 48-Hour Notices for contributions received during the aforementioned reporting period (Attachment 3). The following is a list of the contributions for which no 48-Hour Notices were filed:

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Mark Blankenship	05/22/90	\$ 7,000
Mark Blankenship	05/30/90	\$15,000

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On August 28, 1990, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI noted on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice requested the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice stated that although the Commission may take legal steps, any response would be taken into consideration.

In a September 4, 1990 telephone conversation with a member of the Committee staff, the Committee indicated that they were unaware that 48 hour notices had to be filed for loans from the candidate because they are listed separately from contributions on the Detailed Summary Page of the FEC Report (Attachment 5). This response was reiterated by the treasurer in a September 11, 1990 letter (Attachment 6).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

21040634717

FEDERAL ELECTION COMMISSION
1989-1990
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 10CT90

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF	MICROFILM
	OFFICE SOUGHT/	PARTY	PRIMARY	GENERAL		PAGES	
							LOCATION TYPE OF FILER
BLANKENSHIP, MARK IRVIN	HOUSE 35 REPUBLICAN PARTY				CALIFORNIA	1990 ELECTION	ID# H0CA35070
1. STATEMENT OF CANDIDATE							
1990 STATEMENT OF CANDIDATE					16APR90	1	90HSE/396/2382
2. PRINCIPAL CAMPAIGN COMMITTEE							
MARK BLANKENSHIP FOR US CONGRESS						ID #C00243840	HOUSE
1990 STATEMENT OF ORGANIZATION					16APR90	1	90HSE/396/2381
APRIL QUARTERLY			25,100	0	1APR90 -15APR90	6	90HSE/396/2653
PRE-PRIMARY			0	15,895	16APR90 -16MAY90	3	90HSE/398/0575
PRE-PRIMARY - AMENDMENT			0	15,895	16APR90 -16MAY90	2	90HSE/402/1131
PRE-PRIMARY - AMENDMENT			0	15,895	16APR90 -16MAY90	2	90HSE/405/0826
PRE-PRIMARY - AMENDMENT			0	15,895	16APR90 -16MAY90	2	90HSE/425/1237
REQUEST FOR ADDITIONAL INFORMATION					16APR90 -16MAY90	1	90FEC/644/1284
REQUEST FOR ADDITIONAL INFORMATION 2ND					16APR90 -16MAY90	1	90FEC/649/2567
JULY QUARTERLY			22,375	26,042	17MAY90 -30JUN90	6	90HSE/403/2317
JULY QUARTERLY - AMENDMENT			22,375	26,042	17MAY90 -30JUN90	2	90HSE/405/0888
JULY QUARTERLY - AMENDMENT			-	-	17MAY90 -30JUN90	1	90HSE/407/3965
REQUEST FOR ADDITIONAL INFORMATION					17MAY90 -30JUN90	2	90FEC/654/1432
REQUEST FOR ADDITIONAL INFORMATION					17MAY90 -30JUN90	2	90FEC/654/1429
TOTAL			47,475	0	41,937	0	31 TOTAL PAGES
3. AUTHORIZED COMMITTEES							
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN							

All reports have been reviewed.

Debts owed to the committee as of 6/30/90 \$0

Debts owed by the committee as of 6/30/90 \$22,000

Cash-on-hand as of 6/30/90 \$5536

CALIFORNIA

April 30, 1990

REPORT	REPORTING PERIOD ¹ /	REG./CERT.	FILING DATE
		MAILING DATE ² /	
PRE-PRIMARY	04/01/90 - 05/16/90	05/21/90	05/24/90
JULY QUARTERLY	05/17/90 - 06/30/90	07/15/90	07/15/90

WHO MUST FILE

PRINCIPAL CAMPAIGN COMMITTEES OF CONGRESSIONAL "CANDIDATES" who seek nomination in the June 5, 1990, California Primary.

WHAT MUST BE REPORTED

All financial activity that occurred during the reporting period (or before, if not previously reported).

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.

LABEL

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

LAST-MINUTE CONTRIBUTIONS

Committees must also file special notices on contributions of \$1,000 or more, received during the period May 17 through June 2, 1990. The notice must reach the appropriate federal and state offices within 48 hours of the committee's receipt.

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.

1/The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

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

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

21040334719

SCHEDULE C
(Required 2000)

Part III (a)
Use separate schedule
for each mortgage loan

Name of Contributor (in Full) Mark Blankenship for U.S. Congress		Attachment 3	
A. Full Name, Mailing Address and ZIP Code of Loan Source Mark I. Blankenship 15 W. Palm Lane Drive Redlands, CA 92373 <small>Section: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</small>		Original Amount of Loan \$7,000.00	Contributive Payments To Date \$ 0.00
		Balance Outstanding at Close of This Period \$7,000.00	
Terms: Date Invoiced <u>5/22/90</u> Date Due <u>5/22/92</u> Interest Rate <u>5</u> (Major) <input type="checkbox"/> (Minor)			
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 Mark I. Blankenship 15 W. Palm Lane Drive Redlands, CA 92373 <small>Section: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</small>		Original Amount of Loan \$15,000.00	Contributive Payments To Date \$ 0.00
		Balance Outstanding at Close of This Period \$15,000.00	
Terms: Date Invoiced <u>5/30/90</u> Date Due <u>5/30/92</u> Interest Rate <u>5</u> (Major) <input type="checkbox"/> (Minor)			
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)		\$22,000.00	
Carry outstanding balance only to LINE 2, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

07714032322



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20541

EO-2

AUG 25 1990

Frederick J. Weil, Treasurer
Mark Blankenship for U.S. Congress
650 E. Hospitality Lane
Suite 670
San Bernardino, CA 92408

Identification Number: C00243840

Reference: July Quarterly (5/17/90-6/30/90) and Amended July
Quarterly (5/17/90-6/30/90) Reports, dated 7/30/90

Dear Mr. Weil:

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:

AC -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. Although the Commission may take legal action, any response you wish to make concerning this matter will be taken into consideration. (11 CFR §104.5(f))

-When a committee reports receiving a loan from the candidate, it is necessary to clarify whether or not the candidate used his/her personal funds or borrowed the money from a lending institution or any other source. If the candidate borrowed funds from a lending institution, or any other source, please provide the name of the lending institution and the complete terms of the loan. If the loan(s) was from personal funds,

please acknowledge that fact in an amendment to this report. It is important to note that "personal funds" is strictly defined by Commission Regulations and may be found in 11 CFR §110.10. (11 CFR §§100.7(a)(1) and 104.3(d))

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,

R. Todd Gerlough

R. Todd Gerlough
Reports Analyst
Reports Analysis Division

202 376 2480
434722
341133

DATE 9/4/90

MEMORANDUM TO FILES

TELECON X
VISIT

NAME OF COMMITTEE: Mark Blankenship for U.S. Congress

SUBJECT: Missing 48 hour notices

FEC REP: Todd Gerlough

COMMITTEE REP: Priscilla

She addressed my letter concerning missing 48 hour notices by explaining that the committee was not aware that 48 hour notices needed to be filed for loans from the candidate. She pointed out that line 11e of the Detailed Summary page (total contributions) is separated from line 13 (loans). She promised that a letter would be here within a week.

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HAND DELIVERED

RECEIVED Attachment 6

**MARK
BLANKENSHIP for
U.S. CONGRESS**

1998 SEP 11 AM 9 38

1815 ORANGE TREE LANE, STE. 120 • REDLANDS, CA 92374
(714) 336-9777 • FAX: (714) 793-3094

September 30, 1998

135470

Clark of the House of Representatives
1836 Longworth House Office Building
Washington, D.C. 20515

In Re: FEC letter of August 28, 1998

Sir,

I received your Commission's letter regarding our July Quarterly reports. In order to provide you with adequate information with respect to these filings, I would like to submit the following explanations:

- 1) Our reason for not filing a report of contributions 20 days before the Primary election was that our contributions totaled \$375.00 (line 11 (a) of the Detailed Summary Page, 7/30/98 report), which was less than the \$1,000.00 amount listed as a requirement for filing. I assumed that loans were not included in this total because they are listed separately from contributions on the Detailed Summary Page of the FEC Report, as well as on the Summary portion of the front page of the FEC Report. In no way was I or the Mark Blankenship for U.S. Congress Committee attempting to fail in filing the appropriate contribution amounts. This was a misunderstanding on our part and we have acknowledged the error.

- 2) The \$22,000.00 in loans from our Candidate was from personal funds.

I hope that this error in filing has been explained fully by the contents of this letter and I will be happy to submit any further information if necessary. I appreciate your efforts to clarify this matter.

Sincerely,



Frederick J. Weil, Treasurer
Mark Blankenship for U.S. Congress Committee, I.D.# C00243840

cc Mark Blankenship

00014073965

RECEIVED
90 NOV 25 AM 9:03

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

FIRST GENERAL COUNSEL'S REPORT

RAD Referral #90L-49
Staff Member: Dawn M. Odrowski

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

RESPONDENTS: Mark Blankenship for U.S. Congress
and Frederick J. Weil, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(6)
11 C.F.R. § 104.5(f)

INTERNAL REPORTS CHECKED: Referral Material
Committee Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Mark Blankenship for U.S. Congress committee (the "Committee") to the Office of the General Counsel on October 17, 1990, for failure to file forty-eight hour notifications ("48 Hour Notices") for two contributions totaling \$22,000. Attachment 1. Mark Blankenship was a candidate in the June 5, 1990 primary election for the U.S. House of Representatives from the 35th District of California.

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, see Attachment 2.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

2 1 0 4 3 3 0 3 4 7 2 5

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IV. RECOMMENDATIONS


1. Open a MUR.
2. Find reason to believe that Mark Blankenship for U.S. Congress and Frederick J. Weil, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis and proposed Conciliation Agreement.
4. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

11/21/90

BY:


Lois G. Lerner
Associate General Counsel

Attachments

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

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RAD Referral #90L-49

(MUR 3190)

CERTIFICATION

1. Open a MUR.
2. Find reason to believe that Mark Blankenship for U.S. Congress and Frederick J. Weil, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis and proposed Conciliation Agreement, as recommended in the General Counsel's Report dated November 21, 1990.

(Continued)

4. Approve the appropriate letter, as recommended in the General Counsel's Report dated November 21, 1990.

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

Attest:

11/30/90
Date

Hilda Arnold
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Mon., November 26, 1990 9:09 a.m.
Circulated to the Commission: Mon., November 26, 1990 11:00 a.m.
Deadline for vote. Wed., November 28, 1990 11:00 a.m.
Objection received: Wed., November 28, 1990 12:22 p.m.
Placed on agenda for Tues., December 4, 1990
Objection changed to Dissent on Thurs., Nov. 29, 1990 10:56 a.m.

21040334728



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

December 6, 1990

Frederick J. Weil, Treasurer
Mark Blankenship for U.S. Congress
650 E. Hospitality Lane
Suite 670
San Bernadino, CA 92408

RE: MUR 3190
Mark Blankenship for U.S.
Congress and Frederick J.
Weil, as treasurer

Dear Mr. Weil:

On November 29, 1990, the Federal Election Commission found that there is reason to believe that Mark Blankenship for U.S. Congress (the "Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(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 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

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agree with the provisions of the enclosed agreement, please sign 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 Dawn M. Odrowski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Lee Ann Elliott
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

91040334730

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Mark Blankenship for U.S. Congress MUR: 3190
and Frederick J. Weil, as treasurer

2140334731
The Federal Election Campaign Act of 1971, as amended (the "Act"), requires principal campaign committees of candidates for federal office to notify the Clerk of the House of Representatives, the Secretary of the Senate, or the Federal Election Commission (as appropriate) and the Secretary of State, in writing, of each contribution totaling \$1,000 or more received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires the notification to be made within 48 hours after receipt of the contribution and to include the name of the candidate and the office sought by the candidate, the identification of the contributor, the date of receipt and the amount of the contribution. Id. Notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B). Further, the Act defines contribution as including any gift, subscription, loan, advance or deposit or money or anything of value made by any person for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A)(i).

Mark Blankenship for U.S. Congress is the authorized principal campaign committee of Mark Blankenship, a Republican candidate for the U.S. House of Representatives from the 35th

Congressional District of California in the June 5, 1990 primary election. Frederick J. Weil is the treasurer of the Committee.

Prior to the California primary election, a notice dated April 30, 1990, was sent to Respondents informing them of upcoming committee report filing deadlines. This notice stated that the Committee must file special notices on contributions of \$1,000 or more received during the period of May 17 through June 2, 1990 within 48 hours of the Committee's receipt of such contributions.

The Committee received two (2) contributions during the period prior to the primary election that required such notification to the Commission. These contributions were in the form of loans made to the Committee by the candidate from his personal funds in the amounts and on the dates specified below:

<u>Contributor</u>	<u>Amount</u>	<u>Date of Receipt</u>	<u>48-Hour Notice Due</u>
Mark Blankenship	\$ 7,000	5/22/90	5/24/90
Mark Blankenship	<u>15,000</u>	5/30/90	6/1/90
TOTAL	\$22,000		

The Committee did not report these contributions to the Commission until the Committee filed its 1990 July Quarterly Report, which was received by the Commission on July 17, 1990.

In response to an August 28, 1990 Request for Additional Information concerning its apparent failure to file the 48 Hour Notices, treasurer Frederick Weil stated that the Committee did not file the required notices because he assumed loans were not considered contributions since loans are listed separately from

contributions on the Summary and Detailed Summary Pages of the Authorized Committee Report Form (FEC Form 3). However, the definition of "contribution" explicitly states that loans are contributions. 2 U.S.C. § 431(8)(A)(i). Moreover, although both the Summary and Detailed Summary Pages of FEC Form 3 list loans separately from other contributions, the form's language and instructions clearly characterize loans as a type of contribution. Both the form and accompanying instructions request separate totals for "contributions (other than loans)" (emphasis added).

Based on the foregoing, there is reason to believe that the Mark Blankenship for U.S. Congress Committee, and Frederick Weil, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to file 48 Hour Notices for two (2) contributions of \$1,000 or more received from two to 20 days before a primary election.

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91 MAR 15 PM 1:10

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Mark Blankenship for U.S.)
Congress and Frederick J.)
Weil, as treasurer)

MUR 3190

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Frederick J. Weil, the treasurer of Mark Blankenship for U.S. Congress, relating to a violation of 2 U.S.C. § 434(a)(6)(A).
Attachment 1.

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II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Mark Blankenship for U.S. Congress and Mr. Frederick J. Weil, as treasurer. Attachment 1.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

3/15/91

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check

Staff Assigned: Dawn M. Odrowski

21040334735



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DONNA ROACH *DR*
COMMISSION SECRETARY

DATE: MARCH 20, 1991

SUBJECT: MUR 3190 - GENERAL COUNSEL'S REPORT
DATED MARCH 15, 1991

The above-captioned document was circulated to the
Commission on MONDAY, MARCH 18, 1991 at 11:00 A.M..

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

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

This matter will be placed on the meeting agenda
for TUESDAY, MARCH 26, 1991.

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

21040334735

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3190
Mark Blankenship for U.S.)
Congress and Frederick J.)
Weil, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 26, 1991, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions in MUR 3190:

1. Accept the conciliation agreement with Mark Blankenship for U.S. Congress and Mr. Frederick J. Weil, as treasurer.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report dated March 15, 1991.

Commissioners Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision; Commissioner Aikens dissented; Commissioner Elliott was not present.

Attest:

April 4, 1991
Date

for Selores Harris
Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 15, 1991

Closed

Frederick J. Weil, Treasurer
Mark Blankenship for U.S. Congress
650 E. Hospitality Lane
Suite 670
San Bernadino, CA 92408

RE: MUR 3190
Mark Blankenship for
U.S. Congress and
Frederick J. Weil, as
treasurer

Dear Mr. Weil:

On March 26, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf as treasurer of Mark Blankenship for U.S. Congress (the "Committee") in settlement of a violation of 2 U.S.C. § 434(a)(6)(A), 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 the Committee and you, as treasurer.

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. If you have any

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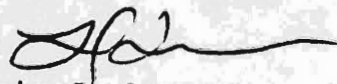
Mr. Frederick J. 11
Page 2

questions, please contact Dawn M. Odrowski, 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

21 J 4 0 3 3 4 7 3 9

91 MAR -4 AMH:01

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Mark Blankenship for U.S. Congress) MUR: 3190
and Frederick J. Weil, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Mark Blankenship for U.S. Congress committee and Frederick J. Weil, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6)(A).

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:

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1. Mark Blankenship was a candidate for the U.S. House of Representatives from the 35th Congressional District of California in the June 5, 1990 primary election. Mark Blankenship for U.S. Congress (the "Committee") is Mark Blankenship's authorized principal campaign committee for the 1990 primary election.

2. Frederick J. Weil is the treasurer of Mark Blankenship for U.S. Congress.

3. The Federal Election Campaign Act of 1971, as amended (the "Act"), requires principal campaign committees of candidates for federal office to notify the Clerk of the House of Representatives, the Secretary of the Senate or the Commission, (as appropriate) and the Secretary of State, in writing, of each contribution totaling \$1,000 or more received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires this notification to be made within 48 hours after receipt of the contribution and to include the name of the candidate and the office sought by the candidate, the identification of the contributor, the date of receipt and the amount of the contribution. Id. The notification of these contributions pursuant to 2 U.S.C. § 434(a)(6)(A) shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

4. The Act defines "contribution" as including any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of

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influencing any election for Federal office. 2 U.S.C. § 431(8)(a).

5. The Act defines "person" as including an individual, partnership, committee, association, corporation, labor organization or any other organization of group of persons. 2 U.S.C. § 431(11).

6. In the Committee's July Quarterly Report, Respondents disclosed the receipt of two (2) contributions totaling \$22,000 made by Mark Blankenship in the form of two loans from his personal funds. Respondents were required to file a 48 Hour Notice for the first \$7,000 loan, received on May 22, 1990, no later than May 24, 1990. Similarly, Respondents were required to file a 48 Hour Notice for the second \$15,000 loan, received on May 30, no later than June 1, 1990.

7. Neither of the contributions described in subparagraph 6 were disclosed until the Committee filed its 1990 July Quarterly Report on July 17, 1990.

V. Respondents failed to file 48 Hour Notices for two (2) contributions in violation of 2 U.S.C. § 434(a)(6)(A).

VI. Respondents contend that the violation was not knowing and willful.

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Seven Hundred Dollars (\$1,700) pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue

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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.

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

X. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

XI. 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

4/11/91

FOR THE RESPONDENTS:

Frederick J. Weil
Frederick J. Weil
Treasurer

Date

Feb 26, 1991

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WASHINGTON, D.C. 20463

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